



AGENDA

Garden Grove City
Council

Tuesday, April 24, 2018

6:30 PM

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

Steven R. Jones

Mayor

Kris Beard

Mayor Pro Tem - District 1

John R. O'Neill

Council Member - District 2

Thu-Ha Nguyen

Council Member - District 3

Patrick Phat Bui

Council Member - District 4

Stephanie Klopfenstein

Council Member - District 5

Kim B. Nguyen

Council Member - District 6

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 O'NEILL, COUNCIL MEMBER T. NGUYEN, COUNCIL MEMBER BUI, COUNCIL MEMBER KLOPFENSTEIN, COUNCIL MEMBER K. NGUYEN, MAYOR PRO TEM BEARD, 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 Garden Grove Bulldogs Varsity Pop Warner Cheerleaders for their National Championships achieving first place Show Cheer and Performance Cheer held at the Jamz Nationals in Las Vegas, and first place USA Jr. Nationals held in Anaheim.
- 1.b. Community Spotlight in recognition of the Pacifica High School Hockey Team for their Anaheim Ducks Inline Scholastic League (ADISL) High School Division Championship.

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

3. WRITTEN COMMUNICATIONS

- 3.a. Consideration of a written request from the Disabled Veterans and Widow Relief Association to conduct a Musical Concert and Fundraiser at Garden Grove Park. (*Action Item*)
- 3.b. Consideration of a written request by the Garden Grove Unified School District (GGUSD) to waive the rental fees of the City-owned showmobile stage. (Cost: \$500) (*Action Item*)

RECESS

CONDUCT OTHER LEGISLATIVE BODIES' BUSINESS

RECONVENE

4. CONSENT ITEMS

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

- 4.a. Adoption of a Proclamation declaring April as Community College Awareness Month. (*Action Item*)
- 4.b. Adoption of a Proclamation declaring April 2018 as Child Abuse Prevention Month in Garden Grove. (*Action Item*)
- 4.c. Authorization for the City Manager to execute quitclaim deeds of obsolete storm drain and water line easements on Christ Cathedral property. (*Action Item*)
- 4.d. Approval of a Density Bonus Housing Agreement with Faircrest Real Estate, LLC, for a ten unit apartment project located at 9841 11th Street, Garden Grove. (*Action Item*)
- 4.e. Adoption of a Resolution for Fiscal Year 2018-19 List of Projects, funded by Senate Bill 1 (SB1): The Road Repair Accountability Act of 2017. (*Action Item*)
- 4.f. Approval of a Second Amended and Restated Exclusive Negotiation Agreement between the City of Garden Grove and Kam Sang Company for property located on the northwest corner of Twintree Avenue and Harbor Boulevard, Garden Grove, California. (*Action Item*)
- 4.g. Receive and file minutes from the meeting held on April 10, 2018. (*Action Item*)
- 4.h. Approval of warrants. (*Action Item*)
- 4.i. Approval to waive full reading of Ordinances listed. (*Action Item*)

5. PUBLIC HEARINGS

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

- 5.a. Consideration of an appeal of a Planning Commission action for denial of Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and Variance No. V-018-2018 for the development of a 4-unit apartment complex at 12671 9th Street, Garden Grove. (*Action Item*)
- 5.b. Adoption of a Resolution approving General Plan Amendment No. GPA-001-2018; adoption of a Mitigated Negative Declaration and approval of a Density Bonus Housing Agreement for properties located at 10080 Garden Grove Boulevard and 9860 Larson Avenue, Garden Grove; and Introduction and first reading of an Ordinance approving Planned Unit Development No. PUD-008-2018
Entitled:
An Ordinance of the City Council of the City of Garden Grove approving Planned Unit Development No. PUD-008-2018 by changing the zoning designation from GGMU1 (Garden Grove Mixed Use 1) and O-S (Open Space) to Planned Unit Development No. PUD-008-2018. (*Action Item*)

6. ITEMS FOR CONSIDERATION

- 6.a. Approval of an amendment to the agreement with Republic Waste Services of Southern California LLC, dba Garden Grove Disposal for a mandatory organic waste program and rate implementation. (*Joint Action Item with the Garden Grove Sanitary District Board.*)
- 6.b. Adoption of a Resolution revising the fee for Block Party Permits. (*Action Item*)

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

- 7.a. Update on the solution to NovusAGENDA voting system issues.
- 7.b. Discussion on a Resolution designating the portion of Garden Grove west of Western Avenue as the West Grove District. (*Action Item*)

8. ADJOURNMENT

The next Regular City Council Meeting will be held on Tuesday, May 8, 2018, at 5:30 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	John Montanez
Dept.:	City Manager	Dept.:	Community Services
Subject:	Consideration of a written request from the Disabled Veterans and Widow Relief Association to conduct a Musical Concert and Fundraiser at Garden Grove Park. (<i>Action Item</i>)	Date:	4/24/2018

OBJECTIVE

For the City Council to consider a written request from the Disabled Veterans and Widow Relief Association to conduct a Musical Concert and Fundraiser at Garden Grove Park on Sunday, August 12, 2018.

BACKGROUND

The Disabled Veterans and Widow Relief Association is a non-profit organization formally based in Santa Ana, and currently operating in Garden Grove, whose goal is to provide financial assistance for families of disabled war veterans and widows residing in Vietnam. The organization has conducted this event since 2006 in Garden Grove, both on school district property and private property, and in San Jose, California.

DISCUSSION

The Disabled Veterans and Widow Relief Association is requesting to host the 12th Annual Musical Concert and Fundraiser at Garden Grove Park on Sunday, August 12, 2018 from noon to 7:00 p.m. The organization expects attendance of 1,500 people throughout the day. There will be an admission fee of \$10 per ticket, which will serve as a fundraiser for the event. All proceeds will be used to provide financial assistance for families of disabled war veterans and widows residing in Vietnam. Many residents of Garden Grove have relatives in Vietnam who will benefit from this assistance.

The City's policy for use of City parks and open space for community events requires the organization conducting an event to be a nonprofit 501(c)3 organization whose majority focus directly benefits the residents of Garden Grove. Since this fundraising event indirectly benefits many Garden Grove residents, City Council would need to

waive the direct benefit requirement.

FINANCIAL IMPACT

Approval of this written request will not have a financial impact on the City's General Fund.

RECOMMENDATION

It is recommended that the City Council:

- Consider the written request from the Disabled Veterans and Widow Relief Association to conduct a Musical Concert and Fundraiser at Garden Grove Park on Sunday, August 12, 2018;
- Consider waiving the requirement on the City's policy on parks and open space for community events, pertaining the direct benefit requirement; and
- Provide direction to staff to prepare a formal agreement between the City and the Disabled Veterans and Widow Relief Association that would allow them to conduct the Musical Concert and Fundraiser.

By: Janet Pelayo, Manager

ATTACHMENTS:

Description	Upload Date	Type	File Name
DVWRA Written Request	4/11/2018	Cover Memo	Proposal_Letter_for_2018_Musical_Concert_and_Fundriaser_at_GGP.pdf



DISABLED VETERANS
& WIDOWS RELIEF ASSOCIATION

HỘI H.O. CỨU TRỢ THƯƠNG-PHẾ-BÌNH & QUẢ-PHỤ VNCH (DISABLED VETERANS AND WIDOWS RELIEF ASSOCIATION)

Non Profit Corporation No. 3141107 EIN: 26-4499-492

P.O. Box 25554 Santa Ana CA 92799

Điện Thoại: 714 837-5998, 714 842-7656, 714 788-4753, 714 371-7967, 714 7024725

eMail: HHOCTTPBQPVNCH@gmail.com Website: <http://www.camonanhtb.com>

<http://www.1giadinh1thuongphebinh.net>

April 4, 2018

TO: City of Garden Grove, CA

RE: Special Event Application

Event: The 12th Annual Musical Concert and Fundraiser

Area request: A portion of Garden Grove Park on Westminster Avenue, Garden Grove City, CA

Date : -Saturday August 11, 2018 From 08:00am to 06:00pm - setting up

- Sunday August 12, 2018 From 08:00am to 07:00pm – Musical Concert starts at 12:00 Noon

Purpose : Live music performance by volunteer individuals and groups.

This is our annual fund raising event. The money raised will be used to provide financial assistance to families of disabled war veterans and widows.

Approximate number of audience : 1500 throughout the day.

Activities and preparation:

- We will provide : stage, tents, booths, flags, banners, electrical generators, tables, chairs, banners, fast food (sandwiches), water bottles, trash bins, portable restrooms and miscellaneous items
- We will provide security services; onsite First aid medical assistance; cleaning services
- We will purchase \$2 million dollars insurance policy for general liability coverage

We have been organizing this kind of fund raising annually for 11 times since 2006 in Garden Grove and San Jose, CA

We appreciate your consideration to this application.

Sincerely yours,

ThanhThuy Nguyen

President of The Disabled Veterans and Widows Relief Association

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	John Montanez
Dept.:	City Manager	Dept.:	Community Services
Subject:	Consideration of a written request by the Garden Grove Unified School District (GGUSD) to waive the rental fees of the City-owned showmobile stage. (Cost: \$500) (<i>Action Item</i>)	Date:	4/24/2018

OBJECTIVE

For the City Council to consider a request by the Garden Grove Unified School District (GGUSD) to waive the rental fees of the City-owned showmobile stage for events scheduled at Russell Elementary on April 27, 2018 and May 31, 2018.

BACKGROUND

The GGUSD is hosting two different events at Russell Elementary. On Friday, April 27, 2018, the GGUSD is hosting an event called "Passport to the World" where they will showcase and honor diverse cultures and countries around the world; student performances will be featured on the showmobile. On Thursday, May 31, 2018, the GGUSD will be hosting an event called "Launch Party" as part of the Russell Elementary Open House celebrations. This event will feature an opening ceremony, an awards ceremony, and student performances on the showmobile.

DISCUSSION

The GGUSD is requesting City Council approval to waive the rental fees associated with the usage of the City-owned showmobile stage for events scheduled on April 27, 2018 and May 31, 2018.

FINANCIAL IMPACT

The total amount in fees that would be waived is \$500. This amount includes the rental fee of \$250 per rental for the City-owned showmobile stage.

RECOMMENDATION

It is recommended that the City Council:

- Consider the request from the GGUSD to waive the rental fees associated with usage of the City-owned showmobile stage on April 27, 2018 and May 31, 2018.

By: Jacob Grant, Community Services Coordinator

ATTACHMENTS:

Description	Upload Date	Type	File Name
GGUSD written request	4/12/2018	Letter	written_request.pdf



GARDEN GROVE UNIFIED SCHOOL DISTRICT

10331 Stanford Avenue • Garden Grove, CA 92840

Phone: (714) 663-6000 • Fax: (714) 663-6100

BOARD OF EDUCATION

Bob Harden

President

Lan Quoc Nguyen

Vice President

Walter Muneton

Dina L. Nguyen

Teri Rocco

SUPERINTENDENT

Gabriela Mafi, Ed. D.

April 11, 2018

To the Honorable Members of the Garden Grove City Council,

The Garden Grove Unified School District and Russell Elementary School are hosting two community events on the dates of April 27, 2018 and May 31, 2018, and we respectfully request council consideration to waive the showmobile rental fee of \$250 per rental for a total of \$500 to be waived.

On Friday, April 27, 2018, we will be hosting an event we are calling "Passport to the World" which will showcase and honor diverse cultures and countries around the world. Student performances will be featured on the stage of the showmobile. The event will also include food for sale and activities for children and families.

On Thursday, May 31, 2018, we will be hosting an event we are calling a "Launch Party" as part of Russell Elementary Open House celebrations. The event will feature an opening ceremony, awards ceremony, and student performances on the stage of the showmobile. The event will also include food for sale, activities, and booths showcasing the many special programs at the school.

Thank you for your consideration in supporting our community events.


Sincerely,

Gabriela Mafi, Ed.D.

Superintendent

Garden Grove Unified School District

 gmafi@ggusd.us

 714-663-6111

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Scott C. Stiles From: Teresa Pomeroy
Dept.: City Manager Dept.: City Clerk
Subject: Adoption of a Proclamation declaring April as
Community College Awareness Month. (*Action Item*) Date: 4/24/2018

Attached is a Proclamation declaring April as Community College Awareness month in Garden Grove recommended for adoption.

ATTACHMENTS:

Description	Upload Date	Type	File Name
Proclamation	4/19/2018	Cover Memo	4-24-18_proclamation_community_College_month_(4).doc

PROCLAMATION
COMMUNITY COLLEGE AWARENESS MONTH

WHEREAS, Coastline Community College, Golden West College and Orange Coast College are essential resources to the nine cities within the Coast Community College District's boundaries, including Garden Grove, Costa Mesa, Fountain Valley, Huntington Beach, Midway City, Newport Beach, Seal Beach, Sunset Beach and Westminster;

WHEREAS, California's community colleges are an essential resource to the State of California;

WHEREAS, the California Community Colleges Chancellor has declared that April will be celebrated by the state of California as Community College Month;

WHEREAS, the State recognizes California's community colleges as having made a significant positive impact on the State's workforce by offering first-rate education and high-quality training;

WHEREAS, the State recognizes that California's community colleges have made an essential commitment to open access, diversity and its 2.1 million students; and

WHEREAS, Coast Community College District (CCCD) serves the local community in providing access to high quality, affordable education and training to its 45,000 students.

NOW, THEREFORE, BE IT RESOLVED, that the City of Garden Grove does hereby recognize the many positive contributions of community colleges and furthermore declares the month of April as Community College Awareness Month.

April 24, 2018

Steven R. Jones, Mayor

Kris Beard, Mayor Pro Tem

John R. O'Neill, Council Member

Thu-Ha Nguyen, Council Member

Patrick Phat Bui, Council Member

Stephanie Klopfenstein, Council Member

Kim B. Nguyen, Council Member

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Scott C. Stiles From: John Montanez
Dept.: City Manager Dept.: Community Services
Subject: Adoption of a Proclamation Date: 4/24/2018
declaring April 2018 as Child
Abuse Prevention Month in
Garden Grove. (*Action Item*)

Attached is a Proclamation for April 2018 as Child Abuse Prevention Month in Garden Grove recommended for adoption.

ATTACHMENTS:

Description	Upload Date	Type	File Name
Proclamation	4/19/2018	Backup Material	CHILD_ABUSE_PREVENTION_APRIL_2018.docx

PROCLAMATION

April 2018 as Child Abuse Prevention Month in Garden Grove

- WHEREAS, In Garden Grove, as in any community, children are our most precious members who deserve to grow in a safe, happy, healthy, stable, and caring environment where they can experience the wonders of childhood, free of violence, neglect, and abuse; and
- WHEREAS, In Orange County, an average of 120 children are reported as victims of child abuse every day, with 30% of all reported cases involving children under the age of five; child abuse leads to increased risk of crime, suicide, substance abuse, domestic violence, human trafficking, teen pregnancy, and poor health; and
- WHEREAS, During the month of April, the City of Garden Grove is partnering with Families and Communities Together (FaCT) to bring awareness to services designed to reduce the risk of child abuse and neglect; FaCT is a network of family resource centers dedicated to providing family support and services to Orange County families; and
- WHEREAS, Since 1999, Garden Grove's Magnolia Park Family Resource Center, a FaCT member, has provided Garden Grove residents with vital community services to achieve its mission of "Building Healthy Communities, One Family at a Time," through core services that include teen and youth programs, counseling, family support services, parenting education, and domestic violence personal empowerment program; and
- WHEREAS, Magnolia Park Family Resource Center, along with the Buena Clinton Youth and Family Center, volunteers, neighbors, service organizations, law enforcement, educators, and others who lend a hand to abused children in our community, deserve our deepest appreciation and praise.

NOW THEREFORE, BE IT RESOLVED, that the City of Garden Grove does hereby proclaim April 2018 as Child Abuse Prevention Month in Garden Grove, commends the remarkable services of Magnolia Park Family Resource Center, and urges all communities to take actions to end the tragedy of child abuse in our nation.

April 24, 2018

Steven R. Jones, *Mayor*

Kris Beard
Mayor Pro Tem-District 1

John O'Neill
Council Member-District 2

Thu-Ha Nguyen
Council Member-District 3

Patrick Phat Bui
Council Member-District 4

Stephanie Klopfenstein
Council Member-District 5

Kim B. Nguyen
Council Member-District 6

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Omar Sandoval
Dept.:	City Manager	Dept.:	City Attorney
Subject:	Authorization for the City Manager to execute quitclaim deeds of obsolete storm drain and water line easements on Christ Cathedral property. (<i>Action Item</i>)	Date:	4/24/2018

OBJECTIVE

To obtain City Council authorization for the City Manager to execute quitclaim deeds releasing obsolete storm drain and water line easements on Christ Cathedral property.

BACKGROUND

The City was granted storm drain easements and water line and water main easements including incidental purposes within Orange County Assessor's Parcel Numbers 231-161-18, and 231-161-24 in the City of Garden Grove on April 05, 1959, within Tract Number 3453 and filed within Book 121, pages 45 through 49, which easements are no longer necessary for the City.

DISCUSSION

The Christ Catholic Cathedral Facilities Corporation, a California non-profit religious organization ("Christ Cathedral") is improving their property and these easements interfere with their development. They have therefore requested the City to quitclaim these obsolete easements.

FINANCIAL IMPACT

None. Christ Cathedral will pay an Administrative Fee of eight hundred dollars (\$800) to process the Quitclaim easements, which will cover the City Attorney's time and Real Property time.

RECOMMENDATION

It is recommended that the City Council:

- Authorize the City Manager to execute the attached Quitclaim deeds.

ATTACHMENTS:

Description	Upload Date	Type	File Name
Storm Drain Easement Quitclaim Deed	4/2/2018	Backup Material	Christ_Cathedral_QC__storm_drain_deed.docx
Water Line Easement Quitclaim Deed	4/2/2018	Backup Material	Christ_Cathedral_QC__water_deed.docx
Easements Location Map	4/2/2018	Backup Material	Christ_Cathedral_Easements_Quitclaim_Map.pdf

RECORDING REQUESTED BY AND WHEN RECORDED
RETURN TO:

Christ Catholic Cathedral Facilities Corp.
13280 Chapman Avenue
Garden Grove CA 92840

APN: 231-161-18

Space above this line for Recorder's Use

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

The **CITY OF GARDEN GROVE**, a California municipal corporation,

does hereby REMISE, RELEASE AND FOREVER QUITCLAIM to:

CHRIST CATHOLIC CATHEDRAL FACILITIES CORPORATION, a California non-profit religious corporation,

EASEMENT for storm drain and incidental purposes as dedicated on Tract no. 3453 filed April 5, 1959 in book 121, pages 45 through 49, inclusive of Miscellaneous Maps in the COUNTY OF ORANGE, California.

Date: _____

The City of Garden Grove,
A California municipal corporation

By _____

Name: SCOTT STILES

Its: City Manager

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

On _____, 2018, before me, _____,
Notary Public, personally appeared Scott C. Stiles, who proved to me on the basis of satisfactory
evidence to be the person whose name is subscribed to the within instrument and acknowledged
to me that he executed the same in his authorized capacity, and that by his signature on the
instrument the person, or the entity upon behalf of which the person acted, executed the
instrument.

I certify UNDER PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(seal)

Signature _____

RECORDING REQUESTED BY AND WHEN RECORDED
RETURN TO:

Christ Catholic Cathedral Facilities Corp.
13280 Chapman Avenue
Garden Grove CA 92840

APN: APN: 231-161-18 and 24

Space above this line for Recorder's Use

QUITCLAIM DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

The **CITY OF GARDEN GROVE**, a California municipal corporation,

does hereby REMISE, RELEASE AND FOREVER QUITCLAIM to:

CHRIST CATHOLIC CATHEDRAL FACILITIES CORPORATION, a California non-profit religious corporation,

Easement for water line and water main and incidental purposes as dedicated on Tract no. 3453 filed April 5, 1959 in book 121, pages 45 through 49, inclusive of Miscellaneous Maps and as disclosed in Easement Deed as Instrument no. 13679, in book 7047, page 438, Official Records in the COUNTY OF ORANGE, California

Date: _____

CITY OF GARDEN GROVE

By _____

Name: SCOTT STILES

Its: City Manager

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

On _____, 2018, before me, _____, Notary Public, personally appeared Scott C. Stiles, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

I certify UNDER PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(seal)

Signature _____

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Scott C. Stiles From: Lisa Kim

Dept.: City Manager Dept.: Community and Economic Development

Subject: Approval of a Density Bonus Housing Agreement with Faircrest Real Estate, LLC, for a ten unit apartment project located at 9841 11th Street, Garden Grove.
(*Action Item*) Date: 4/24/2018

OBJECTIVE

To request City Council approval for a Density Bonus Housing Agreement with Faircrest Real Estate, LLC, for a ten unit apartment project at 9841 11th Street, Garden Grove.

BACKGROUND

As of January 1, 2005, in an effort to promote affordable housing, the State's Density Bonus law went into effect. As a result, the City of Garden Grove amended Municipal Code Section 9.12.30.070—Density Bonuses and other Incentives for Affordable Housing, to bring the code into compliance with State law. The Density Bonus law promotes development of affordable housing through increased density, concessions and incentives.

DISCUSSION

On November 2, 2017, the Planning Commission adopted Resolution Number 5903-17 approving Site Plan Number SP-038-2017, subject to the recommended Conditions of Approval and contingent upon City Council adoption of a Mitigated Negative Declaration and a resolution approving General Plan Amendment Number GPA-002-2017(B) to construct 10 units on the property located at 9841 11th Street in Garden Grove. The Site Plan and the Conditions of Approval provide a density bonus to the project in exchange for the Developer's agreement to restrict 3 of the 10 units for rental to, and occupancy by, lower-income households at an affordable rent.

State Density Bonus Affordable Housing Law, the Site Plan and Resolution provide for three concession/incentives for this project. The concessions for this project are:

1. Concession to allow the three-story configuration to be greater than 50% of the building footprint;
2. A waiver of the requirement to separate the building from the drive aisle by a distance of 10 feet minimum; and
3. A concession to deviate from the required third-story side yard setback.

In exchange for the aforementioned increased density and concessions, the Conditions of Approval require the Developer to enter into this Density Bonus Housing Agreement. This Agreement details how the affordable housing provisions of this project will be implemented.

FINANCIAL IMPACT

None.

RECOMMENDATION

It is recommended that the City Council:

- Approve the attached Density Bonus Housing Agreement between the City and Garden Grove and Faircrest Real Estate, LLC; and
- Authorize the City Manager to execute the Agreement and all other documents necessary to implement the agreement, and to approve modifications as necessary.

By: Allison Wilson, Neighborhood Improvement Manager

ATTACHMENTS:

Description	Upload Date	Type	File Name
Density Bonus Agreement - 11th St Apts	4/17/2018	Backup Material	2018_11th_Street_Apartments_Density_Bonus_Agreement_(1).pdf

recording REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Garden Grove
11222 Acacia Parkway
Garden Grove, California 92840
Attention: City Clerk

APN: 098-120-29 & 30

This document is recorded at the request and for the benefit of the City of Garden Grove and exempt from payment of a recording fee pursuant to Government Code Sections 6103 and 27383.

**DENSITY BONUS HOUSING AGREEMENT
(9841 11th Street)**

[THIS AGREEMENT CONTAINS SUBORDINATION REQUIREMENTS TO PRESERVE PRIORITY OF
LAND USE AND REGULATORY COVENANTS]

This **DENSITY BONUS HOUSING AGREEMENT** (“Agreement”), dated for identification purposes only as of _____, 2018 (“Date of Agreement”), is entered into by and between the **CITY OF GARDEN GROVE**, a California municipal corporation (“City”), and **FAIRCREST REAL ESTATE, LLC**, a California limited liability company, (“Developer”).

RECITALS

A. Developer is the owner of approximately 19,125 square feet of real property in the City, generally located at 9841 11th Street, Garden Grove, California, as more particularly described in the Legal Description attached hereto as Exhibit A and incorporated herein (“Site”).

B. Developer submitted an application to City for approval of a site plan to construct a 10-unit apartment complex on the Site, inclusive of a 3-unit density bonus and certain concessions and incentives (“Project”).

C. In response to Developer’s application, pursuant to Planning Commission Resolution No. 5903-17, the City approved Site Plan No. SP-038-2017 for the Project, subject to certain “Conditions of Approval,” which were accepted by Developer, as evidenced by Developer’s execution of a “Notice of Agreement with Conditions of Approval and Discretionary Permit Approval” and recordation of such notice in the Official Records of Orange County on December 5, 2017 as Instrument No. 2017000522453.

D. The Conditions of Approval provide for City’s granting of a density bonus and other concessions and incentives to the Project pursuant to California Government Code Section 65915, *et seq.*, and Garden Grove Municipal Code Section 9.12.030.070 (collectively, “Density Bonus Law”), in exchange for Developer’s agreement to restrict 3 of the 10 Housing Units at the Site to rental to and occupancy by Lower Income Households at an Affordable Rent (as those terms are defined below).

F. In connection with the density bonus and concessions and incentives granted to the Project, the Density Bonus Law and the Conditions of Approval require Developer to enter into this Agreement with City to implement Developer’s affordable housing obligations at the Project. Pursuant

to the Density Bonus Law and the Conditions of Approval, this Agreement must be executed and recorded against the Site in the Official Records of Orange County, California prior to City's issuance of building permits for the Project.

G. Developer and City desire to enter into this Agreement to provide for Developer's rental of 3 of the Housing Units at the Site to Lower Income Households at an Affordable Rent, as required by the Density Bonus Law, and the Conditions of Approval, in accordance with the terms, conditions, and restrictions set forth below in this Agreement.

H. This Agreement shall be recorded, prior to the issuance of building permits for the Project, in the Official Records of Orange County, California, as senior, non-subordinate covenants and as an encumbrance running with the land for the full Term (defined below) of this Agreement. In no event shall this Agreement be made junior or subordinate to any deed of trust or other documents providing financing for the construction or operation of the Project, or any other lien or encumbrance whatsoever for the entire Term of this Agreement. Nor shall this Agreement be made junior or subordinate to any extension, amendment, or modification of any lien or encumbrance recorded against the Site prior to the date hereof.

I. The foregoing Recitals are true and correct and constitute a substantive part of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the City and Developer agree as follows:

Section 1. Definitions.

(i) Affordable Rent. Affordable Rent means an affordable rent for Lower Income Households, as defined in California Health and Safety Code Section 50053. For Lower Income Households whose gross incomes exceed the maximum income for very low income households (as defined in Health and Safety Code Section 50105), Affordable Rent means the product of thirty (30) percent times sixty (60) percent of the Area Median Income for Orange County adjusted for family size appropriate to the unit. "Adjusted for family size appropriate to the unit" has the same meaning as in Health and Safety Code Section 50052.5(h).

For purposes of this Agreement, "Affordable Rent" means the total of monthly payments for (a) use and occupancy of each Affordable Unit and land and facilities associated therewith, (b) any separately charged fees or service charges assessed by Developer which are required of all tenants, other than security deposits, (c) a reasonable allowance for an adequate level of service of utilities not included in (a) or (b) above, including garbage collection, sewer, water, electricity, gas and other heating, cooking and refrigeration fuels, but not including telephone, internet, television or digital access services, and (d) possessory interest, taxes or other fees or charges assessed for use of the land and real property facilities associated therewith by a public or private entity other than Developer. In the event that all utility charges are paid by the landlord rather than the tenant, no utility allowance shall be deducted from the rent.

(ii) Affordable Units. Affordable Units means the 3 Housing Units at the Project which are required to be made available for, rented to, and occupied by Lower Income Households paying an Affordable Rent, as set forth in more detail below.

(iii) Agreement. Agreement means this Density Bonus Housing Agreement between City and Developer.

(iv) Area Median Income. Area Median Income means the median income as determined and published annually for each county in California by the California Department of Housing and Community Development.

(v) City. City means the City of Garden Grove, a California municipal corporation.

(vi) Conditions of Approval. Conditions of Approval means the conditions imposed by the City in connection with the approval of Developer's Site Plan No. SP-038-2017 with the approval of Planning Commission Resolution No. 5903-17, as referenced in that certain "Notice of Agreement with Conditions of Approval and Discretionary Permit Approval" recorded in the Official Records of Orange County on December 5, 2017 as Instrument No. 2017000522453.

(vii) Date of Agreement. Date of Agreement means the date set forth in the first paragraph of this Agreement.

(viii) Density Bonus Law. Density Bonus Law means California Government Code Section 65915, *et seq.*, and Garden Grove Municipal Code Section 9.12.030.070. In the event of a conflict between State and City law, Government Code Section 65915 *et seq.* shall control.

(ix) Developer. Developer means Faircrest Real Estate, LLC, and all of his/her/its successors and assigns.

(x) Housing Units. Housing Units means each of the 10 total apartment units to be constructed by Developer at the Site. The Housing Units range in size from 921 to 1,227 square feet, and are 2 to 3-bedroom units with 2 to 2.5 bathrooms.

(xi) Lower Income Household. Lower Income Household has the meaning set forth in California Health and Safety Code Section 50079.5.

(xii) Project. Project means the apartment complex to be constructed by Developer on the Site, which shall consist of 10 detached two-story Housing Units, all in accordance with Site Plan No. SP-038-2017, the Conditions of Approval, and this Agreement.

(xiii) Schedule of Performance. Schedule of Performance means the Schedule of Performance attached hereto as Exhibit B and incorporated herein.

(xiv) Site. Site means that certain approximately 19,125 square feet of real property in the City, generally located at 9841 11th Street, Garden Grove, California, as more particularly described in the Legal Description attached hereto as Exhibit A and incorporated herein.

(xv) Term. Term means the term of effectiveness of this Agreement, which shall continue for 55 years from the date the final certificate of occupancy is issued for the Project.

Section 2. Density Bonus and Development Concessions and Incentives. As set forth in the Conditions of Approval, and the Density Bonus Law, Developer petitioned for and was granted the

following concessions and incentives as part of the approval of Developer's Site Plan No. SP-038-2017 for the Project:

(i) Density Bonus. The Garden Grove Municipal Code permits a maximum density of 7 residential units for the Site. By providing 3 Housing Units reserved for Lower Income Households, the Density Bonus Law, and the Conditions of Approval permit the Developer to develop the Site with an additional density of 35% for a total of 10 Housing Units.

(ii) Third Story Configuration Waiver. Garden Grove Municipal Code Section 9.12.040.050 requires third story building configuration to be no more than 50% of the building footprint. Site Plan No. SP-038-2017 approves a waiver of this requirement.

(iii) Vehicular Access Way Separation Waiver. Garden Grove Municipal Code Section 9.12.040.050(A)(2)(e) requires vehicular access ways to be located at least 10 feet from a residential unit. Site Plan No. SP-038-2017 approves a waiver of this requirement in certain areas where the separation is zero feet.

(iv) Side Yard Setback Waiver. Garden Grove Municipal Code Section 9.12.040.050(B) requires minimum side yard setbacks. Site Plan No. SP-038-2017 approves a waiver of this requirement along the easterly property line and the minimum third-story side setbacks.

(v) Parking. Garden Grove Municipal Code Section 9.12.040.180 requires a minimum of 3.25 parking spaces per dwelling unit to be provided in connection with multifamily residential developments similar to the Project. The Density Bonus Law requires the Project to provide a minimum of 1 space for 1-bedroom and 2 spaces for 2-3 bedrooms. The Project includes 4 two-bedroom units, and 6 three-bedroom units for a total of 20 required spaces. The Project includes all required spaces in the form of open carports.

Section 3. No Further Incentives or Waivers. Developer acknowledges and agrees that the waivers and incentives set forth in Section 2 above fully satisfy any duty City may have under the Garden Grove Municipal Code, the Density Bonus Law, or any other law or regulation applicable to the Project, to provide any development incentive or to waive any building, zoning, or other requirement. By this Agreement, Developer releases any and all claims Developer may have against City in any way relating to or arising from City's obligation to waive requirements of or provide development incentives pursuant to any state, federal, or local law, rule, or regulation applicable to the Project.

Section 4. Affordable Units. Developer hereby agrees to make available, restrict occupancy to, and rent 3 of the Housing Units at the Project to Lower Income Households at an Affordable Rent. The 3 Affordable Units shall be "floating" units that are not permanently designated; however, at no time shall all 3 Affordable Units be congregated to a certain section of the Project. The unit size of the Affordable Units shall range in size from 921 to 1277 square feet. The 3 Affordable Units shall consist of 2-3 bedroom units that are part of the Project. In accordance with Garden Grove Municipal Code Section 9.12.030.070(G)(4), all Affordable Units shall be of similar design and appearance of the total Project.

(a) A person or family (i.e., a "tenant household") who qualifies as a Lower Income Household at the time he/she/it first occupies an Affordable Unit shall be deemed to continue to be so qualified until such time as a recertification of such tenant household's income in accordance

with Section 14 below demonstrates that such tenant household no longer qualifies as a Lower Income Household. Moreover, a unit previously occupied by a Lower Income Household and then vacated shall be considered occupied by such Lower Income Household for a temporary period until reoccupied, at which time the character of the unit shall be re-determined. In no event shall such temporary period exceed thirty-one (31) days.

(b) At such time as a tenant household occupying an Affordable Unit ceases to qualify as a Lower Income Household, the unit occupied by such tenant household shall cease to be an Affordable Unit. Developer shall replace each such Affordable Unit by designating the next available unit and any necessary units thereafter as an Affordable Unit. For purposes of this Agreement, such designated unit will be considered an Affordable Unit if it is held vacant and available for occupancy by a Lower Income Household and, upon occupancy, the income eligibility of the tenant household as a Lower Income Household is verified and the tenant household pays an Affordable Rent.

(c) In the event a tenant household occupying an Affordable Unit initially qualifies as a Lower Income Household but the income of such tenant household increases, such increase shall not be deemed to result in a violation of the restrictions of this Agreement concerning limitations upon income of occupants, provided that the occupancy by such household is for a reasonable time of not to exceed one year (measured from the time the income of the household ceases to qualify as a Lower Income Household), at which time the Housing Unit shall cease to be an Affordable Unit and the provisions of the immediately preceding paragraph shall apply.

Section 5. Use of the Site. All uses conducted on the Site, including, without limitation, all activities undertaken by the Developer pursuant to this Agreement shall conform to all applicable provisions of the Garden Grove Municipal Code and other applicable federal, state, and local laws, rules, and regulations. The Project shall at all times during the term of this Agreement be used as an apartment complex and none of the Housing Units in the Project shall at any time be utilized on a transient basis, nor shall the Site or any portion thereof ever be used as a hotel, motel, dormitory, fraternity or sorority house, rooming house, hospital, nursing home, sanitarium or rest home, short-term or vacation rental, or be converted to condominium ownership. All of the community facilities and any social programs provided to the Project's residents shall be available at all times on an equal, non-discriminatory basis to residents of all Housing Units at the Project.

Section 6. Duration of Affordability Requirements. The Affordable Units shall be subject to the requirements of this Agreement throughout the entire Term of this Agreement.

Section 7. Schedule of Performance. The Affordable Units shall be constructed and completed concurrently with the non-restricted Housing Units in the Project. Construction of the Project shall be completed in accordance with the Schedule of Performance attached hereto as Exhibit B and incorporated herein.

Section 8. Occupancy Limits. The maximum occupancy for each of the Housing Units shall not exceed two persons per bedroom, plus one, as set forth in the Conditions of Approval.

Section 9. Maintenance. Developer shall maintain or cause to be maintained the interior and exterior of the Project and the Site in a decent, safe and sanitary manner, and in accordance with the standard of maintenance of first class multifamily rental apartment complexes within Orange County. If at any time Developer fails to maintain the Project or the Site in accordance with this Agreement and such condition is not corrected within five days after written notice from City with

respect to graffiti, debris, and waste material, or thirty days after written notice from City with respect to general maintenance, landscaping and building improvements, then City, in addition to whatever remedy it may have at law or at equity, shall have the right to enter upon the applicable portion of the Project or the Site and perform all acts and work necessary to protect, maintain, and preserve the Project and the Site, and to attach a lien upon the Site, or to assess the Site, in the amount of the expenditures arising from such acts and work of protection, maintenance, and preservation by City and/or costs of such cure, including a reasonable administrative charge, which amount shall be promptly paid by Developer to City upon demand.

Section 10. Marketing Program. Each Affordable Unit shall be leased to Lower Income Households selected by Developer who meet all of the requirements provided herein. Within the time set forth in the Schedule of Performance, Developer shall prepare and obtain City's approval, which approval shall not be unreasonably withheld, of a marketing program for the leasing of the Housing Units at the Project ("Marketing Program"). The leasing of the Housing Units shall thereafter be marketed in accordance with the Marketing Program as the same may be amended from time to time with City's prior written approval, which approval shall not unreasonably be withheld. Developer shall provide City with periodic reports with respect to the leasing of the Housing Units in accordance with Sections 14 and 15.

Section 11. Management Plan. Within the time set forth in the Schedule of Performance, Developer shall submit for the reasonable approval of City a "Management Plan" which sets forth in detail Developer's property management duties, a tenant selection process in accordance with this Agreement, a security system and crime prevention program, the procedures for the collection of rent, the procedures for eviction of tenants, the rules and regulations of the Site and manner of enforcement, a standard lease form, an operating budget, the identity of the professional property management company to be contracted with to provide property management services at the Site ("Property Manager"), and other matters relevant to the management of the Site. The Management Plan shall require Developer to adhere to a fair lease and grievance procedure. The management of the Site shall be in compliance with the Management Plan as approved by City.

If City determines that the performance of the Property Manager is deficient based upon the standards set forth in the approved Management Plan and in this Agreement, City shall provide notice to Developer of such deficiencies and Developer shall use its best efforts to correct such deficiencies. In the event that such deficiencies have not been cured within the time set forth in Section 19 hereof, City shall have the right to require Developer to immediately remove and replace the Property Manager with another property manager or property management company which is reasonably acceptable to the City Manager, which is not related to or affiliated with Developer, and which has not less than five (5) years' experience in property management, including significant experience managing housing facilities of the size, quality and scope of the Project.

Section 12. Selection of Tenants. Developer shall be responsible for the selection of tenants for the Housing Units in compliance with lawful and reasonable criteria and the requirements of this Agreement. To the extent permitted by law, a reasonable preference in the leasing of the Housing Units shall be given to prospective tenants on the Garden Grove Housing Authority's Section 8 Housing Vouchers waiting list and Affordable Housing waiting list, and to prospective tenants that live or work in the City.

Prior to the rental or lease of an Affordable Unit to a tenant(s), Developer shall require the tenant(s) to execute a written lease and to complete a Tenant Income Verification Form (in substantially

the form attached hereto as Exhibit C) certifying that the tenant(s) occupying the Affordable Unit is/are a Lower Income Household and otherwise meet(s) the eligibility requirements established for the Affordable Unit. Developer shall verify the income of the tenant(s) as set forth in Section 14 below.

Section 13. Provisions regarding Section 8 Vouchers. Developer shall accept as tenants on the same basis as all other prospective tenants, persons who are recipients of federal certificates for rent subsidies pursuant to the existing program under Section 8 of the United States Housing Act of 1937, or its successor; provided, Developer shall not rent one of the Affordable Units to a tenant household holding a Section 8 certificate unless none of the Housing Units not restricted to occupancy by Lower Income Households pursuant to this Agreement are available. If the only available Housing Unit is an Affordable Unit, Developer shall no longer designate the Housing Unit rented to a tenant household holding a Section 8 certificate as an Affordable Unit, shall designate the next-available Housing Unit as an Affordable Unit, and shall make available, restrict occupancy to, and rent such newly designated Affordable Unit to a Lower Income Household at an Affordable Rent pursuant to this Agreement, such that at all times reasonably possible 3 of the Housing Units at the Project shall be Affordable Units not occupied by tenants holding Section 8 certificates. Furthermore, in the event Developer rents an Affordable Unit to a household holding a federal certificate, the rental agreement (or lease agreement, as applicable) between Developer, as landlord, and the tenant shall expressly provide that monthly rent charged shall be the Affordable Rent required hereunder for the Affordable Unit (not fair market rent) and that the rent collected directly from such tenant holding a federal certificate shall be not more than 30% of the tenant's actual gross income pursuant to the applicable federal certificate program regulations; i.e., the rent charged to such tenant under the rental agreement shall be the Affordable Rent chargeable hereunder and not fair market rent for the area, as would otherwise be permitted under the applicable federal certificate program. Thus, the subsidy payment to Developer under any federal certificate shall not exceed the difference between 30% of the tenant's actual gross income and Affordable Rent chargeable for the applicable Affordable Unit hereunder. If and to the extent any restrictions in this Agreement conflict with the provisions of Section 8 of the United States Housing Act of 1937 or any rules or regulations promulgated thereunder, the provisions of Section 8 of the United States Housing Act of 1937 and all implementing rules and regulations thereto shall control. Developer shall not apply selection criteria to Section 8 certificate holders which are more burdensome than criteria applied to any other prospective tenants.

Section 14. Income Verification and Certification. Following the initial lease-up of the Project, and annually thereafter throughout the Term of this Agreement, Developer shall submit to City, at Developer's expense, a summary of the income, household size and rent payable by each of the tenants of the Affordable Units. At City's request, Developer shall provide to City completed income computation and certification forms, in substantially the form of the Tenant Income Verification Form attached hereto as Exhibit C or such other form as may reasonably be requested by City, for any Lower Income Households renting the Affordable Units at the Project. Developer shall obtain, or shall cause to be obtained by the Property Manager, a certification from each household leasing an Affordable Unit demonstrating that such household meets the applicable income requirements and eligibility requirements established for a Lower Income Household renting such Affordable Unit. Developer shall verify, or shall cause the Property Manager to verify, the income certification of the Lower Income Household.

Section 15. Monitoring and Recordkeeping. Throughout the Term of this Agreement, Developer shall annually complete and submit to City a Certification of Continuing Program Compliance in the form provided by City. Representatives of City shall be entitled to enter the Site, upon at least thirty-six (36) hours' notice, to monitor compliance with this Agreement, and shall be

entitled, at City's sole cost and expense, to inspect the records of the Project and to conduct an independent audit or inspection of such records at a location within the City that is reasonably acceptable to the City Manager. Developer agrees to cooperate with City in making the Site and the records of the Project available for such inspection or audit. Developer agrees to maintain each record of the Project for no less than 5 years after creation of each such record.

Section 16. Indemnity. Developer shall, at its expense, defend (with counsel acceptable to City and subject to approval by Developer), indemnify, and hold harmless City, and their officers, agents, employees and representatives from any and all losses, liabilities, claims, lawsuits, causes of action, judgments, settlements, court costs, attorneys' fees, expert witness fees, and other legal expenses, costs of evidence of title, costs of evidence of value, and other damages of whatsoever nature arising out of or in connection with Developer's failure to perform Developer's obligations under this Agreement, Developer's ownership or operation of the Site, or the development of the Project, except for such liability arising from the gross negligence or willful misconduct of City.

Section 17. Agreement to be Recorded; Covenants Run with the Land; Priority. This Agreement shall be recorded, prior to the issuance of building permits for the Project, in the Official Records of Orange County, California, as senior, non-subordinate covenants and as an encumbrance running with the land for the full Term of this Agreement. In no event shall this Agreement be made junior or subordinate to any deed of trust or other documents providing financing for the construction or operation of the Project, or any other lien or encumbrance whatsoever for the entire Term of this Agreement. Nor shall this Agreement be made junior or subordinate to any extension, amendment, or modification of any lien or encumbrance recorded against the Site prior to the date hereof. Prior to recordation of this Agreement, Developer shall provide City with evidence satisfactory to the City that all deeds of trust, liens, encumbrances, or other documents recorded against the Site since April 24, 2018, if any, have been or will be subordinated to this Agreement, at Developer's sole cost and expense.

Section 18. Mortgage Protection. No breach or default under this Agreement shall defeat, terminate, extinguish, render invalid or otherwise affect the lien of any junior mortgage or deed of trust encumbering the Site, the Project, or any part thereof or interest therein.

Section 19. Default. An event of default occurs under this Agreement when: (a) there is a breach of any condition, covenant or promise set forth herein; (b) written notice thereof has been given to the defaulting party; and (c) such breach has not been cured within thirty (30) days after such notice was given to the defaulting party or, if such breach cannot reasonably be cured within such thirty (30) day period, the defaulting party fails to commence to cure the breach and/or fails thereafter to diligently proceed to complete such cure. A waiver by either party of any such breach shall not be construed as a waiver of any succeeding breach of the same or other condition, covenant or promise.

Section 20. Remedies. The occurrence of an event of default hereunder shall give the non-defaulting party the right to proceed with any and all remedies available at law or equity. Such remedies may include an action for damages, an action or proceeding for specific performance, and/or an action or proceeding for injunctive relief. Such actions or proceedings may require the defaulting party to pay damages, to perform its obligations and covenants under this Agreement, and to enjoin or cease and desist from acts which may be unlawful or in violation of the provisions of this Agreement.

Section 21. Additional Remedies for Certain Defaults; Remedy For Excessive Rent Charge.

(a) It shall constitute a default for the Developer to charge or accept for any Affordable Unit rent amounts in excess of the Affordable Rent. In the event that the Developer charges or receives such higher rental amounts, in addition to any other legal or equitable remedy that the City shall have for such default, the Developer shall be required to pay to the City an amount equal to the difference between the Affordable Rent that should have been charged and the amount of the rent received from the tenant, plus interest compounded at the maximum rate allowable for judgments.

(b) It shall also constitute a default for the Developer to fail to rent any of the required Affordable Units to a Lower Income Household, or to knowingly (or without investigation as required herein) initially rent any Affordable Unit to a tenant who is not a Lower Income Household. In the event the Developer violates this provision, in addition to any other remedy at law or equity that the City shall have for such default, the Developer, for each separate violation, shall be required to pay to the City an amount equal to the total rent the Developer received from such ineligible tenant, plus interest compounded at the maximum rate allowable for judgments.

Section 22. Attorneys' Fees and Costs. In addition to any other remedies provided hereunder or available pursuant to law, if either party to this Agreement commences an action against the other party to this Agreement arising out of or in connection with this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees, expert witness fees, costs of investigation, and costs of suit from the losing party.

Section 23. Rights and Remedies Cumulative. The rights and remedies of the parties are cumulative, and the exercise by either party of one or more of its rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

Section 24. Time of Essence. Time is expressly made of the essence with respect to the performance by City and Developer of each and every obligation and condition of this Agreement.

Section 25. Third Party Beneficiaries. No persons or entities other than the parties and their successors and assigns shall have any right of action under this Agreement.

Section 26. City Approvals and Actions. City shall maintain authority of this Agreement and the authority to implement this Agreement through City Manager (or his duly authorized representative). City Manager (or his designee) shall have the authority to make approvals, issue interpretations, waive provisions, make and execute further agreements and/or enter into amendments of this Agreement on behalf of City so long as such actions do not materially or substantially change the uses or development permitted on the Site, or materially or substantially add to the costs incurred or to be incurred by City as specified herein, and such interpretations, waivers and/or amendments may include extensions of time to perform. All other material and/or substantive interpretations, waivers, or amendments shall require the consideration, action and written consent of the City.

Section 27. Successor and Assigns. This Agreement shall run with the land, and all of the terms, conditions, restrictions, and covenants contained in this Agreement shall be binding upon Developer, City, their permitted successors and assigns, and all successors in interest to all or any portion of the Site or the Project. Whenever the terms "Developer" or "City" are used in this Agreement, such terms shall include any other successors and assigns as herein provided. Not later than 30 days prior to a transfer of any interest in the Site or the Project or any interest in Developer, Developer shall provide written notice to the City of such transfer.

Section 28. Notices. Any approval, disapproval, demand, document or other notice which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by reputable document delivery service such as Federal Express that provides a receipt showing date and time of delivery, (iii) mailing in the United States first-class mail, postage prepaid, or (iv) by email, with confirmation of receipt to the intended recipient, addressed to the address of the party as set forth below, or at any other address as that party may later designate by notice:

If to the City: City of Garden Grove
 11222 Acacia Parkway
 Garden Grove, CA 92840
 Attention: Community & Econ. Development Dir.

If to the Developer: _____
 c/o _____

 Attention: _____
 Email: _____

Section 29. Amendment. Any alteration, change or modification of or to this Agreement, in order to become effective, shall be made in writing and in each instance signed on behalf of each party. Each alteration, change, or modification to this Agreement shall be recorded against the Site in the Official Records of Orange County, California.

Section 30. Legal Advice. Each party represents and warrants to the other the following: they have carefully read this Agreement, and in signing this Agreement, they do so with full knowledge of any right which they may have; they have received independent legal advice from their respective legal counsel as to the matters set forth in this Agreement, or have knowingly chosen not to consult legal counsel as to the matters set forth in this Agreement, and they have freely signed this Agreement without any reliance upon any agreement, promise, statement or representation by or on behalf of the other party, or their respective agents, employees or attorneys, except as specifically set forth in this Agreement, and without duress or coercion, whether economic or otherwise.

Section 31. Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between City and Developer is that of a government entity regulating the development of private property and the owner of such property.

Section 32. Exhibits. This Agreement includes the following exhibits, each of which is attached hereto and incorporated herein by this reference:

- (i) Exhibit A: Legal Description of Site
- (ii) Exhibit B: Schedule of Performance

- (iii) Exhibit C: Tenant Income Verification Form
[Signatures appear on following page.]

IN WITNESS WHEREOF, City and Developer have executed this Density Bonus Housing Agreement as of the date first set forth above.

DEVELOPER:

FAIRCREST REAL ESTATE, LLCa
California limited liability company

By: _____
Its: Managing Member

By: _____
Its: Manager

By: _____
Name: _____
Its: _____

By: _____
Name: _____
Its: _____

CITY OF GARDEN GROVE,
a California municipal corporation

City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A

LEGAL DESCRIPTION OF SITE

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF GARDEN GROVE, IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 63 OF TRACT 643, IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 26, PAGE 38 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 098-120-29; 098-120-30

EXHIBIT B

SCHEDULE OF PERFORMANCE

	Action Item	Status
1.	Approval and Execution of Agreement. City shall approve and execute the Agreement.	Within 30 days ¹ of submittal of signed Agreement by Developer.
2.	Record Agreement. City shall cause the Agreement to be recorded against the Site.	Within 10 days of City approval and execution of Agreement and receipt of evidence of subordination of existing liens and encumbrances pursuant to Section 17 of Agreement.
3.	Construction Drawings. Developer shall submit construction drawings for the Project to City for plan check.	Completed.
4.	Revision to Construction Drawings. Developer shall revise and resubmit construction drawings to address reasons for conditional approval or disapproval by City.	Completed.
5.	Building Permits. Developer shall obtain all required building permits for the Project.	Within 30 days of approval and execution of Agreement by City
6.	Management Plan and Marketing Program. Developer shall submit its proposed Management Plan and Marketing Program to City for review and approval.	Within 90 days of approval and execution of Agreement by City.
7.	Approval of Management Plan and Marketing Program. City shall review and approve, conditionally approve, or disapprove Developer's proposed Management Plan and Marketing Program.	Within 30 days of receipt of a complete submittal from Developer.
8.	Revision to Management Plan and Marketing Program. Developer shall revise the Management Plan and/or Marketing Program to address reasons for conditional approval or disapproval by City.	Within 30 days of conditional approval or disapproval by City.

¹ All days are calendar days unless otherwise noted.

	Action Item	Status
9.	Approval of Revised Management Plan and Marketing Program. City shall review and approve or disapprove revised Management Plan and Marketing Program.	Within 30 days of receipt of revised Management Plan and Marketing Program from Developer.
10.	Commencement of Construction. Developer shall commence the construction of the Project.	Within 30 days of approval and execution of Agreement by City
11.	Progress Reports. During the construction of the Project, Developer shall prepare and submit to City monthly written progress reports.	Commencing 30 days after start of construction and continuing until completion of construction, but only after execution of Agreement by City.
12.	Completion of Construction. Developer shall complete the construction of the Project.	On or before _____
13.	Off-Site Improvements. Developer shall complete all off-site improvements required in connection with the construction of the Project.	On or before _____

EXHIBIT C

TENANT INCOME VERIFICATION FORM

Part I -- General Information

1. Project Location: 9691 Bixby Avenue, Garden Grove, California
2. Landlord's Name: _____

Part II -- Unit Information

- | | | | |
|-------------------|--------------------------|--------------------|---------------------------|
| 3. Unit
Number | 4. Number of
Bedrooms | 5. Monthly
Rent | 6. Number of
Occupants |
| _____ | _____ | \$_____ | _____ |

Part III -- Affidavit of Tenant

7. I, _____, and I, _____, as applicants for rental of an apartment unit at the above described location, do hereby represent and warrant that **(my/our) gross household income (anticipated total annual income from all household members over age 18) does not exceed the maximum income set forth for a lower income household in Orange County, adjusted for a household size appropriate to the Apartment Unit**, as published from time to time by the State Department of Housing and Community Development in the California Code of Regulations. (I/We) understand that the current maximum household income for a lower income household occupying a [two-bedroom/three-bedroom/four-bedroom] unit in Orange County is \$_____. The following computation includes all household income (I/we) anticipate receiving for the 12-month period beginning on the date (I/we) execute a rental agreement for an apartment unit or the date on which (I/we) will initially occupy such unit, whichever is earlier.

Tenant Initials

8. Tenants qualifying above must complete the following:

Monthly Gross Household Income (All Sources of Income of All Household Members Over Age 18 Must be Listed. Use Separate Sheet of Paper if Necessary.)
--

Source	Head of Household	Co-Tenant #1	Monthly Total
Name			
Gross amount, before payroll deductions, of wages, salaries, overtime pay, commissions, fees, tips and bonuses			
Interest and/or dividends			
Net income from business or from rental property			
Social security, annuities, insurance policies, pension/retirement funds, disability or death benefits received periodically			
Payment in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay			
Alimony, child support, other periodic allowances			
Public assistance, welfare payments			
Regular pay, special pay and allowances of members of Armed Forces			
Other			

Total: _____

Total x 12 _____ = Gross Annual Household Income

Note: The following items are **not** considered income: casual, sporadic or irregular gifts; amounts specifically for or in reimbursement of medical expenses; lump sum payments such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses; educational scholarships paid directly to the student or educational institution; government benefits to a veteran for education; special pay to a serviceman head of family away from home and under hostile fire; foster child care payments; value of coupon allotments for purpose of food under Food Stamp Act of 1964 which is in excess of amount actually charged the eligible household; relocation payments under federal, state, or local relocation law; payments received pursuant to participation in the following programs: VISTA, Service Learning Programs, and Special Volunteer Programs, SCORE, ACE, Retired Senior Volunteer Program, Foster Grandparent Program, Older American Community Services Program, and National Volunteer Program to Assist Small Business Experience.

9. This affidavit is made with the knowledge that it will be relied upon by the Landlord to determine gross household income for eligibility and (I/we) warrant that all information set forth in this document is true, correct and complete and based upon information (I/we) deem reliable and that the statement contained in paragraph 1 and the information contained in paragraph 2 of this Part III is reasonable and based upon such investigation as the undersigned deemed necessary.
10. (I/We) will assist the Landlord in obtaining any information or documents required to verify the statements made in this Part III and have attached hereto copies of (my/our) federal income tax return(s) for the most recent tax year in which a return was filed (past two years federal income tax returns for self-employed persons).
5. (I/We) acknowledge that (I/we) have been advised that the making of any misrepresentation or misstatement in this affidavit will constitute a material breach of (my/our) agreement with the Landlord to rent the unit and will additionally enable the Landlord and/or the City of Garden Grove to initiate and pursue all applicable legal and equitable remedies with respect to the unit and to me/us.

(I/We) do hereby swear under penalty of perjury that the foregoing statements are true and correct.

Date

Tenant

Date

Tenant

INCOME VERIFICATION
(for employed persons)

The undersigned employee has applied for a rental unit located in a project subject to a Density Bonus Housing Agreement approved by the City of Garden Grove providing for rental of units to lower income households. Every income statement of a prospective tenant must be stringently verified. Please indicate below the employee's current annual income from wages, overtime, bonuses, commissions or any other form of compensation received on a regular basis.

Annual wages _____

Overtime _____

Bonuses _____

Commissions _____

Total current income _____

I hereby certify that the statements above are true and complete to the best of my knowledge.

Business Name: _____

Signature

Date

Title

Employee: I hereby grant you permission to disclose my income to _____ in order that they may determine my income eligibility for rental of an apartment located in their project which has been financed under a density bonus housing project of the City of Garden Grove.

Signature

Date

Please send to:

INCOME VERIFICATION
(for selfemployed persons)

I hereby attach copies of my individual federal and state income tax returns for the immediately preceding calendar year and certify that the information shown in such income tax returns is true and complete to the best of my knowledge.

Signature

Date

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 for Fiscal Year 2018-19 List of Projects, funded by Senate Bill 1 (SB1): The Road Repair Accountability Act of 2017. (<i>Action Item</i>)		
		Date:	4/24/2018

OBJECTIVE

For the City Council to adopt a Resolution approving the Fiscal Year 2018-19 Project List, funded by new gas tax revenue from Senate Bill 1 (SB1) – The Road Repair and Accountability Act of 2017.

BACKGROUND

In April 2017, Governor Brown signed into law Senate Bill 1, which increased the vehicle fuel tax by \$0.12 and the diesel excise tax by \$0.20 per gallon. SB1 also implemented a new transportation vehicle fee based on vehicle value and an annual vehicle registration fee for zero-emission vehicles.

DISCUSSION

In Fiscal Year 2018-19, the City is anticipated to receive approximately \$2.9 million in SB1 revenues for transportation projects. Further, for a City to be eligible for SB1 apportionments, the California Transportation Commission (CTC), the lead administrative agency tasked with oversight of SB1, requires cities to formally submit annual Project Lists for administrative review and adoption.

Project Lists are capital improvement lists detailing SB1 fund expenditures, including project name, scope, schedule and other pertinent construction data. As per the attached FY2018-19 City's Project List, the City is planning on using SB1 funds for rehabilitating Chapman Avenue, Euclid Street and various residential streets, including construction of a storm drain line along La Bonita Street, between Westminster Avenue and Anabel Avenue. These projects will also be reflected in the City's Fiscal Year 2018-19 Capital Improvement Plan amendment.

FINANCIAL IMPACT

There is no impact to the General Fund. The City is projecting to receive \$2.9 million in new Gas Tax revenue (Fund 062) for Fiscal Year 2018-19.

RECOMMENDATION

It is recommended that the City Council:

- Adopt the attached Resolution for Fiscal Year 2018-19 List of Projects, funded by Senate Bill 1: The Road Repair Accountability Act of 2017.

By: Ana V. Neal, Sr. Administrative Analyst

ATTACHMENTS:

Description	Upload Date	Type	File Name
CC Resolution	4/18/2018	Resolution	4-24-18_CC_FY_18-19_SB1_Resolution_Final_4-24-18.docx
LIST OF PROJECTS	4/10/2018	Backup Material	FY18-19_Project_List_Final.pdf

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
ADOPTING A LIST OF PROJECTS FOR FISCAL YEAR 2018-19 FUNDED BY
SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide;

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of the City of Garden Grove are aware of the projects proposed for funding in the community and which projects have been completed each fiscal year;

WHEREAS, the City of Garden Grove must adopt a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1 by resolution, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement;

WHEREAS, the City of Garden Grove, will receive an estimated \$2,900,000 in RMRA funding in Fiscal Year 2018-19 from SB 1;

WHEREAS, the City of Garden Grove used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the community's priorities for transportation investment;

WHEREAS, the funding from SB 1 will help the City of Garden Grove maintain and rehabilitate streets/roads throughout the City of Garden Grove this year and several similar projects into the future; and

WHEREAS, the 2016 California Statewide Local Streets and Roads Needs Assessment found that the City streets and roads are in an average condition and this revenue will help the City of Garden Grove increase the overall quality of the road system and over the next decade will bring the streets and roads into improved conditions.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City of Garden Grove as follows:

1. The foregoing recitals are true and correct.
2. The Fiscal Year 2018-19 List of Projects planned to be funded with Road Maintenance and Rehabilitation Account revenues include:
 - Chapman Avenue Rehabilitation (Brookhurst – Nelson), Residential Streets: Sapphire Street (Belgrave - Vanguard), Santa Rita Avenue (Lamplighter – Vanguard – Wild Goose) and Healey at Lamplighter
Pre-Construction: June 2018
Completion: October 2018
Useful Life (Min): 15 Years
Useful Life (Max): 20 Years
 - Euclid Street Rehabilitation (Patricia Drive – Katella Avenue)
Pre-Construction: June 2018
Completion: December 2018
Useful Life (Min): 15 Years
Useful Life (Max): 20 Years
 - Euclid Street Rehabilitation (Hazard Avenue – Westminster Street)
Pre-Construction: September 2018
Completion: December 2018
Useful Life (Min): 15 Years
Useful Life (Max): 20 Years
 - La Bonita Storm Drain (Westminster Avenue – Anabel Avenue)
Pre-Construction: August 2018
Completion: December 2018
Useful Life (Min): 50 Years
Useful Life (Max): 75 Years

**SB1 FY18-19
PROJECT LIST**

Title	Description	Est. Completion Pre-Construction	Est. Completion Construction	Est. Useful Life Min.	Est. Useful Life Max	Total Project Cost
Chapman Avenue Rehabilitation (Brookhurst - Nelson)	The Project will rehabilitate Chapman Avenue, from Brookhurst Street to Nelson Street. The Project also includes rehabilitation of residential streets: Sapphire Street (Belgrave - Vanguard), Santa Rita Avenue (Lamplighter to Vanguard to Wild Goose) and Healey at Lamplighter.	06/2018	10/2018	15	20	SB1 = \$571,000 Other = \$2,129,000* Total = \$2,700,000
Euclid Street Rehabilitation (Patricia Drive - Katella Avenue)	The Project will rehabilitate Euclid Street from Patricia Drive to Katella Avenue.	06/2018	12/2018	15	20	SB1 = \$1,800,000 Other = \$200,000* Total = \$2,000,000
Euclid Street Rehabilitation (Hazard Avenue - Westminster Street)	The City of Santa Ana is the lead agency responsible for rehabilitating Euclid Street, from Hazard Avenue to Westminster Street. The City of Garden Grove owns the westerly 12' of pavement and will contribute funding for their portion of the project.	09/2018	12/2018	15	20	SB1 = \$200,00 Total = \$200,000
La Bonita Storm Drain (Westminster Avenue - Anabel Avenue)	The Project will install dual 30' RCPs to facilitate water service access on La Bonita Street, from Westminster Avenue to Anabel Avenue.	08/2018	12/2018	50	75	SB1 = \$329,000 Other = \$471,000* Total = \$800,000

***"Other" refers to various capital funding sources, including Measure M2, other Gas Tax subventions, and grants.*

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Lisa Kim
Dept.:	City Manager	Dept.:	Community and Economic Development
Subject:	Approval of a Second Amended and Restated Exclusive Negotiation Agreement between the City of Garden Grove and Kam Sang Company for property located on the northwest corner of Twintree Avenue and Harbor Boulevard, Garden Grove, California. (<i>Action Item</i>)	Date:	4/24/2018

OBJECTIVE

To request the City Council consider approval of a Second Amended and Restated Exclusive Negotiation Agreement (ENA) between the City and Kam Sang Company (as successor to Palm Court Lodging) ("Developer") for the development of approximately 9.08 acres of real property located on the northwest corner of Twintree Avenue and Harbor Boulevard, Garden Grove, California.

BACKGROUND

On May 9, 2017, the City Council approved an Amended ENA between the City and the Developer for the development of an approximately 9.08 acre site that includes property that is subject to an enforceable disposition and development agreement between Developer and the former redevelopment agency. Since then, the Developer has made progress on the development of the Nickelodeon Resort, and has completed the following required items pursuant to the Amended ENA: engaged the services of both CEQA and NEPA consultants who have initiated the Environmental Review Process, which typically takes a year to complete.

DISCUSSION

The Developer has requested the City consider a Second Amended and Restated Exclusive Negotiation Agreement to modify the certain business points, and allow an extension of one year to complete the following:

- Complete the CEQA and NEPA Environmental Review Process;
- Prepare an updated timeline; and
- Prepare a detailed construction schedule of development.

After completion and approval of both the CEQA and NEPA Environmental Review Process, staff will bring forward a Disposition and Development Agreement for City Council consideration.

The project costs associated with property acquisition and relocation is estimated to be approximately \$18 million. The primary business points that are part of the ENA will be memorialized into a formal Disposition and Development Agreement (DDA) in which the Developer will contribute approximately \$13 million dollars of these project costs to:

1. Fund third party costs incurred by the City in connection with the acquisition and relocation efforts to acquire the Single Family Properties,
2. Acquire the Single Family Properties and Tamerlane Apartments,
3. Relocate displaced persons, and
4. Process entitlements for the Project. Any properties acquired with funds provided by the Developer shall be the property of the Developer.

The Developer acknowledges there is an approximately \$5 million dollar gap between the required funds and the available funds. Prior to finalizing a DDA, the Parties will jointly seek to reduce such costs and/or seek alternative methods of funding the gap such as contribution from Nickelodeon.

FINANCIAL IMPACT

There is no impact to the City's General Fund. If the City determines and proceeds with a DDA with the Developer, the project is anticipated to generate significant annual property tax revenues. Additional financial impacts will be identified in connection with the final DDA consideration.

RECOMMENDATION

It is recommended that the City Council:

- Consider approving the attached Second Amended and Restated Exclusive Negotiation Agreement; and
- Authorize the City Manager to make minor modifications, execute pertinent documents, and amend or extend the ENA period.

By: Monica L. Covarrubias, Project Manager

ATTACHMENTS:

Description	Upload Date	Type	File Name
Second Amended and Restated ENA	4/12/2018	Backup Material	AGREEMENT_DOCSOC-#1810608-v10- City_of_GG_and_New_Age_Second_A____R_ENA.docx

SECOND AMENDED AND RESTATED EXCLUSIVE NEGOTIATION AGREEMENT

THIS SECOND AMENDED AND RESTATED EXCLUSIVE NEGOTIATION AGREEMENT (the “Second Amended and Restated Agreement”) is made and entered into as of _____, 2018 (the “Date of Agreement”), by and between the **CITY OF GARDEN GROVE**, a municipal corporation (“City”) and **NEW AGE GARDEN GROVE, LLC**, a California limited liability company (the “Developer”) (the Developer and the City are collectively referred to herein as the “Parties”).

RECITALS

The following recitals are a substantive part of this Agreement.

- A. City is a municipal corporation.
- B. Developer is an experienced developer, owner, manager and operator of hotels and commercial facilities.
- C. Palm Court Lodging, LLC, a California limited liability company (“Palm Court”) and the Garden Grove Agency for Community Development (the “Former Agency” now succeeded by the “Successor Agency” to the Former Agency) entered into that certain Disposition and Development Agreement by and between the Garden Grove Agency for Community Development and Palm Court dated as of June 26, 2001 (the “Original DDA”). Under the Original DDA, Palm Court was to acquire property (the “Agency Property”) from the Former Agency and develop two hotels. Although one hotel was built (the “First Hotel”), the disposition of property for and development of a second hotel (the “Second Hotel”) on the Agency Property, as provided for under the Original DDA, has not occurred. Developer is the assignee of Palm Court with regard to the acquisition of land and development of the Second Hotel on the Agency Property under the Original DDA.
- D. Developer has proposed the development, opening, and operation of an approximately 560 room Nickelodeon Hotel & Resort of equal or greater (i) quality of exterior construction and furniture, fixtures, and equipment, (ii) quality and scope of amenities, and (iii) service level, as that found in the Nickelodeon Hotel & Resort located in _____ or, in the alternative, a AAA Four Diamond Hotel (the “Conforming Hotel”) on the Agency Property and additional land owned by the City (the “City Property”) and land owned by third parties adjacent to and near the Agency Property (the “Third Party Property”). The Agency Property, the City Property, and the Third Party Property are collectively referred to herein as the “Site” as shown on the map attached hereto as Exhibit A.
- E. The Parties intend to enter into an agreement (the “City DDA”) pursuant to which the Developer will construct and operate the Conforming Hotel on the Site through both the implementation of the Agency DDA and the City DDA.
- F. City and Developer previously entered into an agreement entitled “Exclusive Negotiation Agreement” dated as of May 10, 2016 (the “Original ENA”), and an Amended and Restated Exclusive Negotiation Agreement on May 9, 2017 (“Amended and Restated ENA”).

G. The Parties agree that Developer is making progress toward arranging for and accomplishing the development activities referenced in the Amended and Restated ENA. However, Developer has requested and City is amenable to affording Developer additional time during which certain steps will be taken by Developer and the Parties will continue to remain in a negotiation period.

H. The Parties have previously prepared a document entitled “Deal Point Memorandum” attached to the Amended and Restated ENA as Exhibit B, which addresses certain topics anticipated to be addressed in the “City DDA”. The Parties wish to modify the Deal Point Memorandum and are doing so by attaching the Second Revised Deal Point Memorandum to this Second Amended and Restated Agreement as Exhibit B (the “Second Revised Memorandum”). While the Parties intend to negotiate substantially on the fundamental basis set forth in the Second Revised Memorandum, the Second Revised Memorandum has not been approved by and does not bind City and neither party has made any determination as to whether the development is feasible or practicable; it is therefore anticipated that negotiations will adapt to the circumstances that present themselves from time to time during the Negotiation Period.

I. The foregoing Recitals constitute a substantive part of this Agreement.

J. This Agreement is in the vital and best interests of the City and the health, safety and welfare of its residents, and in accordance with public purposes of applicable state and local laws and requirements.

K. The Parties intend that during and for the period of negotiations set forth herein (the “Negotiation Period”) each will perform certain actions and responsibilities under this Agreement.

NOW, THEREFORE, the Parties mutually agree as follows:

1. Exclusive Agreement to Negotiate.

a. Required Actions.

(1) Environmental Review and Preparation of a Relocation Plan. The City is engaged in the environmental review pursuant to state and federal law of the Conforming Hotel in anticipation and preparation of the City’s consideration of the City DDA and entitlements and has begun preparation of a relocation plan pursuant to state and federal law in furtherance of the acquisition of the Third Party Property. The Parties anticipate that the cost of such review and preparation will be approximately Three Hundred Thousand Dollars (\$300,000). To this end, the Developer has heretofore delivered to the City the amount of One Hundred Thousand Dollars (\$100,000.00) (“Initial Deposit”). When the expenses incurred in connection with the acquisition of the environmental review of the Conforming Hotel and preparation of the relocation plan exceed the Initial Deposit, City shall notify Developer and Developer shall promptly deliver additional moneys to pay such costs up to a total of approximately Three Hundred Thousand Dollars (\$300,000).

(2) The City DDA will include a provision requiring the Developer to pay the costs incurred in connection with the acquisition of the Third Party Property and the relocation of occupants of the Third Party Property prior to closing, not to exceed Thirteen Million Dollars (\$13,000,000). Developer shall have the absolute right to approve all costs prior to the acquisition of any Third Party Property or prior to the engagement of any consultant related to the

relocation of the occupants of the Site. If the Parties believe that the costs described above will exceed Fifteen Million Dollars (\$15,000,000), then Developer may either (i) commit additional funds, as necessary, or (ii) terminate the City DDA. In the case of termination, neither party shall have any rights or obligations thereunder.

(3) the Developer has heretofore submitted a site plan and elevations for the Conforming Hotel, a copy of which is attached hereto as Exhibit C and incorporated herein by reference;

(4) Within sixty (60) days from the Date of Agreement, the Developer shall submit:

(a) a development proposal generally describing the Conforming Hotel proposed to be constructed, including all development activities proposed to be undertaken, which shall include the previously described Nickelodeon Hotel & Resort of approximately five hundred sixty (560) rooms (or other AAA Four Diamond Hotel), between 15,000 square feet and 30,000 square feet of meeting space, resort-style pool, spa and restaurant amenities;

(b) a plan with respect to the acquisition of the Third Party Property and the relocation of its occupants prepared by the City's Consultant in compliance with state and federal law;

(c) a statement describing the proposed method of financing, including construction and permanent financing and, if applicable, proposed credit enhancement;

(d) a list of entities prepared to be involved in the development as well as the operation of the Conforming Hotel, their respective roles, and financial references for such entities;

(e) a construction and operating pro forma which identifies all sources and uses of funds including without limitation design of the Conforming Hotel and supporting infrastructure; and

(f) a proposed timeline;

(5) During the Term, but only after the Parties are jointly satisfied that they have agreed upon the material terms of the City DDA, Developer shall submit to the City a "Draft Final Development Concept Package," consisting of the following:

(a) updated information, current as of the date of submittal of the Final Development Concept Package, as to each and every item set forth under (3) and (4) above and addressing such other and additional matters as may arise during negotiations;

(b) proposed final identification of sources of financing, with a description of the terms and conditions of such financing;

(c) a highly detailed proposed scope of development including minimum and appropriate square footages of buildings, a detailed parking and access plan, a reasonably detailed landscape plan, and a proposed financing plan;

- (d) an updated timeline; and
- (e) a detailed construction schedule of development.

After receipt of the complete Draft Final Development Concept Package, City will review the Draft Final Development Concept Package. Subject to such review, City will provide input to Developer concerning the Draft Final Development Concept Package. If City determines that the Draft Final Development Concept Package as originally submitted is not suitable to the needs and desires of City, City shall so inform Developer. Upon receipt of such information, Developer shall, within ninety (90) days of receipt of such notice, submit a revised Draft Final Development Concept Package or inform City in writing that it agrees that this Agreement shall be terminated.

If City determines that a Draft Final Development Concept Package is appropriate, it shall be referred to as the “Final Development Concept Package” and the Parties will proceed with the City DDA. The Parties acknowledge that the inclusion of the Agency Property would require implementation of the Agency DDA, without amendment, which implementation may require approvals by the Oversight Board to the Successor Agency (the “Oversight Board”) and possibly review by the California Department of Finance (“DOF”). The Parties further acknowledge that the availability of or price for the Third Party Property has not been determined and the actual cost of relocation and associated costs has not been established.

(6) The Developer shall bear the cost for its performance under this Second Amended and Restated Agreement. The Developer shall, subject to Developer prior written approval, pay for all costs incurred by the City with respect to the plans for acquisition of the Third Party Property, and relocation planning and implementation and the environmental review of the Conforming Hotel.

(7) During the term of this Agreement, the City will negotiate exclusively with Developer concerning the development of a Conforming Hotel on the Site.

b. Term. The term of the negotiation period commence as of the Date of Agreement and shall continue until the earlier to occur of (i) the execution by the Parties of the City DDA, or (ii) or December 31, 2018 (the “Term of the Negotiation Period”) at which time this Agreement shall automatically terminate unless sooner terminated pursuant to Section 10 or extended by the Parties, each acting at its sole and absolute discretion.

c. Agreement to Negotiate. The City (by and through its staff and consultants) and Developer agree that for the term of the Negotiation Period (whether said period expires or is earlier terminated by the provisions herein) each party shall negotiate diligently and in good faith to carry out its obligations under this Agreement with the goal of coming to agreement on a City DDA. The Developer expressly agrees and acknowledges that its rights pursuant to this Agreement are subject to and based upon compliance by the Developer with this Agreement (including without limitation the making of all submittals required pursuant to this Agreement, in conformity with this Agreement).

d. Supplemental Progress Reports. In addition to the information required in Section 1 above, for so long as this Agreement remains in effect Developer agrees to make weekly oral progress reports and monthly written reports to the City Manager or his designee advising the City on all matters and all studies being made.

2. **No Predetermination of City Discretion; No Assurances as to Actions of Other Entities.** The Parties agree and acknowledge that nothing in this Agreement in any respect does or shall be construed to affect or prejudice the exercise of the City's discretion. The Developer acknowledges in this regard that the feasibility of the Developer's proposal has not been determined nor has the City completed necessary environmental review or governmental processes necessary for processing of plans for development or use of the Site. Further, nothing in this Agreement in any respect does or shall be construed to affect or prejudice the City's discretion to consider, negotiate, or undertake the acquisition and/or development of any portion of the Site, or shall affect the City's compliance with the laws, rules, and regulations governing land uses, environmental review, or disposition of the Site. In addition, no assurances are made by City hereunder concerning any actions by the Successor Agency, Oversight Board, DOF or any private party.

3. **Environmental and Other Requirements.** Certain federal, state, and local environmental requirements (including, but without limitation, the California Environmental Quality Act of 1970, Public Resources Code Section 21000, et seq. and the National Environmental Protection Act) may be applicable to proposed development. Pursuant to such requirements, certain environmental documents may be required to be prepared and certified for any proposed development. The City, by this Agreement, undertakes no obligation to pay any costs associated with such environmental documents.

4. **DDA provisions re Job Criteria.** The DDA will contain a provision requiring the Developer to insure that not less than 51% of the jobs associated with the development and operation of the Project will be available to low and moderate income persons. Such provision shall also include the following:

a. A copy of a written agreement containing:

(1) A commitment by the operator of the Conforming Hotel that it will make at least 51 percent of the jobs available to low and moderate income persons and will provide training for any of those jobs requiring special skills or education;

(2) A listing by job title of the permanent jobs to be created indicating which jobs will be available to low and moderate income persons, which jobs require special skills or education, and which jobs are part-time, if any; and

(3) A description of actions to be taken by the operator of the Conforming Hotel to ensure that low and moderate income persons receive first consideration for those jobs; and

b. After opening of the Conforming Hotel, a listing prepared by the operator of the Conforming Hotel of the permanent jobs filled (by job title), and which jobs of those were available to low and moderate income persons, and a description of how first consideration was given to such persons for those jobs. The description shall include what hiring process was used; which low and moderate income persons were interviewed for a particular job; and which low and moderate income persons were hired.

5. **Costs and Expenses.** Except as otherwise provided in this Agreement (including exhibits), each party shall be responsible for its own costs and expenses in connection with any

activities and negotiations undertaken in connection with the performance of its obligations under this Agreement.

6. **No Change in Developer or its Constituent Members.** The qualifications of the Developer are of particular interest to the City. Consequently, no person or entity, whether a voluntary or involuntary successor of Developer, shall acquire any rights or powers under this Agreement nor shall the Developer assign all or any part of this Agreement without the prior written approval of the City, which approval the City may grant, withhold, condition, or deny at its sole and absolute discretion. Any other purported transfer, voluntarily or by operation of law, shall be absolutely null and void and shall confer no rights whatsoever upon any purported assignee or transferee.

7. **Address for Notices.** Any notices pursuant to this Agreement shall be in writing and sent (i) by Federal Express (or other established express delivery service which maintains delivery records), (ii) by hand delivery, or (iii) by certified or registered mail, postage prepaid, return receipt requested, to the following addresses:

To City: City of Garden Grove
Attention: Scott C. Stiles, City Manager
11222 Acacia Parkway
Garden Grove, California 92842

With a copy to: Stradling Yocca Carlson & Rauth
660 Newport Center Drive, Suite 1600
Newport Beach, California 92660
Attention: Thomas P. Clark, Jr.

To Developer: Kam Sang
411 E. Huntington Drive #305
Arcadia, California 91006
Attn: Phil Wolfgramm

8. **Breach.** Failure by either party to perform one or more of its duties as provided in this Agreement shall constitute a breach under this Agreement. The non-defaulting party shall give written notice of a default to the defaulting party, specifying the nature of the breach and the action required to cure the breach. If the breaching party fails to cure such breach within thirty (30) days of written notice, such breach shall become a "Default."

9. **Remedies for Default.** In the event of a Default under this Agreement, the sole remedy of the nondefaulting party shall be to terminate this Agreement. Following such termination, neither party shall have any further rights, remedies or obligations under this Agreement. Neither party shall have any liability to the other for monetary damages or specific performance for the breach of this Agreement or failure to reach agreement on a City DDA, and each party hereby waives and releases any such rights or claims it may otherwise have at law or at equity. Furthermore, the Developer knowingly agrees that it shall have no right to specific performance for conveyance of, nor to claim any right of title or interest in the Third Party Property or any portion thereof.

10. **Termination.** This Agreement shall: (i) automatically terminate upon the expiration of the Term of the Negotiation Period or earlier as set forth in Section 1.b above, or (ii) terminate

prior to the time(s) set forth in Section 1.b above in the event the Developer shall fail to perform its obligations hereunder to the reasonable satisfaction of the City Manager; provided that prior to termination under (ii) of this Section 9, the City shall provide the Developer with notice of any such failure(s) and thirty (30) days in which to cure. In addition, the Parties agree that if either party shall determine that it is infeasible to proceed in the manner provided under the Preliminary Development Concept Package or the Draft Final Development Concept Package or if the development of the Site, consistent with such Preliminary Development Concept Package or Draft Final Development Concept Package, does not appear to either party to be economically sound and feasible, either party may, upon ten (10) days' written notice to the other party, terminate this Agreement. Upon termination of this Agreement, whether upon expiration of the Negotiation Period or otherwise, both Parties knowingly agree that neither Party shall have any further rights or remedies to the other and the Developer shall have no rights in or with respect to the Site.

11. **Time of Essence.** Time is of the essence of every portion of this Agreement in which time is a material part. During the Negotiation Period the time periods set forth in this Agreement for the performance obligations hereunder shall apply and commence upon a complete submittal of the applicable information or occurrence of an applicable event. In no event shall an incomplete submittal by the Developer trigger any of the City's obligations of review, approval and/or performance hereunder; provided, however that the City shall notify the Developer of an incomplete submittal as soon as is practicable and in no event later than the applicable time set forth for the City's action on the particular item in question. Further, the time periods set forth herein are outside dates of performance. In the event a party completes a performance item earlier than the time required hereunder, the time for the next performance obligation of a party shall commence. Thus, the Parties agree that the requirements hereunder may occur and be completed in a shorter time frame than set forth herein.

12. **Real Estate Commissions.** The City shall not be liable for any real estate commission or brokerage fees which may arise with respect to this Agreement or the Site.

13. **Developer Not an Agent.** The Developer is not an agent of the City.

14. **Press Releases.** The Developer agrees to discuss any press releases with the City Manager or his designee prior to disclosure or publication in order to assure accuracy and consistency of the information.

15. **Entire Agreement.** This Agreement constitutes the entire understanding and agreement of the Parties, integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreements between the Parties or their predecessors in interest with respect to all or any part of the subject matter hereof.

16. **Agreement Does Not Constitute Development Approval.** The City reserves final discretion and approval as to the sale and/or sublease or development and all proceedings and decisions in connection therewith. This Agreement shall not be construed as a grant of development rights or land use entitlements to construct the proposed development or any other project. All design, architectural, and building plans for the Conforming Hotel shall be subject to the review and approval of the City and such governmental entities properly exercising authority with respect thereto. By its execution of this Agreement, the City is not committing itself to or agreeing to undertake the disposition of the Site to the Developer, or any other acts or activities requiring the subsequent independent exercise of discretion by the City or any agency or department thereof.

17. **Governing Law.** This Agreement shall be construed in accordance with the laws of the State of California.

18. **Implementation of Agreement.** The City shall maintain authority to implement this Agreement through the City Manager (or his or her duly authorized representative). The City Manager shall have the authority to issue interpretations, waive provisions, and/or enter into certain amendments of this Agreement on behalf of the City so long as such actions do not materially or substantially change the uses or concept of the proposed development, or add to the costs or risks incurred or to be incurred by the City as specified herein, and such interpretations, waivers and/or amendments may include extensions of time to perform. All other materials and/or substantive interpretations, waivers, or amendments shall require the collective consideration, action and written consent of the governing board of the City.

19. **No Third Party Beneficiaries.** There are no third party beneficiaries of this Agreement.

20. **Waiver of Damages.** Each party hereby waives any claim for monetary damages for breach or default hereunder.

NOW THEREFORE, the Parties have executed this Negotiation Agreement as of the date and year first set forth above.

CITY:

CITY OF GARDEN GROVE,
a municipal corporation

By: _____
City Manager

APPROVED AS TO FORM:

Stradling Yocca Carlson & Rauth PC
Special Counsel to City

DEVELOPER:

NEW AGE GARDEN GROVE, LLC,
a California limited liability company

By: _____
Its: _____

EXHIBIT A
MAP OF THE SITE

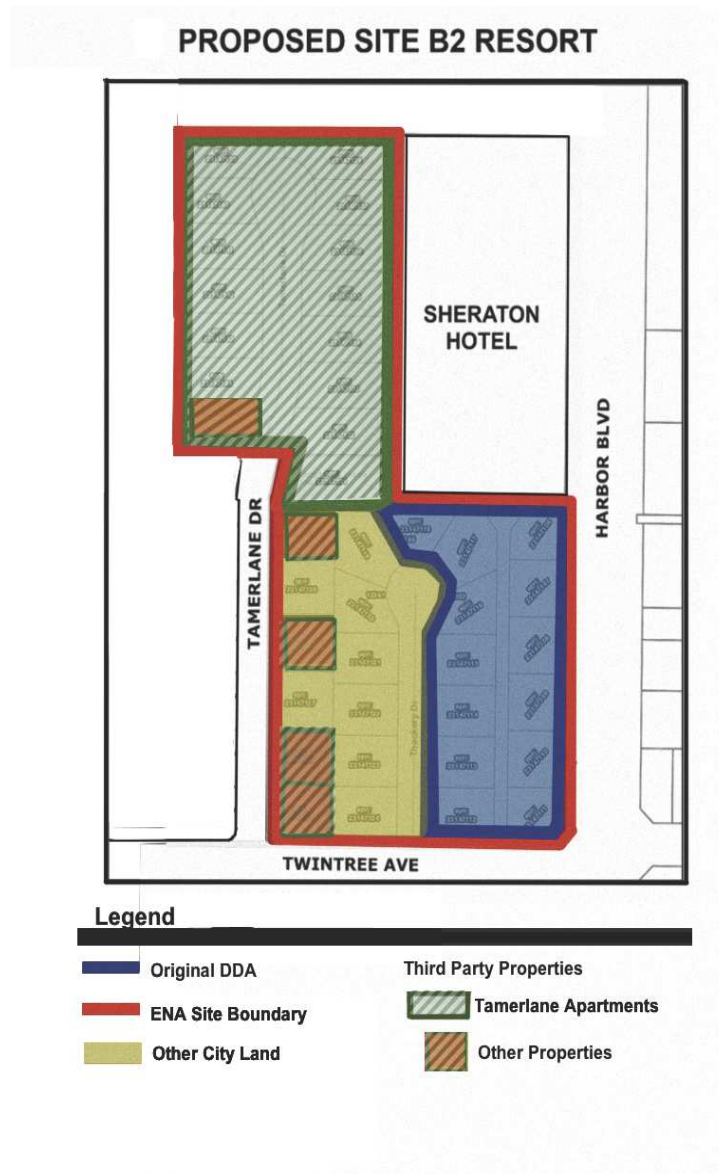


EXHIBIT B

Second Revised Deal Point Memorandum Nickelodeon Hotel and Resort Development (Site B-2 and Adjacent Properties)

This Second Revised Deal Point Memorandum is intended as a basis for future negotiations by the Parties of the terms of a City DDA (defined below). No agreement, including the City DDA, can be effective against the City without approval by the City Council, and therefore the proposed terms set forth in this letter are subject to approval by the City Council.

A. Background.

1. The Existing DDA and the DDA Property. The Successor Agency to the Garden Grove Agency for Community Development (as successor in interest to the Garden Grove Agency for Community Development) (“Successor Agency”) and New Age Garden Grove, LLC (as successor in interest to Palm Court Lodging) (“Developer”) entered into a Disposition and Development Agreement in 2001 (the “Agency DDA”) pursuant to which Developer was to develop, among other things, a hotel on the 2.5 acre site shown on the Site Map attached hereto as Exhibit A and incorporated herein by reference as the “Agency Property.”

2. Expanded Project Proposal. The Developer has proposed that the hotel be expanded to a 560 room Nickelodeon themed resort hotel or AAA Four Diamond Hotel, as described in Recital D of the Second Amended and Restated Exclusive Negotiation Agreement to which this Exhibit B is attached (the “Conforming Hotel”). The Conforming Hotel would be developed on a 9.08 acre Site that includes the City Property, the Agency Property, the Third Party Property, all as shown on the Site Map (collectively, the “Site”). Development and operation of the Conforming Hotel will occur through the implementation of the Agency DDA and the City DDA. Capitalized terms not defined herein shall have the meaning set forth in the Second Amended and Restated Agreement to which the Second Revised Transaction Memorandum is attached.

B. Public Benefit.

During the Covenant Consideration Period, as described in E.2(b), if the Conforming Hotel is constructed and operated in accordance with the City DDA, it is projected that the City will receive combined TOT, net new property taxes, and new sales tax in the aggregate amount of \$2,500,000 per year for a net present value amount of \$24,000,000 at a 8% discount rate for a period of twenty (20) years.

C. Property Acquisition.

A portion of the Site, the Agency Property, is subject to the Agency DDA. The Parties intend to implement the Agency DDA by the conveyance by the Successor Agency to the Developer of the Agency Property. The components of the Site and the estimated costs of acquiring the Site are described in the following table:

Item	Estimated Costs (000,000)	Description
Third Party Properties	\$ 6.80	Total first trust deeds
	2.35	Management Fee
	4.40	HUD Repayment – Home Funds
Other Properties	1.00	Estimated Purchase Price
Agency Property	0.00	Original DDA obligation to convey Successor Agency Property
Miscellaneous costs	<u>3.45</u>	Relocation (estimated)
Total	\$ 18.00	

D. Economic Assistance Agreement/Operating Covenant.

To accomplish the acquisition of the Third Party Property, the conveyance of the City Property to the Developer, and the payment of the assistance requested by the Developer in connection with the Conforming Hotel, the Parties must negotiate and enter into a new Disposition and Development Agreement (the “City DDA”).

E. Prerequisites to Approval of City DDA.

The City must take certain actions prior to approving any City DDA, including the following:

1. Environmental Review. Compliance with California Environmental Quality Act (“CEQA”) and, if Section 108 loan proceeds are contributed, the National Environmental Policy Act (“NEPA”). Under NEPA, HUD will be required to clear the environmental evaluation for the Conforming Hotel. The environmental review process is expected to take from 6-12 months. Developer will pay all costs associated with the environmental review process.

2. Entitlements. Prior to or concurrently with approval of the City DDA, the City must consider, and acting in its sole and absolute discretion, approve land use entitlements for the Conforming Hotel.

3. Relocation Plan. The Conforming Hotel is expected to result in relocation of households from the Third Party Property. This will require a relocation plan to be prepared, made available for public review and comment for at least 30 days prior to approval of the City DDA. This process is expected to take approximately 3 months. Developer will pay all costs associated with the preparation of a relocation plan.

4. Housing Replacing Plan. The City will prepare and process for approval a housing replacement plan.

F. Terms of City DDA.

The Parties propose the City DDA will include the following terms:

1. Acquisition and Relocation. It is anticipated that following execution of the City DDA and prior to closing, Developer will provide approximately \$13 million dollars, (i) to fund third party costs incurred by the City in connection with the acquisition and relocation efforts to acquire

the Third Party Property, and (ii) to relocate displaced persons. Any properties acquired with funds provided by the Developer shall be the property of the Developer.

2. City Economic Assistance.

(a) Concurrently with the closing of the escrows for the conveyance of the City Property, to the Developer, the Successor Agency's conveyance of the Agency Property to the Developer, and the issuance of building permits for the Conforming Hotel, the following shall occur:

(1) Subject to HUD approval, the City will provide the amount of \$5 million from Section 108 Funds to pay or reimburse the Developer for part of the acquisition costs for the Tamerlane Apartments.

(2) Building permits will be issued for the Project and, in connection therewith, the City will provide Developer with a waiver of specified development fees imposed by the City for the benefit of City pursuant to a development agreement not to exceed \$5.6 million.

(b) The City will pay to Developer annually an amount equal to 70% of the transient occupancy tax generated by the Project for a period of the lesser of (i) 20 years, or (ii) repayment of the to-be-determined gap amount (the "Covenant Consideration Period").

3. Development of the Project; Operating Covenant. Developer will construct a Conforming Hotel on the Site and operate same for a period of not less than 25 years (the "Operating Period").

4. Developer Right to Terminate Agreement prior to Closing. If, at any time prior to the closing, the Project, in Developer's discretion, becomes unfinancable or otherwise infeasible, then Developer may immediately cease to provide funds for the acquisition of the Third Party Property and terminate the City DDA, thereby terminating any further rights and obligations of either party to the other with respect to the City DDA.

5. Conditions to Closing. Among other things, the City DDA will include the following conditions precedent to the closing, among others determined to be appropriate by the Parties:

- (a) Acquisition of the Third Party Property;
- (b) City approval of hotel operator and franchise agreement/franchisor.
- (c) City approval of evidence of Developer's construction financing;
- (d) City approval of Conforming Hotel design; Land Use Approvals; Building Permits to issue at Closing;
- (e) Evidence of insurance required by the City DDA;
- (f) Completion guaranty. .

6. Construction of the Improvements. Developer will construct the Project at Developer's own cost and expense.

(a) Developer will comply with and defend and indemnify City with respect to the Parties' Developer obligation to comply with the prevailing wage statutes.

(b) A Scope of Development approved by both Parties will be attached to the City DDA. The City will have the right to review and approve the Conforming Hotel design elements, in addition to the standard City land use and permitting process to, among other things, insure that it is a Conforming Hotel.

(c) The Parties will agree to a reasonable Schedule of Performance, to be attached to the City DDA.

(d) Developer must secure debt and financing for 100% of the estimated construction cost as a condition precedent to the Closing.

7. Covenants. In addition to the 25 year Operating Covenant, the following covenants will be recorded against the Site at Closing:

(a) Maintenance and nondiscrimination covenants;

(b) Typical restrictions on the transfer of the Site the Agreement and/or the Conforming Hotel will be included in the City DDA;

(c) The Parties will negotiate the City's right to use specified hotel or resort facilities a specified number of days per year for City or community events, at no cost for the use of the facility.

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: 4/24/2018
 from the meeting held on
 April 10, 2018. (*Action Item*)

Attached are the minutes from the meeting held on April 10, 2018, recommended to be received and filed as submitted or amended.

ATTACHMENTS:

Description	Upload Date	Type	File Name
Minutes	4/19/2018	Minutes	April_10__2018.pdf

MINUTES

GARDEN GROVE CITY COUNCIL

Regular Meeting

Tuesday, April 10, 2018

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

CONVENE STUDY SESSION

At 5:45 p.m., Mayor Jones convened the meeting in the Butterfield Room.

ROLL CALL PRESENT: (6) Mayor Jones, Council Members Beard,
O'Neill, Bui, Klopfenstein, K. Nguyen

ABSENT: (1) Council Member T. Nguyen was absent at
Roll Call, but joined the meeting at 5:47
p.m.

ORAL COMMUNICATIONS FOR STUDY SESSION

Speakers: Mark McGee

OVERVIEW OF THE PROPOSED COMMERCIAL ORGANIC WASTE RECYCLING RATES

Following introductory comments from staff, representatives from HF&H Consultants, LLC, provided a PowerPoint presentation on information regarding State mandates on timelines for food waste and organics disposal.

ADJOURNMENT OF THE STUDY SESSION

At 6:20 p.m., Mayor Jones adjourned the Study Session.

CONVENE MEETING

At 6:31 p.m., Mayor Jones convened the meeting in the Council Chamber with all Council Members present.

INVOCATION

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

COMMUNITY SPOTLIGHT IN RECOGNITION OF SISTER BRID O'SHEA FOR RECEIVING THE PRESTIGIOUS TITLE OF GARDEN GROVE CITIZEN OF THE YEAR FROM THE CYPRESS COLLEGE 2018 AMERICANA AWARDS

ORAL COMMUNICATIONS

Speakers: Roxanne Klabb, Debra Ashby, Thomas Raber, Ann Newsome, and a member of the public.

RECESS

At 6:54 p.m., Mayor Jones recessed the meeting.

RECONVENE

At 6:56 p.m., Mayor Jones reconvened the meeting in the Council Chamber with all Council Members present.

ADOPTION OF A RESOLUTION RECOGNIZING SISTER BRID O'SHEA, 2018 GARDEN GROVE CITIZEN OF THE YEAR

It was moved by Mayor Jones, seconded by Council Member K. Nguyen that:

A Resolution commending the achievements of Sister Brid O'Shea and her meritorious recognition as the recipient of the Cypress College 2018 Americana Awards' Garden Grove Citizen of the Year, 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

ADOPTION OF A PROCLAMATION DECLARING APRIL 2018 AS AUTISM AWARENESS MONTH

It was moved by Mayor Jones, seconded by Council Member K. Nguyen that:

A Proclamation declaring April 2018 as Autism Awareness Month in Garden Grove, 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

ADOPTION OF A PROCLAMATION DECLARING APRIL 2018 AS DMV/DONATE LIFE CALIFORNIA MONTH

This item was considered later in the meeting.

ADOPTION OF A RESOLUTION SUPPORTING SENATE BILL 895 TO CREATE STATEWIDE SCHOOL CURRICULUM ON THE VIETNAMESE-AMERICAN REFUGEE EXPERIENCE

It was moved by Mayor Jones, seconded by Council Member K. Nguyen that:

Resolution No. 9483-18 entitled: A Resolution of the City Council of the City of Garden Grove supporting Senate Bill 895 to create school curriculum on the Vietnamese American refugee experience, 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

ADOPTION OF A RESOLUTION IN SUPPORT OF REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2018

This item was considered later in the meeting

APPROVAL OF TRAVEL AND RELATED EXPENSES FOR THREE CITY COUNCIL MEMBERS TO ATTEND THE INTERNATIONAL COUNCIL OF SHOPPING CENTERS (ICSC) 2018 RECON CONFERENCE IN LAS VEGAS, NEVADA FROM MAY 21, THROUGH MAY 23, 2018

It was moved by Mayor Jones, seconded by Council Member K. Nguyen that:

Travel and related expenses for three City Council Members to travel to Las Vegas, Nevada on May 21, through May 23, 2018, to attend ICSC RECon Convention 2018, be authorized; and

Staff be directed to prepare a report for the City Council on the outcome by the City Administration.

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 OF ADDENDUM NO. 3 TO THE AGREEMENT WITH LFA TO CONDUCT A TWO-DAY MUSIC FESTIVAL AT VILLAGE GREEN PARK THE WEEKEND OF APRIL 6 THROUGH APRIL 7, 2019

It was moved by Mayor Jones, seconded by Council Member K. Nguyen that:

Addendum No. 3 to the agreement with LFA Group, LLC, to conduct the 2019 Music Festival at Village Green Park, beginning Saturday, April 6 through Sunday, April 7, 2019, be approved; and

The City Manager be authorized to make minor modifications to and sign Addendum No. 3 on behalf of the City.

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 AN INCREASE OF THE PURCHASE ORDER WITH SC FUELS FOR FUELING CITY VEHICLES

It was moved by Mayor Jones, seconded by Council Member K. Nguyen that:

The Finance Director be authorized to increase the amount of the purchase order with SC Fuels in the amount of \$100,000 for the purchase of city vehicle fuel.

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 OF AN AGREEMENT WITH THE CITY OF SANTA ANA TO EXPLORE THE REDEVELOPMENT OF THE WILLOWICK GOLF COURSE

It was moved by Mayor Jones, seconded by Council Member K. Nguyen that:

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

It was moved by Mayor Jones, seconded by Council Member K. Nguyen that:

Regular Warrants 636738 through 636945; 636946 through 637213; 637214 through 637378; Direct Deposits W636945 through W637212; Wires W2131, W2132 through W2140, 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

Payroll Warrants 182140 through 182174; Direct Deposits D327668 through D328494; Wires W2458 through W2461; 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.

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 PROCLAMATION DECLARING APRIL 2018 AS DMV/DONATE LIFE CALIFORNIA MONTH

Following presentation of the Proclamation to Timothy Jones, a heart transplant recipient, it was moved by Mayor Jones, seconded by Council Member Bui that:

A Proclamation declaring April 2018 as DMV/Donate Life California Month, 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

ADOPTION OF A RESOLUTION IN SUPPORT OF THE REDUCING CRIME AND KEEPING CALIFORNIA SAFE ACT OF 2018

Following comments by Mayor Jones expressing support, it was moved by Mayor Jones, seconded by K. Nguyen that:

Resolution No. 9484-18 entitled: A Resolution of the City Council of the City of Garden Grove supporting the Reducing Crime and Keeping California Safe Act of 2018, 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

PUBLIC HEARING – APPROVAL OF FISCAL YEAR 2018-19 ACTION PLAN FOR THE USE OF HOUSING AND URBAN DEVELOPMENT FUNDS

Following staff presentation, and City Council discussion, Mayor Jones declared the Public Hearing open and asked if anyone wished to address the City Council.

Speakers: Holly Hagler

There being no further response from the audience, the Public Hearing was declared closed.

It was moved by Council Member K. Nguyen, seconded by Council Member Klopfenstein that:

Fiscal Year 2018-19 Action Plan for the use of U.S. Department of Housing and Urban Development Funds be approved;

Transmittal of the 2018-19 Action Plan to the U.S. Department of Housing and Urban Development be authorized; and

The City Manager be authorized to negotiate and execute related documents and agreements on behalf of the City, with some project specific agreements that may be brought back to the City Council for approval.

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 TO APPROVE GRANTING ANOTHER DESIGNATED PERIOD FOR TWO YEARS ADDITIONAL SERVICE CREDIT FOR ELIGIBLE EMPLOYEES

Following staff presentation, it was moved by Mayor Jones, seconded by Council Member T. Nguyen that:

Resolution No. 9485-18 entitled: A Resolution of the City Council of the City of Garden Grove, to grant another designated period for two years additional service credit, be adopted; 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

APPROPRIATE FUNDING AND AWARD A CONTRACT TO WATCHGUARD, INC., FOR IN-CAR VIDEO AND BODY WORN CAMERA HARDWARE AND RELATED COMPONENTS FOR THE POLICE DEPARTMENT

Following staff presentation and City Council discussion, it was moved by Council Member Klopfenstein, seconded by Council Member Beard that:

A contract be awarded to WatchGuard, Inc., to provide, install, and maintain an in-car video system for body worn camera hardware and related components in the amount of \$676,233.43;

That \$100,000 from the Risk Management Fund (Fund 789), \$58,000 from the SLESF Fund (Fund 226) to the Fiscal Year 2017-18 Budget and \$158,000 from the SLESF Fund (Fund 226) to the Fiscal Year 2018-19 Budget, be appropriated; and

The City Manager or his designee be authorized to sign the agreement on behalf of the City.

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

CONSIDERATION OF COLOR SCHEME OPTIONS FOR ADVERTISING BUS BENCHES AND BUS SHELTERS AS REQUESTED BY THE CITY COUNCIL

(F: 55-Focus Media Group)(XR: 36.1A)

It was moved by Council Member O'Neill, seconded by Council Member Beard that:

The blue color scheme as presented for all advertising bus benches and bus shelters, be approved.

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 Bui encouraged people to find out if their personal information has been compromised on their Facebook accounts, noting that Facebook has created a Help Center link. He also asked the City Manager to direct Information Technology to troubleshoot the touchscreen voting delays and report back at the next City Council meeting.

Council Member T. Nguyen noted that she attended a leadership training hosted by the Asian Pacific Islander Caucus that is open to community leaders who are interested in civic engagement. She expressed gratitude to Mayor Jones and Lisa Kim, Community and Economic Development Director, who volunteered to serve as panelists at the API training. She also thanked Council Member K. Nguyen for serving as a panelist as well; and Lan Nguyen from the Garden Grove Unified School District Board for serving on the Education panel for the API training.

Council Member O'Neill acknowledged Sister Brid O'Shea for receiving the Cypress College Americana Award and expressed appreciation for Sister O'Shea's humility and dedication to God and her community. He noted that the Council Members are each wearing a piece of the puzzle pin to honor Autism Awareness Month and commented on the progress with recognizing and understanding Autism. He stated that he is happy that Ms. Klabb, a representative from the Carpenters Union, spoke tonight, noting that the apprentice programs are beneficial to young people who want to work in the trades. Lastly, in honor of DMV/Donate Life California, he encouraged people to be an organ donor.

Council Member Beard wished Council Member Bui a Happy Birthday. He requested that the City Council consider designating the western portion of Garden Grove, West Grove, similarly to other designated areas such as the Korean Business District, Little Saigon, and Historic Main Street, for recognizing and memorializing contributions of the west side of the city, and to further commercial development, as well as promoting community pride.

It was moved by Council Member Beard, seconded by Council Member O'Neill that:

A Resolution designating the western portion of Garden Grove as West Grove be put on the next City Council agenda for consideration.

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

City Manager Stiles commented that there was news media coverage on a small explosion that had occurred at a small manufacturing facility, noting that no one had been injured, and he thanked the Fire Department and Code Enforcement staff for doing their job at keeping the community safe.

Mayor Jones suggested that the May 22, 2018, City Council meeting be cancelled due to the International Conference of Shopping Centers (ICSC) that three of the seven Council Members will be attending as approved earlier in the meeting.

It was moved by Mayor Jones, seconded by Council Member Klopfenstein that the May 22, 2018, City Council meeting be cancelled.

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

Lastly, Mayor Jones stated that he will be adjourning tonight's meeting in memory of Dr. William Grant who passed away on March 12, 2018. Dr. Grant and his wife founded the Community Veterinary Hospital, Animal Friends Pet Hotel and Grooming, and Animal Discount Clinic in Garden Grove.

RECESS

At 7:50 p.m. Mayor Jones declared a recess.

CONVENE CLOSED SESSION

At 8:15 p.m., Mayor Jones announced that the City Council would be convening Closed Session in the Founders Room to discuss the following matters:

Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1): Albuquerque v. City of Garden Grove, et. al., OCSC Case No. 30-2017-00904879

Conference with Legal Counsel – Existing Litigation
Pursuant to Government Code Section 54956.9(d)(1): Manzo v. City of Garden
Grove, OCSC Case No. 30-2017-00945383

ORAL COMMUNICATIONS ON CLOSED SESSION MATTERS

Speakers: None

ADJOURN CLOSED SESSION

At 8:17 p.m., Mayor Jones adjourned Closed Session.

RECONVENE MEETING

At 8:18 p.m., Mayor Jones reconvened the meeting in the Council Chamber with all
City Council Members present.

City Attorney Sandoval announced that there was nothing to report on the Closed
Session matters.

ADJOURNMENT

At 8:19 p.m., Mayor Jones adjourned the meeting in memory of Dr. William Grant.
The next Regular City Council Meeting will be held on Tuesday, April 24, 2018, 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. (<i>Action Item</i>)	Date:	4/24/2018

Attached are the warrants recommended for approval.

ATTACHMENTS:

Description	Upload Date	Type	File Name
Warrants	4/19/2018	Warrants	CC_Warrants_4-24-18.pdf

182140	KIRSTEN K NAKAISHI	(VOID)	-108.53	182168	AUSTIN C LAVERTY	(VOID)	-2516.61
182175	ERVIN DUBRUL		301.65	182176	AUSTIN C LAVERTY		2516.61
182177	JUDITH A MOORE		2023.84	182178	DIANE BELAIR		1644.96
182179	JO ANNE M CHUNG		2311.34	182180	THOMAS E BUTTERS		2696.95
182181	CHRIS M VERES		2358.02	182182	WILLIAM J ENGELS		646.98
182183	ROBERT R MOUNGEY		541.76	182184	MICHAEL F ROCHA		1905.18
182185	KEVIN L RAY		736.00	182186	RAYMOND A BUCHLER		631.88
182187	PAUL S BUTTERFIELD		656.88	182188	DANIEL C MOSS		1285.50
182189	YUKIYOSHI NAKAGAWA		1506.85	182190	FRANK X DE LA ROSA		2325.21
182191	ERVIN DUBRUL		2636.89	182192	IMMANUEL M CALDONA		425.81
182193	RACHAEL M CHOATE		205.36	182194	DEANNA M CHUMACERO		750.20
182195	STEVEN E GOMEZ		330.39	182196	EMERIE R HERRERA		117.64
182197	ELI C KARIM		90.96	182198	EMILY PATINO MARQUEZ		227.58
182199	SHADY S PUAILOA		101.06	182200	ROSS L LAIRD III		1071.13
182201	ALBERT R LECO JR		1925.64	182202	AUSTIN C LAVERTY		2614.81
182203	EUN WHA LEE		362.34	182204	TIMOTHY M SUTTON		958.36
182205	O.C.E.A. GENERAL		2392.09	182206	O.C.E.A.		1318.85
182207	COMMUNITY HEALTH CHARITI	(VOID)	50.00	182208	GARDEN GROVE POLICE ASSO		1530.00
D328194	ERIC THORSON		-822.63	D328493	KRIS C BEARD		447.91
D328494	CAROL E BECKLES		49.27	D328495	PHAT T BUI		202.07
D328496	STEVEN R JONES		277.40	D328497	STEPHANIE L KLOPFENSTEIN		300.83
D328498	DIEDRE THU HA NGUYEN		410.48	D328499	KIM B NGUYEN		412.27
D328500	JOHN R O'NEILL		444.79	D328501	PAMELA M HADDAD		1615.46
D328502	SHAWN S PARK		1903.64	D328503	SCOTT C STILES		6296.52
D328504	MARIA A STIPE		5016.84	D328505	MEENA YOO		1989.96
D328506	DENISE KEHN		2164.24	D328507	MARITZA PIZARRO		1630.36
D328508	TERESA L POMEROY		2738.10	D328509	LIZABETH C VASQUEZ		1802.20
D328510	SHAUNA J CARRENO		2011.98	D328511	TERESA G CASEY		1464.75
D328512	VIRGINIA DELGADO		1592.20	D328513	DANNY HUYNH		3413.28
D328514	VILMA C KLOESS		1834.57	D328515	IVY LE		1805.28
D328516	TAMMY LE		1298.54	D328517	LINDA MIDDENDORF		2552.09
D328518	ROSALINDA MOORE		1374.47	D328519	MARIA A NAVARRO		2164.16
D328520	PHUONG VIEN T NGUYEN		2478.14	D328521	QUANG NGUYEN		2309.71
D328522	TINA T NGUYEN		2187.44	D328523	THYANA T PHI		2243.49
D328524	MARIA RAMOS		2131.31	D328525	TANYA L TO		1478.85
D328526	CUONG K TRAN		1968.87	D328527	ELAINE TRUONG		1358.29
D328528	THANH-NGUYEN VO		1720.88	D328529	SYLVIA GARCIA		2026.36
D328530	KINGSLEY C OKEREKE		4982.99	D328531	KAREN M HARRIS		2500.56
D328532	ANN C EIFERT		2028.60	D328533	CHRISTI C MENDOZA		613.48
D328534	HEIDI M JANZ		2605.13	D328535	DEBORAH A POWELL		1686.34
D328536	MARGARITA A ABOLA		1772.21	D328537	MARISA ATIN RAMOS		1112.09
D328538	ELLIS EUN ROK CHANG		2607.82	D328539	JANET J CHUNG		1931.22
D328540	RHONDA C KAWELL		2458.32	D328541	ROBERT W MAY		1345.67
D328542	SHAWNA A MCDONOUGH		1508.07	D328543	HEIDY Y MUNOZ		2032.85
D328544	ALEXANDER TRINIDAD		2520.58	D328545	LIGIA ANDREI		1422.30
D328546	ARIANA B BAUTISTA		1465.80	D328547	KAREN J BROWN		698.10
D328548	CORINNE L HOFFMAN		2335.54	D328549	JEFF N KURAMOTO		2281.03
D328550	CHELSEA E LUKAS		1471.87	D328551	EDWARD E MARVIN JR		1724.78

**** PAGE TOTAL = 147973.30

D328552	ANGELA M MENDEZ	1743.17	D328553	MONICA A NEELY	3393.95
D328554	JENNIFER L PETERSON	1823.93	D328555	ANH PHAM	1672.74
D328556	EVA RAMIREZ	1675.44	D328557	JAIIME F CHAVEZ	1519.79
D328558	GARY F HERNANDEZ	1545.32	D328559	NEAL M MANALANSAN	1508.45
D328560	DANIEL J SANCHEZ	1462.83	D328561	SANDRA E SEGAWA	3249.00
D328562	ALANA R CHENG	2812.99	D328563	LISA L KIM	4261.58
D328564	JAYME K AHLO	2352.18	D328565	MICHAEL G AUSTIN	2464.77
D328566	DAVID A DENT	3651.26	D328567	TODD C HARTWIG	2366.60
D328568	AARON J HODSON	1983.88	D328569	DONALD E LUCAS	2686.77
D328570	GUADALUPE E MERCADO	1665.02	D328571	SVETLANA MOURE	2077.75
D328572	PHU T NGUYEN	3209.09	D328573	LORENA J QUILLA-SOULES	2282.30
D328574	CHRISTOPHER CHUNG	2563.90	D328575	PAUL GUERRERO	2576.75
D328576	LEE W MARINO	3589.48	D328577	MARIA L MEDRANO	1993.70
D328578	MARIA C PARRA	2619.95	D328579	ERIN WEBB	3240.72
D328580	GREG BLODGETT	2770.80	D328581	MONICA COVARRUBIAS	2596.84
D328582	GRACE E LEE	2211.99	D328583	AMEENAH ABU-HAMDIYYAH	1704.68
D328584	JULIE A ASHLEIGH	1863.27	D328585	RITA M CRAMER	2402.45
D328586	RALPH V HERNANDEZ	2151.62	D328587	ROY N ROBBINS	2257.42
D328588	ALLISON D WILSON	1936.47	D328589	MICHAEL C BOS	1846.33
D328590	DANIEL J CANDELARIA	4117.51	D328591	VINCENT L DE LA ROSA	1628.55
D328592	KAMYAR DIBAJ	1019.47	D328593	ALICIA M HOFER	2702.26
D328594	NICOLAS C HSIEH	2682.83	D328595	ROSEMARIE JACOT	1846.33
D328596	SHAN L LEWIS	2250.31	D328597	NAVIN B MARU	1888.69
D328598	JUAN C NAVARRO	2040.56	D328599	MICHAEL F SANTOS	3377.17
D328600	MARK P UPHUS	3873.04	D328601	JOSE A VASQUEZ	2230.03
D328602	ANA G VERGARA NEAL	2184.26	D328603	DAI C VU	2218.15
D328604	KHANG L VU	2891.48	D328605	JOSHUA J ARIONUS	3563.57
D328606	JAN BERGER	1921.70	D328607	ROBERT P BERMUDEZ	2105.80
D328608	TIM P CANNON	3143.00	D328609	MYUNG J CHUN	3802.17
D328610	CARINA M DAN	495.31	D328611	JUSTIN E DAVENPORT	2965.97
D328612	RYAN H DAVIS	1288.74	D328613	RONALD W DIEMERT	1244.41
D328614	CHRIS N ESCOBAR	2381.51	D328615	JASON A FERTAL	1824.29
D328616	ALEXANDER L GERRY	1232.98	D328617	ALEJANDRO GONZALEZ	1399.32
D328618	MICHAEL J GRAY	970.86	D328619	LARRY GRIFFIN	4968.12
D328620	ROBERT A HAENDIGES	2433.48	D328621	RYAN S HART	2146.59
D328622	ROBERT M HIGGINBOTHAM	1265.80	D328623	EDWARD A HUY	1604.41
D328624	VIDAL JIMENEZ	3855.99	D328625	SAMUEL K KIM	2266.76
D328626	BRENDA L LAI	487.39	D328627	REBECCA PIK KWAN LI	3809.79
D328628	SCOTT T LOWE	2698.90	D328629	DAVID MA'AE	3171.27
D328630	TYLER MEISLAHN	1826.42	D328631	JESSE K MONTGOMERY	1466.92
D328632	STEVEN J MOYA JR	1929.74	D328633	BASIL G MURAD	2175.08
D328634	KIRK L NATLAND	440.65	D328635	DUC TRUNG NGUYEN	2175.52
D328636	CORNELIU NICOLAE	2368.86	D328637	ANDREW I ORNELAS	1919.78
D328638	DAVID A ORTEGA	2395.32	D328639	CELESTINO J PASILLAS	1545.15
D328640	WILLIAM F PEARSON	2956.78	D328641	LES A RUITENSCHILD	2457.28
D328642	JONATHAN RUIZ	2113.71	D328643	MODESTO R SALDANA	3460.66
D328644	ALEXIS SANTOS	1015.91	D328645	ADRIAN M SARMIENTO	1879.93
D328646	ALBERT TALAMANTES JR	1946.27	D328647	MINH K TRAN	2571.09

*** PAGE TOTAL = 220560.84

D328648	ALEJANDRO VALENZUELA JR	1227.24	D328649	ALEJANDRO N VALENZUELA	2087.31
D328650	KATHLEEN N VICTORIA	794.57	D328651	RONALD J WOLLAND	1592.86
D328652	VICTOR K YERGENSEN	2420.39	D328653	ALICE K FREGOSO	1811.54
D328654	RAQUEL K MANSON	2466.75	D328655	CAROLYN E MELANSON	1550.08
D328656	WILLIAM E MURRAY JR	5962.99	D328657	EMILY H TRIMBLE	1526.86
D328658	ALFRED J AGUIRRE	2528.92	D328659	RODOLPHO M BECERRA	1717.11
D328660	HELEN L CAMDEN	745.18	D328661	EDGAR A CANO	1225.39
D328662	ALBERT J CARRISOZA	1515.04	D328663	MARRAY R CHAPMAN	177.44
D328664	GABRIELA R CONTRERAS	2018.61	D328665	JULIE T COTTON	867.25
D328666	DANIEL A DEL ROSARIO	613.13	D328667	ERIC M ESPINOZA	1310.25
D328668	HECTOR M ESPINOZA	1501.00	D328669	ROBERT J FRANCO	680.82
D328670	GLORIA GAW	2066.53	D328671	RICHARD R GOSSELIN	3097.80
D328672	HERMILO HERNANDEZ	1590.95	D328673	DONALD A HORNE JR	1100.50
D328674	DARNELL D JERRY	742.88	D328675	BRENT KAYLOR	2100.45
D328676	MARK W LADNEY	2261.16	D328677	RAUL LEYVA	1586.00
D328678	ANTONIO R MARTIN	2105.98	D328679	DIEGO A MEJIA	1515.78
D328680	KEVIN E MEJIA	610.88	D328681	RIGOBERTO MENDEZ	1907.76
D328682	JON A MIHAILA	248.00	D328683	STEVEN T ORTIZ	1690.13
D328684	RICHARD L PINKSTON	1972.88	D328685	BRADLEY J POINDEXTER	584.54
D328686	STEVE J TAUANU'U	1967.64	D328687	SUSAN VITALI	805.62
D328688	STEPHANIE A WASINGER	410.04	D328689	IOAN ANDREI	636.79
D328690	JEFFREY G CANTRELL	1871.81	D328691	THOMAS C COUNTS	2056.33
D328692	JAMES CUNNINGHAM	2053.79	D328693	EARNEST L DOMINGUEZ	829.28
D328694	JULIA ESPINOZA	1121.32	D328695	ALBERT R EURS II	2098.14
D328696	CECELIA A FERNANDEZ	1129.80	D328697	CONRAD A FERNANDEZ	945.12
D328698	DIANA GOMEZ	625.03	D328699	JORGE GONZALEZ	1083.99
D328700	MICHAEL R GREENE	1952.40	D328701	RONALD D GUSMAN	865.79
D328702	GLORIA A HARO	1152.50	D328703	ERIC W JOHNSON	1000.39
D328704	URIEL MACIAS	818.17	D328705	LUIS Y MENDOZA AGUILAR	936.29
D328706	KHUONG NGUYEN	1142.63	D328707	ALEJANDRO ORNELAS	902.73
D328708	WILLIAM R PICKRELL	2561.43	D328709	DELFRADO C REYES	1142.64
D328710	RAFAEL ROBLES	1212.14	D328711	ADRIANNA M RODRIGUEZ	689.92
D328712	JAVIER RODRIGUEZ	1043.38	D328713	RODERICK THURMAN	1556.35
D328714	EVARISTO VERA	1587.53	D328715	RICHARD L WILLIAMS	1668.76
D328716	ANSELMO AGUIRRE	1766.41	D328717	CHRISTOPHER L ALLEN	1935.70
D328718	PHILLIP J CARTER	2359.32	D328719	RICK L DUVAL	1735.35
D328720	AARON R HANSEN	1281.62	D328721	PATRICIA CLAIR HAYES	3375.97
D328722	HUY HOA HUYNH	1975.96	D328723	BRYAN D KWIATKOWSKI	1358.90
D328724	CHRISTOPHER B PRUDHOMME	1161.13	D328725	ROLANDO QUIROZ	1530.08
D328726	TODD R REED	1973.87	D328727	ESTEBAN H RODRIGUEZ	1453.06
D328728	LUIS A TAPIA	2252.34	D328729	MICHAEL W THOMPSON	4224.36
D328730	WILLIAM J WHITE	2012.68	D328731	JESSE GUZMAN	2069.21
D328732	BRETT A MEISLAHN	2147.96	D328733	MARK E MONSON	2275.67
D328734	AUSTIN H POWELL	1716.98	D328735	MELVIN P REED	1399.16
D328736	STEPHEN D SUDDUTH	1727.51	D328737	TIMOTHY WALLINGFORD	3968.33
D328738	HILLARD J WILLIAMS	623.38	D328739	SOUHELIA K GOUNTOUNA	1556.74
D328740	ALBERT J HOLMON III	3207.30	D328741	VICTOR T BLAS	2955.09
D328742	JEREMY J GLENN	1375.15	D328743	JOSE GOMEZ	1884.81

**** PAGE TOTAL = 156694.74

D328744	BRENT W HAYES	2761.65	D328745	FRANK D HOWENSTEIN	2215.61
D328746	ALLEN G KIRZHNER	1961.25	D328747	BRANDON S NUNES	1130.35
D328748	STEPHEN PORRAS	2561.02	D328749	JESSE VIRAMONTES	1500.20
D328750	JOHN ZAVALA	2000.67	D328751	VERONICA AVILA	1696.94
D328752	JEFFREY P DAVIS	2128.39	D328753	NOELLE N KIM	1643.17
D328754	MISSY M MENDOZA	536.80	D328755	MARIE L MORAN	2410.40
D328756	ANA E PULIDO	3488.47	D328757	KRISTY H THAI	2139.18
D328758	KYLAN C ACOSTA	237.51	D328759	KAETLYN L AGATEP	85.90
D328760	EDWARD D AMBRIZ GARCIA	473.11	D328761	STEPHANIE AMBRIZ	298.62
D328762	GABRIELLA E BALANDRAN	195.79	D328763	VALERIA J BARON	407.35
D328764	JOSUE BARREIRO MENDOZA	660.45	D328765	NICHOLAS J BARRETT	83.04
D328766	ALEXIS R BAUTISTA-MOYANO	241.20	D328767	RACHEL M CAMARENA	1807.36
D328768	RENE CAMARENA	1750.34	D328769	MARTI CARROLL	1624.44
D328770	VICTORIA M CASILLAS	1734.35	D328771	MAXINE M COLTER	672.69
D328772	AMANDA D CROSS	1129.06	D328773	GISELL L CRUZ	323.40
D328774	KENNETH E CUMMINGS	788.26	D328775	GABRIELA DIAZ	400.61
D328776	GRISSELL V EVERASTICO	369.00	D328777	JARED D GARCIA	245.74
D328778	VANESSA L GARCIA	115.40	D328779	JACOB R GRANT	2831.07
D328780	CAROLINA HONSTAIN	176.97	D328781	KELLY L HOWENSTEIN	341.43
D328782	ANA C IZQUIERDO	672.86	D328783	MARITZA JIMENEZ	90.96
D328784	ISABELLA H KUBES	200.33	D328785	MARISSA D LOPEZ	247.33
D328786	STEPHANIA LUNA	485.74	D328787	ELAINE M MA'AE	2308.59
D328788	JESUS MEDINA	3847.45	D328789	JUAN MEDINA	1956.71
D328790	NICHOLAS M MEDINA	1.77	D328791	JOHN A MONTANCHEZ	3981.55
D328792	BRIANNA M MOORE	1036.33	D328793	KIRSTEN K NAKAISHI	295.75
D328794	GINA D NECCO	452.25	D328795	JACOB J NEELY	540.06
D328796	NOEL N NICHOLAS	1232.52	D328797	JENNIFER GODDARD NYE	2873.06
D328798	GABRIELA O'CADIZ-HERNAND	2710.11	D328799	NANCY A OCAMPO	461.84
D328800	LORI OCHOA	1880.08	D328801	CHRISTIAN PANGAN	495.28
D328802	KERRY L PAXTON	451.97	D328803	JANET E PELAYO	2799.84
D328804	JESUS PEREZ	465.34	D328805	VICTORIA I PEREZ	675.01
D328806	JENAVIE QUINTERO	85.90	D328807	SUGEIRY REYNOSO	2370.20
D328808	CATIA J RIVERA	638.95	D328809	MARINA Y ROMERO	1593.69
D328810	MONICA K ROMO	199.77	D328811	TANYA ROSAS	267.82
D328812	DIANA SALDIVAR	309.29	D328813	RICARDO SALDIVAR	434.00
D328814	DANA MARIE SAUCEDO	2070.36	D328815	EMERON J SCHLUMBERGER	925.63
D328816	AUSTIN M ST MARSEILLE	268.43	D328817	MIRANDA M TORRES	177.63
D328818	KENNETH P TRAVIS III	313.30	D328819	CLAUDIA VALDIVIA	2760.34
D328820	JEFFREY VAN SICKLE	2064.65	D328821	DAISY O VENCES	344.01
D328822	JOSHUA VENCES	282.05	D328823	PAUL E VICTORIA	867.96
D328824	JACOB D VIRAMONTES	227.58	D328825	DAVID M WILMES	645.92
D328826	AMANDA M POLLOCK	1259.90	D328827	THOMAS R SCHULTZ	2795.42
D328828	TREVOR G SMOUSE	1865.56	D328829	ALBERTO ACOSTA	5810.41
D328830	ANTHONY R ACOSTA	1674.72	D328831	JOHN D BARANGER III	3684.93
D328832	LUCAS B BAUER	2354.71	D328833	BRADLEY D BELL	3479.13
D328834	JERRY R BRENNEMAN	6331.54	D328835	GUY BROWN	408.95
D328836	JOSE J CAMBEROS	3547.26	D328837	DANIEL L CLEARWATER	4306.08
D328838	YVES G CLERMONT	2693.30	D328839	JOE W CRAWFORD	3468.81

**** PAGE TOTAL = 135858.12

D328840	TIMOTHY A CRAWFORD	4229.26	D328841	JUSTIN D DOYLE	3691.99
D328842	MICHAEL G ECKHARDT JR	5973.21	D328843	DAVID W EDNOFF	7481.69
D328844	STEVE P FELLNER	5536.05	D328845	JAMES L GABHARD	4429.94
D328846	DREW R GARCIA	3786.56	D328847	JEFF W HANNA	4233.42
D328848	MATTHEW R HENSHAW	3488.83	D328849	MICHAEL L JACOBS	3116.42
D328850	WILLIAM R JAEGER	2668.89	D328851	JORDAN R JEMIOLO	4764.13
D328852	MATTHEW C KLEIBACKER	1864.43	D328853	SCOTT A KUHLMAN	5496.09
D328854	NICHOLAS A LERARIO	1753.60	D328855	COREY L LINDSAY	1494.03
D328856	NORMAN M LOVELY	4707.28	D328857	CHEYNE C MAULE	4166.35
D328858	TERRY A MCGOVERN JR	5374.22	D328859	SHANE D MELLEEM	234.98
D328860	TRAVIS M MELLEEM	4804.18	D328861	MARK A MICKELSEN	3205.68
D328862	SON L NGUYEN	3516.17	D328863	THANH Q NGUYEN	3074.89
D328864	FREDERICK N NIBLO	4150.44	D328865	BRENT C PARDOEN	2213.55
D328866	MICHAEL KURT RIETH	3665.28	D328867	WADE E RUHMAN	2780.62
D328868	DENNIS L RUZICKA	3202.05	D328869	DAVID C SANCHEZ	1963.58
D328870	TIMOTHY S SAWYER	3202.82	D328871	NICK R SCHAEFER	2043.10
D328872	SCOTT A SCHERER	4888.82	D328873	MORRIS B SPELL	4456.29
D328874	WILLIAM S STROHM	5204.40	D328875	JUSTIN D TRAYER	3620.74
D328876	CHRISTOPHER B TRENHOLM	3954.28	D328877	JUSTIN TRUHILL	3723.88
D328878	MARIO G VALDERRAMA	3301.23	D328879	DAVID S WALDSCHMIDT	1930.11
D328880	MARK S WEISS	3962.97	D328881	JOSEPH A WINGERT JR	6162.90
D328882	JASON R BLOMGREN	2780.78	D328883	MYLES A BURROUGHS	2493.45
D328884	DAVID M CARLSON	3319.31	D328885	PARKER W CARY	3599.41
D328886	JOSHUA A FELDMAN	4662.29	D328887	TIMOTHY D FISHER	3683.73
D328888	GARRET M FURUTA	2514.67	D328889	CHRISTOPHER P HAWKINS	2483.99
D328890	SHANE S HOWEY	1988.38	D328891	PETER M HUBER	2378.86
D328892	JAYCEN R JUSTUS	2476.07	D328893	ANTHONY L KNAACK	3937.46
D328894	JOSHUA D LEE	3052.35	D328895	DANIEL J MOORE	4817.75
D328896	GRANT A NOBLE	3463.66	D328897	ERIC S NORRIN	4542.30
D328898	ANTHONY J PAGE	3859.58	D328899	ERIC M PALOMO	3833.90
D328900	ANDREW J ROACH	2370.82	D328901	RICHARD RONSTADT	5718.86
D328902	TIMOTHY N STOWE	2528.02	D328903	ERIC THORSON	3222.66
D328904	RYAN D VAN WIE	3520.22	D328905	JONATHAN C WHITE	2135.47
D328906	GREGORY D WILLIAMS	2025.75	D328907	JEREMIE E YORKE	2445.63
D328908	BRYSON T DAHLHEIMER	1831.02	D328909	LISA S GUARDI	693.25
D328910	DON T NGUYEN	1690.48	D328911	NICHOLAS S SEELEY	145.32
D328912	JOSEPH I VALENZUELA	145.32	D328913	PAUL J WHITTAKER	5070.73
D328914	RANDY ABRAHAMSON	3941.94	D328915	TODD D ELGIN	5550.05
D328916	CAROLE A KANEGAE	2195.16	D328917	KRISTEN A BACKOURIS	1559.91
D328918	SHARON S BAEK	1706.43	D328919	GENA M BOWEN	1614.17
D328920	JESENIA CAMPOS	1166.53	D328921	THOMAS R DARE	4685.99
D328922	HELENA ELISOUSOU	2102.54	D328923	ROBERT D FOWLER	3500.26
D328924	PATRICK E GILDEA	2711.49	D328925	AI KELLY HUYNH	1880.94
D328926	CINDY S NAGAMATSU HANLON	2542.80	D328927	JEFFREY C NIGHTENGALE	3785.21
D328928	REYNA ROSALES	1527.87	D328929	TIMOTHY R ASHAUGH	2307.92
D328930	ALFREDO R AVALOS	3328.13	D328931	RENE BARRAZA	2722.70
D328932	CARLOS BAUTISTA JR	2486.73	D328933	RYAN S BERLETH	2217.75
D328934	SUMMER A BOGUE	1825.87	D328935	ROBERT W CAMPBELL	1403.73

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D328936	JEROME L CHEATHAM	2816.22	D328937	GARY L COULTER	2605.97
D328938	NATHANIEL D COX	2170.46	D328939	CHARLIE DANIELEY III	2045.84
D328940	NICHOLAS A DE ALMEIDA LO	2916.32	D328941	KEVIN DINH	2801.05
D328942	JARED R DOYLE	2041.58	D328943	MICHELLE N ESTRADA-MONSA	2068.39
D328944	KARI A FLOOD	2219.27	D328945	VICTORIA A GILL	1844.75
D328946	BRIAN C GIRGENTI	2441.72	D328947	JOSEPH P GROSS JR	2612.42
D328948	TROY HALLER	3367.47	D328949	ALLAN S HARRY	3397.96
D328950	WILLIAM T HOLLOWAY	3966.93	D328951	MICHAEL J JENSEN	3414.35
D328952	NICKOLAS K JENSEN	2515.24	D328953	PATRICK R JULIENNE	3261.08
D328954	KRISTOFER D KELLEY	2531.88	D328955	TIMOTHY P KOVACS	3905.29
D328956	CHRISTOPHER LAWTON	3091.11	D328957	JON D LOQUIST	1994.21
D328958	BRADLEY A LOWEN	2206.70	D328959	SHAYLEN L MAO	2000.17
D328960	MATTHEW P MARCHAND	2931.21	D328961	MARIO MARTINEZ JR	3510.41
D328962	BRYAN J MEERS	2471.93	D328963	JEREMY N MORSE	2605.56
D328964	MITCHEL S MOSSER	2671.24	D328965	JASON M MURO	2701.65
D328966	PATRICK J MUSCHETTO	2349.60	D328967	AARON S NELSON	3250.65
D328968	ADAM C NIKOLIC	2576.17	D328969	LUIS A PAVAN	2728.28
D328970	JASON S PERKINS	4892.60	D328971	PHILLIP H PHAM	2234.40
D328972	DOUGLAS A PLUARD	3294.25	D328973	COREY T POLOPEK	2562.42
D328974	JOHN E REYNOLDS	4570.93	D328975	CHRISTIN E ROGERS	2148.59
D328976	AARON T SHIPLEY	2506.87	D328977	GAREY D STAAL	2888.85
D328978	BRIAN T STROUD	2639.77	D328979	VINCENTE J VAICARO	3049.71
D328980	EDGAR VALENCIA	3144.18	D328981	DANIEL J VILLEGAS	1109.73
D328982	JONATHAN B WAINWRIGHT	3564.13	D328983	CHRISTOPHER A WASINGER	3499.90
D328984	ADAM D ZMIJA	3461.35	D328985	MARCOS R ALAMILLO	4529.82
D328986	BOBBY B ANDERSON	2683.37	D328987	PEDRO R ARELLANO	3053.39
D328988	JOHN F BANKSON	2600.67	D328989	JOSHUA K BEHZAD	2108.68
D328990	JEFFREY A BROWN	2951.43	D328991	JOHN CASACCIA II	3624.08
D328992	JUAN C CENTENO	3189.95	D328993	HAN J CHO	2650.77
D328994	BRIAN M CLASBY JR	3769.06	D328995	CHASEN P CONTRERAS	4738.02
D328996	JULIO C CORTEZ	1959.56	D328997	AMIR A EL-FARRA	3672.79
D328998	JOSHUA N ESCOBEDO	2338.86	D328999	HECTOR FERREIRA JR	2023.19
D329000	GEORGE R FIGUEROA	1979.68	D329001	ROGER A FLANDERS	1548.80
D329002	MICHAEL E GERDIN	2633.96	D329003	ROBERT J GIFFORD	2990.30
D329004	SEAN M GLEASON	2882.71	D329005	BRIAN G HATFIELD	2623.76
D329006	EFRAIN A JIMENEZ JR	2031.85	D329007	MICHAEL J JOHNSON	3452.99
D329008	ARION J KNIGHT	3055.35	D329009	RAPHAEL M LEE	1930.38
D329010	DEREK M LINK	3420.57	D329011	RAFAEL LOERA JR	2439.00
D329012	CHARLES H LOFFLER	3629.56	D329013	MARK A LORD	2717.72
D329014	TAYLOR A MACY	2323.11	D329015	GIANLUCA F MANIACI	1963.59
D329016	NATHAN D MORTON	2572.91	D329017	PATRICK W MURPHY	2879.32
D329018	RUDOLPH J NEGRON	3205.97	D329019	JEFFREY C NGUYEN	2961.25
D329020	STEVEN TRUJILLO ORTIZ	1932.32	D329021	OMAR F PEREZ	2558.35
D329022	JOHN E RANEY	3796.63	D329023	THOMAS S REED	2065.71
D329024	RYAN R RICHMOND	2828.65	D329025	ERIC T RUZIECKI	2551.92
D329026	SEAN M SALAZAR	3503.65	D329027	LINO G SANTANA	2645.43
D329028	PHILIP E SCHMIDT	3836.35	D329029	ROBERT M STEPHENSON III	3264.00
D329030	JOHN J YERGLER	2362.30	D329031	KATHERINE M ANDERSON	6127.70

**** PAGE TOTAL = 274210.19

D329032	PAUL W ASHBY	3648.17	D329033	RYAN V BUSTILLOS	3276.52
D329034	THOMAS A CAPPS	3263.96	D329035	MICHAEL K ELHAMI	3346.06
D329036	DANNY J MIHALIK	2172.34	D329037	RON A REYES	3382.68
D329038	ROCKY F RUBALCABA	2844.23	D329039	ROYCE C WIMMER	3696.46
D329040	JUAN L DELGADO JR	3004.37	D329041	CHRISTOPHER M EARLE	2626.15
D329042	BENJAMIN M ELIZONDO	2338.07	D329043	OTTO J ESCALANTE	4015.21
D329044	GEORGE KAISER	3399.31	D329045	PETER M KUNKEL	4059.60
D329046	NICHOLAS A LAZENBY	2871.17	D329047	LUIS F RAMIREZ	3164.52
D329048	AARON J COOPMAN	2560.42	D329049	DONALD J HUTCHINS	3592.97
D329050	JASON L JOHNSON	2561.38	D329051	ERICK LEYVA	3198.77
D329052	RYAN M LUX	3314.65	D329053	RAUL MURILLO JR	3991.34
D329054	JOSHUA T OLIVO	663.30	D329055	COURTNEY P ALLISON	2267.71
D329056	LISA A BELTHIUS	622.34	D329057	ADAM B COUGHRAN	2.81
D329058	CHRISTOPHER C DOVEAS	923.88	D329059	DANIEL S EDWARDS	489.88
D329060	VERONICA NELSON	394.92	D329061	JOHN O OJEIFSEKHOB	128.38
D329062	JOSEPH D VARGAS	4920.15	D329063	TRAVIS J WHITMAN	4758.43
D329064	CARL J WHITNEY	339.59	D329065	FRANCISCO AVALOS JR	340.60
D329066	ISAAC DAVILA	387.62	D329067	JULIAN TAPIA	355.55
D329068	KENTON TRAN	1843.18	D329069	KAREN D BRAME	1052.14
D329070	KENNETH L CHISM	4542.77	D329071	RENZO CHUMBE	2093.71
D329072	JAMES E COLEGROVE	418.02	D329073	PAUL E DANIELSON	2280.10
D329074	RUSSELL B DRISCOLL	3336.06	D329075	MICHAEL FEHER	398.95
D329076	KORY C FERRIN	1860.62	D329077	JAMES D FISCHER	367.78
D329078	VICTORIA M FOSTER	1798.31	D329079	KIRK P HURLEY	1722.19
D329080	CODY M JOHNSON	1883.72	D329081	CHAD B KIM	1859.75
D329082	EDWARD K KIM	1718.43	D329083	ROBERTO MACHUCA	1762.13
D329084	JORGE L MAZON	531.25	D329085	JAKE T MELIA	1762.13
D329086	KENNETH E MERRILL	1111.21	D329087	CHARLES W STARNES	2153.95
D329088	JOHN J STEPANOVICH	5338.99	D329089	PATRICK M THRASHER	1127.51
D329090	MICHAEL J VISCOMI	1842.00	D329091	TUONG-VAN NGUYEN VU	1989.54
D329092	SUSAN L WINN	1106.10	D329093	WILLIAM ALLISON	3335.22
D329094	FLOR DE LIS ELIZONDO	2233.73	D329095	GARY E ELKINS	2169.02
D329096	JOHN A FLAWS	2925.81	D329097	JASON S FULTON	1929.84
D329098	JAMES C HOLDER	2368.08	D329099	ROBERT J KIVLER	1314.85
D329100	VICTORIA L LAWTON	503.90	D329101	EDUARDO C LEIVA	4040.51
D329102	RAQUEL D MATA	1174.11	D329103	REBECCA S WEEKS	3996.94
D329104	MICHELLE L OLMSTEAD	1837.10	D329105	DAVID C YOUNG	3348.78
D329106	MARIA A ALCARAZ	1487.13	D329107	CARISSA L BRUNICK	1948.56
D329108	TAMMY L CHAURAN-HAIGROV	2266.39	D329109	VERONICA FRUTOS	1031.66
D329110	DAVID L GEORGE	1714.55	D329111	JENNIFER A GERACI	1322.38
D329112	JOAN L HIGHTOWER	1884.02	D329113	PINKY C HINGCO	2262.34
D329114	SHELBY KEUILIAN	2177.64	D329115	ALIYSON T LE	1414.79
D329116	ANGELA LEDESMA	1670.78	D329117	MARIA C MCFARLANE	2328.47
D329118	TRINA T NGUYEN	1056.48	D329119	DEBRA J NICHOLS	2153.41
D329120	DIANA L O'BRIEN	1508.92	D329121	FELICIA H PEREZ	1112.37
D329122	ASHLEY C ROJAS	1651.24	D329123	JENNIFER V ROMBOUGH	1729.89
D329124	KIMBRA S VELLANOWETH	2078.88	D329125	KRISTIN M WEISS	2392.15
D329126	SHANNON M YELENSKY		D329127	JENNIFER A DIX	2181.29

**** PAGE TOTAL = 203685.35

D329128	KATHERINE M FRANCISCO	1849.34	D329129	AMANDA B GARNER	2111.95
D329130	ARCHIE GUZMAN	3239.23	D329131	ROBERT D LUX	2389.58
D329132	MELISSA MENDOZA-CAMPOS	2179.84	D329133	MICHAEL A MOSER	1951.14
D329134	BRANDY J PARK	2439.56	D329135	CRISTINA V PAYAN	2229.45
D329136	JENNIFER M RODRIGUEZ	2513.98	D329137	TANYA L SAMOFF	3054.06
D329138	SUSAN A I SEYMOUR	2180.93	D329139	NICOLE D SHORROW	78.91
D329140	DANNY J SOSEBEE	2131.87	D329141	MARSHA D SPELLMAN	2266.41
D329142	SPENCER T TRAN	2326.02	D329143	SANTA WARDLE	943.48
D329144	CHERYL L WHITNEY	2453.29	D329145	CLAUDIA ALARCON	3053.27
D329146	RICHARD A ALVAREZ-BROWN	2649.01	D329147	EVAN S BERESFORD	2406.94
D329148	RAY E BEX	3182.29	D329149	RICHARD O BURILLO	3462.68
D329150	DANIEL A CAMARA	2531.39	D329151	SCOTT A COLEMAN	3628.51
D329152	BRIAN D DALTON	1962.44	D329153	RICHARD E DESBIENS	1355.82
D329154	STEPHEN C ESTLOW	909.13	D329155	JAMES D FRANKS	2052.05
D329156	PETE GARCIA	2046.83	D329157	STEVEN H HEINE	768.29
D329158	JOSE D HERRERA	3042.68	D329159	THI A HUYNH	2555.22
D329160	GERALD F JORDAN	2578.66	D329161	JOSEPH L KOLANO	7468.49
D329162	LEA K KOVACS	2773.10	D329163	DAVID LOPEZ	2608.23
D329164	STEVEN W LUKAS	1501.40	D329165	SINDY RAMIREZ OROZCO	2256.83
D329166	TERRA M RAMIREZ	2128.89	D329167	CHRISTOPHER M SHELREN	2127.81
D329168	PAUL M TESSIER	2558.50	D329169	DENNIS WARDLE	2657.74
D329170	RONALD A DOSCHER	712.91	D329171	ERIC A QUINTERO	2764.47
D329172	MARY C CERDA	1922.21	D329173	NICOLE L CHUNG	1850.10
D329174	NICHOLAS G FRANC	1783.17	D329175	SUSAN A HOLSTEIN	2607.92
D329176	LIANE Y KWAN	2696.26	D329177	JANY H LEE	3375.08
D329178	SHERRILL A MEAD	2168.21	D329179	CAITLYN M STEPHENSON	1658.78
D329180	LAURA J STOVER	4793.56	D329181	FRANA K CASSIDY	1664.03
D329182	ANNA L GOLD	1645.24	D329183	HIEN Q PHAM	1752.43
D329184	KATRENA J SCHULZE	379.99	D329185	MATTHEW T SWANSON	1246.22
D329186	ANTHONY VALENZUELA	1347.15	D329187	CANDY G WILDER	1928.32
D329188	STEVEN F ANDREWS	1478.56	D329189	TERENCE S CHANG	2274.07
D329190	VERNA L ESPINOZA	1770.18	D329191	CESAR GALLO	2297.39
D329192	CHARLES D KALIL	1786.06	D329193	GEOFFREY A KLOESS	2578.07
D329194	RACHOT MORAGRAAN	3310.31	D329195	NOEL J PROFFITT	3099.15
D329196	ANAND V RAO	3608.33	D329197	JOSEPH M SCHWARTZ	2783.48
D329198	ROD T VICTORIA	2477.26	D329199	TERREL KEITH WINSTON	3433.31
D329200	POLICE ASSN	15525.05	D329201	GG FIRE FIGHTERS 2005	21562.45
D329202	SO CAL CU	83399.00	D329203	SOUTHLAND CU	5616.94
D329204	KIRSTEN K NAKAISHI	108.53		GREAT WEST LIFE 457 #340	111217.59
W2463	GREAT WEST LIFE OBRA#340	8547.57			317408.68
W2465	EMPLOYMENT DEVELOPMENT D	96368.15			

**** PAGE TOTAL = 827551.42

TOTAL CHECK PAYMENTS	36	38,573.58
TOTAL DIRECT DEPOSITS	713	1,702,133.35
TOTAL WIRE PAYMENTS	4	533,541.99
GRAND TOTAL PAYMENTS	753	2,274,248.92

Checks #182175 thru #182208, and Direct Deposits #D328194 thru #D329204, and wire #W2462 thru #W2465 presented in the Payroll Register submitted to the Garden Grove City Council 24 APR 2018, have been audited for accuracy and funds are available for payment thereof.


 KINGSLEY C OKEREKE - FINANCE DIRECTOR

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 04/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
634696	TSAU, LI-CHIN	REV & VOID	-1,120.00 *
636892	MAAE, DAVID	REV & VOID	-120.00 *
637379	CASILLAS, VICTORIA	MED TRUST REIMB	50.00 *
637380	FRANCISCO, KATHERINE	MED TRUST REIMB	2,495.00 *
637381	GARCIA, SYLVIA	MED TRUST REIMB	226.97 *
637382	GARDEN GROVE SECURED STORAGE	LAND/BLDG/ROOM RENT	260.00 *
637383	LOERA JR. *, RAFAEL	MED TRUST REIMB	173.72 *
637384	LOWE*, SCOTT T	MED TRUST REIMB	442.49 *
637385	POMEROY*, TERESA L.	MED TRUST REIMB	200.00 *
637386	U.S. BEHAVIORAL HEALTH PLAN	NON-SPEC CONTR SERV	1,682.80 *
637387	UNION BANK	OTHER EDUCATION EXP	470.14
		BOOKS/SUBS/CASSETTES	113.80
		PIPES/APURTENANCES	108.98
		MINOR OFFICE FURN/EQ	328.56
			1,021.48 *
637388	UNION BANK	MV GAS/DIESEL FUEL	832.81 *
637389	UNION BANK	MV GAS/DIESEL FUEL	405.06 *
637390	UNION BANK	MV GAS/DIESEL FUEL	385.99 *
637391	UNION BANK	POSTAGE	9.55
		REPAIRS-FURN/MACH/EQ	401.51
		TUITION/TRAINING	579.02
		OTHER EDUCATION EXP	210.00
		LABORATORY CHEMICALS	419.15
		BOOKS/SUBS/CASSETTES	202.97
			1,822.20 *

PAGE TOTAL FOR "*" LINES = 8,758.52

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 04/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
637392	VALDIVIA, CLAUDIA	MED TRUST REIMB	139.98 *
637393	STANDARD INSURANCE CO. RAS EXECUTIVE BENEFITS	DISABILITY INSURANCE	1,132.02 *
637394	TRANSAMERICA EMPLOYEE BENEFITS	LIFE INS PREMIUM	8,789.40 *
637395	MEDINA-WHITTAKER, LUCIA	MED TRUST REIMB	769.20 *
637396	SIERRA ENGINEERING SERVICES	PERMITS/OTHER FEES	2,575.00 *
637397	CITY OF ANAHEIM DIVISION OF COLLECTION	TELEPHONE	181,535.61 *
637398	CHUNG, CHRISTOPHER	EMPL COMPUTER PURCH	2,500.00 2,500.00 *
637399	SMART & FINAL	FOOD SERV SUPPL OTHER FOOD ITEMS	6.45 62.00 68.45 *
637400	UNION BANK	REGISTRATION FEES GEN PURPOSE TOOLS HARDWARE	75.00 347.37 225.00 647.37 *
637401	UNION BANK	TUITION/TRAINING	1,150.00 *
637402	UNION BANK	MV GAS/DIESEL FUEL	20.00 *
637403	UNION BANK	DUES/MEMBERSHIPS	75.00 *
637404	UNION BANK	OFFICE SUPPLIES/EXP	37.53 *
637405	UNION BANK	SHLD EQUIP/SUPPLIES OTHER MAINT ITEMS OFFICE SUPPLIES/EXP GEN PURPOSE TOOLS	329.10 98.58 29.08 73.75 530.51 *
637406	DEPARTMENT OF CONSERVATION DIV OF ADMIN SVCS,	PERMITS/OTHER FEES	2,339.77 *
637407	MAAE, DAVID	DUES/MEMBERSHIPS	120.00 *

PAGE TOTAL FOR "*" LINES = 202,429.84

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 04/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
637408	CALIFORNIA BUILDING STANDARDS COMMISSION	BSASRF STATE FEE	839.70 *
637409	CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION	PERMITS/OTHER FEES	1,327.60 *
637410	DAVIS FARR LLP	ACCTG/AUDITING	35,010.00 *
637411	UNION BANK	OTHER FOOD ITEMS	115.05
		OTHER PROF SUPPLIES	149.69
		OFFICE SUPPLIES/EXP	32.29
			297.03 *
637412	UNION BANK	LODGING	215.49
		ADMN/ENTRANCE FEE	57.00
		SEEDS/PLANTS	104.72
		FOOD SERV SUPPL	22.16
		OTHER FOOD ITEMS	298.30
		MINOR OFFICE FURN/EQ	854.36
		OTHER MINOR TOOLS/EQ	200.00
		AUDIO/VISUAL SUPP	49.53
		AWARDS/TROPHIES	450.00
		OTHER REC/CULT SUPP	997.79
			3,249.35 *
637413	CPRS DISTRICT 10	REGISTRATION FEES	385.00 *
637414	OBANDO, DOUGLAS	REFUND OF FEES	225.00 *
637415	OCSF FINANCIAL MNGNT DIV	SEWER FEES	98,554.97 *
637416	*BANKSON, JOHN	POLICE DEPT.	-991.80
		SUBSISTENCE	946.20
		LODGING	673.15
		OTHER CONF/MTG EXP	176.57
			804.12 *
637417	STATE OF CALIF-FRANCHISE TAX BOARD	WAGE ATTACHMENT	485.48 *
637418	*DARE, THOMAS R	SUBSISTENCE	265.30 *
637419	*ELGIN, TODD D	SUBSISTENCE	136.00
		OTHER CONF/MTG EXP	24.00
			160.00 *

PAGE TOTAL FOR "*" LINES = 141,603.55

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 04/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
637420	FRANCISCO, KATHERINE	MED TRUST REIMB	45.00 *
637421	LEE, GRACE	DEP CARE REIMB	192.30 *
637422	MAULE, CHEYNE	L/S/A TRANSPORTATION	55.00 *
637423	O'CADIZ-HERNANDEZ*, GABRIELA	MED TRUST REIMB	347.05 *
637424	REYNOLDS, MICHELLE	WAGE ATTACHMENT	461.54 *
637425	RUITENSCHILD, LES	DEP CARE REIMB	242.00 *
637426	WASINGER, JEAN M.	WAGE ATTACHMENT	134.31 *
637427	WILDER, CANDY	MED TRUST REIMB	233.38 *
637428	HODSON, AARON	DEP CARE REIMB	92.31 *
637429	JOHNSON, CHRISTIAN	WAGE ATTACHMENT	276.92 *
637430	ORANGE COUNTY SHERIFF/ LEVING OFFICER CENTRAL DIV	WAGE ATTACHMENT	123.82 *
637431	INTERNAL REVENUE SERVICE	WAGE ATTACHMENT	37.50 *
637432	M. GANNON ECKHARDT	MED TRUST REIMB	420.61 *
637433	ROGERS, CHRISTIN	MED TRUST REIMB	217.85 *
637434	UNITED STATES TREASURY	WAGE ATTACHMENT	130.00 *
637435	SHANNON WAINWRIGHT	WAGE ATTACHMENT	553.85 *
637436	DAMEWOOD CONSULTING GROUP	OTHER PROF SERV	1,800.00 *
637437	ABSOLUTE INTERNATIONAL SECURITY	OTHER PROF SERV	1,833.04 *
637438	CITY OF GARDEN GROVE-WORK COMP ACCT	SELF-INS CLAIMS	394,948.30 *
637439	JAY'S CATERING	FOOD	595.01 *
637440	LOERA JR. *, RAFAEL	MED TRUST REIMB	250.98 *
637441	S.C. YAMAMOTO, INC.	MAINT-SERV CONTRACTS	9,684.28 *

PAGE TOTAL FOR "*" LINES = 412,675.05

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 04/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
637442	BRASOV, CONSTANTIN	WATER REFUND	148.68 *
637443	NGUYEN, JOEY	WATER REFUND	144.02 *
637444	HIBBARD, RICHARD	SELF-INS ADMN	69.57 *
637445	STATER BROTHERS MARKET	AWARDS/TROPHIES	217.50 *
637446	FALSE ALARM REDUCTION ASSN. C/O INNOVATIVE RESOURCES, LLC	TUITION/TRAINING	400.00 *
637447	CSUF UNIVERSITY EXTENDED EDUCATION	TUITION/TRAINING	2,800.00 *
637448	PRIMA	REGISTRATION FEES	385.00 *
637449	COUNTY OF ORANGE TREASURER REVENUE RECOVERY-A/R UNIT	CITATION DIST	32,448.00 *
637450	VOID WARRANT		
637451	SELECT GRAPHIC PRINTING	PAPER/ENVELOPES	101.20 *
637452	OLD GROVE AUTO	OTHER PROF SERV	989.00 *
637453	CITY CLERK'S ASSOC OF CALIF CCAC	REGISTRATION FEES	40.00 *
637454	ORANGE COUNTY CLERK RECORDER HALL OF FINANCE & RECORDS	EXEMPT FEE REFUND	50.00 *
637455	CALIFORNIA PEACE OFFICERS ASSOCIATION	TUITION/TRAINING	220.00 *
637456	TARGET CORPORATION MAIL STOP NCB-OIPU	AWARDS/TROPHIES	545.00 *
637457	OCC BUILDERS INC ATTN: SHAUWKI HAASEN	BLDGS/IMPROVEMENTS	9,762.20 *
637458	SAN DIEGO REGIONAL TRAINING CENTER	TUITION/TRAINING	525.00 *
637459	VOID WARRANT		
637460	UNION BANK	FACT:YTH ENRCH	90.00
		FACT:TLFR FAM FUN	92.45
		FACT:EMRGY NEEDS	10.20
		FACT:STGTH FTHRS	49.24
		FOOD	265.84
		FOOD SERV SUPPL	454.69

PAGE TOTAL FOR "*" LINES = 48,845.17

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 04/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
637461	UNION BANK	BOTTLED WATER	20.22
		OTHER FOOD ITEMS	132.45
		OTHER MAINT ITEMS	118.51
		OFFICE SUPPLIES/EXP	34.48
		CRAFT SUPPLIES	24.96
		OTHER REC/CULT SUPP	75.26
			1,368.30 *
		ADVERTISING	283.00
		OTHER PROF SERV	65.00
		TAXES/LICENSES	49.99
		ADMN/ENTRANCE FEE	490.00
		FOOD	42.17
		FOOD SERV SUPPL	43.06
		BOTTLED WATER	10.99
		OTHER FOOD ITEMS	23.22
		OTHER MINOR TOOLS/EQ	84.67
		AWARDS/TROPHIES	64.75
			1,156.85 *
637462	UNION BANK	PHOTO PROC/ENGRAVING	60.34
		OTHER CONF/MTG EXP	141.65
		REGISTRATION FEES	285.00
		OTHER FOOD ITEMS	30.00
			516.99 *
637463	UNION BANK	CONTR SVC REIMB	39.83
		LODGING	661.20
		TUITION/TRAINING	284.00
		FOOD	249.66
			1,234.69 *
637464-637467	VOID WARRANTS		
637468	AT&T	TELEPHONE	23,352.56 *
637469	AT&T	AT&T	74.33 *
637470	SPOK, INC.	TELEPHONES/BEEPERS	189.56 *
637471	FRONTIER COMMUNICATIONS	TELEPHONE/BEEPERS	721.01 *
637472	CITY OF GARDEN GROVE	WATER	166.95 *

PAGE TOTAL FOR "*" LINES = 28,781.24

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 04/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
637473	VOID WARRANT		
637474	SO CALIF EDISON CO	ELECTRICITY	196,689.83 *
637475	SO CALIF GAS CO	NATURAL GAS	2,093.88 *
637476	SPRINT	TELEPHONE	69.60 *
637477	TIME WARNER CABLE	CABLE	145.91 *
637478	VERIZON WIRELESS-LA	TELEPHONE/BEEPERS	15,290.76 *
637479	THE CARITAS CORPORATION	OTHER PROF SERV	232,000.00 *
637480	GARDEN GROVE SECURED STORAGE	OTHER RENTALS	120.00 *
637481	OVERLAND, PACIFIC & CUTLER INC.	OTHER PROF SERV	2,080.00 *
637482	SAFEWAY INC	BOTTLED WATER	4.19
		OTHER FOOD ITEMS	89.67
			93.86 *
637483	FIRE PIXIE ENTERTAINMENT	FACT:PROGRAM EXP	419.00 *
637484	RABC-ECC A JOINT VENTURE	BLDGS/IMPROVEMENTS	494,652.13 *
637485	EDUARDO INIESTRA	FACT:PROGRAM EXP	300.00 *
637486	JUMPZONE PARTY RENTALS	FACT:PROGRAM EXP	125.00 *
637487	THE CARITAS CORPORATION	OTHER PROF SERV	232,000.00 *
637488	JERRY BRENEMAN	TUITION/TRAINING	200.00 *
637489	CORELOGIC SOLUTIONS, LLC ATTN: INFORMATION SOLUTIONS	SOFTWARE	394.50 *
637490	AMERICAN INTERNET SERVICES, LLC	NETWORK COMMUNICT	669.56 *
637491	GRP2 UNIFORMS, INC KEYSTONE UNIFORMS, OC	UNIFORMS	2,732.32 *
637492	SO CAL INDUSTRIES	OTHER RENTALS	203.65 *
637493	COUNTY OF ORANGE ATTN TREASURER- TAX COLLECTOR	PROPERTY TAXES	584.78 *

PAGE TOTAL FOR "*" LINES = 1,180,864.78

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 04/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
637494	AMETEK	OTHER MAINT ITEMS	1,827.88 *
637495	USA BLUE BOOK	PIPES/APPURTENANCES	447.32 *
637496	BELL PIPE & SUPPLY CO.	PIPES/APPURTENANCES	57.16 *
637497	LACEY CUSTOM LINENS, INC.	LAUNDRY SERVICES	72.73 *
637498	MWB COPY PRODUCTS, INC DBA:SOCAL OFFICE TECHNOLOGIES	MAINT-SERV CONTRACTS	11,452.95 *
637499	AKM CONSULTING ENGINEERS	ENGINEERING SERVICES	15,915.00 *
637500	ADAMSON POLICE PRODUCTS	MOTOR VEH PARTS	3,748.74 *
637501	AIS ADVANCED IMAGING STRATEGIES INC.	MINOR OFFICE FURN/EQ	641.11 *
637502	CITY OF ANAHEIM DIVISION OF COLLECTION	FAIR SHARE COST	115,717.52 *
637503	AUTO PARTS DISTRIBUTOR	MOTOR VEH PARTS	5,218.64 *
637504	BEST BUY FOR BUSINESS	NETWORKING SUPPLIES	2,156.63 *
637505	BIG RON'S AUTO BODY & PAINT, INC.	REPAIRS-FURN/MACH/EQ	1,257.13 *
637506	CDW-GOVERNMENT INC	SOFTWARE	944.61 *
637507	C.WELLS PIPELINE MATERIALS INC.	WHSE INVENTORY	1,754.51 *
637508	CHEM PRO LABORATORY, INC	MAINT-SERV CONTRACTS	380.00 *
637509	SUPPLYWORKS	WHSE INVENTORY	1,126.55 *
637510	CONTROL AUTOMATION DESIGN	MAINT-SERV CONTRACTS	2,610.00 *
637511	MPULSE INC.	WHSE INVENTORY	589.39 *
637512	EWING IRRIGATION PRODUCTS, INC.	PIPES/APPURTENANCES	541.52 *
637513	FORD OF ORANGE	MOTOR VEH PARTS	1,587.26 *
637514	MONTROSE AIR QUALITY SERVICES, LLC	MAINT-SERV CONTRACTS	1,935.00 *
637515	REPUBLIC SERVICES #676	MAINT-SERV CONTRACTS	75.74 *

PAGE TOTAL FOR "*" LINES = 170,057.39

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 04/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
637516	LAWSON PRODUCTS, INC.	MOTOR VEH PARTS	1,927.45 *
637517	STATE INDUSTRIAL PRODUCTS	WHSE INVENTORY	705.59 *
637518	CARL WARREN & CO	SELF-INS ADMN	9,315.00 *
637519	TRELOAR, TOM	OTHER PROF SERV	400.00 *
637520	ORANGE COUNTY EMERGENCY PET CLINIC	OTHER PROF SERV	1,000.00 *
637521	ENGINEERING RESOURCES OF SOUTHERN CALIFORNIA INC.	ENGINEERING SERVICES	30,946.00 *
637522	LOOPNET ATTN: ACCOUNTING DEPT- CONTRACTS	NETWORKING SERVICES	237.50 *
637523	ACA COMPLIANCE SERVICES INC DBA CIMPLX COMPLIANCE SERVICES	OTHER PROF SERV	1,326.75 *
637524	APP-ORDER, LLC	OTHER PROF SERV	340.00 *
637525	ADAMSON POLICE PRODUCTS	MOTOR VEH PARTS	414.74 *
637526	ANAHEIM HOUSING AUTHORITY COMMUNITY DEV.	MOBILITY INSP FEE	1,050.00 *
637527	ARROW TOOLS FASTENERS & SAW INC	OTHER MAINT ITEMS	618.48 *
637528	AUTO PARTS DISTRIBUTOR	MOTOR VEH PARTS	15,340.35 *
637529	BC WIRE ROPE & RIGGING	OTHER MAINT ITEMS	922.14 *
637530	BARR AND CLARK, INC.	OTHER PROF SERV	195.00 *
637531	ANTHONY BIRMINGHAM WINDOW CLEANING	MAINT-SERV CONTRACTS	1,351.00 *
637532	CDW-GOVERNMENT INC	SOFTWARE	629.74 *
637533	C.WELLS PIPELINE MATERIALS INC.	OTHER MAINT ITEMS	840.45 *
637534	CAMERON WELDING SUPPLY	FACT: PROGRAM EXP	20.71 *
637535	CONTINENTAL CONCRETE CUTTING	OTHER MAINT ITEMS	7,834.00
		GEN PURPOSE TOOLS	1,184.00
			9,018.00 *
637536	DIAMOND ENVIRONMENTAL SERVICES	OTHER MAINT ITEMS	158.92 *

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 04/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
637537	ECONOLITE CONTROL PRODUCTS INC	MAINT SUPP-TRAFF SIG	53,467.20 *
637538	EWING IRRIGATION PRODUCTS, INC.	PIPES/APPURTENANCES	34.71 *
637539	EXCLUSIVE AUTO DETAIL	MOTOR VEHICLE MAINT	678.00 *
637540	FORD OF ORANGE	MOTOR VEH PARTS	6,161.64 *
637541	GILL HARDSCAPE INC	OTHER PROF SERV	5,000.00 *
637542	GOLDEN OAKS HARDWOOD FLOORING	OTHER PROF SERV	5,000.00 *
637543	HACH COMPANY INC	LABORATORY CHEMICALS	229.35 *
637544	HARBOR POINTE AIR CONDITIONING & CONTROL SYSTEMS, INC.	MAINT-SERV CONTRACTS	370.00 *
637545	HILLCO FASTENER WAREHOUSE	MOTOR VEH PARTS	51.58 *
637546	HILL'S BROS LOCK & SAFE INC	REPAIRS-FURN/MACH/EQ OTHER MAINT ITEMS	634.74 38.63 673.37 *
637547	HOME DEPOT CREDIT SERVICES	WHSE INVENTORY	347.95 *
637548	J.L. WINGERT CO.	LABORATORY CHEMICALS	419.15 *
637549	JAY'S CATERING	FOOD	186.00 *
637550	KNORR SYSTEMS, INC.	REPAIRS-FURN/MACH/EQ	576.00 *
637551	LA HABRA FENCE CO, INC.	OTHER BLD/EQ/ST SERV	890.00 *
637552	LAWSON PRODUCTS, INC.	MOTOR VEH PARTS	1,042.39 *
637553	LEE, SONG	TENANT UTILITY REIMB	28.00 *
637554	LIFECOM SAFETY SERVICE & SUPPLY	OTHER MAINT ITEMS GEN PURPOSE TOOLS	195.00 65.00 260.00 *
637555	F. EARL MELLOTT & ASSOC INC	OTHER PROF SERV	998.00 *
637556	MERCHANTS BLDG MAINT LLC	MAINT-SERV CONTRACTS	2,063.57 *

PAGE TOTAL FOR "*" LINES = 78,476.91

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 04/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
637557	MOTOROLA SOLUTIONS, INC.	WHSE INVENTORY	1,680.90 *
637558	MUNIEENVIRONMENTAL, LLC	OTHER PROF SERV	19,725.67 *
637559	NATIONAL CONSTRUCTION RENTALS	OTHER RENTALS	88.38 *
637560	OFFICE DEPOT, INC	OFFICE SUPPLIES/EXP	2,150.90 *
637561	NIAGARA PLUMBING	PIPES/APPURTENANCES	1,035.39 *
637562	R.J. NOBLE COMPANY	OTHER MAINT ITEMS	1,526.93 *
637563	OCEAN BLUE ENVIRONMENTAL SERVICES, INC.	HAZMAT REMOVAL	7,419.23
		OTHER MAINT ITEMS	924.00
			8,343.23 *
637564	OPPERMAN & SONS TRUCK	MOTOR VEH PARTS	2,406.90 *
637565	ORANGE COUNTY APPLIANCE PARTS	PIPES/APPURTENANCES	141.69 *
637566	ORANGE COUNTY FIRE PROTECTION	REPAIRS-FURN/MACH/EQ	96.55 *
637567	O.C. HOUSING AUTHORITY ACCTG DEPT.	MOBILITY INSP FEE	3,750.00
		TENANT UTILITY REIMB	10.00
			3,760.00 *
637568	PACIFIC COAST CABLING, INC. PCC NETWORK SOLUTIONS	NETWORKING SERVICES	540.00
		NETWORKING SUPPLIES	198.01
			738.01 *
637569	PACIFIC PLUMBING SPECIALTIES	PIPES/APPURTENANCES	252.66 *
637570	PETERSON, KATHLEEN I.	TENANT UTILITY REIMB	25.00 *
637571	PETTY CASH - MUN SRVC CTR	REGISTRATION FEES	240.00
		OTHER EDUCATION EXP	28.00
		OTHER AGR SUPPLIES	125.77
		FOOD	15.48
		CANINE EXPENSES	117.70
		MV GAS/DIESEL FUEL	56.89
		OTHER MAINT ITEMS	148.52
		OFFICE SUPPLIES/EXP	115.28
		SAFETY EQ/SUPPLIES	7.54

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 04/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
637572	POWERTRON BATTERY CO	OTHER CONST SUPPLIES	96.98
637573	PYRO-COMM SYSTEMS, INC.	CELL PHONE/BEEPER	20.00
637574	RAMONA, INC.		972.16 *
637575	DATA TICKET, INC	ELECTRICAL SUPPLIES	330.06 *
637576	NEWHOPE P & L, INC. DBA NEWHOPE PAINT & COATINGS	MAINT-SERV CONTRACTS	1,449.00 *
637577	SAFETY 1st PEST CONTROL, INC	WTR/SWR CONST CONTR	142,027.85 *
637578	SCHAEFER, NICK	OTHER PROF SERV	22.00 *
637579	SHRED CONFIDENTIAL, INC.	REPAIRS-FURN/MACH/EQ	4,200.00
637580	SOUTHERN CALIFORNIA GAS CO ML 711D	OTHER MAINT ITEMS	1,200.00
637581	SOUTHERN COUNTIES LUBRICANTS LLC.		5,400.00 *
637582	SPARKLETT'S	OTHER MAINT ITEMS	150.00 *
637583	SPECTRUM GAS PRODUCTS, INC.	TUITION/TRAINING	200.00 *
637584	STATE INDUSTRIAL PRODUCTS	OTHER PROF SERV	63.00 *
637585	SUNBELT RENTALS	MAINT-SERV CONTRACTS	575.00 *
637586	TRUCK & AUTO SUPPLY INC. TrucParCo	PAINT/DYE/LUBRICANTS	204.73 *
637587	TURBO DATA SYSTEMS, INC	BOTTLED WATER	249.78 *
637588	TURNOUT MAINTENANCE COMPANY	MEDICAL SUPPLIES	25.00 *
637589	UNIFIRST CORP	WHSE INVENTORY	1,820.70 *
637590	UNITED PARCEL SERVICE	HEAVY EQUIP RENTAL	731.73 *
		MOTOR VEH PARTS	2,267.47 *
		OTHER PROF SERV	6,568.28 *
		FIRE TURNOUTS REPAIR	173.00 *
		LAUNDRY SERVICES	1,933.86 *
		UPS-PERSONAL	12.80

PAGE TOTAL FOR "*" LINES = 165,163.62

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 04/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
637591	VALLEY POWER SYSTEMS, INC.	DELIVERY SERVICES	27.00
637592	VILLAGE NURSERIES		39.80 *
637593	VULCAN MATERIALS COMPANY WESTERN DIVISION	OTHER MAINT ITEMS	1,135.93 *
637594	GRAINGER	SEEDS/PLANTS	132.24 *
		ASPHALT PRODUCTS	3,325.64 *
		OTHER MAINT ITEMS	1,455.74
		SAFETY EQ/SUPPLIES	292.47
		HARDWARE	279.54
			2,027.75 *
637595	WALTERS WHOLESALE ELECTRIC	ELECTRICAL SUPPLIES	5,925.09 *
637596	WATERLINE TECHNOLOGIES, INC.	LABORATORY CHEMICALS	849.60 *
637597	WEISS, MARK S	TUITION/TRAINING	525.00 *
637598	WEST COAST SAND & GRAVEL	OTHER MAINT ITEMS	618.46 *
637599	FERGUSON ENTERPRISES, INC #1350	PIPES/APPURTENANCES	767.20 *
637600	WESTERN EXTERMINATOR	MAINT-SERV CONTRACTS	40.18 *
637601	WESTERN OIL SPREADING SERVICES	ASPHALT PRODUCTS	609.06 *
637602	RIGHT TIME HOME SERVICES	ELECT PERMIT REFUND	2.40
		PERMIT REFUND	142.00
		FEE REFUND	12.00
			156.40 *
637603	DANG, HOANG	BLDG PERMIT REFUND	129.14
		BSASRF STATE FEE	0.80
		FEE REFUND	12.00
			141.94 *
637604	OLIVARES, MARGARITO	DEPOSIT REFUNDS	250.00 *
637605	TRAN, HO	WATER REFUND	478.44 *
637606	NGUYEN, TOAN	BLDG PERMIT REFUND	497.56

PAGE TOTAL FOR "*" LINES = 17,022.73

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 04/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
637607	TRAN, AMY	GENERAL PLAN FEE	43.06
		ELECT PERMIT REFUND	25.60
		PIMBNG PERMIT REFUND	46.80
		BSASRF STATE FEE	1.60
		FEE REFUND	12.00
		STRONG MOTION-RES	4.68
		PLAN CK FEE REFUND	17.60
		PERMIT REFUND	21.54
			670.44 *
		BLDG PERMIT REFUND	129.14
		GENERAL PLAN FEE	7.60
		ELECT PERMIT REFUND	4.00
		PIMBNG PERMIT REFUND	45.60
		PERMIT REFUND	17.60
		BSASRF STATE FEE	0.80
		FEE REFUND	12.00
		PERMIT REFUND	3.80
			220.54 *
637608	ALVARADO, NOE	CITATION DIST	51.00 *
637609	BRITO, FILADELFO	CITATION DIST	175.00 *
637610	NGUYEN, PHAT	SEWER FEES	729.01 *
637611	RAMIREZ-HERNANDEZ, ERIKA	DEPOSIT REFUNDS	500.00 *
637612	RIVERA, ANDREA	DEPOSIT REFUNDS	250.00 *
637613	PROPATH INC	DEPOSIT REFUNDS	500.00 *
637614	ROSA ISELA SOTO MOJICA	DEPOSIT REFUNDS	500.00 *
637615	FERRARI, CAROLINA	DEPOSIT REFUNDS	500.00 *
637616	MENDOZA, ANDRES	DEPOSIT REFUNDS	500.00
		RECREATION REFUND	-50.00
			450.00 *
637617	A-LINE INC CRANE RENTAL	OTHER MAINT ITEMS	450.00 *
637618	ASSOCIATED SOILS ENGINEERING, INC.	ENGINEERING SERVICES	16,390.00 *

PAGE TOTAL FOR "*" LINES = 21,385.99

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 04/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
637619	ASIATA, IANETA	DEPOSIT REFUNDS	500.00 *
637620	R.J. ALLEN, INC.	OTHER MAINT ITEMS	860.00 *
637621	HANDY HOSE SERVICES ADVANTAGE HOSE SERVICES LLC	REPAIRS-FURN/MACH/EQ	381.55 *
637622	UNIQUE PAVING MATERIALS	ASPHALT PRODUCTS	1,601.60 *
637623	AEG SOLUTIONS INC	OFFICE SUPPLIES/EXP	84.25 *
637624	HERNANDEZ, HERMILO	TAXES/LICENSES	10.00 *
637625	O'REILLY AUTO PARTS	MOTOR VEH PARTS	745.52 *
637626	VORTEX INDUSTRIES INC FILE 1095	MAINT-SERV CONTRACTS	2,085.62 *
637627	COSTAR GROUP, INC.	OTHER PROF SERV	450.77 *
637628	CITY OF LONG BEACH	ADMN/ENTRANCE FEE	50.00 *
637629	DARTCO	REPAIRS-FURN/MACH/EQ	9,324.35 *
637630	ECOLOGICAL FERTIGATION, INC.	MAINT-SERV CONTRACTS	1,155.00 *
637631	ANAHEIM FENCE CO.	NON-SPEC CONTR SERV	1,977.00 *
637632	CYPRESS ENGRAVING	OTHER REC/CULT SUPP	317.86 *
637633	SCHORR METALS, INC.	REPAIRS-FURN/MACH/EQ HARDWARE	155.12 199.42 354.54 *
637634	MARIE'S DANCE ACADEMY	INSTRUCTOR SERVICES	286.65 *
637635	NGUYEN, BECKY	TENANT UTILITY REIMB	58.00 *
637636	CAMDEN, HELEN	UNIFORMS	27.15 *
637637	THE LEW EDWARDS GROUP	OTHER PROF SERV	5,000.00 *
637638	PEREZ, MARIA ISELA	TENANT UTILITY REIMB	87.00 *
637639	BLODGETT BAYLOSIS ENVRNMTL PLNG	OTHER PROF SERV	3,250.00 *

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 04/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
637640	WEST COUNTY TIRE & AUTO INC.	WHSE INVENTORY	2,662.48 *
637641	YO-FIRE SUPPLIES	WHSE INVENTORY	79.95
		PIPES/APPURTENANCES	310.66
		OTHER MAINT ITEMS	2,865.89
			3,256.50 *
637642	MSC INDUSTRIAL SUPPLY CO. INC.	WHSE INVENTORY	1,080.71 *
637643	W L CONSTRUCTION SUPPLY	OTHER MAINT ITEMS	666.48 *
637644	GRP2 UNIFORMS, INC KEYSTONE UNIFORMS, OC	UNIFORMS	752.03
		GEN PURPOSE TOOLS	49.55
			801.58 *
637645	INFOSEND, INC.	POSTAGE	5,773.69
		PRINTING	2,367.84
		OTHER PROF SERV	747.80
		PAPER/ENVELOPES	735.51
			9,624.84 *
637646	ROTATIONAL MOLDING INC	OTHER MAINT ITEMS	6,408.13 *
637647	LY, NANCY	TENANT UTILITY REIMB	16.00 *
637648	SOBHANI, ELAHEH	TENANT UTILITY REIMB	16.00 *
637649	HAPPY SOFTWARE, INC.	SOFTWARE	12,356.00 *
637650	UNIVERSAL CONCRETE BREAKERS	MAINT-SERV CONTRACTS	1,140.00 *
637651	BILL'S SOUND & SECURITY	OTHER PROF SERV	300.00 *
637652	CITYSPAN TECHNOLOGIES, INC	OTHER PROF SERV	5,158.35 *
637653	JTB SUPPLY CO INC	ELECTRICAL SUPPLIES	226.28 *
637654	SORIANO, TERESA	TENANT UTILITY REIMB	50.00 *
637655	TRAN, MINH DUC NAM	TENANT UTILITY REIMB	55.00 *
637656	R&M SERVICE SOLUTIONS, INC.	OTHER MAINT ITEMS	8,900.00 *

PAGE TOTAL FOR "*" LINES = 52,718.35

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 04/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
637657	RAFAEL HENRIQUEZ RH ROOFING INC.	OTHER PROF SERV	5,000.00 *
637658	SUNRUN, INC.	BLDG PERMIT REFUND	128.00
		ELECT PERMIT REFUND	97.60
			225.60 *
637659	NUNEZ, RUBEN E	WATER CLOSING BILL REFUND	31.57 *
637660	SAFEGUARD EQUITITIES INC.	WATER CLOSING BILL REFUND	14.77 *
637661	MCCADDON, KELLY	WATER CLOSING BILL REFUND	41.97 *
637662	HAIR INTERNATIONAL	WATER CLOSING BILL REFUND	31.49 *
637663	ALBOR PROPERTIES III LP	WATER CLOSING BILL REFUND	100.00 *
637664	HAAAS, SAMANTHA	WATER CLOSING BILL REFUND	70.00 *
637665	LY, ANDY	WATER CLOSING BILL REFUND	29.87 *
637666	NGUYEN, HUNG	WATER CLOSING BILL REFUND	22.04 *
637667	KIM, ALEX C	WATER CLOSING BILL REFUND	97.49 *
637668	NGUYEN, CHAU V/ LAN PHAM	WATER CLOSING BILL REFUND	59.65 *
637669	DANG, NGOC	WATER CLOSING BILL REFUND	46.05 *
637670	MCDONALD, LAUREN	WATER CLOSING BILL REFUND	27.62 *
637671	NGUYEN, STEPHEN	WATER CLOSING BILL REFUND	28.35 *
637672	MUELLER, LINDA	WATER CLOSING BILL REFUND	19.20 *
637673	HOANG, SONNY	WATER CLOSING BILL REFUND	2.73 *
637674	MORGAN PICKS TWO, LLC	WATER CLOSING BILL REFUND	26.00 *
637675	KIM, NICHOLAS	WATER CLOSING BILL REFUND	27.76 *
637676	LE, DUNG	WATER CLOSING BILL REFUND	25.58 *
637677	NGUYEN, THIERY THANH	WATER CLOSING BILL REFUND	53.11 *

PAGE TOTAL FOR "*" LINES = 5,980.85

WARRANTS SUBMITTED TO CITY COUNCIL FOR APPROVAL 04/24/18

WARRANT	VENDOR	DESCRIPTION	AMOUNT
637678	MCBRIDE, DENISE	WATER CLOSING BILL REFUND	21.22 *
637679	LEE, JONG HWAN	WATER CLOSING BILL REFUND	42.24 *
637680	HOANG, PETER	WATER CLOSING BILL REFUND	45.22 *
637681	PHAM, THUYVAN	WATER CLOSING BILL REFUND	105.36 *
637682	TINH, QUAN	WATER CLOSING BILL REFUND	47.87 *
637683	MORALES, FRANK	WATER CLOSING BILL REFUND	14.22 *
637684	NGUYEN, TRUC	WATER CLOSING BILL REFUND	63.66 *
637685	SPINDLER, JEFFREY	WATER CLOSING BILL REFUND	43.32 *
637686	DO BUILDER & DESIGN CO.	WATER CLOSING BILL REFUND	37.39 *
637687	COVARRUBIAS, CARLOS	WATER CLOSING BILL REFUND	159.08 *
637688	SELECT PORTFOLIO SERVICING, INC	WATER CLOSING BILL REFUND	40.59 *
637689	NGUYEN, ANGELO	WATER CLOSING BILL REFUND	39.68 *
637690	DELGADO, THELMA	WATER CLOSING BILL REFUND	30.58 *
637691	VILLANUEVA, RUTH	WATER CLOSING BILL REFUND	76.51 *
637692	TSAU, LI-CHIN	RENT SUBSIDY	1,120.00 *
W2141	MUNICIPAL WATER DISTRICT OF ORANGE COUNTY	IMPORT WTR-MWDOC	155,467.75 *

PAGE TOTAL FOR "*" LINES = 157,354.69

FINAL TOTAL 2,839,455.57 *

DEMANDS #637379 - 637692 AND WIRE W2141 AS PRESENTED IN THE WARRANT REGISTER SUBMITTED TO THE GARDEN GROVE CITY COUNCIL APRIL 24, 2018, HAVE BEEN AUDITED FOR ACCURACY AND FUNDS ARE AVAILABLE FOR PAYMENT THEREOF

[Signature]
KINGSLEY C. OKEREKE
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:	Consideration of an appeal of a Planning Commission action for denial of Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and Variance No. V-018-2018 for the development of a 4-unit apartment complex at 12671 9th Street, Garden Grove. (<i>Action Item</i>)		
		Date:	4/24/2018

OBJECTIVE

For the City Council to conduct a Public Hearing to consider an appeal of a Planning Commission action directing staff to prepare a Resolution of Denial of Site Plan No. SP-046-0218, Lot Line Adjustment No. LLA-013-2018, and Variance No. V-018-2018, which consists of the following:

- (i) a request for Site Plan approval to demolish all existing on-site improvements, which include three (3) existing one-story apartment units, and to construct four (4) new three-story apartment units on a 12,564 square foot site;
- (ii) a request for Lot Line Adjustment approval to eliminate an existing property line to consolidate the two (2) existing parcels into one (1) lot; and
- (iii) a request for Variance approval to deviate from the minimum lot size requirement of the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zone, to develop the site with a multiple-family residential development.

BACKGROUND

The subject site is currently 13,564 (135.64' x 100') square feet in area and located on the west side of 9th Street, between College Avenue and Stanford Avenue. The site is currently improved with three (3) one-story detached apartment units. The site has a General Plan Land Use Designation of Low Medium Density Residential and is zoned CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61). The site abuts CCSP-PR61 zoned properties to the north, west, and south, and R-1 (Single-Family Residential) zoned properties, across 9th Street, to the east, which include a mixture of single-family and multiple-family residential developments.

The applicant is proposing to demolish all existing on-site improvements, which include the three (3) existing one-story apartment units, and to construct four (4) new three-story apartment units. The Municipal Code requires Site Plan land use entitlement approval to develop the property with the proposed multiple-family residential project.

Based on the title report, the site is comprised of two (2) separate lots (Lots 14 and 15 of Tract No. 559), under a single Assessor's Parcel Number (APN: 090-132-17). Each property has a lot depth of 135.64' and a lot width of 50'. Combined, the properties have a current lot size of 13,564 square feet

(135.64' x 100'). However, a 10-foot public right-of-way dedication, along the 100' frontage of the subject site (the easterly property line), would be required to bring the properties into conformance with the Master Plan of Streets and Highways. Therefore, after the Lot Line Adjustment and 10-foot right-of-way dedication, the resulting lot size of the consolidated property will be 12,564 square feet. In order for the proposed project to move forward, the Municipal Code requires Lot Line Adjustment approval to consolidate the two (2) lots into one and Variance approval to deviate from the 20,000 square foot minimum lot size requirement.

On March 1, 2018, the Planning Commission held a public hearing to consider Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and Variance No. V-018-2018. Staff recommended approval (see attached March 1, 2018 Planning Commission Staff Report). The Applicant and eight (8) members of the public provided oral testimony at the public hearing. Seven (7) members of the public came forward to speak in opposition to the project. Those in opposition cited concerns in regard to insufficient on-site and off-site parking; existing traffic safety issues on 9th Street that would be exacerbated, including a dangerous sight line for pulling out of College Avenue onto 9th, aggressive drivers in a small area, and car accidents; concerns for the current tenants in apartments to be demolished; adverse impacts on privacy of adjacent properties; loss of views and sunlight by adjacent properties due to the size and orientation of the proposed buildings; a decrease in property values; street sweeping; loitering; construction debris; construction noise; and quality of life. In addition to the Applicant, one (1) member of the public came forward to speak in favor of the project, stating the project would improve the blighted area and that the project, which includes obscured windows and inward facing balconies, addresses privacy concerns. The Applicant was given the opportunity to respond to all of the comments made by members of the public and the public hearing was closed. Staff advised the Planning Commission that the applicant was entitled to written findings if its request was denied. After discussion amongst the five (5) Planning Commissioners in attendance, a motion was made articulating reasons justifying denial of the applicant's request and directing Staff to prepare a Resolution of Denial based on the reasons articulated for adoption by the Planning Commission at its March 15, 2018 meeting. The motion was adopted by a vote of 5-0 (with 2 commissioners absent). On March 8, 2018, the applicant filed an appeal of the March 1, 2018 Planning Commission decision with the City Clerk and paid the appeal fee, unilaterally choosing to proceed to the City Council without the Planning Commission having formally adopted written findings for denial.

DISCUSSION

Procedure

Pursuant to Chapter of 9.32 of the Municipal Code, any decision of the Planning Commission may be appealed to the City Council. Applicants are legally entitled to written findings justifying denial of a land use application by the Planning Commission and typically wait until the Planning Commission has formally adopted written findings before filing an appeal. In this instance, however, the applicant has chosen to proceed with an appeal of the Planning Commission's decision to direct Staff to prepare a resolution of denial for the Planning Commission's adoption based on the findings orally articulated on the record, without waiting for the Planning Commission to formally adopt the resolution containing those findings. Although this is atypical, because the Planning Commission's action was intended to be final, and all that remained was the formal approval of a resolution reflecting the findings made orally by the Planning Commission at its March 1, 2018 meeting, Staff has determined that the Municipal Code permits the appeal.

The City Council hears appeals of Planning Commission decisions de novo, meaning that the City Council acts as the hearing body, conducts its own public hearing, and makes its own findings justifying approval or denial of the land use application. Following conclusion of the public hearing, the City Council may take final and conclusive action on the application by adopting a resolution either approving, conditionally approving, or denying the application. Alternatively, the City Council can refer proposed findings to the Planning Commission and request a further report on the matter before taking final action.

Description of Proposed Project

The applicant is proposing to demolish all existing on-site improvements, which include the three (3) existing one-story apartment units, and to construct four (4) new three-story apartment units. Each unit would be a three-story dwelling 33'-10" in height providing a total living area of 1,938 square feet, excluding the two-car garage. Each unit would provide a total of four (4) bedrooms and four (4) bathrooms and would include a private patio on the first floor and a private balcony on the second floor. Two (2) units would be located on each side, north and south, of the property, with a private 28'-0" wide drive aisle running down the center of the development, and providing access off 9th Street to the units and to four (4) two-car enclosed garages and six (6) covered guest parking stalls. Units 1 and 3 would be set back 15'-0" from the easterly property line, as measured from the ultimate right-of-way, and all four units would provide a 5'-0" setback to the interior side property lines (northerly and southerly). Units 2 and 4 would provide a 5'-0" rear setback to the westerly property line. The applicant has proposed a contemporary architectural style for the project that would exhibit stucco exteriors, decorative siding, contemporary glass balcony walls, varying window sizes, decorative light fixtures, a hip roof design, and articulation on the building façade. Except for lot size (discussed below), the proposed project is consistent with all pertinent development standards. The attached Project Summary Chart provides additional information about the proposed Project. The Municipal Code requires Site Plan land use entitlement approval to develop the property with the proposed multiple-family residential project.

Based on title report of the subject properties, the site is comprised of two (2) separate lots (Lots 14 and 15 of Tract No. 559), under a single Assessor's Parcel Number (APN: 090-132-17). Each property has a lot depth of 135.64' and a lot width of 50'. Combined, the properties have a current lot size of 13,564 square feet (135.64' x 100'). In order for the proposed integrated project to be developed, the Municipal Code requires approval of a Lot Line Adjustment to consolidate the two (2) lots into one. Based on the City's Master Plan of Streets and Highways, 9th Street is considered a secondary 4-lane undivided roadway (secondary arterial), which has a planned ultimate right-of-way of 80 feet.

Currently, the measurement from the centerline of 9th Street to the property lines of the subject properties is 30 feet. Therefore, a 10-foot public right-of-way dedication, along the 100' frontage of the subject site (the easterly property line), would be required to bring the properties into conformance with the Master Plan of Streets and Highways. Therefore, after the proposed Lot Line Adjustment and required 10-foot right-of-way dedication, the resulting lot size of the consolidated property would be 12,564 square feet.

Pursuant to Table III-3 and Subsection 9370.3.3(c)(2)(g) of the Community Center Specific Plan, a 20,000 square foot minimum lot size is required for development of properties with multi-family residential projects like the proposed project within the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zone. After the proposed Lot Line Adjustment to consolidate the two (2) properties (Lots 14 and 15 of Tract No. 559) into one, the resulting lot size, would be 12,564 square feet, which is less than the minimum 20,000 square foot lot size requirement applicable to the CCSP-PR61 zone. Without a Variance, the proposed Lot Line Adjustment and Site Plan would not be consistent with the provisions of the Specific Plan. Therefore, approval of a Variance from the minimum lot area standard set forth in the Specific Plan is necessary in order to facilitate the proposed redevelopment of the site.

As indicated above, City Staff recommended approval of the proposed Project to the Planning Commission. The rationale for Staff's recommendation is set forth in the March 1, 2018 Planning Commission Staff Report (attached). A draft Resolution for conditional approval of the proposed Project is attached for the City Council's consideration. The proposed findings for approval and the attached Conditions of Approval are the same as considered by the Planning Commission.

Basis of Planning Commission Denial

Although the Planning Commission did not adopt written findings, several Planning Commissioners expressed concerns regarding the proposed project at the March 1, 2018 hearing, and the Planning Commission articulated reasons for denial on the record. Several Planning Commissioners expressed a concern that the proposed consolidated 12,564 square foot lot was not large enough for the proposed multi-family development and that the size and massing of the proposed buildings is significantly different from that of the neighboring uses. It was also noted that several owners and residents of the neighborhood, in which the subject site is located, testified at the public hearing that the proposed size and orientation of the buildings on the site would not be compatible with the existing neighboring uses or the neighborhood characteristics they deem desirable. For these reasons, the Planning Commission indicated that it was unable to find that the proposed project is compatible with the physical, functional, and visual quality of the neighboring uses and desirable neighborhood characteristics (Finding No. 5 for Site Plan approval). Several residents of the neighborhood, in which the subject property is located, testified at the public hearing that existing traffic on 9th Street adjacent to and in the vicinity of the subject property is already too heavy and results in safety hazards and that available on-street parking on 9th Street and College Avenue in the vicinity of the subject property is very limited. Noting this testimony, some Planning Commissioners also expressed concerns that the additional traffic generated by the proposed project would unnecessarily exacerbate the existing traffic and parking problems on adjacent streets, and the Planning Commission also indicated that it was unable to find that the proposed project will not adversely affect essential public facilities such as streets and alleys, utilities and drainage channels (Finding No. 3 for Site Plan approval).

A draft Resolution of Denial based on the reasons articulated by the Planning Commission has also been included for the City Council's consideration.

FINANCIAL IMPACT

None.

RECOMMENDATION

It is recommended that the City Council conduct a Public Hearing and either:

- Adopt the attached Resolution granting the appeal and approving Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and Variance No. V-018-2018, subject to the attached Conditions of Approval; or
- Adopt the attached Resolution denying the appeal and denying Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and Variance No. V-018-2018; or
- Provide further direction to Staff.

ATTACHMENTS:

Description	Upload Date	Type	File Name
SP-046-2018 Planning Commission Staff Report Dated March 1, 2018	4/3/2018	Backup Material	SP-046-2018_Planning_Commission_Staff_Report_Dated_March_1__2018.docx
SP-046-2018 Planning Commission Minutes	4/3/2018	Minutes	SP-046-2018_Planning_Commission_Minute_Excerpt_of_March_1__2018.doc

minute

Excerpt of
March 1,
2018

CC

Resolution

SP-046- 4/18/2018 Resolution 4-24-18_CC_SP-046-2018_Draft_City_Council_Resolution_of_Approval.doc
2018

approval

SP-046-
2018

Exhibit "A"

Conditions

of Approval

attached to

Draft City

Council

Resolution

of Approval

CC

Resolution

SP-046- 4/18/2018 Resolution 4-24-18_CC_SP-046-2018_Draft_City_Council_Resolution_of_Denial.doc

2018 denial

SP-046-
2018

Appellant's
Appeal

Form 3-8-
18

SP-046-
2018

Project
Summary
Chart

4/3/2018 Resolution SP-046-
2018_Exhibit_"A"_Conditions_of_Approval_attached_to_Draft_City_Council_Resolution_of_Approval.docx

4/3/2018 Backup SP-046-2018_Appellant_s_Appeal_Form_3-8-18.pdf
Material

4/3/2018 Backup SP-046-2018_Project_Summary_Chart.pdf
Material

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: West side of 9 th Street, between College Avenue and Stanford Avenue, at 12671 9 th Street
HEARING DATE: March 1, 2018	GENERAL PLAN: Low Medium Density Residential
CASE NOS.: Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and Variance No. V-018-2018	ZONE: CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61)
APPLICANT: Anh Phan	CEQA DETERMINATION: Exempt – CEQA Guidelines § 15303 and 15305
PROPERTY OWNER: AC Investment Group	APN NO.: 090-132-17

REQUEST:

The applicant is requesting Site Plan approval to demolish all existing on-site improvements, which include three (3) existing one-story apartment units, and to construct four (4) new three-story apartment units on a 12,564 square foot site. In conjunction with this request, the applicant is also requesting approval of a Lot Line Adjustment to eliminate an existing property line to consolidate the two (2) existing parcels into one (1) lot, and Variance approval to deviate from the minimum lot size requirement of the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zone, to develop the site with a multiple-family residential development.

PROJECT STATISTICS:

	Provided	Code Requirement	Meets Code
Lot Size	12,564 S.F. (after LLA & dedication)	20,000 S.F. (minimum)	No*
Density	4 units	23 units per acre (max of 6 units)	Yes
Parking	14	14 spaces (3.5 spaces per unit)	Yes
Recreation Area	1,826 S.F.	1,200 S.F. (minimum)	Yes
Building Height	33'-10"	35'-0" (maximum)	Yes
Building Setbacks			
Front	15'-0"	15'-0"	Yes
Rear	5'-0"	5'-0"	Yes
Interior Side	5'-0"	5'-0"	Yes

*The combined lot size is currently 13,564 square feet in area. After the lot line adjustment and required public right-of-way dedication, the lot size will be 12,564 square feet in area. A Variance is required to deviate from the minimum lot size requirement of the CCSP-PR61 zone.

BACKGROUND:

The subject site is currently 13,564 (135.64' x 100') square feet in area and located on the west side of 9th Street, between College Avenue and Stanford Avenue. The site is currently improved with three (3) one-story detached apartment units. The site has a General Plan Land Use Designation of Low Medium Density Residential and is zoned CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61). The site abuts CCSP-PR61 zoned properties to the north, west, and south, and R-1 (Single-Family Residential) zoned properties, across 9th Street, to the east, all of which are developed with residential uses.

The applicant is proposing to demolish all existing on-site improvements, which include the three (3) existing one-story apartment units, and to construct four (4) new three-story apartment units. The Municipal Code requires Site Plan land use entitlement approval to develop the property with the proposed multiple-family residential project.

Based on title report of the subject properties, the site is comprised of two (2) separate lots (Lots 14 and 15 of Tract No. 559), under a single Assessor's Parcel Number (APN: 090-132-17). Each property has a lot depth of 135.64' and a lot width of 50'. Combined, the properties have a current lot size of 13,564 square feet (135.64' x 100'). In order for the proposed project to move forward, the Municipal Code requires Lot Line Adjustment approval to consolidate the two (2) lots into one.

Based on the City's Master Plan of Streets and Highways, 9th Street is considered a secondary 4-lane undivided roadway (secondary arterial), which has a planned ultimate right-of-way of 80 feet. Currently, the measurement from the centerline of 9th Street to the property lines of the subject properties is 30 feet. As part of the project (SP-046-2018), a 10-foot public right-of-way dedication, along the 100' frontage of the subject site (the easterly property line), will be required to bring the properties into conformance with the Master Plan of Streets and Highways. Therefore, after the Lot Line Adjustment and 10-foot right-of-way dedication, the resulting lot size of the consolidated property will be 12,564 square feet.

DISCUSSION:**SITE PLAN:****Site Design and Circulation**

The proposed development is designed to provide efficient circulation, for both vehicular and pedestrian access, for the four (4) proposed detached dwelling units.

A new 30'-0" driveway approach, along the easterly property line, will be constructed per City standards, providing access off 9th Street. The 30'-0" wide driveway approach will taper down to the 28'-0" wide private drive aisle, which provides access to the four (4) two-car enclosed garages, and the six (6) covered guest parking stalls. No vehicular access gate is proposed.

Two (2) units are to be located on each side, north and south, of the property, with a private 28'-0" wide drive aisle, which runs down the center of the development. Units 1 and 2, along the southerly property line, are connected by a carport structure, comprised of a single structure. Units 3 and 4, along the northerly property line, are also connected by a carport structure, comprised of a single structure. Each carport covers three (3) guest parking stalls, for a total of six (6) covered guest parking stalls.

Units 1 and 3 are set back 15'-0" from the easterly property line, as measured from the ultimate right-of-way (the assumed property line after the 10 foot right-of-way dedication). As measured from the current face of curb on 9th Street, Units 1 and 3 will be set back 35'-0". All four units provide a 5'-0" setback to the interior side property lines (northerly and southerly). Units 2 and 4 provide a 5'-0" rear setback to the westerly property line. The project meets all minimum setback requirements of the Municipal Code.

Landscaping and Recreation Area

The Municipal Code requires a minimum amount of total landscaping for the site and a minimum amount of total open space (recreation area).

Based on zoning (CCSP-PR61) requirements, the project is required to provide a minimum of 12% of landscaping based on the net developable area (excluding the building footprint and required setbacks), which equals a minimum of 499 square feet of landscaping. In addition to all landscaped setbacks, the project provides 854 square feet of landscaping. Therefore, the project exceeds the minimum landscaping required.

Based the Municipal Code, for open space development standards, a minimum of 1,200 square feet (300 square feet per unit) of open space (recreation area) is required for the entire development. Each unit provides a 246.5 square foot open patio on the 1st floor, as well as a 210 square foot open balcony on the second floor. Additionally, the project provides a communal recreation area at the rear, along the westerly property line. In total, the project provides a total of approximately 2,141 square feet of open space, which is a surplus of 941 square feet.

Parking

The 28'-0" wide drive aisle provides access to each two-car enclosed garage and the covered guest parking spaces. Based on the Municipal Code, for minimum parking requirements, the project is required to provide a minimum of fourteen (14) parking spaces. The project provides four (4) enclosed two-car garages and six (6) covered guest parking spaces, for a total of fourteen (14) parking spaces, which meets the minimum required by Code.

Unit Design

Each unit will be a three-story dwelling providing a total living area of 1,938 square feet, excluding the two-car garage. The first floor will provide 615 square feet of living area, 812 square feet on the second floor, and 511 square feet on the third

floor). Each unit will provide a total of four (4) bedrooms and four (4) bathrooms (2 publicly accessible bathrooms and 2 private bathrooms). Each unit will be provided with a private patio on the first floor and a private balcony on the second floor.

The total building footprint will equate to 5,402 square feet of structures. Based on the lot size of 12,564 square feet, the proposed lot coverage will be 43%, which is below the maximum 50% lot coverage requirement by Code.

Building Design

The applicant has proposed a contemporary architectural style for the apartment dwelling units that exhibit stucco exteriors, decorative siding, contemporary glass balcony walls, varying window sizes, decorative light fixtures, a hip roof design, and an effective use of articulation on the building façade and design.

Perimeter Walls and Landscaping

The development will maintain a six-foot (6'-0") high, decorative masonry block wall along the perimeter of the site, located along the westerly, northerly, and southerly property lines. Furthermore, a six-foot high wood fence will be constructed for each private patio area to provide privacy for each of the units.

All areas of the site, excluding where walkways, drive aisles, and parking areas have been required, will be landscaped. The applicant is required to provide a landscape and irrigation plan to the City that complies with the landscaping requirements of Title 9 of the Municipal Code. Planning staff will review the type and location of all proposed plant materials. As part of the landscape plan, a variety of trees, shrubs, and flowers are required for all common and private areas. All landscaped areas will be fitted with automatic irrigation systems.

LOT LINE ADJUSTMENT:

In order for the project to move forward and in accordance with the State Subdivision Map Act, the applicant is requesting approval of a Lot Line Adjustment to consolidate the two (2) properties (Lots 14 and 15 of Tract No. 559) into one. Each property has a lot depth of 135.64' and a lot width of 50'. Combined, the properties have a current lot size of 13,564 square feet (135.64' x 100'). Provided the proposed Variance to the minimum lot size requirement of the CCSP-PR61 zone is approved, the consolidation of the lots is consistent with the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and the State Subdivision Map act. After consolidation, and after the required public right-of-way dedication of 10 feet along the easterly property lines, the site will maintain a lot area of 12,564 square feet.

VARIANCE:

In order to encourage lot consolidation, the Community Center Specific Plan establishes a 20,000 square foot minimum lot size requirement for properties within the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zone. After the proposed Lot Line Adjustment to consolidate the two (2) properties (Lots 14 and 15 of Tract No. 559) into one, the resulting lot size, will be 12,564

square feet, which is less than the minimum 20,000 square feet lot size requirement of the CCSP-PR61 zone. The Municipal Code generally allows property owners to develop or redevelop lots that are legal nonconforming only as to lot area without a variance; however, because the subject property is located within a Specific Plan area, a variance from the minimum lot area standard set forth in the Specific Plan is necessary for the proposed project to move forward. Accordingly, the applicant is requesting Variance approval to deviate from the minimum lot size requirement of the CCSP-PR61 zone in order to facilitate the development of the site.

Staff is supportive of the Variance. Proposed reasons supporting the five (5) variance findings required pursuant to State law and Garden Grove Municipal Code Section 9.32.030.D.6 are as follows:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

The project involves two (2) legal nonconforming sized lots, which the applicant proposes to consolidate into one larger parcel to facilitate redevelopment and improvement of the properties. Based on title report of the subject properties, the site is comprised of two (2) separate lots (Lots 14 and 15 of Tract No. 559), under a single Assessor's Parcel Number (APN: 090-132-17). Each property has a lot depth of 135.64' and a lot width of 50'. Combined, the properties have a current lot size of 13,564 square feet (135.64' x 100'). Based on the City's Master Plan of Streets and Highways, 9th Street is considered a secondary 4-lane undivided roadway (secondary arterial), which has a planned ultimate right-of-way of 80 feet. Currently, the measurement from the centerline of 9th Street to the property lines of the subject properties is 30 feet. As part of the project (SP-046-2018), a 10-foot public right-of-way dedication, along the 100' frontage of the subject site (the easterly property line), will be required to bring the properties into conformance with the Master Plan of Streets and Highways. Therefore, after the Lot Line Adjustment and required 10-foot right-of-way dedication, the resulting lot size of the consolidated property will be 12,564 square feet, thereby reducing the net developable area of the site. Other properties on streets in the same zone or neighborhood of the subject site are not subject to the same public right-of-way dedications that reduce their developable area, as it does to the subject site involved in the proposed project.

The subject site is located in an area of similarly sized residentially developed properties that are zoned CCSP-PR60 and CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Areas 60 and 61). The CCSP-PR60 and CCSP-PR61 zones have identical minimum lot size requirements of 20,000 square feet, and minimum lot frontage requirements of 100-foot width. Most properties in the vicinity of the subject property are approximately 6,750 to 6,782 square feet in area with lot frontages of 50-foot width, which do not meet the minimum lot size and frontage requirements of the CCSP-PR60 and CCSP-PR61 zones. When the Community Center Specific Plan was adopted by the City of Garden Grove in 1985, most of the properties in this area were

rendered nonconforming. The base district/zone of the properties zoned CCSP-PR60 and CCSP-PR61 is R-3 (Multiple-Family Residential). Based on the Municipal Code, the minimum lot size requirement for similar multiple-family residential zones, such as the R-3 zone, is 7,200 square feet, which is significantly less than the 20,000 square foot minimum lot size requirement of the CCSP-PR61 zone. Additionally, the single-family residential neighborhood immediately to the east of the subject site is zoned R-1-7 (Single-Family Residential), which has a minimum lot size requirement of 7,200 square feet. The majority of properties in the same zone or neighborhood of the subject site have lot sizes that are significantly less than 20,000 square feet.

In order to meet the 20,000 square foot minimum lot size, additional land would need to be acquired. The lots abutting the site are all developed with residential uses and are owned by others. Thus, further consolidation of abutting properties to meet the 20,000 square foot lot size minimum is not feasible. Although the resulting lot size will be less than the 20,000 square foot lot size minimum requirement, the project meets the intent of the Community Center Specific Plan zone, which, in part, is to achieve improvements of residential buildings within the CCSP zones through redevelopment, consolidation of lots, landscaping, and design improvements. Furthermore, the proposed project brings the combined property closer into conformance to the minimum lot size standard of the CCSP-PR61 zone. With the exception of the minimum lot size requirement, the proposed project meets all development standards of the CCSP-PR61 zone, such as, but not limited to: setbacks, lot frontage width, parking, recreation area, landscaping, and building height.

The foregoing, including the prevalence in the surrounding area of residentially developed lots less than 20,000 square feet, the required right-of-way dedication, that further lot consolidation at this site is impractical, and that the proposed project is otherwise consistent with the standards and intent of the Community Center Specific Plan constitute exceptional circumstances and conditions applicable to the subject property and its intended development that do not apply generally to other property in the same zone and neighborhood.

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 subject property.

The granting of the Variance will not give the property owner a special privilege over other property owners in the area. The subject site is located in an area of similarly sized residentially developed properties that are zoned CCSP-PR60 and CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Areas 60 and 61). The CCSP-PR60 and CCSP-PR61 zones have identical minimum lot size requirements of 20,000 square feet, and minimum lot frontage requirements of 100-foot width. Most properties in the vicinity of the subject property are approximately 6,750 to 6,782 square feet in area with lot frontages of 50-foot width, which do not meet the minimum lot size and frontage requirements of the CCSP-PR60 and CCSP-PR61 zones. When the Community Center Specific Plan was adopted by the City of Garden Grove in

1985, most of the properties in this area were rendered nonconforming. Additionally, there are other properties in the same vicinity and zone, or other similar zoned properties throughout the City, that have similar residential developments on properties that do not meet the minimum lot size, per their respective zones. Approval of the proposed Variance will not set a precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in other similar properties in the immediate vicinity, within the same zone, and other similarly zoned properties throughout the City. With the exception of the minimum lot size requirement, the proposed project meets all development standards of the CCSP-PR61 zone, such as setbacks, lot frontage width, recreation area, landscaping, and building height.

3. The granting of a Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

The Variance request will allow the newly consolidated parcel to deviate from the minimum lot size requirement of the CCSP-PR61 zone, in order to facilitate the development of the site. Many lots in the surrounding area are developed with residential uses on lots less than 20,000 square feet in area. Provided the project complies with the Conditions of Approval, the granting of the Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located. With the exception of the minimum lot size requirement, the project has been designed to meet all development standards of the CCSP-PR61 zone, such as, but not limited to: setbacks, lot frontage width, parking, recreation area, landscaping, and building height.

4. The granting of such Variance will not adversely affect the City's General Plan.

The proposed project, a multiple-family residential apartment complex, is a use that is consistent with the intent of the General Plan and the zoning classification as multiple-family residential developments are permitted in the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zone. The proposed Variance request will not cause an adverse effect on the City's General Plan since the Municipal Code, in conjunction with the requirements of the Community Center Specific Plan zone, are tools used to implement the goals of the General Plan. Approval of the Variance is consistent with several goals set forth in the General Plan. For example, Goal LU-1 of the General Plan encourages the development of residential lots to help meet the needs of the anticipated growth of the community and the regional housing needs. Goal LU-3 of the General Plan encourages the addition of higher density residential development adjacent to major thoroughfares. Finally, Goal LU-4 of the General Plan encourages the development of uses that are compatible with neighboring uses. The proposed multi-family residential project is consistent with all of these goals, and the proposed Variance is needed to facilitate the project. Therefore, granting of this Variance is in keeping with the spirit and intent of the General Plan.

5. The 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.

The subject site is located in an area of similarly sized residentially developed properties that are zoned CCSP-PR60 and CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Areas 60 and 61). The CCSP-PR60 and CCSP-PR61 zones have identical minimum lot size requirements of 20,000 square feet, and minimum lot frontage requirements of 100-foot width. Most properties in the vicinity of the subject property are approximately 6,750 to 6,782 square feet in area with lot frontages of 50-foot width, which do not meet the minimum lot size and frontage requirements of the CCSP-PR60 and CCSP-PR61 zones. When the Community Center Specific Plan was adopted by the City of Garden Grove in 1985, most of the properties in this area were rendered nonconforming. Additionally, there are other properties in the same vicinity and zone, or other similar zoned properties throughout the City, that have similar residential developments on properties that do not meet the minimum lot size, per their respective zones. Approval of the proposed Variance will not set a precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in other similar properties in the immediate vicinity, within the same zone, and other similarly zoned properties throughout the City. With the exception of the minimum lot size requirement, the proposed project meets all development standards of the CCSP-PR61 zone, such as setbacks, lot frontage width, recreation area, landscaping, and building height. Pursuant to Condition of Approval No. 2, the rights granted pursuant to the Variance shall continue in effect for only so long as the improvements authorized and contemplated by Site Plan No. SP-046-2018 and Lot Line Adjustment No. LLA-013-2018 (as they may be amended from time to time) continue to exist on the Site. In the event the improvements authorized and contemplated by Site Plan No. SP-046-2018 and Lot Line Adjustment No. LLA-013-2018 are not constructed or are demolished and not re-established, the Variance shall cease to be effective or grant the property owner any rights to construct other improvements inconsistent with the then-currently applicable development standards. Therefore, the granting of the Variance will not give the property owner a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

California Environmental Quality Act:

The proposed development is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA's Class 3, New Construction or Conversion of Small Structures (CEQA Guidelines §15303), and Class 5, Minor Alterations in Land Use Limitations (CEQA Guidelines §15305), as set forth in the attached Notice of Exemption.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

- Adopt Resolution No. 5911-18 approving Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and Variance No. V-018-2018, subject to the conditions of approval.

LEE MARINO
Planning Services Manager

By: Chris Chung
Urban Planner

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING – SITE PLAN NO. SP-046-2018, LOT LINE ADJUSTMENT NO. LLA-013-2018, VARIANCE NO. V-018-2018. FOR PROPERTY LOCATED ON THE WEST SIDE OF 9TH STREET, BETWEEN COLLEGE AVENUE AND STANFORD AVENUE, AT 12671 9TH STREET.

Applicant: ANH PHAN
Date: March 1, 2018

Request: Site Plan approval to demolish all existing on-site improvements, which include three (3) existing one-story apartment units, and to construct four (4) new three-story apartment units on a 12,564 square foot site. Also, a request for Lot Line Adjustment approval to eliminate an existing property line to consolidate the two (2) existing parcels into one (1) lot, along with a request for Variance approval to deviate from the minimum lot size requirement of the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zone, to develop the site with a multiple-family residential development. The site is in the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zone. This project is exempt pursuant to CEQA Section 15303 – New Construction or Conversion of Small Structures.

Action: Public Hearing held. Speaker(s): (Applicant) Anh Phan, (In opposition) Cynthia Beltran, Greta Corona, Darrin Pedersen, Nicole Varner, Joe Lee, Charlotte Bryant, Lizbeth Gonzalez, (In favor) Vivian Cao.

Those in opposition cited concerns in regard to parking and a dangerous sight line for pulling out of College Avenue onto 9th, aggressive drivers in a small area, car accidents, concerns for the current tenants in apartments to be demolished, privacy, loss of views and sunlight, a decrease in property values, street sweeping, loitering, debris, construction noise, and quality of life.

The person in favor stated that the project would improve Garden Grove and fix unpleasant surroundings, noting that the high obscure windows and inward facing balconies would solve any privacy issues.

Action: The Commission directed staff to bring back a Resolution of Denial to the March 15th meeting citing that Finding Nos. 3 and 5 were not accurate: No. 3 – the project would

adversely affect essential public facilities such as on-site circulation and parking, and No. 5 – the project was not compatible with the physical, functional, and visual quality of the neighboring uses and desirable neighborhood characteristics as the project was inconsistent in height and massing for the area. Additionally, the public hearing would remain closed.

Motion: Truong Second: Lazenby

Ayes: (5) Brietigam, Lazenby, Lehman, Nguyen, Truong
Noes: (0) None
Absent: (2) Kanzler, Salazar

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
GRANTING THE APPEAL OF ANH PHAN AND APPROVING SITE PLAN NO. SP-046-
2018, LOT LINE ADJUSTMENT NO. LLA-013-2018, AND VARIANCE NO. V-018-2018,
FOR TWO PROPERTIES LOCATED ON THE WEST SIDE OF 9TH STREET, BETWEEN
COLLEGE AVENUE AND STANFORD AVENUE, AT 12671 9TH STREET, ASSESSOR'S
PARCEL NO. 090-132-17

WHEREAS, the subject case was initiated by Anh Phan ("Applicant"), owner of the subject site located on the west side of 9th Street, between College Avenue and Stanford Avenue, Assessor's Parcel No. 090-132-17;

WHEREAS, the subject site has a General Plan Land Use designation of Low Medium Density Residential, is currently zoned CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61), and is currently improved with three (3) one-story detached apartment units;

WHEREAS, the Applicant is requesting (1) Site Plan approval to demolish all existing on-site improvements and to construct four new three-story apartment units on a 12,564 square foot consolidated site; (2) Lot Line Adjustment approval to eliminate an existing property line to consolidate the two (2) existing parcels into one lot; and (3) Variance approval to deviate from the 20,000 square foot minimum lot size requirement of the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zone;

WHEREAS, City Staff has recommended approval of the Applicant's request;

WHEREAS, the Planning Commission held a Public Hearing on March 1, 2018 and considered the Applicant's request;

WHEREAS, following conclusion of the Public Hearing, the Planning Commission determined that it could not make all of the findings required for approval and that the Applicant's request should therefore be denied, orally articulated findings for denial of the Applicant's request on the record, and voted to direct City Staff to prepare a resolution of denial based on the articulated findings for adoption by the Planning Commission at its March 15, 2018 meeting;

WHEREAS, the Applicant appealed the Planning Commission's March 1, 2018 decision on March 8, 2018, choosing to proceed before the Planning Commission adopted a resolution containing written findings;

WHEREAS, pursuant to legal notice, a Public Hearing was held by the City Council on April 24, 2018, and all interested persons were given an opportunity to be heard;

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of April 24, 2018.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY RESOLVES, DETERMINES, AND FINDS AS FOLLOWS:

SECTION 1. The above recitals are true and correct, and are incorporated herein by reference.

SECTION 2. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that the proposed project is categorically exempt from the CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) and Section 15305 (Minor Alterations in Land Use Limitations) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303 and 15305).

SECTION 3. Based on the totality of information provided, the City Council disagrees with the conclusion of the Planning Commission and finds that Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and Variance No. V-018-2018 should be approved. The facts and reasons supporting the conclusion of the City Council, as required under Municipal Code Section 9.32.030 and Government Code Section 66412, are as follows:

FACTS:

The subject site is currently 13,564 (135.64' x 100') square feet in area and located on the west side of 9th Street, between College Avenue and Stanford Avenue. The site is currently improved with three (3) one-story detached apartment units. The site has a General Plan Land Use Designation of Low Medium Density Residential and is zoned CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61). The site abuts CCSP-PR61 zoned properties to the north, west, and south, and R-1 (Single-Family Residential) zoned properties, across 9th Street, to the east, all of which are developed with residential uses.

The Applicant is proposing to demolish all existing on-site improvements, which include the three (3) existing one-story apartment units, and to construct four (4) new three-story apartment units. The Municipal Code requires Site Plan land use entitlement approval to develop the property with the proposed multiple-family residential project.

Based on title report of the subject properties, the site is comprised of two (2) separate lots (Lots 14 and 15 of Tract No. 559), under a single Assessor's Parcel Number (APN: 090-132-17). Each property has a lot depth of 135.64' and a lot width of 50'. Combined, the properties have a current lot size of 13,564 square feet (135.64' x 100'). In order for the proposed project to move forward, the

Municipal Code requires Lot Line Adjustment approval to consolidate the two (2) lots into one.

Based on the City's Master Plan of Streets and Highways, 9th Street is considered a secondary 4-lane undivided roadway (secondary arterial), which has a planned ultimate right-of-way of 80 feet. Currently, the measurement from the centerline of 9th Street to the property lines of the subject properties is 30 feet. As part of the project (SP-046-2018), a 10-foot public right-of-way dedication, along the 100' frontage of the subject site (the easterly property line), will be required to bring the properties into conformance with the Master Plan of Streets and Highways. Therefore, after the Lot Line Adjustment and 10-foot right-of-way dedication, the resulting lot size of the consolidated property will be 12,564 square feet.

In order to encourage lot consolidation, the Community Center Specific Plan establishes a 20,000 square foot minimum lot size requirement for properties within the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zone. After the proposed Lot Line Adjustment to consolidate the two (2) properties (Lots 14 and 15 of Tract No. 559) into one, the resulting lot size, will be 12,564 square feet, which is less than the minimum 20,000 square feet lot size requirement of the CCSP-PR61 zone. The Municipal Code generally allows property owners to develop or redevelop lots that are legal nonconforming only as to lot area without a variance; however, because the subject property is located within a Specific Plan area, a variance from the minimum lot area standard set forth in the Specific Plan is necessary for the proposed project to move forward. Accordingly, the Applicant is requesting Variance approval to deviate from the minimum lot size requirement of the CCSP-PR61 zone in order to facilitate the development of the site.

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 Title 9 and the General Plan.

The project complies with the goals of the Low Medium Density Residential Land Use Designation for the property by providing additional housing for the community that will be available for larger family sizes, providing a high quality project design that will preserve residential property values, and providing both common and private open space areas that are available to serve the residents of the subject project. With the exception of the minimum lot size requirement, the project meets the standards of the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zoning of the property, as they pertain to the building setbacks, number of parking spaces, open space, and landscaping. Therefore, the proposed project will improve the site

and fulfill the goals and policies of the General Plan and Land Use Code by creating a well-maintained and attractive development that enhances the existing residential neighborhood.

2. The project will 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 drive aisle, which runs down the center of the development, including maneuvering areas, are adequate for vehicle access. Additionally, the project meets the minimum parking requirements of the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zone. Finally, adequate pedestrian access is provided within the project.

3. The project will not adversely affect essential public facilities such as streets and alleys, utilities and drainage channels.

The developer is required to make street improvements along 9th Street. The street improvements include constructing curb and gutter, constructing a sidewalk, constructing the drive approach, and providing parkway landscaping behind the new sidewalk, which matches the adjacent street improvements. Additionally, existing utilities and drainage facilities within the area are adequate to accommodate the project. The on-site circulation and parking are sufficient for the proposed development.

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, which has required various on- and off-site improvements, including sidewalks, a new driveway, and grading improvements. Issues raised by the project have been addressed in the project design and the conditions of approval.

5. The project is compatible with the physical, functional, and visual quality of the neighboring uses and desirable neighborhood characteristics.

The project has been designed to consider building appearance, building placement, landscaping, and other amenities in order to create an attractive environment that will be an enhancement to the neighborhood and is compatible with the physical, functional, and visual quality of the neighboring uses and desirable neighborhood characteristics. 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 agreements for the protection and maintenance of all landscaping will be achieved.

6. That through the planning and design of buildings and building placement, the provision of open space, landscaping and other site amenities, the project will attain an attractive environment for the occupants of the property.

The project has been designed for building appearance, building placement, landscaping, and other amenities to attain an attractive environment that will be an enhancement to the neighborhood. The Municipal Code requires a minimum amount of total landscaping for the site and a minimum amount of total open space (recreation area). Based on the requirements of the CCSP-PR61 zone, the project is required to provide a minimum of 12% of landscaping based on the net developable area (excluding the building footprint and required setbacks), which equals a minimum of 499 square feet of landscaping. In addition to all landscaped setbacks, the project provides 854 square feet of landscaping. Therefore, the project exceeds the minimum landscaping required. Based the Municipal Code, for open space development standards, a minimum of 1,200 square feet (300 square feet per unit) of open space (recreation area) is required for the entire development. Each unit will be a three-story dwelling providing a total living area of 1,938 square feet, excluding the two-car garage. The first floor will provide 615 square feet of living area, 812 square feet on the second floor, and 511 square feet on the third floor). Each unit will provide a total of four (4) bedrooms and four (4) bathrooms (2 publicly accessible bathrooms and 2 private bathrooms). Each unit will be provided with a private patio on the first floor and a private balcony on the second floor. The total building footprint will equate to 5,402 square feet of structures. Based on the lot size of 12,564 square feet, the proposed lot coverage will be 43%, which is below the maximum 50% lot coverage requirement by Code. The applicant has proposed a contemporary architectural style for the apartment dwelling units that exhibit stucco exteriors, decorative siding, contemporary glass balcony walls, varying window sizes, decorative light fixtures, a hip roof design, and an effective use of articulation on the building façade and design.

Lot Line Adjustment:

1. The parcels, as the result of the Lot Line Adjustment, will conform to the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and State Subdivision Map Act.

The subject parcels have a General Plan Land Use Designation of Medium Density Residential and are zoned CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61). The subject site is comprised of two (2)

separate lots (Lots 14 and 15 of Tract No. 559), under a single Assessor's Parcel Number (APN: 090-132-17). Each property has a lot depth of 135.64' and a lot width of 50'. Combined, the properties have a current lot size of 13,564 square feet (135.64' x 100'). After consolidation, and after the required public right-of-way dedication of 10 feet along the easterly property lines, the site will maintain a lot area of 12,564 square feet. The consolidation of the two (2) properties into one will facilitate the development of the 4-unit multiple-family residential development proposed for the site. With the approval of the proposed Variance to the minimum lot size requirement of the CCSP-PR61 zone, all site improvements will conform to the City's General Plan and Zoning Ordinance.

Variance:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

The project involves two (2) legal nonconforming sized lots, which the applicant proposes to consolidate into one larger parcel to facilitate redevelopment and improvement of the properties. Based on the title report of the subject properties, the site is comprised of two (2) separate lots (Lots 14 and 15 of Tract No. 559), under a single Assessor's Parcel Number (APN: 090-132-17). Each property has a lot depth of 135.64' and a lot width of 50'. Combined, the properties have a current lot size of 13,564 square feet (135.64' x 100'). Based on the City's Master Plan of Streets and Highways, 9th Street is considered a secondary 4-lane undivided roadway (secondary arterial), which has a planned ultimate right-of-way of 80 feet. Currently, the measurement from the centerline of 9th Street to the property lines of the subject properties is 30 feet. As part of the project (SP-046-2018), a 10-foot public right-of-way dedication, along the 100' frontage of the subject site (the easterly property line), will be required to bring the properties into conformance with the Master Plan of Streets and Highways. Therefore, after the Lot Line Adjustment and required 10-foot right-of-way dedication, the resulting lot size of the consolidated property will be 12,564 square feet, thereby reducing the net developable area of the site. Other properties on streets in the same zone or neighborhood of the subject site are not subject to the same public right-of-way dedications that reduce their developable area, as it does to the subject site involved in the proposed project.

The subject site is located in an area of similarly sized residentially developed properties that are zoned CCSP-PR60 and CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Areas 60 and 61). The CCSP-PR60 and CCSP-PR61 zones have identical minimum lot size requirements of 20,000 square feet, and minimum lot frontage requirements of 100-foot width. Most

properties in the vicinity of the subject property are approximately 6,750 to 6,782 square feet in area with lot frontages of 50-foot width, which do not meet the minimum lot size and frontage requirements of the CCSP-PR60 and CCSP-PR61 zones. When the Community Center Specific Plan was adopted by the City of Garden Grove in 1985, most of the properties in this area were rendered nonconforming. The base district/zone of the properties zoned CCSP-PR60 and CCSP-PR61 is R-3 (Multiple-Family Residential). Based on the Municipal Code, the minimum lot size requirement for similar multiple-family residential zones, such as the R-3 zone, is 7,200 square feet, which is significantly less than the 20,000 square foot minimum lot size requirement of the CCSP-PR61 zone. Additionally, the single-family residential neighborhood immediately to the east of the subject site is zoned R-1-7 (Single-Family Residential), which has a minimum lot size requirement of 7,200 square feet. The majority of properties in the same zone or neighborhood of the subject site have lot sizes that are significantly less than 20,000 square feet.

In order to meet the 20,000 square foot minimum lot size, additional land would need to be acquired. The lots abutting the site are all developed with residential uses and are owned by others. Thus, further consolidation of abutting properties to meet the 20,000 square foot lot size minimum is not feasible. Although the resulting lot size will be less than the 20,000 square foot lot size minimum requirement, the project meets the intent of the Community Center Specific Plan zone, which, in part, is to achieve improvements of residential buildings within the CCSP zones through redevelopment, consolidation of lots, landscaping, and design improvements. Furthermore, the proposed project brings the combined property closer into conformance to the minimum lot size standard of the CCSP-PR61 zone. With the exception of the minimum lot size requirement, the proposed project meets all development standards of the CCSP-PR61 zone, such as, but not limited to: setbacks, lot frontage width, parking, recreation area, landscaping, and building height.

The foregoing, including the prevalence in the surrounding area of residentially developed lots less than 20,000 square feet, the required right-of-way dedication, that further lot consolidation at this site is impractical, and that the proposed project is otherwise consistent with the standards and intent of the Community Center Specific Plan constitute exceptional circumstances and conditions applicable to the subject property and its intended development that do not apply generally to other property in the same zone and neighborhood.

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 subject property.

The granting of the Variance will not give the property owner a special privilege over other property owners in the area. The subject site is located in an area of similarly sized residentially developed properties that are zoned CCSP-PR60 and CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Areas 60 and 61). The CCSP-PR60 and CCSP-PR61 zones have identical minimum lot size requirements of 20,000 square feet, and minimum lot frontage requirements of 100-foot width. Most properties in the vicinity of the subject property are approximately 6,750 to 6,782 square feet in area with lot frontages of 50-foot width, which do not meet the minimum lot size and frontage requirements of the CCSP-PR60 and CCSP-PR61 zones. When the Community Center Specific Plan was adopted by the City of Garden Grove in 1985, most of the properties in this area were rendered nonconforming. Additionally, there are other properties in the same vicinity and zone, or other similar zoned properties throughout the City, that have similar residential developments on properties that do not meet the minimum lot size, per their respective zones. Approval of the proposed Variance will not set a precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in other similar properties in the immediate vicinity, within the same zone, and other similarly zoned properties throughout the City. With the exception of the minimum lot size requirement, the proposed project meets all development standards of the CCSP-PR61 zone, such as setbacks, lot frontage width, recreation area, landscaping, and building height.

3. The granting of a Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

The Variance request will allow the newly consolidated parcel to deviate from the minimum lot size requirement of the CCSP-PR61 zone, in order to facilitate the development of the site. Many lots in the surrounding area are developed with residential uses on lots less than 20,000 square feet in area. Provided the project complies with the Conditions of Approval, the granting of the Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located. With the exception of the minimum lot size requirement, the project has been designed to meet all development standards of the CCSP-PR61 zone, such as, but not limited to: setbacks, lot frontage width, parking, recreation area, landscaping, and building height.

4. The granting of such Variance will not adversely affect the City's General Plan.

The proposed project, a multiple-family residential apartment complex, is a use that is consistent with the intent of the General Plan and the zoning classification as multiple-family residential developments are permitted in the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area

61) zone. The proposed Variance request will not cause an adverse effect on the City's General Plan since the Municipal Code, in conjunction with the requirements of the Community Center Specific Plan zone, are tools used to implement the goals of the General Plan. Approval of the Variance is consistent with several goals set forth in the General Plan. For example, Goal LU-1 of the General Plan encourages the development of residential lots to help meet the needs of the anticipated growth of the community and the regional housing needs. Goal LU-3 of the General Plan encourages the addition of higher density residential development adjacent to major thoroughfares. Finally, Goal LU-4 of the General Plan encourages the development of uses that are compatible with neighboring uses. The proposed multi-family residential project is consistent with all of these goals, and the proposed Variance is needed to facilitate the project. Therefore, granting of this Variance is in keeping with the spirit and intent of the General Plan.

5. The 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.

The subject site is located in an area of similarly sized residentially developed properties that are zoned CCSP-PR60 and CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Areas 60 and 61). The CCSP-PR60 and CCSP-PR61 zones have identical minimum lot size requirements of 20,000 square feet, and minimum lot frontage requirements of 100-foot width. Most properties in the vicinity of the subject property are approximately 6,750 to 6,782 square feet in area with lot frontages of 50-foot width, which do not meet the minimum lot size and frontage requirements of the CCSP-PR60 and CCSP-PR61 zones. When the Community Center Specific Plan was adopted by the City of Garden Grove in 1985, most of the properties in this area were rendered nonconforming. Additionally, there are other properties in the same vicinity and zone, or other similar zoned properties throughout the City, that have similar residential developments on properties that do not meet the minimum lot size, per their respective zones. Approval of the proposed Variance will not set a precedent and will allow the applicant to enjoy a substantial property right possessed by other property owners located in other similar properties in the immediate vicinity, within the same zone, and other similarly zoned properties throughout the City. With the exception of the minimum lot size requirement, the proposed project meets all development standards of the CCSP-PR61 zone, such as setbacks, lot frontage width, recreation area, landscaping, and building height. Pursuant to Condition of Approval No. 2, the rights granted pursuant to the Variance shall continue in effect for only so long as the improvements authorized and contemplated by Site Plan No. SP-046-2018 and Lot Line Adjustment No. LLA-013-2018 (as they may be amended from time to time) continue to exist on the Site. In the event the improvements authorized and contemplated by Site Plan

No. SP-046-2018 and Lot Line Adjustment No. LLA-013-2018 are not constructed or are demolished and not re-established, the Variance shall cease to be effective or grant the property owner any rights to construct other improvements inconsistent with the then-currently applicable development standards. Therefore, the granting of the Variance will not give the property owner a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is situated.

Section 4. Based upon the foregoing findings, the Applicant's appeal is hereby granted, the Planning Commission's decision is overturned, and Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and Variance No. V-018-2018 are hereby approved, subject to Section 5, below.

Section 5. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as "Exhibit A", shall apply to Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and Variance No. V-018-2018.

EXHIBIT "A"

**Site Plan No. SP-046-2018
Lot Line Adjustment No. LLA-013-2018
Variance No. V-018-2018**

12671 9th Street

CONDITIONS OF APPROVAL

General Conditions

1. The applicant and each owner of the property shall execute, and the applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required within 30 days of this approval. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Anh Phan, 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. Any changes of the Conditions of Approval require approval by the Planning Commission.
2. The rights granted the applicant pursuant to Variance No. V-018-2018 shall continue in effect for only so long as the improvements authorized and contemplated by Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and these Conditions of Approval (as they may be amended from time to time) continue to exist on the Site. In the event the improvements authorized and contemplated by Site Plan No. SP-046-2018 and Lot Line Adjustment No. LLA-013-2018 are not constructed within one year of approval (or the length of any extension approved by the City) or are demolished and not re-established within one year of demolition, Variance No. V-018-2018 shall cease to be effective or grant the applicant any rights to construct other improvements inconsistent with the then-currently applicable development standards. Approval of this Site Plan, Lot Line Adjustment, and Variance shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
3. Minor modifications to the Site Plan, Lot Line Adjustment, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

4. The approved site plan, floor plan, and use of the subject property, as represented by the Applicant, are an integral part of the decision approving this Site Plan. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the intensification of the project or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Public Works Engineering Division

6. The applicant shall be subject to Traffic Mitigation Fees, Citywide Park Fees, Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amounts of said fees shall be calculated based on the City's current fee schedule in effect at the time of permit issuance.
7. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall make recommendations for pavement design the interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels.
8. A separate street permit is required for work performed within the public right-of-way.
9. All parking spaces that abut to sidewalk that are not elevated with a curb face to the stall, if any, shall have wheel stops.
10. Grading/Street improvement plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30' outside the boundary, and designed to preclude cross lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan. Street improvement plan shall

conform to all format and design requirements of the City Standard Drawings & Specifications.

11. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
 - Addresses Site Design BMPs 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.
12. 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 and/or other post-construction BMPs; and
13. 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.

14. Prior to the issuance of a grading permit, the applicant shall coordinate trash pickup location with Republic Services and provide a copy of an exhibit to engineering division, demonstrating trash pickup location if locations are outside of development and within City's right of way.
15. Prior to issuance of a grading permit, the applicant shall design overhead street lighting within the development in a manner meeting the approval of the City Engineer. Location of lighting poles shall be shown on the grading plan.
16. Provide a 3-foot public utility easement across lot frontage behind the property line.
17. The applicant shall construct the driveway entrance to the development per City of Garden Grove Standard Plan B-121 with conforming ADA landing and pathways where public and private sidewalks intersect. All designs must conform to latest ADA standards.
18. No parallel curb parking shall be permitted anywhere on the site.
19. 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.
20. 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 the street.
21. 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. In addition, the following shall apply.
 - a. The color and material of all proposed block walls, columns, and wrought iron fencing shall be approved by the Planning Services Division Prior to installation.
22. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
23. The applicant and his contractor shall be responsible for protecting all existing horizontal and vertical survey controls, monuments, ties (centerline and corner)

and benchmarks located within the limits of the project. If any of the above require removal; relocation or resetting, the Contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be reset after completion of construction. Any ties, monuments and bench marks disturbed during construction shall be reset per Orange County Surveyor Standards after construction. Applicant and his contractor shall also re-set the tie monuments where curb or curb ramps are removed and replaced or new ramps are installed. The Applicant and his contractor shall be liable for, at his expense, any resurvey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls.

24. The applicant shall identify a temporary parking site(s) for construction crew prior to issuance of a grading permit. No construction parking is allowed on local streets.
25. Prior to issuance of a grading permit, the applicant submit and obtain approval of a worksite traffic control plan, satisfactory to the City Traffic Engineer.
26. Heavy construction truck traffic and hauling trips should occur outside peak travel periods. Peak travel periods are considered to be from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.
27. Any required lane closures should occur outside of peak travel periods.
28. Construction vehicles should be parked off traveled roadways in a designated parking.
29. The applicant shall coordinate with Republic Services for all construction and demolition debris processing.
30. The applicant shall remove the existing landscape within sidewalk area along 9th 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.

9th Street

- a. Remove the existing substandard driveway approach and existing landscaping on 9th Street and construct new curb, gutter, landscape and sidewalk per approved site plan.
- b. 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 Traffic Engineer and detailed on the plan showing all modifications.

- c. 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).
- d. Remove existing sidewalk and construct a 5-foot sidewalk adjacent to the street curb and a 5-foot landscape parkway between the new sidewalk and right of way line in accordance with City Standard Plan B-106. The area between back of sidewalk and the front property line shall be landscaped per the direction of Planning Services Division.
- e. Applicant to coordinate the location of all new water meters to be placed in sidewalk area on Garden Grove Boulevard with Planning Services Division and Water Services Division.
- f. Any proposed new landscaping in public right-of-way shall be approved by Planning Services Division.

Garden Grove Fire Department

- 31. Fire sprinkler system is required throughout each apartment building per the California Fire Code and adopted City standards (NFPA). NFPA 13D compliant system is required throughout with a density and configuration as required by that standard. Sprinkler systems shall meet further City water standards as determined by the fire and water departments (i.e., testable above-ground double check valves, fire flow water meters if required).
- 32. All Fire-related aspects of the proposed project shall comply with applicable California Fire Codes and the California Building Codes.

Public Works Water Services Division

- 33. For each unit, install a 1" water meter and service with a residential fire service connection per City Standard B-719 within the Ninth Street right-of-way.
- 34. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed on the landscape system. Installation of RPPD shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.

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35. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
36. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
37. Location and number of fire hydrants shall be as required by Water Services Division and the Garden Grove Fire Department.
38. Property Owner shall install new private sewer main and clean out at right-of-way line per Standard S-111, bedding per Standard S-107, and a manhole per Standard S-100. The sewer main within the City right-of-way to include extra strength VCP with wedgelock joints. On-site sewer main, laterals, clean out, and trenching shall be per California Plumbing Code.
39. 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.

Planning Services Division

40. The applicant shall submit a detailed landscape and irrigation plan of all landscape areas, including the parkway area behind the new sidewalks. The plan shall be submitted to and be approved by the Community and Economic Development Department, Planning Services Division prior to the issuance of any permit for construction. Said plan shall include substantial plantings that create a natural setting and include type (both common and botanical names), size, location, and quantity of all plant material. The landscaping shall be planted prior to the finalization of the permit for construction. The landscape plan shall also include the following:
 - a. The landscaping plan shall comply with all the landscaping requirements as specified in Title 9 of the City of Garden Grove Municipal Code. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines.
 - b. Trees planted within ten (10) feet of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontages adjacent to driveways shall be of the low height variety to ensure safe sight clearance. No street trees will be planted in the sidewalk, unless required by the City's Public Works Department. The landscape plan shall maximize the plantings along the perimeter wall where planters are possible. There shall be vine plantings along the length of the perimeter walls. The vines shall be mainly perennial and evergreen with some flowering, deciduous types interspersed.

- c. The front landscape area shall reflect the existing character of the site with abundant tropical plantings and shade trees.
 - d. A complete, permanent, and automatic remote control irrigation system shall be provided for all landscape areas shown on the plan. Subsurface irrigation systems are encouraged. The irrigation plan for any trees planted in the setback areas adjacent to the sidewalks and in the parking lot shall have a deep-water irrigation system that shall be specified on the landscape plan. A detail of the deep-water irrigation system shall be provided for review. If sprinklers are used in other areas, they shall be low flow/precipitation sprinkler heads for water conservation.
 - e. All above ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plan and shall be screened from view by appropriate plantings.
 - f. The applicant is responsible for the installation of all landscaping, irrigation, and other site improvements on the property. Said responsibility shall extend to all landscaped areas, the playground, the landscape setbacks, sidewalk, curb and pavement of the site.
41. 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 stipulated in section 8.47.010 of the Municipal Code.
42. The approval and effectiveness of Site Plan No. SP-046-2018 shall be expressly contingent upon the effectiveness and recordation, by the County Surveyor's Office, of Lot Line Adjustment No. LLA-013-2018.
43. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the Planning Services Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting. Lighting in the common areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences.
44. 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 and Safety 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. All above-ground utility equipment (e.g., electrical, gas, telephone) shall not be located in the street setbacks and shall be screened to the satisfaction of the Community and Economic Development Department, Planning Services Division.
 - c. No roof-mounted mechanical equipment, including, but not limited to, dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
 - d. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
45. Each Unit shall have phone-jacks and cable-TV in all rooms, except any laundry area, hallways, and bathrooms.
 46. All units shall maintain the ability to park two (2) cars within the garages at all times. Garages shall not be converted to any other use. There shall be no business activities, day care, or garage sales conducted within or from the garages. Parking spaces in the garages shall be made available to the occupants of the unit at all times. The applicant/property owner shall ensure that this condition is complied with at all times by tenants of the units and shall include notice of this requirement in all lease agreements.
 47. The main drive aisle, which runs through the middle of the property, serves the entire development for vehicular circulation. The applicant shall utilize effective signage, and/or other acceptable means (i.e., a painted/marked red fire lane), to communicate to residents and guests that there shall be no parking in front of garages or anywhere within the drive aisle, except for within the designated covered guest parking spaces. Additionally, there shall be no long term parking of vehicles in the covered guest parking spaces nor shall covered guest parking spaces be reserved for any particular units.
 48. The applicant/property owner shall abate all graffiti vandalism within the premises. The property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use

of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.

49. Each unit shall be provided with an air conditioning condensing unit so that there are no wall-mounted, window mounted, or roof type air conditioning systems on the building.
50. All units shall be equipped with trash compactors and shall provide a minimum of three cubic feet of space for the collection and storage of refuse and recyclable material. All exterior collection areas shall be located within a screened yard.
51. Each unit shall have a separate area for storage having a minimum of three hundred (300) cubic feet of private and secure space. This storage may be located within the enclosed garages, provided that it does not interfere with automobile parking.
52. Enhanced concrete treatment shall be provided at a 20-foot depth within the entry drive from 9th Street. Concrete treatment and color shall be approved by the Community and Economic Development Department prior to issuance of building permits.
53. Storage of boats, recreational vehicles, or commercial vehicles on the property shall be prohibited. The applicant/property owner shall ensure that this condition is complied with at all times by tenants of the units and shall include notice of this requirement in all lease agreements.
54. The applicant shall comply with all provisions of the Community and Economic Development Department including, but not limited to, the following:
 - a. The facades of the units shall be designed with sound attenuation features including the use of dual pane windows and limiting, when possible, the use of windows and vents. These features shall be approved by the Community and Economic Development Department prior to the issuance of building permits.
 - b. Prior to the finalization of working drawings for Planning Services Division, Engineering Division, and Building and Safety Division, the developer shall submit to the Community and Economic Development Department detailed and dimensioned plot plans, floor plans, exterior elevations, and landscape plans which reflect these Conditions of Approval. The plans shall indicate cross-sections of all streets within the development, landscape materials, wall materials, and building materials proposed for the project. Each unit shall have phone jacks and cable-TV outlets in all rooms, except the laundry area, hallways, and bathrooms. Mechanical equipment, including air

conditioning units, Jacuzzi spa equipment, sump pump, etc., shall not be located closer than 5 feet of any side or rear property line and shall not be located in the front landscape setback. Air conditioning units may be placed adjacent to or in front of the dwelling units provided the location does not obstruct, impede, or hinder any vehicle traffic or pedestrian access to any unit.

55. Any new or required block walls and/or retaining wall(s) shall be shown on the grading plans. Block walls shall be developed to City Standards or designed by a Registered Engineer and shall be measured from on-site finished grade. The applicant shall provide the following:
- a. Decorative masonry walls are required along the west, north, and south property lines and shall be constructed to a minimum height of 6'-0", as measured from highest point of finished grade. These walls shall use decorative masonry or stucco block with decorative caps, subject to the Community and Economic Development Department's approval.
 - b. The applicant shall work in good faith with the existing property owners along the project perimeter in designing and constructing the required perimeter block walls. This requirement is to avoid having double walls and minimize any impact that it might cause to the existing landscaping on the neighbor's side as much as possible. The perimeter block wall shall be constructed and situated entirely within the subject property. In the event that the applicant cannot obtain approval from the property owners, the applicant shall construct the new wall with a decorative cap to be placed between the new and existing walls. Furthermore, the outward facing portion of the new wall shall be compatible in design and match the color of the existing wall it is abutting. In the event the location of a new wall adjacent to an existing wall or fence has the potential to affect the landscape planter, then the Developer shall work with City Staff to address this situation. Additionally, the applicant shall work in good faith with the existing property owners along the project perimeter in designing and constructing any required perimeter blocks walls and/or retaining walls so as not to construct new walls that unreasonably cause shade and shadow issues to nearby homes or are unreasonably tall in height, as measured from grade on the side of the neighboring properties. The applicant shall work with the City to mitigate any such occurrences and issues relating to any walls, subject to final review and approval by the City.
56. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, use of solar, low-emission water heaters, and low-sodium parking lot lights, shall be required to ensure compliance with Title 24.

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57. The common recreation area improvements shall be reviewed and approved by the Community and Economic Development Department, Planning Services Division, prior to issuance of building permits. The improvements within the common open space areas shall include a turf area, benches, and related equipment and improvements.
58. Building color and material samples shall be submitted to the Planning Services Division for review and approval prior to issuance of building permits. The buildings shall include architectural enhancements such as multi-toned stuccoed exteriors with window and door trim, decorative siding, decorative lighting, decorative paneled front doors, shutters, and varied rooflines.
59. No security fencing/gate shall be permitted to be installed within the entry of the project, unless a vehicular turn-around area meeting Public Works Engineering Division requirements can be accommodated.
60. All recreation areas, landscaping along the interior project street and entryway, landscaped areas in all common areas, and any landscaping within the public right-of-ways shall be maintained for the life of the project.
61. 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 Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and/or Variance No. V-018-2018 (collectively, the "Project entitlements"). The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
62. The Conditions of Approval set forth herein include certain development impact fees and other exactions. Pursuant to Government Code §66020(d), these Conditions of Approval constitute written notice of the amount of such fees. The applicant is hereby notified that the 90-day protest period, commencing from the effective date of approval of Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and Variance No. V-018-2018, has begun.
63. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with applicable laws and regulations.

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DENYING THE APPEAL OF ANH PHAN AND DENYING SITE PLAN NO. SP-046-2018, LOT LINE ADJUSTMENT NO. LLA-013-2018, AND VARIANCE NO. V-018-2018, FOR TWO PROPERTIES LOCATED ON THE WEST SIDE OF 9TH STREET, BETWEEN COLLEGE AVENUE AND STANFORD AVENUE, AT 12671 9TH STREET, ASSESSOR'S PARCEL NO. 090-132-17

WHEREAS, the subject case was initiated by Anh Phan ("Applicant"), owner of the subject site located on the west side of 9th Street, between College Avenue and Stanford Avenue, Assessor's Parcel No. 090-132-17;

WHEREAS, the subject site has a General Plan Land Use designation of Low Medium Density Residential, is currently zoned CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61), and is currently improved with three (3) one-story detached apartment units;

WHEREAS, the Applicant is requesting (1) Site Plan approval to demolish all existing on-site improvements and to construct four new three-story apartment units on a 12,564 square foot consolidated site; (2) Lot Line Adjustment approval to eliminate an existing property line to consolidate the two (2) existing parcels into one lot; and (3) Variance approval to deviate from the 20,000 square foot minimum lot size requirement of the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zone;

WHEREAS, City Staff has recommended approval of the Applicant's request;

WHEREAS, the Planning Commission held a Public Hearing on March 1, 2018 and considered the Applicant's request;

WHEREAS, following conclusion of the Public Hearing, the Planning Commission determined that it could not make all of the findings required for approval and concluded that the Applicant's request should therefore be denied, orally articulated findings for denial of the Applicant's request on the record, and voted to direct City Staff to prepare a resolution of denial based on the articulated findings for adoption by the Planning Commission at its March 15, 2018 meeting;

WHEREAS, the Applicant appealed the Planning Commission's March 1, 2018 action on March 8, 2018, choosing to proceed before the Planning Commission adopted a resolution containing written findings;

WHEREAS, because the application is denied, the project is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15270(a);

WHEREAS, pursuant to legal notice, a Public Hearing was held by the City Council on April 24, 2018, 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 April 24, 2018.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY RESOLVES, DETERMINES, AND FINDS AS FOLLOWS:

SECTION 1. The above recitals are true and correct, and are incorporated herein by reference.

SECTION 2. The facts and reasons supporting the conclusion of the City Council, as required under Municipal Code Section 9.32.030 and Government Code Section 66412, are as follows:

The subject site is currently 13,564 (135.64' x 100') square feet in area and located on the west side of 9th Street, between College Avenue and Stanford Avenue. The site is currently improved with three (3) one-story detached apartment units. The site has a General Plan Land Use Designation of Low Medium Density Residential and is zoned CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61). The intent of the Peripheral Residential Districts identified in the Specific Plan is, first, to serve as a residential neighborhood, and, second, to serve as a transitional area between the more highly developed Core Area of the Specific Plan and less urban development outside of the Specific Plan area. The site abuts CCSP-PR61 zoned properties to the north, west, and south, and R-1 (Single-Family Residential) zoned properties, across 9th Street, to the east, all of which are developed with a mix residential uses consisting of one and two-story single-family homes, and one and two-story apartment/condominium buildings.

The applicant is proposing to demolish all existing on-site improvements, which include the three (3) existing one-story apartment units, and to construct four (4) new three-story apartment units. Each unit would be a three-story dwelling 33'-10" in height providing a total living area of 1,938 square feet, excluding the two-car garage. Each unit would provide a total of four (4) bedrooms and four (4) bathrooms and would include a private patio on the first floor and a private balcony on the second floor. Two (2) units would be located on each side, north and south, of the property, with a private 28'-0" wide drive aisle running down the center of the development, and providing access off 9th Street to the units and to four (4) two-car enclosed garages and six (6) covered guest parking stalls. Units 1 and 3 would be set back 15'-0" from the easterly property line, as measured from the ultimate

right-of-way, and all four units would provide a 5'-0" setback to the interior side property lines (northerly and southerly). Units 2 and 4 would provide a 5'-0" rear setback to the westerly property line. The Municipal Code requires Site Plan land use entitlement approval to develop the property with the proposed multiple-family residential project.

Based on the title report of the subject properties, the site is comprised of two (2) separate lots (Lots 14 and 15 of Tract No. 559), under a single Assessor's Parcel Number (APN: 090-132-17). Each property has a lot depth of 135.64' and a lot width of 50'. Combined, the properties have a current lot size of 13,564 square feet (135.64' x 100'). In order for the proposed integrated project to be developed, the Municipal Code requires approval of a Lot Line Adjustment to consolidate the two (2) lots into one.

Based on the City's Master Plan of Streets and Highways, 9th Street is considered a secondary 4-lane undivided roadway (secondary arterial), which has a planned ultimate right-of-way of 80 feet. Currently, the measurement from the centerline of 9th Street to the property lines of the subject properties is 30 feet. Therefore, a 10-foot public right-of-way dedication, along the 100' frontage of the subject site (the easterly property line), would be required to bring the properties into conformance with the Master Plan of Streets and Highways. Therefore, after the proposed Lot Line Adjustment and required 10-foot right-of-way dedication, the resulting lot size of the consolidated property would be 12,564 square feet.

Pursuant to Table III-3 and Subsection 9370.3.3(c)(2)(g) of the Community Center Specific Plan, a 20,000 square foot minimum lot size is required for development of properties with multi-family residential projects like the proposed project within the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zone. After the proposed Lot Line Adjustment to consolidate the two (2) properties (Lots 14 and 15 of Tract No. 559) into one, the resulting lot size, would be 12,564 square feet, which is less than the minimum 20,000 square feet lot size requirement applicable to the CCSP-PR61 zone. Without a Variance, the proposed Lot Line Adjustment and Site Plan would not be consistent with the provisions of the Specific Plan. Therefore, approval of a Variance from the minimum lot area standard set forth in the Specific Plan is necessary in order to facilitate the proposed redevelopment of the site.

On March 1, 2018, the Planning Commission held a Public Hearing to consider Site Plan No. SP 046 2018, Lot Line Adjustment No. LLA 013 2018, and Variance No. V 018 2018. The Applicant and eight (8) members of the public provided oral testimony at the Public Hearing. Seven (7) members of the public came forward to speak in opposition to the proposed Project. Those in opposition cited concerns in regard to insufficient on-site and off-site parking;

existing traffic safety issues on 9th Street that would be exacerbated, including a dangerous sight line for pulling out of College Avenue onto 9th Street, aggressive drivers in a small area, and car accidents; concerns for the current tenants in the apartments to be demolished; adverse impacts on privacy of adjacent properties; loss of views and sunlight by adjacent properties due to the size and orientation of the proposed buildings; a decrease in property values; street sweeping; loitering; construction debris; construction noise; and quality of life. Except for the adjacent property to the north, which is being constructed with a two-story single-family home, all other adjacent properties are developed with one-story single-family homes. Concerns were also expressed that the proposed consolidated 12,564 square foot lot was not large enough for the proposed multi-family development and that the size and massing of the proposed buildings is significantly different from that of the neighboring uses. Several owners and residents of the neighborhood in which the subject site is located testified at the Public Hearing that the proposed size and orientation of the buildings on the site would not be compatible with the existing neighboring uses or the neighborhood characteristics they deem desirable. Several residents of the neighborhood in which the subject property is located also testified at the Planning Commission Public Hearing that existing traffic on 9th Street adjacent to and in the vicinity of the subject property is already too heavy and results in safety hazards and that available on-street parking on 9th Street and College Avenue in the vicinity of the subject property is very limited.

In addition to the Applicant, one (1) member of the public came forward to speak in favor of the project, stating that the project would improve the blighted area and that the project, which includes obscured windows and inward facing balconies, addresses privacy concerns. The Applicant was given the opportunity to respond to all of the comments made by members of the public and the Public Hearing was closed. Staff advised the Planning Commission that the applicant was entitled to written findings if its request was denied. After discussion amongst the five (5) Planning Commissioners in attendance, a motion was made articulating reasons justifying denial of the applicant's request and directing Staff to prepare a Resolution of Denial based on the reasons articulated for adoption by the Planning Commission at its March 15, 2018 meeting. The motion was adopted by a vote of 5-0 (with 2 Commissioners absent). On March 8, 2018, the applicant filed an appeal of the March 1, 2018 Planning Commission decision with the City Clerk and paid the appeal fee, unilaterally choosing to proceed to the City Council without the Planning Commission having formally adopted written findings for denial.

SECTION 3. In order to approve the Applicant's request, all of the findings required by California Government Code Section 65906 and set forth in Garden Grove Municipal Code Section 9.32.030 must be made. In this case, based on the totality of information provided, the City Council concurs with the determination of

the Planning Commission and finds that for the following reasons, several required findings for approval of a Site Plan, Lot Line Adjustment, and Variance cannot be made for the following reasons:

- A. In order to approve a site plan, the City Council must find that the proposed site plan is consistent with the spirit and intent of the provisions, conditions, and requirements of Title 9 of the Garden Grove Municipal Code and other applicable ordinances. The project is proposed to be constructed on a 12,564 square foot site. The minimum lot size required for redevelopment projects such as the proposed project within the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zone without a variance is 20,000 square feet. This minimum 20,000 square foot lot size requirement encourages lot consolidation and helps ensure that the moderate intensity, moderate height suburban residential development of the Peripheral Residential District area anticipated by the Specific Plan occurs in a coordinated manner involving larger, but fewer, integrated developments, rather than in a piecemeal, lot-by-lot, manner. The minimum 20,000 square foot lot size requirement also provides for more opportunities to design multi-family projects in a way that have lesser impacts on adjacent properties and uses. Because the lot size of the site on which the project is proposed would only be 12,564 square feet, and no variance has been approved, the proposed Site Plan is inconsistent with the Specific Plan, which is incorporated into Title 9 of the Municipal Code. Therefore, this required finding for approval of a site plan cannot be made.
- B. In order to approve a site plan, the City Council must find that the proposed project will not adversely affect essential public facilities such as streets and alleys, utilities and drainage channels. The proposed project would increase the number of residential units and bedrooms on the subject site, which is reasonably anticipated to increase the amount of vehicle trips and off-site parking demand associated with the property in comparison to its current condition. Several residents of the neighborhood in which the subject property is located testified that existing traffic on 9th Street adjacent to and in the vicinity of the subject property is already too heavy and results in safety hazards. Several residents of the subject neighborhood also testified that available on-street parking on 9th Street and College Avenue in the vicinity of the subject property is very limited. The City Council was not presented with contrary evidence. For these reasons, and based on the totality of the information provided, it appears that the additional vehicle trips and off-site parking demand anticipated to be generated as a result of the proposed project would exacerbate these issues and therefore adversely affect the surrounding streets.

Therefore, this required finding for approval of a site plan cannot be made.

- C. In order to approve a site plan, the City Council must find that the proposed project is compatible with the physical, functional, and visual quality of the neighboring uses and desirable neighborhood characteristics. The immediately adjacent properties are developed with single-family dwellings, and all but one are one-story. The neighboring uses on the same block consist of one- and two-story single-family and multi-family residential structures. The proposed project would consist of four (4) large three-story multi-family structures containing four (4) bedrooms and four (4) bathrooms, each located within five (5) feet of the side and rear property lines, constructed on a 12,564 square foot lot. The size and massing of the proposed buildings is significantly different from that of the neighboring uses, and several owners and residents of the neighborhood in which the subject site is located testified that the proposed size and orientation of the buildings on the site would not be compatible with the existing neighboring uses or the neighborhood characteristics they deem desirable. Given the substandard lot size and single-family residential nature of the adjacent parcels, smaller, less imposing, structures containing fewer bedrooms would be more attractive and functional and have less adverse impact on adjacent properties. For these reasons, and based on the totality of the information provided, it appears that the proposed development will, in fact, be incompatible with the physical, functional, and visual quality of the neighboring uses and desirable neighborhood characteristics. Therefore, this required finding for approval of a site plan cannot be made.
- D. In order to approve a variance, the City Council must affirmatively make all of the findings required by California Government Code Section 65906 and set forth in Garden Grove Municipal Code Section 9.32.030.D.6. For the foregoing reasons, and based on the totality of the information provided, the City Council finds that it cannot affirmatively make all of the required findings for the proposed Variance. Specifically, the City Council concludes that it cannot affirmatively make the required findings that granting of the requested variance to reduce the required lot size from 20,000 to 12,564 square feet would not be injurious to the other properties in the neighborhood or that there are exceptional or extraordinary circumstances or conditions applicable to the subject property or its proposed development warranting the variance. The project is proposed to be constructed on a 12,564 square foot site. The minimum lot size required for redevelopment projects such as the proposed project

within the CCSP-PR61 (Community Center Specific Plan – Peripheral Residential, Area 61) zone without a variance is 20,000 square feet. This minimum 20,000 square foot lot size requirement encourages lot consolidation and helps ensure that the moderate intensity, moderate height suburban residential development of the Peripheral Residential District area anticipated by the Specific Plan occurs in a coordinated manner involving larger, but fewer, integrated developments, rather than in a piecemeal, lot-by-lot, manner. The minimum 20,000 square foot lot size requirement also provides for more opportunities to design multi-family projects in a way that have lesser impacts on adjacent properties and uses. The anticipated adverse impacts of the proposed project noted above result, in part, from the proposal to develop the proposed project on a lot that is smaller than 20,000 square feet in area. In addition, the City Council does not believe the evidence presented shows that there are exceptional or extraordinary circumstances applicable to the subject property that justify the requested variance.

- E. In order to approve a lot line adjustment, the City Council must find that the parcel or parcels that would result from approval of the proposed Lot Line Adjustment would conform to the City's zoning ordinances. Because the requested Variance has not been granted, the parcel that would result from approval of the proposed Lot Line Adjustment would not conform to the Specific Plan in that it would be less than 20,000 square feet in area. Therefore, this required finding for approval of a lot line adjustment cannot be made.

Section 4. Unless otherwise provided, each and every one of the findings and conclusions in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the requested Site Plan, Lot Line Adjustment, and Variance. The findings and conclusions constitute the independent findings and conclusions of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole. Unless otherwise provided, all summaries of information in this Resolution are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

Section 5. Based upon the foregoing findings, and upon the facts and evidence in the record and presented at the Public Hearing, the Applicant's appeal is hereby denied, and Site Plan No. SP-046-2018, Lot Line Adjustment No. LLA-013-2018, and Variance No. V-018-2018 are hereby denied in their entirety.

APPEAL

REQUEST FOR CITY COUNCIL OR PLANNING COMMISSION PUBLIC HEARING

TO: City Clerk's Office, City of Garden Grove
11222 Acacia Parkway, Garden Grove, CA 92840
(714) 741-5040

Pursuant to Section 9.32.110 of the Municipal Code, I hereby appeal the decision of the ☒ **Planning Commission** / ☐ **Zoning Administrator** in Case No. SP-046-2018, and petition the ☒ **City Council** / ☐ **Planning Commission** for a Public Hearing to consider ☒ **approving** / ☐ **denying** / ☐ **modifying** the subject application for the following reasons:

The Planning Commission decided to direct staff to bring back a resolution

denying the site plan even though the record supports findings for approval.

- The project is located in CCSP- PR61 (Community Center Specific Plan - Peripheral Residential, Area 61) zone, which intends for multi-family residential development.

The proposed project will improve the site and enhance the existing residential neighborhood.

- The site is surrounded by many apartments, three-story townhouse developments.

- There have been a lot issues with the lot such as keeping live stock in the back yard, carpet on driveway, improper storage of trash cans. Thus, we want to improve the site and neighborhood's value.

The proposed development had been reviewed several times with planning staff to assure that it meets and exceeds requirements of the code.

Date: 03/07/18 Appeal Fee (see reverse): \$100

Appellant: Anh V Phan

Address: 11052 Camellia Way

City & ZIP: Garden Grove, CA 92840 Phone No.: 6572267312

PROJECT SUMMARY CHART

Site Plan No. SP-046-2018
12671 9th Street - Proposed Four Unit Apartment Complex

	Provided	Code Requirement	Meets Code
Lot Size	12,564 S.F. (after LLA & dedication)	20,000 S.F. (minimum)	No*
Density	4 units	23 units per acre (max of 6 units)	Yes
Parking	14	14 spaces (3.5 spaces per unit)	Yes
Recreation Area	1,826 S.F.	1,200 S.F. (minimum)	Yes
Building Height	33'-10"	35'-0" (maximum)	Yes
Building Setbacks			
Front	15'-0"	15'-0"	Yes
Rear	5'-0"	5'-0"	Yes
Interior Side	5'-0"	5'-0"	Yes

*The combined lot size is currently 13,564 square feet in area. After the lot line adjustment and required public right-of-way dedication, the lot size will be 12,564 square feet in area. A Variance is required to deviate from the minimum lot size requirement of the CCSP-PR61 zone.

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-001-2018; adoption of a Mitigated Negative Declaration and approval of a Density Bonus Housing Agreement for properties located at 10080 Garden Grove Boulevard and 9860 Larson Avenue, Garden Grove; and Introduction and first reading of an Ordinance approving Planned Unit Development No. PUD-008-2018		
		Date:	4/24/2018

OBJECTIVE

To transmit a recommendation of the Planning Commission for the City Council to conduct a Public Hearing to consider: Adoption of a Resolution to approve General Plan Amendment No. GPA-001-2018 to change the General Plan Land Use designation to Community Residential from Residential/Commercial Mixed Use 1 and Parks/Open Space for the 5.09 of developable site; introduce and conduct the first reading of an Ordinance approving Planned Unit Development No. PUD-008-2018; adopt the subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project; and approve a Density Bonus Housing Agreement, between the City and the Developer (AMG & Associates, LLC), for the project.

BACKGROUND

On March 15, 2018, the Planning Commission recommended adoption of a Negative Declaration and approval of General Plan Amendment No. GPA-001-2018 and Planned Unit Development No. PUD-008-2018 to City Council by a 6-0 vote. The

Planning Commission also approved Site Plan No. SP-048-2018 to repurpose an existing 8-story, unfinished, steel structure into a 394-unit affordable senior housing project with 12,938 square feet of commercial retail space. The Site Plan includes changes to the massing of the building and an increase in developable site area to 5.09 acres from 3.09 acres. The developer requested a density bonus of 35% under the State Density Bonus allowance and three concessions: a reduction in unit size from minimum requirements; a reduction in the required overall open space; and an increase in the number of allowable compact spaces.

The Project site (prior Galleria) is located on the south side of Garden Grove Boulevard, west of Brookhurst Street. The Ramada Plaza Hotel is adjacent to the west of the project site and the "Festival Plaza" a two-story commercial center is to the east. The Brookhurst Triangle is across Garden Grove Boulevard to the north and construction on the first phase of residential units is almost complete. The parking lot for the Boys & Girls Club abuts the site to the south. Both the project site and the Boys & Girls Club site are owned by the Emlen W. Hoag Foundation. The site with the existing steel structure is comprised of a single lot, 10080 Garden Grove Boulevard (APN 098-070-72).

The original project was approved in 2005 and was an ambitious, groundbreaking, mixed use concept spearheaded by the then President of the Hoag Foundation, Sheldon Singer. At the time, the site contained the vacant buildings from a prior car dealership that closed in 2004. The Hoag Foundation intended the redevelopment of the site to be a major contributor to its long term economic viability. The proposed 8-story mixed-use building included two double-height levels of retail shopping mall and 66 residential units above. Four floors of parking garage were at the rear of the commercial shopping mall. The 5th floor was entirely used for parking. Above the parking level, on each of the 6th, 7th, and 8th floors were 22 residential condominiums for a total of 66 units. The 6th Floor included the large, open space courtyard for the residences. The original Galleria was the first mixed-use proposal in the City of Garden Grove.

To accommodate this first mixed-use project, the General Plan Land Use designation was changed from Heavy Commercial (HC) to Mixed Use (MU). The Mixed Use designation was implemented by approving a Planned Unit Development (PUD) zoning designation for the property (PUD-107-05). In 2008, the General Plan 2030 was adopted and continued the trend toward mixed-use development by changing Garden Grove Boulevard from a commercial designation to several mixed-use designations. The subject property was included in the Residential/Commercial Mixed Use 1 Land Use designation (R/CMU1), which allows for projects with residential densities up to 42 dwelling units per acre (du/acre) mixed with a commercial component of 0.5 FAR. The zoning code was amended in 2011 to implement the new General Plan and the site was included in the GGMU1 with a residential density of 42 du/acre and more intense development standards for taller, more urban, mixed-use projects. The Galleria site, along with the Brookhurst Triangle site, created a node of higher density residential and commercial uses with standards to encourage vibrant, urban-scale districts near key intersections.

The Galleria site has remained the same for many years; a stark steel structure with no further construction. Construction on the project began in 2007. Building permit records show there was a slab installed in 2007. Grading continued through 2008 and a rough plumbing permit was pulled in 2009. The site was graded, foundations were built, and the steel structure was erected. Construction on the Galleria site ceased. In March 2010, the developer sent a letter to the City advising that work on the project had stopped due to the economic climate and funding problems. After that, the project and property were tied up in litigation between the developer, the property owner, and the bank financing the development.

In September 2016, the current developer, AMG & Associates, met with City staff to discuss a revised proposal for the site, an affordable senior housing project with approximately 400 units called the Garden Brook Senior Village. To reach the desired density, the proposal includes an expansion of the overall site to include a 2-acre portion to the south of the Galleria site. These 2 acres are on a larger 6.92-acre parcel that is also owned by the Emlen W. Hoag Foundation and includes the Garden Grove Boys & Girls Club (GGBGC), Kiwanisland, and a baseball playing field. The Boys & Girls Club of Garden Grove's Main Branch located at 9860 Larson Avenue was originally built in 1956 through the support of the Emlen W. Hoag Foundation. The two acres include the parking lot and the GGBGC buildings and will be tied to the Project site through a "Declaration of Covenants and Restrictions for the Transfer of Development Rights". The parking lot and GGBGC buildings will remain on the site.

DISCUSSION

GENERAL PLAN. A General Plan Amendment is required to change the General Plan Land Use designation from Residential/Commercial Mixed Use 1 (RCMU1) and Parks and Open Space (OS) to Community Residential to increase the residential density from 42 dwelling units per acre to 60 dwelling units per acre. The Community Residential Land Use designation is expressly for senior housing, convalescent homes, congregate housing and institutional quarters and allows the highest density in the General Plan. This designation has been applied to other sites such as 12761 Garden Grove Boulevard and 12232 Chapman Avenue, the Chapman Care Center nursing home. The Community Residential Land Use designation is only implemented by approving a Planned Unit Development (PUD) zoning to the property.

PLANNED UNIT DEVELOPMENT. A Planned Unit Development (PUD) is a zoning designation that establishes development standards and uses specific to a particular project. The Garden Grove Municipal Code, Title 9, does not include a zone that implements the Community Residential General Plan designation, and therefore, a Planned Unit Development zoning designation is required. Planned Unit Development No. PUD-008-2018 is necessary to allow for a unique mix of uses on the project site and implement the proposed affordable senior housing development.

PUD-008-2018 must define a set of uses specific to this project and the properties involved. These uses include the new affordable senior housing, the boulevard retail commercial uses, and the Boys & Girls Club uses that will remain on the 2-acre site to the south. The PUD will provide base zones and specific uses that are permitted on the properties with the understanding that all such uses or expansion of uses shall

meet the applicable development standards from Title 9.

The following uses allowed under the Community Residential Land Use designation shall be allowed by PUD-008-2018 on the 10080 Garden Grove Boulevard parcel (APN 098-070-72):

- Senior Housing
- Convalescent Hospitals
- Congregate Housing
- Institutional Quarters

These uses translate to the following activities in Title 9, Section 9.16.020.030 Uses Permitted:

- Multi-Family Residential
- Community Care Facility, Residential
- Residential Care Facility for the Elderly (RCFE)
- Skilled Nursing Facility

The commercial uses shall be retail sales and services for neighborhoods and the larger community and shall be allowed on the 10080 Garden Grove Boulevard (APN 098-070-72) property. The following base districts for the commercial uses are:

- C-1, Neighborhood Commercial
- O-P, Office Professional

The Boys & Girls Club uses are those found in the Open Space zone and include "Public and Semi Public" Educational Institutions and Public Recreational Facilities. The following base district for the 9860 Larson Avenue site (a portion of APN 098-070-73) is:

- O-S, Open Space
- Title 9, Section 9.16.030.050 Open Space Zone further defines open space uses.

Landscaping, pedestrian plazas along Garden Grove Boulevard, architectural detailing, outdoor dining and similar features shall meet the requirements of the following base district:

- GGMU1, Garden Grove Mixed Use 1

In the event that a use is proposed that is not listed, an interpretation of use may be made by the Zoning Administrator or the Planning Commission.

FINANCIAL IMPACT

None.

RECOMMENDATION

It is recommended that the City Council:

- Conduct a Public Hearing;

- Adopt the Subsequent Mitigated Negative Declaration;
- Adopt the attached Resolution approving General Plan Amendment No. GPA-001-2018;
- Introduce and conduct first reading of the attached ordinance approving Planned Unit Development No. PUD-008-2018;
- Approve the attached Density Bonus Housing Agreement, between the City and AMG & Associates, LLC; and
- Authorize the City Manager to execute the Density Bonus Housing Agreement, and to approve modifications as necessary.

By: Erin Webb, Sr. Planner

ATTACHMENTS:

Description	Upload Date	Type	File Name
Planning Commission Staff Report dated March 15, 2018 for General Plan Amendment No. GPA-001-2018 and Planned Unit Development No. PUD-008-2018, including Planning Commission Resolution No. 5915-18 for SP-048-2018, with CoA and MMRP	4/12/2018	Backup Material	SRResoCoAMMRP.pdf
Initial Study/Mitigated Negative Declaration	4/12/2018	Backup Material	Galleria_Mixed_Use_Project_Admin_Draft_ISSubsequentMND_2-21-2018.pdf
Planning Commission Resolution No. 5914-18	4/12/2018	Resolution	SP-048-2018_resolution.doc
Planning Commission Draft Minute Excerpt 3-15-	4/12/2018	Minutes	PUD-008-2018PCMinuteExcerpt.doc

2018

CC Resolution GPA-001-2018	4/18/2018	Resolution	4-24-18_CC_GPA-001-2018_(9).pdf
CC ORD PUD- 008-2018	4/18/2018	Resolution	4-24-17_CC_PUD-008-2018CCDraftOrdinance.pdf
CC Resolution MND and MMRP	4/18/2018	Resolution	4-24-18_CC_ResoAdopting_MND.pdf
Plan Reductions	4/12/2018	Backup Material	PlanReductions.pdf
Density Bonus Agreement - Garden Brook Senior Village	4/17/2018	Backup Material	2018_Garden_Brook_Senior_Village_Density_Bonus_Agreement_(1).pdf

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.2	SITE LOCATION: South side of Garden Grove Boulevard, west of Brookhurst Street at 10080 Garden Grove Boulevard and the property adjacent to the south at 9860 Larson Avenue
HEARING DATE: March 15, 2018	GENERAL PLAN: Residential/Commercial Mixed Use 1 and Parks and Open Space PROPOSED: Community Residential
CASE NOS.: General Plan Amendment No. GPA-001-2018, Planned Unit Development No. PUD-008-2018, Site Plan No. SP-048-2018	ZONE: GGMU1 (Garden Grove Boulevard Mixed Use 1) and O-S (Open Space) PROPOSED: PUD (Planned Unit Development)
APPLICANT: AMG & Associates, LLC	APN NOS.: 098-070-72 & 098-070-73
PROPERTY OWNER: Emlen W. Hoag Foundation, a Corporation	CEQA DETERMINATION: Subsequent Mitigated Negative Declaration

REQUEST:

The applicant is requesting entitlements to repurpose an existing 8-story, unfinished, steel structure into a 394-unit affordable senior housing project with 12,938 square feet of commercial retail space by amending the General Plan land use designations from Residential/Commercial Mixed Use 1 (prior Galleria, "Project" site) and Parks/Open Space (2-acre portion of Garden Grove Boys & Girls Club) to Community Residential to increase the residential density from 42 dwelling units per acre to 60 dwelling units per acre specifically for senior housing; to rezone the site from Garden Grove Boulevard Mixed Use 1 (GGMU1) and Open Space (O-S) to Planned Unit Development (PUD) to implement the new General Plan designation and the unique mix of uses; and Site Plan review for the proposed senior housing and commercial project, which includes changes to the massing of the building and an increase in developable site area to 5.09 acres from 3.09 acres. The developer is also requesting a density bonus of 35% under the State Density Bonus allowance and three concessions: a reduction in unit size from minimum requirements; a reduction in the required overall open space; and an increase in the number of allowable compact spaces.

PROJECT STATISTICS:

	ORIGINAL GALLERIA Approved 2005	GGMU1 ZONING (Adopted 2012)	GARDEN BROOK SENIOR VILLAGE (2018 Proposal with GPA and PUD)
Lot Size	3.09 Acres – 134,805 s.f.	3.09 Acres	5.09 Acres (With add'l 2 Acres from GGBGC)
Density	21 units/acre	42 units/acre	78 units/acre (60 du/acre + 35% State Density bonus)
Uses	Residential – 66 units Commercial - 126,510 s.f.	Residential – 130 units (42 units x 3.09 acres) Commercial - 40,380 s.f. (0.5 FAR on 3.09 acres)	Senior Housing – 394 units (60 units x 5.09 Acres + 35% Density Bonus) Commercial – 12,938 s.f.
Open Space	19,800 s.f. required (300 sq. ft. x 66 units) 28,316 s.f. provided	39,000 s.f. required (300 sq. ft. x 130 units) 43,200 s.f. provided	118,200 s.f. required (300 s.f. x 394 units) 31,844 s.f. provided (concession request/81 s.f. per unit)
Parking	810 spaces (as built 786) > 612 Commercial > 198 Residential	623 spaces > 215 Commercial > 408 Residential	300 spaces >65 commercial (65 required, 1 space for 200 s.f. commercial floor area – retail use only) >235 residential (.5 spaces per unit .5 x 394 units = 197 spaces + extra)
Size of Units		0 Bdrm – 500 s.f. 1 Bdrm – 750 s.f. 2 Bdrm – 900 s.f. 3+ Bdrm – 1,000 s.f.	0 Bdrm – 400-424 s.f. 1 Bdrm – 528 -567 s.f. 2 Bdrm – 820 s.f.
Setbacks	North (front) 12 feet East (side) 5 feet South (rear) 5 feet West (side) 20 feet	Same as Original	Same as Original

<u>Unit Type Summary</u>	<u>Number of Bedrooms/Baths</u>	<u>Unit Size</u>	<u>Total</u>
Unit S1	Studio – 1 Bath	400 s.f.	1
Unit S2	Studio – 1 Bath	402 s.f.	119
Unit S3	Studio – 1 Bath	424 s.f.	9
Unit A1	1 Bdrm – 1 Bath	528 s.f.	16
Unit A2	1 Bdrm – 1 Bath	588 s.f.	12
Unit A3	1 Bdrm – 1 Bath	559 s.f.	80
Unit A4	1 Bdrm – 1 Bath	567 s.f.	106
Unit A5	1 Bdrm – 1 Bath	567 s.f.	5
Unit B1	2 Bdrm – 1 Bath	820 s.f.	46

(Studios – 129, 1-Bdrm – 219, 2-Bdrm – 46)**TOTAL 394**

BACKGROUND:

The Project site (prior Galleria) is located on the south side of Garden Grove Boulevard, west of Brookhurst Street. The Ramada Plaza Hotel is adjacent to the west of the project site and the "Festival Plaza" a two-story commercial center is to the east. The Brookhurst Triangle is across Garden Grove Boulevard to the north and construction on the first phase of residential units is almost complete. The parking lot for the Boys & Girls Club abuts the site to the south. Both the project site and the Boys & Girls Club site are owned by the Emlen W. Hoag Foundation. The site with the existing steel structure is comprised of a single lot, 10080 Garden Grove Boulevard (APN 098-070-72).

The original project was approved in 2005 and was an ambitious, groundbreaking, mixed use concept spearheaded by the then President of the Hoag Foundation, Sheldon Singer. At the time, the site contained the vacant buildings from a prior car dealership that closed in 2004. The Hoag Foundation intended the redevelopment of the site to be a major contributor to its long term economic viability. The proposed 8-story mixed-use building included two double-height levels of retail shopping mall and 66 residential units above. Four floors of parking garage were at the rear of the commercial shopping mall. The 5th floor was entirely used for parking. Above the parking level, on each of the 6th, 7th, and 8th floors were 22 residential condominiums for a total of 66 units. The 6th Floor included the large, open space courtyard for the residences. The original Galleria was the first mixed-use proposal in the City of Garden Grove.

To accommodate the first mixed-use proposal, the General Plan Land Use designation was changed from Heavy Commercial (HC) to Mixed Use (MU). The Heavy Commercial designation had allowed for a wide range of commercial uses, primarily more intensive services and wholesale/retail combinations. Over time, Garden Grove Boulevard had changed to more residential planned unit developments and neighborhood-serving commercial uses. The project received approval of the General Plan Amendment (GPA-2-05) to allow for a mixed-use combination of commercial uses (mainly retail and restaurant) in the proposed shopping mall and residential units above. The Mixed Use designation was implemented by approving a Planned Unit Development (PUD) zoning designation for the property (PUD-107-05).

Construction on the project began in 2007. Building permit records show there was a slab installed in 2007. Grading continued through 2008 and a rough plumbing permit was pulled in 2009. The site was graded, foundations were built, and the steel structure was erected.

In 2008, the new General Plan 2030 was adopted and Mixed Use land use designations were an important change to Garden Grove's land use pattern. Corridors such as Garden Grove Boulevard were changed from commercial designations to mixed-use designations that allowed residential uses. This focused growth on under-utilized commercial corridors, preserved older residential neighborhoods from increased

densities, and provided commercial property owners additional development opportunities to incentivize redeveloping their sites. The subject property was included in the Residential/Commercial Mixed Use 1 Land Use designation (R/CMU1), which allowed for projects with residential densities up to 42 dwelling units per acre mixed with a commercial component of 0.5 FAR.

Construction on the Galleria site ceased. In March 2010, the developer sent a letter to the City advising that work on the project had stopped due to the economic climate and funding problems. After that, the project and property were tied up in litigation between the developer, the property owner, and the bank financing the development.

In 2011, the City undertook the creation of new Mixed Use Zones to implement the General Plan adopted in 2008. Garden Grove Boulevard had three (3) mixed-use zones: Garden Grove Boulevard Mixed Use 1, 2, and 3 (GGMU1, 2, & 3). The subject site was included in the GGMU1 with a residential density of 42 dwelling units per acre (du/acre) and more intense development standards for taller, more urban, mixed-use projects. The Galleria site, along with the Brookhurst Triangle site, created a node of higher density residential and commercial uses with standards to encourage vibrant, urban-scale districts near key intersections.

Still, the Galleria site remained the same; a stark steel structure and no further construction. The Hoag Foundation Board reached out to a second developer to work on the project. The City spent a year in pre-application review with the second developer, who was proposing a different project of 130 residential condominiums and 43,000 square feet of commercial space. The proposed changes in the project were allowable under the new GGMU1 mixed-use zoning. Ultimately, the Hoag Foundation Board decided not to continue with the second proposal at the end of 2014.

In September 2016, the current developer, AMG & Associates, met with City staff to discuss a revised proposal for the site, an affordable senior housing project with approximately 400 units called the Garden Brook Senior Village. The developer and City staff have been working on the project since that time. The proposal includes an expansion of the overall site to include a 2-acre portion to the south of the Galleria site. These 2 acres are on a larger 6.92-acre parcel that is also owned by the Emlen W. Hoag Foundation and includes the Garden Grove Boys & Girls Club, Kiwanisland, and a baseball playing field. The Boys & Girls Club of Garden Grove's Main Branch located at 9860 Larson Avenue was originally built in 1956 through the support of the Emlen W. Hoag Foundation.

DISCUSSION:

General Plan Amendment:

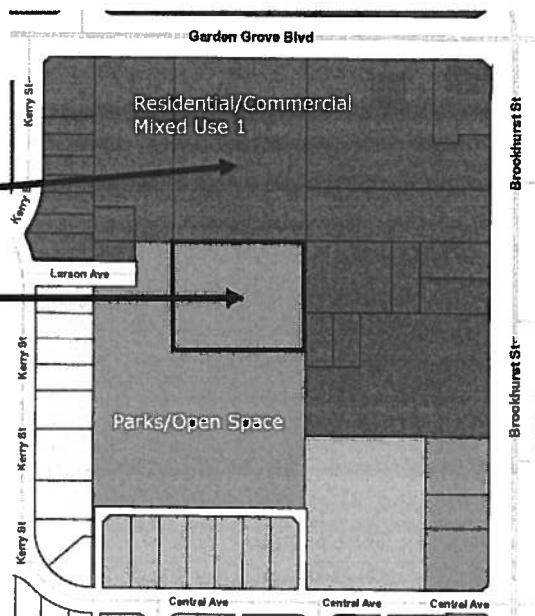
The Project site (prior Galleria) has a General Plan designation of Residential/Commercial Mixed Use 1 (R/CMU1) and a maximum residential density of 42

dwelling units per acre. The applicant's proposal was for affordable senior housing with at least 400 units. The General Plan 2030 includes a Land Use designation, Community Residential, which is expressly for senior housing, convalescent homes, congregate housing and institutional quarters, and allows the highest density of up to 60 dwelling units per acre. The applicant is requesting a General Plan Amendment to change the property to the Community Residential designation. This designation has been applied to other sites for senior housing developments such as 12761 Garden Grove Boulevard and 12232 Chapman Avenue, the Chapman Care Center nursing home. With the addition of two (2) acres to the project site, a density increase to 60 dwelling units per acre, and the State Density Bonus allowance of a 35% increase in density for affordable projects, the applicant was able to reach the unit count of 400. The Community Residential Land Use designation is only implemented by approving a Planned Unit Development (PUD) zoning to the property.

The two acres added to the project site are on part of a larger property to the south. This parcel of 6.92 acres is also owned by the Emlen W. Hoag Foundation and includes Kiwanisland in its park setting, the Garden Grove Boys & Girls Club (GGBGC), a parking lot, and a baseball playing field. The property is zoned Open Space with a General Plan Land Use Designation of Parks and Open Space. The uses are accessed from the west by way of Larson Avenue, a short street that is reached from Kerry Avenue. The baseball playing field is also accessed by an alley along the southern property line.

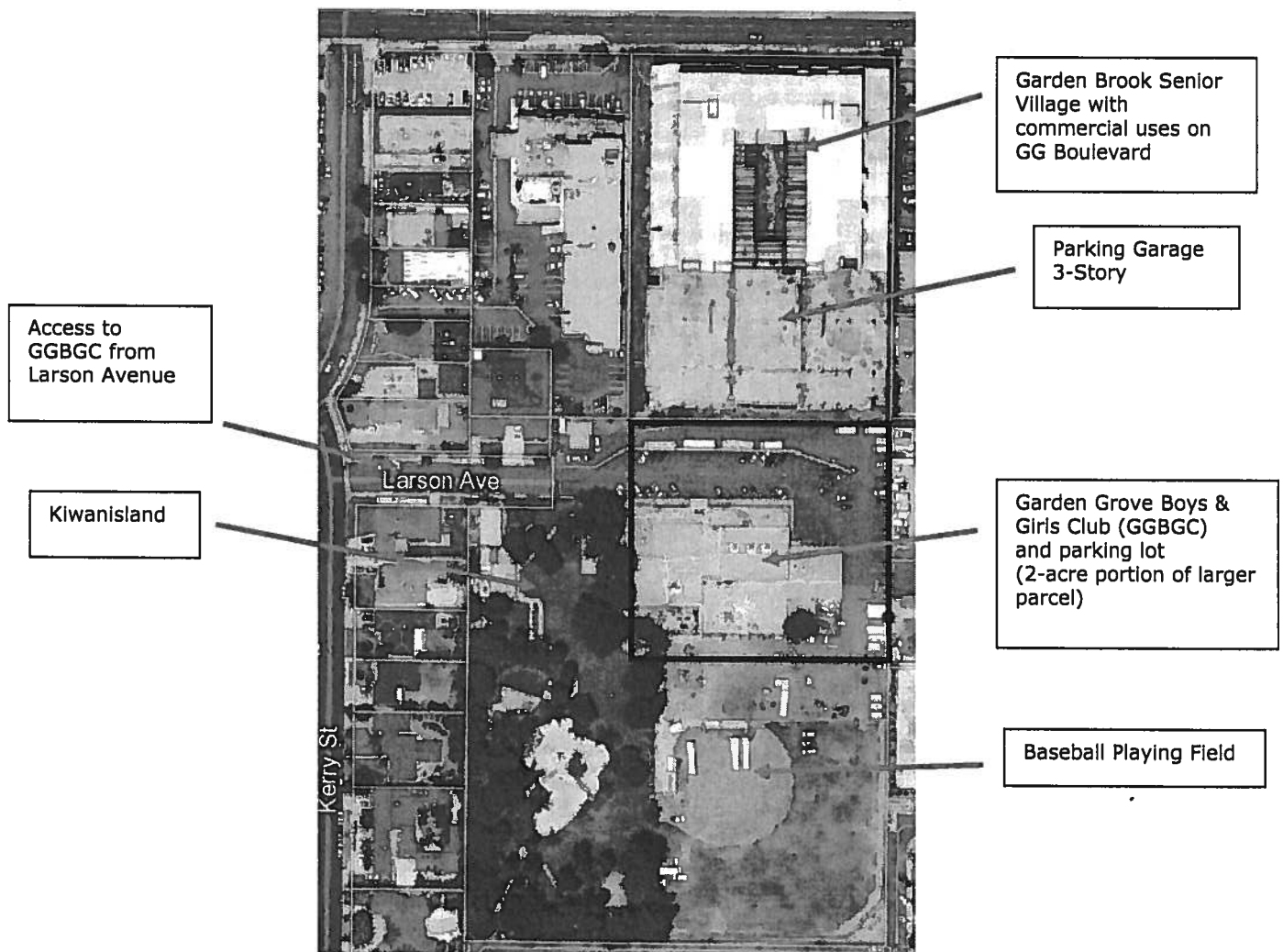
"Galleria" Site 3.09 Acres

2-Acre Portion of GGBGC



To have the necessary lot area for the density of the project, two acres must be added to the property. The two acres that include the parking lot and the GGBGC Buildings will be tied to the Project site through a "Declaration of Covenants and Restrictions for the Transfer of Development Rights". The "Transfer of Development Rights" means that the

senior housing units that could be developed on the 2-acre portion (2 acres x 60 du/acre = 120 units) can be added to the Project site (3.09 acres x 60 du/acre = 184 units). Since the 2-acre GGBGC site has transferred the residential density to the Project site, no senior housing units can be developed on the GGBGC property now or in the future. The PUD zoning will continue the existing Open Space uses on this 2-acre site. The GGBGC building and parking lot will remain on the property and an intergenerational program with the seniors and youth will be added.



The GGBGC property has a General Plan Land Use designation of Open Space and no senior housing or residential density is permitted in that designation. Therefore, the 2-acre portion of the 6.92-acre property must also have its General Plan Land Use designation amended to Community Residential to have the allowable use of senior housing units at a density of 60 dwelling units per acre. Only then can senior housing

density be transferred to the Project site. This will not affect the existing uses (GGBGC) on the site. While the Community Residential designation is expressly for senior housing and similar uses, the implementation of the designation is by adopting site-specific zoning requirements through a Planned Unit Development (PUD). The General Plan states that the regulations of the PUD are intended to provide a diversity of uses, relationships, and open spaces in an innovative land plan. The Planned Unit Development zoning for the combined 5.09-acre site will allow a unique mix of uses that include senior housing, neighborhood commercial businesses, open space, and public/semi-public institutions.

Planned Unit Development:

A Planned Unit Development (PUD) is a zoning designation that establishes development standards and uses specific to a particular project. As the Municipal Code, Title 9, does not provide development standards for a zoning classification implementing the General Plan Land Use designation of Community Residential, the rezoning of the 5.09-acre site to PUD-008-2018 is necessary to accommodate the proposed mixed-use, affordable senior housing development.

PUD-008-2018 must define a set of uses specific to this project and the properties involved. These uses include the new affordable senior housing, the boulevard retail commercial uses, and the Boys & Girls Club uses that will remain on the 2-acre site to the south.

The Boys & Girls Clubs of Garden Grove Main Branch is the flagship club seeing an average of 125 youth daily from across all of Garden Grove and is in operation Monday through Friday, 51 weeks of the year. Program services include a focus on recreation and health, educational support, and guidance and mentorship to girls and boys between the ages of 5 and 18 years of age. Programming provides safe and educationally enriching alternatives for children and youth during non-school hours. Members are required to be picked up daily by 6:30 p.m. and GGBGC staff leave the facility by 7:00 p.m. Among other amenities, the Club has a fully functional recording studio, large baseball field, full size indoor basketball court, and also houses a full fleet of buses (15) and other organizational vehicles. The Club is available to the community as a rental and several special events are held there throughout the year.

PUD-008-2018 is intended to allow for a mix of uses on the project site. The PUD will provide base zones and specific uses that are permitted on the properties with the understanding that all such uses or expansion of uses shall meet the applicable development standards from Title 9.

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The following uses allowed under the Community Residential Land Use designation shall be allowed by PUD-008-2018 on the 10080 Garden Grove Boulevard parcel (APN 098-070-72):

- Senior Housing
- Convalescent Hospitals
- Congregate Housing
- Institutional Quarters

These uses translate to the following activities in Title 9, Section 9.16.020.030 Uses Permitted:

- Multi-Family Residential
- Community Care Facility, Residential
- Residential Care Facility for the Elderly (RCFE)
- Skilled Nursing Facility

The commercial uses shall be retail sales and services for neighborhoods and the larger community and shall be allowed on the 10080 Garden Grove Boulevard (APN 098-070-72) property. The following base districts for the commercial uses are:

- C-1, Neighborhood Commercial
- O-P, Office Professional

The Boys & Girls Club uses are those found in the Open Space zone and include "Public and Semi Public" Educational Institutions and Public Recreational Facilities. The following base district for the 9860 Larson Avenue site (a portion of APN 098-070-73) is:

- O-S, Open Space
- Title 9, Section 9.16.030.050 Open Space Zone further defines open space uses.

Landscaping, pedestrian plazas along Garden Grove Boulevard, architectural detailing, outdoor dining and similar features shall meet the requirements of the following base district:

- GGMU1, Garden Grove Mixed Use 1

In the event that a use is proposed that is not listed, an interpretation of use may be made by the Zoning Administrator or the Planning Commission.

Site Design:

The original project was significantly different from the proposed affordable senior housing project; however, both rely on the same basic steel structure. This translates to design constraints for the proposed senior housing that would not exist for an entirely new development. The basic footprint of the building, including the parking structure, is set.

The original project was the first approved mixed-use design and therefore, was definitely innovative with its combination of uses in a single building. The proposal was for an 8-story mixed-use building. The first four levels of the building consisted of a shopping mall on two, double-height commercial floors at the front, and four floors of parking garage at the rear. The 5th floor was used entirely for parking to provide for the residents. On the floors above, the 6th, 7th, and 8th, were 66 condominiums (22 units per floor) that were shaped in a "U" with the open side facing south. This shape allowed direct sunlight into the large landscaped courtyard in the center of the "U" on the 6th floor (the roof of the 5th floor). The large open space included both a pool and a basketball court. There was a fitness center on the 8th floor and each unit had a private deck.

The original project was designed to be urban in character with a pedestrian plaza that included landscaping along the Garden Grove Boulevard frontage. Retail shops opened onto the pedestrian plaza. Circulation and activity for the commercial tenants was focused around a central atrium inside the building. Most visitors were anticipated to enter the commercial "mall" from the parking structure. Escalators and walkways in the central atrium provide access to the various commercial tenants.

The new, proposed senior housing provides a very different design. The number of units has been greatly increased to provide affordable senior housing and the commercial retail uses have been continued on a smaller scale, as a single row of tenant spaces along the Garden Grove Boulevard frontage. To accommodate the number of units (394) the central, open space courtyard has been placed on the first floor. This allows for 5 stories of residential units to circle the central court and have their windows overlooking that space. The 6th, 7th, and 8th floor of senior housing units maintain the former "U" design with no units along the south side. This allows for some sunlight into the central courtyard on the first floor.

The parking structure at the rear will not be 5 stories in height, but will be reduced to 3 stories. The 3rd floor is only a partial floor of parking spaces. Other massing changes include a new ground floor recreation courtyard cut-out on the west side of the building with units developed around it on the first five floors. This recreation courtyard is next to the westerly drive aisle, towards the Ramada Hotel. There are two similar, but smaller, recreation decks on the 3rd floor of the east side of the building. These decks serve the same purpose to allow units on the 3rd, 4th, and 5th floors to be wrapped around with windows overlooking the open space.

The upper floors, 6th, 7th, and 8th, remain set back from the outer edges of the lower floors. In this way, the massing of the building minimizes the overall height of the development. The massing of the first five floors of the structure projects out at a height (approximately 45 feet) that corresponds to that of the neighboring Ramada Plaza Hotel. By stepping back the upper floors and having comparable heights, the massing and architectural detailing ties into the neighboring development.

Parking:

The proposed senior housing will use 3 floors of the originally approved 5 floors of parking. The project was designed to meet the parking requirements for senior housing units as determined by State Density Bonus law with a minimum requirement of .5 parking spaces for every senior housing unit in an affordable project. For the 394 proposed units, .5 parking spaces equals a total of 197 (.5 x 394 = 197) spaces. State law allows for a .5 parking ratio for a "for-rent" housing development for individuals who are 62 years of age or older. The development shall have either paratransit services or unobstructed access, within one-half mile, to fixed bus route service that operates at least 8 times per day.

The commercial portion of the project meets the parking requirement for retail spaces at 1 space for every 200 square feet of commercial floor area, for a total of 65 required commercial parking spaces (12,938 square feet divide by 200 = 67). This number of parking spaces precludes leasing to tenants with a higher parking demand such as full-service restaurants and medical uses, and also does not take into account future use of a possible retail "mezzanine" level. Additional commercial parking spaces will need to be designated to allow for any use with a higher parking ratio or the development of commercial uses (including storage) of the mezzanine level.

The proposal includes an additional 33 spaces over the required number for the affordable senior uses and the commercial retail uses, with eleven of them designated as "Guest" spaces for the residences.

Building Architecture:

The proposal is an urban, mixed-use development that will be a significant new building in the City of Garden Grove and will improve the eyesore of the unfinished steel structure. The exterior is designed in a modern style with different massing for the commercial spaces and lower floors of the housing units from the upper floors. The upper floors (6th, 7th, & 8th) are set back from the lower five floors. The different shapes and architectural detailing of the elevations give the impression of overlapping massing. Vertical segments in various colors create a pattern on the upper floors. A few accents of bright color add to the modern aesthetic along with interesting metal screen patterns. A tall vertical sign element identifies the name of the development.

Concessions/Incentives:

The applicant proposes three concessions/incentives for the project that are permitted by the State Density Bonus law for affordable housing.

1st Concession – Minimum Unit Size. The first concession is to construct units that are less than the required minimum size. The Municipal Code requires that units have a minimum size; a studio must be 500 square feet, a 1-Bdrm must be 750 square feet, a

2-Bdrm must be 900 square feet. The applicant is proposing units that are 80 to 222 square feet less than required.

	Code Required	Proposal with Concession
Size of Units	0 Bdrm – 500 s.f. 1 Bdrm – 750 s.f. 2 Bdrm – 900 s.f.	0 Bdrm – 400-424 s.f. 1 Bdrm – 528-567 s.f. 2 Bdrm – 820 s.f.

The applicant cites other senior housing developments with similar-sized units and State law that allows cities to adopt ordinances for efficiency units of 150 square feet. The City of Garden Grove has adopted no such ordinance for efficiency units.

2nd Concession – Open Space. The second concession/incentive is to reduce the amount of useable open space provided for the senior residents. The Code requirement for multi-family residential development is 300 square feet per unit. With 394 units proposed, the Code required open space would be 118,200 square feet. The applicant is asking for a concession to provide 31,844 square feet of open space (27%) divided among several recreation areas and three community rooms.

On the first floor is the main Central Courtyard (10,423 square feet) and a community room along its southern side (3,300 square feet). There is an additional recreation courtyard (2,495 square feet) on the first floor that abuts the service entry drive aisle. The 3rd Floor has a recreation deck overlooking the first floor Central Courtyard (1,867 square feet) and two recreation decks on the east side of the building (1,741 and 1,364 square feet). The 3rd and 4th floors both have Common Rooms of 675 square feet. On the 6th Floor, is a Recreation Deck along the west side toward the Ramada Hotel (2,963 square feet).

The units on the front of the building, along Garden Grove Boulevard, have 37 private balconies on the 3rd, 4th, 5th, and 6th floors. There are 10 private balconies on the 3rd, 4th, and 5th floors, and 7 private balconies on the 6th floor for a total of 6,341 square feet of private open space.

The applicant is working with the Garden Grove Boys & Girls Club (GGBGC) to develop Intergenerational Programming to bring youth and seniors together. Such a program, with planned activities and classes, visits to the GGBGC, and transportation for outings would provide additional recreation opportunities for the seniors. The Boys & Girls Club provided a memo outlining the Intergenerational Programming. The memo discusses the three elements necessary for the programming to be successful, a list of "needs" to make it work, and objectives. The "needs" include specifics about community spaces and training rooms. The Hoag Foundation President has submitted a letter that the Boys & Girls Club staff have reviewed the floor plans and are in agreement that there are adequate community spaces for their programming. Conditions of Approval have been written to implement the Intergenerational Programming such as the

requirement for an "easily accessible safe walkway between the properties that will be secure".

3rd Concession – Residential Compact Spaces. The third concession/incentive is to allow the project to provide a percentage of the residential parking spaces to be compact. The Municipal Code does not allow required residential parking spaces to be compact in size. Only commercial parking lots can provide a maximum of 20% of the total required spaces as compact. A compact space is 8' x 15', while a regular parking space is 9' x 19'. The parking garage from the original project was constructed with some areas that had less space than was represented in the approved plans, thereby constraining parking layouts. The applicant will comply with the requirement for commercial parking to have a maximum of 20% compact spaces, and is asking to provide 16% of the residential parking as compact spaces to provide more overall parking.

Circulation:

The circulation to and from the site was reviewed in a Traffic Study that is part of the subsequent Mitigated Negative Declaration. The project will have two access points from Garden Grove Boulevard. The project's main entrance will be on the east side of the property with traffic entering and leaving the site on a 30-foot wide driveway. Cars entering the site at the main entrance will be directed into the 3-story parking structure to the south of the building. An additional entrance is located at the west side of the property and is intended for deliveries, trash pick-up, and emergency access. The westerly drive aisle is 20 feet in width.

The applicant will design and construct a traffic signal at the intersection of Garden Grove Boulevard and the main entrance of the project (the easterly driveway), along with reconstructing the raised median to extend the left-turn pocket into this access. The left-turn pocket, which currently allows access to the "Festival Plaza" shopping center, shall be closed and moved west to allow for a left turn pocket into the project main entrance. Also, the existing left-pocket in front of the project site shall be relocated to the west to allow for left turns into the proposed westerly driveway. Finally, the applicant shall design and implement a signal timing coordination plan along Garden Grove Boulevard. The coordination plan shall amend the current plan and address impacts from the new traffic signal. The existing driveways shall be removed and two new driveways shall be constructed to meet City Standards. The new signal, other improvements and coordination of traffic on Garden Grove Boulevard will create safer ingress and egress to the proposed development.

Neighborhood Meeting:

The applicant, AMG & Associates, conducted a neighborhood meeting on September 27, 2017 to review and receive input on the proposal. The audience included HOAG Foundation Board members, Boys & Girls Club board members, and members of the

general public. Alexis Gevorgian, AMG & Associates, LLC, gave an overview of the company and their work at developing affordable housing. He introduced the project and discussed the decision to shift toward an affordable senior housing project.

The Chief Executive Officer from the Boys & Girls club, Mark Surmanian, spoke about a partnership with the developer to develop an intergenerational program between youth and seniors. Other speakers included Laura Archuleta, President of Jamboree Housing, who spoke about the need for senior housing, Charles Addington, Architects Orange, gave an overview about the design, and William Grant, HOAG Foundation President, spoke about the project.

The main concern raised by members of the audience was parking, specifically whether the .5 space per unit was sufficient and how the access to the site will be handled. A traffic study was suggested. The project proponents clarified that the parking areas will be gated and will require an access key to enter, vehicles will require a parking sticker, parking will be enforced by an on-site management company, and there will be no overnight parking in the visitor spaces. There may be an Uber or Lyft stop at the project, or possibly a Zipcar station. Also mentioned, was the number of handicap stalls (28) provided in the project exceeds the minimum state requirements. A condition of approval requires that a Parking Management Plan be submitted and approved which details the ideas presented at the neighborhood meeting and how parking, for both the residential and commercial uses, will be handled on the site.

Other comments included a question about the prospective retail tenants, a timeline for construction, how the units would become available for rent, short-term plans to address security concerns, and whether pets or service animals would be allowed. The answers to these concerns were, there were no prospective tenants yet, the timeline was moving forward, prospective residents would be placed on a waitlist, not a lottery, the site had been made more secure and cleaned, and pets/service animals would be permitted, however, the size and number would be restricted.

ENVIRONMENTAL CONSIDERATION:

The proposed project was originally proposed and considered in 2005 (previously approved project). Pursuant to the California Environmental Quality, Public Resources Code Section 21000 et seq. and California Code of Regulations, Title 14, Sections 15000 et seq. ("CEQA"), the City adopted a Mitigated Negative Declaration ("MND") and approved the project in 2005. A Notice of Determination was filed and posted on May 20, 2005. In 2017, modifications were proposed to the 2005 project ("proposed project"). Pursuant to Public Resources Code Section 21166 and California Code of Regulations, Title 14, Section 15162, the City prepared a subsequent initial study (The Galleria Mixed-Use Project Initial Study-Mitigated Negative Declaration) to analyze the proposed project's environmental effects. The subsequent initial study concluded that all of the proposed project's environmental impacts could be reduced to a less than significant level. On this basis, the subsequent initial study concluded that a

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subsequent Mitigated Negative Declaration was appropriate. Copies of the subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are attached to this report.

The 20-day public comment period on the subsequent Mitigated Negative Declaration occurred from February 21, 2018 to March 14, 2018.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

- Adopt the subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and,
- Recommend City Council approve General Plan Amendment No. GPA-001-2018, and Planned Unit Development No. PUD-008-2018; and,
- Approve Site Plan No. SP-048-2018, subject to the recommended conditions of approval and subject to the approval and effectiveness of the subsequent Mitigated Negative Declaration, General Plan Amendment No. GPA-001-2018, and Planned Unit Development No. PUD-008-2018 by the City Council.

LEE MARINO
Planning Services Manager

By: Erin Webb
Senior Planner

RESOLUTION NO. 5915

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-048-2018 FOR PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF BROOKHURST STREET AT 10080 GARDEN GROVE BOULEVARD AND 9860 LARSON AVENUE, PARCEL NUMBERS 098-070-72 AND 098-070-73, RESPECTIVELY.

WHEREAS, the City of Garden Grove has received an application to repurpose an existing 8-story, unfinished steel structure (prior Galleria, "Project" site) located at 10080 Garden Grove Boulevard (APN 098-070-72) for a 394-unit affordable senior housing project with 12,938 square feet of commercial space and to increase the developable site area by 2 acres, located at 9860 Larson Avenue (APN 098-070-73), to allow for the desired density of the Project. The land use actions requested to implement the Project include: (1) General Plan Amendment No. GPA-001-2018 to change the land use designation of the 3.09-acre site from Residential/Commercial Mixed Use 1 to Community Residential and to change the designation of the 2-acre portion of the parcel to the south from Parks and Open Space to Community Residential; (2) Planned Unit Development No. PUD-008-2018 to create PUD zoning for the Project site currently zoned Garden Grove Mixed Use 1 and the 2-acre Garden Grove Boys & Girls Club (GGBGC) site currently zoned Parks/Open Space; (3) Site Plan No. SP-048-2018 to allow the construction of the Project by reusing and modifying the existing steel structure and parking structure and building an 8-story 394-unit affordable senior housing project with 12,938 square feet of commercial retail space along the Garden Grove Boulevard frontage and a 3-story parking structure; (4) Pursuant to the State Density Bonus Law for affordable housing projects, approval of three waivers from the Municipal Code development standards: a) to construct residential units that are less than the minimum required size; b) to reduce the amount of useable open space and provide 27% of the required space; c) to allow for some compact spaces in the required residential parking (16% compact, 0 permitted); and,

WHEREAS, the proposed project was originally proposed and considered in 2005 (previously approved project). Pursuant to the California Environmental Quality, Public Resources Code Section 21000 et seq. and California Code of Regulations, Title 14, Sections 15000 et seq. ("CEQA"), the City adopted a subsequent Mitigated Negative Declaration ("MND") and approved the project in 2005. A Notice of Determination was filed and posted on May 20, 2005. In 2017, modifications were proposed to the 2005 project ("proposed project"). Pursuant to Public Resources Code Section 21166 and California Code of Regulations, Title 14, Section 15162, the City prepared a subsequent initial study (The Galleria Mixed-Use Project Initial Study-Mitigated Negative Declaration) to analyze the proposed project's environmental effects. The subsequent initial study concluded that all of the proposed project's environmental impacts could be reduced to a less than significant level. On this basis, the subsequent initial study concluded that a subsequent MND was appropriate; and

WHEREAS, pursuant to Resolution No. 5914-18, adopted March 15, 2018, the findings and reasons of which are incorporated into this Resolution by reference, the Planning Commission has recommended that the City Council adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project and approve General Plan Amendment No. GPA-001-2018 and Planned Unit Development No. PUD-008-2018.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session on March 15, 2018, does hereby approve Site Plan No. SP-048-2018, subject to the adoption of a subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project by the Garden Grove City Council and, the adoption and effectiveness of a Resolution approving General Plan Amendment No. GPA-001-2018, and an Ordinance approving Planned Unit Development No. PUD-008-2018 by the Garden Grove City Council, in substantially the same form as recommended by the Planning Commission pursuant to Resolution No. 5914-18.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-048-2018, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by AMG & Associates, LLC.
2. The applicant requests to amend the General Plan Land Use designation by changing the current designation of the project site (Residential/Commercial Mixed Use 1) and a 2-acre portion of the neighboring Garden Grove Boys & Girls Club (GGBGC) property (Parks and Open Space) to Community Residential, rezoning the combined site to Planned Unit Development for a mix of uses including senior housing, retail commercial, semi-public recreation and open space, and Site Plan approval to construct 394 affordable senior housing units and 12,938 square feet of commercial retail space with three concessions allowable by State Density Bonus law.
3. The Community Development Department has prepared a subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project, that concludes that (a) the proposed project will not have a significant adverse effect on the environment provided that certain mitigation measures identified in the initial study are incorporated into the project; (b) the subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program was prepared and circulated in accordance with applicable law, including CEQA and CEQA's implementing guidelines.
4. The two properties included in the proposed project, have General Plan Land Use designations of Residential/Commercial Mixed Use 1 (prior Galleria) and Parks and Open Space (GGBGC), and are zoned Garden Grove Mixed Use 1 (GGMU1) and Open Space (O-S). Provided General Plan Amendment No. GPA-001-2018

and Planned Unit Development No. PUD-008-2018 are approved by the City Council, both properties will have a General Plan Land Use designation of Community Residential and will be zoned Planned Unit Development (PUD). The Community Residential designation, coupled with the State Density Bonus law allowable percentage increase in density, will allow for the 394 units. The total project area is 5.09 acres comprised of the 3.09 project site that is developed with the 8-story steel structure and a 2 acre portion of the larger 6.92 acre parcel which includes the Garden Grove Boys & Girls Club and Kiwanisland.

5. The 2-acre portion of the GGBGC/Kiwanisland property will be tied to the Project site through a "Declaration of Covenants and Restrictions for the Transfer of Development Rights".
6. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject properties have been reviewed.
7. Report submitted by City staff was reviewed.
8. Pursuant to a legal notice, a public hearing was held on March 15, 2018, and all interested persons were given an opportunity to be heard.
9. The Planning Commission gave due and careful consideration to the matter during its meeting of March 15, 2018, and considered all oral and written testimony presented regarding the project, the initial study, and the subsequent Mitigated Negative Declaration.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.24.030, Land Use Actions, are as follows:

FACTS:

The project site (prior Galleria) has an existing 8-story, unfinished steel structure that will be modified and reused into a 394-unit affordable senior housing project with 12,938 square feet of commercial retail space.

The project site consists of one parcel of land with an area of 3.09 acres of land (APN 098-070-72) and a 2-acre portion of larger parcel abutting to the south, with an area of 6.92 acres (APN 098-070-73). Both properties are owned by the Emlen W. Hoag Foundation.

The two-acre portion of the lot to the south includes the Garden Grove Boys & Girls Club building and parking lots.

Approval of the Site Plan, in conjunction with General Plan Amendment No. GPA-001-2018, and Planned Unit Development No. PUD-008-2018 would facilitate the development of the 394-unit affordable senior housing units and 12,938 square feet of commercial retail space on the ground floor.

The Site Plan No. SP-048-2018 is being processed in conjunction with General Plan Amendment No. GPA-001-2018 and Planned Unit Development No. PUD-008-2018.

The property is located in the area of the intersection of Brookhurst Street and Garden Grove Boulevard. This area is in the Mixed Use General Plan Land Use designations and zoning with the intent of focusing growth on under-utilized commercial corridors, preserving older residential neighborhoods, and providing development opportunities to commercial property owners. The Brookhurst Triangle development site is across the street to the north and its first phase of multi-family residential construction is almost complete. The Ramada Plaza Hotel is adjacent to the west of the Project site and the Festival Plaza, a two-story commercial center, is to the east. The parking lot for the Garden Grove Boys & Girls Club abuts the Project site to the south, with the Boys & Girls Club building, Kiwanisland, and a baseball playing field further to the south and southwest.

The project has been designed to use the existing steel structure that was constructed under different zoning standards, to employ the provisions of the State Density Bonus law (additional density and reduced parking), and to comply where possible with the current development standards of the Municipal Code for multi-family residential and commercial development. Because the proposal is an affordable housing project, the applicant is also requesting three concessions from the Municipal Code standards as allowed per the State's Affordable Housing law: 1) to construct residential units that are less than the minimum required size; 2) to reduce the amount of useable open space and provide 27% of the required space; 3) to allow for some compact spaces in the required residential parking (16% compact, 0 permitted).

FINDINGS AND REASONS:

Site Plan:

1. The Site Plan complies with the spirit and intent of the provisions, conditions and requirements of the Municipal Code and other applicable ordinances.

The associated General Plan Amendment which will allow the increased density of the project is internally consistent with the goals and objectives of the City's adopted General Plan. The Residential/Commercial Mixed Use 1 zone intends for vibrant, urban-scale districts with higher residential densities and taller, more urban mixed use buildings. Senior housing is called out as an appropriate use in the Residential/Commercial Mixed Use 1. Amending the General Plan land

use designation to Community Residential, will facilitate the construction of senior housing and the development of affordable housing as encouraged by the General Plan Housing Element.

The proposed development will provide a unique mix of uses that are in keeping with the site constraints and the intent of the Garden Grove Mixed Use zoning. In particular, the project will meet the intent for this area of Garden Grove Boulevard by providing an urban-scale, fully integrated commercial and residential mixed-use development, which provides some commercial uses along the street frontage to encourage a more vibrant, pedestrian oriented streetscape. The uses included in the Planned Unit Development (PUD) for the property at 10080 Garden Grove Boulevard will be senior housing (multiple-family residential) apartments and retail commercial uses. On the 9860 Larson Avenue site, the uses will insure the continued operation of the Garden Grove Boys & Girls Club (open space, semi-public recreation facility, private club or lodge).

Approval and effectiveness of the proposed Site Plan is contingent upon City Council approval of General Plan Amendment (GPA-001-2018) and Planned Unit Development No. PUD-008-2018.

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 project was designed to meet the parking requirements for affordable senior housing units (.5 parking space per senior housing unit, requires 197 spaces) and retail commercial units (1 space for 200 square feet, requires 65 spaces) and provide 36 additional spaces with 11 being designated for residential guests.

Vehicular access is provided by one main access driveway for the public, and a secondary driveway that is for trash pick-ups, loading, and emergency services.

A Traffic Impact Analysis was prepared that evaluated the impact of the project on the surrounding street system and included a review of ten key intersections. Traffic associated with the proposed project would not adversely affect the traffic circulation. All study intersections are forecast to operate at Level of Service D (LOS D) or better during the weekday A.M. and P.M. peak hours with the addition of project traffic. City of Garden Grove guidelines require LOS D as the minimum acceptable LOS for the City of Garden Grove arterial roadway system. With the addition of the project, the intersections will continue to operate within the anticipated scope as analyzed in the General

Plan EIR (LOS D). The impacts were found to be insignificant at all study intersections. Therefore the project will not adversely affect traffic circulation.

To minimize concerns regarding traffic operations and safety at the site access points, specific mitigation measures have been incorporated into the conditions of approval. The mitigations include a traffic signal at the intersection of Garden Grove Boulevard and the main project entrance, changes to the median and existing left-turn pockets, and a signal-timing coordination plan.

The City's Traffic Engineering section has reviewed the proposed project and the Traffic Impact Analysis and provided appropriate conditions of approval to minimize any impacts to surrounding streets.

3. The development, as proposed, will not adversely affect essential public facilities such as streets and alleys, utilities, and drainage channels.

The Public Works Department has reviewed the plans, and a required Sewer Flow Study, to provide appropriate conditions of approval. The proposed development will provide landscaping, proper grading, and Site Design Best Management Practices to provide adequate on-site drainage. All appropriate conditions of approval and mitigation measures have been included, which will minimize any adverse impacts to surrounding streets, utilities, and drainage channels.

4. The development does have a reasonable degree of physical, functional, and visual compatibility with neighboring uses and desirable neighborhood characteristics.

The development does provide a reasonable degree of physical, functional and visual compatibility with the neighborhood, in part, because the building is designed to have a lower mass that corresponds in height (approximately 45 feet) to the neighboring Ramada Plaza Hotel. The senior housing apartments on the upper floors (6th, 7th, and 8th) are set back from the outer edges of the lower building mass. In this way, the architectural detailing of the building ties into the neighboring development and minimizes the overall height of the building. Also, the commercial storefronts along the Garden Grove Boulevard frontage provide compatibility with the neighboring commercial center and other similar developments in the nearby area. The project provides frontage that is consistent with the commercial development along an urbanized corridor and a building that is visually interesting.

5. 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 has been designed to be urban in character with a pedestrian plaza that includes landscaping along the Garden Grove frontage. The buildings will be modern in design and provide a residential setting for seniors close to commercial shopping at the Festival Plaza to the east and other nearby commercial developments. The project will be part of a node of taller, more urban development that is shared with the Brookhurst Triangle development immediately across Garden Grove Boulevard to the north. To facilitate the development of senior housing at the proposed density, the applicant has requested a concession to provide only a portion (27%) of the open space required for 394 units. The open space provided is of several types including two courtyards, a large community room off the first floor central courtyard, two smaller community rooms, four recreation decks, and 37 private balconies on the front units of the 3rd, 4th, 5th, and 6th floors. The applicant has proposed a partnership with the Garden Grove Boys & Girls Club to provide activities for seniors through Intergenerational Programming. This programming is a way to fulfill the intent of "open space" requirements where limited open space is provided. The project is designed to be a modern, attractive building providing affordable housing for seniors.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030 (Site Plan).
2. In order to mitigate any environmental impacts and to fulfill the purpose and intent of the Municipal Code, thereby, promoting the health, safety, and general welfare, the following conditions of approval, attached as Exhibit "A", shall apply to Site Plan No. SP-048-2018.

Adopted this 15th day of March 2018

ATTEST:

/s/ GEORGE BRIETIGAM
CHAIR

/s/ JUDITH MOORE
RECORDING SECRETARY

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on March 15, 2018, by the following vote:

/s/ JUDITH MOORE
RECORDING SECRETARY

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is April 5, 2018.

EXHIBIT "A"

Site Plan No. SP-048-2018

CONDITIONS OF APPROVAL

General Conditions

1. The owner of both properties shall execute, and the applicant shall record against the property, a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to issuance of building permits.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, AMG & Associates, 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. Any changes to the Conditions of Approval require approval by the Planning Commission.
3. Approval of this Site Plan shall be contingent upon the approval of General Plan Amendment No. GPA-001-2018 and Planned Unit Development PUD No. PUD-008-2018, by the Garden Grove City Council and 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 may be approved by the Community & Economic Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community & Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.
6. The approved site plan, floor plan, and building design including colors and materials, are an integral part of the decision approving this Site Plan. There shall be no change to these approved plans without the approval of the Community & Economic Development Department. Minor modifications to the Site Plan and/or these Conditions of Approval may be approved by the Community & Economic Development Director, at his or her discretion.

Proposed modifications to the project and/or these Conditions of Approval determined by the Community & 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. The City hearing body may add language that certain modifications require approval of new and/or amended land use entitlements by the applicable City hearing body.

7. The developer of the site shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community & Economic Development Department for review and approval prior to Building Division Plan Check. The project shall also be subject to the following:
 - a. Utility equipment above ground (e.g., electrical, gas, telephone, cable TV) shall not be located in the street setbacks or within the common areas and shall be screened to the satisfaction of the Community & Economic Development Department.
 - b. No roof-mounted mechanical equipment shall be permitted, unless a method of screening complementary to the architecture of the building is approved by the Community & 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.
 - c. All ground or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
 - d. No exterior piping, plumbing, roof top access ladders, or mechanical ductwork shall be permitted on any exterior façade and/or visible from any public right-of-way or adjoining property.
8. All loading and unloading of vehicles shall occur on-site.
9. All mitigation measures identified in the subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program adopted for the Project (The Galleria Mixed-Use Project, Initial Study-Mitigated Negative Declaration) (the "subsequent Mitigated Negative Declaration") are incorporated herein by 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.

Engineering Services Division

10. The applicant shall be subject to Traffic Mitigation Fees, In-Lieu Park Fees, Drainage Facilities Fees, Water Assessment Fees, and other applicable

mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.

11. Street improvement plans prepared by a registered Civil Engineer are required. Garden Grove Boulevard existing median shall be modified per the approved traffic study and City Traffic Engineer's recommendations stated in these Conditions of Approval.
12. A separate street permit is required for work performed within the public right-of-way.
13. Grading 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.
14. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
15. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer.
16. The two drive approaches to the site shall be constructed in accordance with Garden Grove Standard B-120.
17. All parking spaces that abut to sidewalks that are not elevated with a curb face to the stall, if any shall have wheel stops.
18. Prior to the issuance of the street improvements and grading permit, the applicant shall provide improvement bonds (Faithful Performance, Labor & Material and Monument Bond) acceptable to the City guaranteeing that all work constructed under said permits will be completed according to the approved plans, applicable laws, and in compliance with all terms specified in the permit(s). All bonds shall be in from 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. Prior to issuance of a grading permit, the applicant shall design overhead street lighting along the front of the development in a manner meeting the approval of the City's Lighting Administrator. Location of lighting poles shall be shown on the precise grading and street improvement plans.
20. An updated geotechnical study shall be required for the final WQMP. In the event, the scope of the project changes or expands, which would entail new ground disturbance on the site and possible modifications to the WQMP, an updated geotechnical study may be required at the time of construction.
21. The grading plan shall depict an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition.
22. In accordance with the Orange County Storm Water Program manual, the applicant and/or its contractors shall provide dumpsters on-site during construction unless an Encroachment Permit is obtained for placement of the dumpsters in the street.
23. Prior to the issuance of any grading or building permits, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
Addresses Site Design BMPs based upon the geotechnical report recommendations and findings such as infiltration minimizing impervious areas, maximizing areas, creating reduced or "zero discharge" areas, and conserving natural areas
 - a. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP
 - b. Incorporates structural and Treatment Control BMPs as defined in the DAMP
 - c. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs
 - d. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs
 - e. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs
24. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - a. Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications

- b. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP
 - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site
 - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs
25. All trash container areas shall meet the following requirements per City of Garden Grove Standard B-502 and state mandated commercial organic recycling law-AB 1826:
- a. Paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, screened or walled to prevent off-site transport of trash.
 - b. Provide solid roof or awning to prevent direct precipitation.
 - c. Connection of trash area drains to the municipal storm drain system is prohibited.
 - d. Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control.
 - e. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information.
 - f. The trash shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures.
 - g. Pursuant to state mandated commercial organic recycling law-AB 1826, the applicant is required to coordinate storage and removal of the organics waste with local recycling/trash company.
26. The applicant and his contractor shall be responsible for protecting all existing horizontal and vertical survey controls, monuments, ties (centerline and corner) and benchmarks located within the limits of the project. If any of the above require removal, relocation, or resetting, the Contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be reset after completion of construction. Any ties, monuments and bench marks disturbed during construction shall be reset per Orange County Surveyor Standards after construction. Applicant and his contractor shall also re-set the tie monuments where curb or curb ramps are removed and replaced or new ramps are installed. The Applicant and his

- contractor shall be liable for, at his expense, any resurvey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls.
27. Prior to the issuance of any grading or building permits for projects that will result in soil disturbance of one acre or more of land, the applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for City review on request.
 28. 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. In addition, the following shall apply:
 - a. The color and material of all proposed block walls, columns, and wrought iron fencing shall be approved by the Planning Services Division Prior to installation.
 29. The applicant shall identify a temporary parking site(s) for construction crew and construction trailers office staff prior to issuance of a grading permit. No construction parking is allowed on local streets.
 30. Prior to issuance of a grading permit, the applicant shall submit and obtain approval of a worksite traffic control plan, satisfactory to the City Traffic Engineer.
 31. Heavy construction truck traffic and hauling trips should occur outside peak travel periods. Peak travel periods are considered to be from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.
 32. Any required lane closures should occur outside of peak travel periods.
 33. Construction vehicles should be parked off traveled roadways in a designated parking area.
 34. Prior to issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size storm drains per the 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.

35. The applicant shall remove substandard driveway approaches, curb and the existing landscape within sidewalk area along Garden Grove Boulevard and construct street frontage improvements as identified below. All landscape, sidewalk and lighting improvements installed within the public rights-of-way shall be maintained by the applicant in a manner meeting the approval of the City Engineer and Planning Division. A separate street improvement, striping and signal plans, shall be prepared for Garden Grove Boulevard and submitted to the engineering department for improvements within the City right of way.

Garden Grove Boulevard

- a. The applicant shall remove the existing sidewalk on Garden Grove Boulevard along the property frontage and construct an eight-foot sidewalk per City Standard Plan B-106.
- b. The two new driveway approaches to the site on Garden Grove Boulevard shall be constructed in accordance with City of Garden Grove Standard Plan B-120. Standard Plan B-120 calls for a minimum width of 30-feet for commercial and multi residential projects. A deviation to allow a driveway width less than 30 feet is permitted for westerly approach.
- c. New wheelchair ramps and landing shall be constructed per latest Caltrans Standard Plan A88A.
- d. Construct 8-inch curb and gutter replacing the driveway approaches along the property frontage at 42' from centerline in accordance with City Standard Plan B-113 (Type C-8 Modified).
- e. The applicant shall construct a traffic signal at the intersection of Garden Grove Boulevard and the project main entrance (the easterly driveway) in a manner meeting the approval of the City Traffic Engineer. The new traffic signal shall include protected left turn phasing and u-turns for eastbound and westbound movements on Garden Grove Boulevard. A striping plan is required as part of new signal design for the main entrance on Garden Grove Boulevard to facilitate the relocation of striping.
- f. The applicant shall establish an easement for traffic signal access and utilities behind the ultimate right of way at the project main entrance.
- g. Prior to occupancy, the applicant shall design and implement a "Signal Timing Coordination Plan" along Garden Grove Boulevard in a manner

meeting the approval of the City Traffic Engineer. Said plan shall amend the current coordination plan and address impacts from the new traffic signal required to facilitate the proposed project.

- h. The applicant shall design and reconstruct the median to the east of the project on Garden Grove Boulevard per City Standard B-112 (Type A-8) to extend the left-turn pocket serving the adjacent commercial development, the Festival Plaza, to the east to provide access to the main project entrance. Said improvements shall include a 160-foot west bound left-turn pocket. The reconstruction/extension of the raised median at the front of the adjacent commercial development to the east will restrict its access to right-turn in/right-turn out movements only on Garden Grove Boulevard rather than the full access previously planned.
- i. The applicant shall design and reconstruct median fronting the project on Garden Grove Boulevard per City Standard B-112 (Type A-8) to facilitate left-turn access to Phase V of Brookhurst Triangle project. Said improvements shall include a 100-foot eastbound left-turn pocket per Brookhurst Triangle's already approved traffic study. The reconstruction of the median fronting the Galleria project shall also include a left-in-only median opening per OCPW standard Plan 1118 to facilitate access to westerly driveway. Said improvements shall include a 75-foot westbound left-turn pocket with a 75-foot taper.
- j. The westerly drive approach on Garden Grove Boulevard shall restrict left-turn out.
- k. The applicant shall coordinate with the City's Street Lighting Administrator to relocate and upgrade the existing median street lights to LED on Garden Grove Boulevard.
- l. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk/landscape area on Garden Grove Boulevard with Planning Division and Water Division.
- m. Any proposed new landscaping in public right of way shall be approved by Planning Division and maintained by the owner.

Environmental Services/Streets Division

- 36. The applicant shall use Republic Services for all construction demolition and debris processing.
- 37. The applicant shall comply with the anti-graffiti ordinance throughout the project as a "Best Management Practice" to mitigate vandalism. Graffiti shall be removed from the entire site including signage, traffic controls, etc. The

applicant shall remove all USA utility markings upon completion of the project and employ setbacks and plantings as a pro-active future deterrence.

Public Works Water Services Division

38. The applicant shall provide the Garden Grove Sanitary District with the projected discharge flows from both the commercial and the 400 HDR units.

Water

39. New water meter and service installations shall be installed by the owner's/developer's contractor per current City Standards and Specifications. Water meters shall be located within the City right-of-way.
40. A 10" fire service line with an 8" Double Check Detector Assembly (DCDA) and 2 fire hydrants have been installed. The DCDA and fire hydrants are located in the back of the property adjacent to the Boys & Girls Club. There is a stub-out on the fire line facing south for a future tie-in with a main in the Boys & Girls Club property if a looped system is required. Above-ground assembly shall be screened from public view as required by the Planning Division.
41. The location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
42. Reduced Pressure Principle Device (RPPD), backflow prevention devices shall be installed for meter protection. The landscape system shall also have RPPD devices. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. A cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results shall be submitted to Public Works, Water Services Division.
43. Any new or existing water valves located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
44. The City shall determine if existing water service(s) is/are usable and meet(s) current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.

Sewer

45. The applicant shall install a new xtra strength VCP sewer lateral with wedge lock joints per City Standard S-111 with a 48" Sancon lined manhole per City Standard S-100.

46. If necessary, the contractor shall abandon existing 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.
47. Commercial food use of any type shall require the installation of an approved grease interceptor (GCD) prior to obtaining a business license.
48. A properly sized GCD shall be installed on the sewer lateral and maintained by the property owner. There shall be a separate sanitary waste line that will connect to the sewer lateral downstream of the grease interceptor. All other waste lines shall be drained through the grease interceptor. The grease interceptor shall be located outside of the building and accessible for routine maintenance. The owner shall maintain comprehensive grease interceptor maintenance records and shall make them available to the City of Garden Grove upon demand.
49. Food grinders (garbage disposal devices) for commercial uses are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations.

Building Services Division

The plans submitted for building permit plan check shall be revised to include the following requirements.

Senior Housing Requirements

50. The development shall be designed to encourage social contact by providing at least one common room on each floor.
51. Access to all common areas and housing units within the development shall be provided without use of stairs, either by means of an elevator or sloped walking ramps.
52. Walkways and hallways in the common areas shall have lighting conditions which are of sufficient brightness to assist persons who have difficulty seeing.
53. Walkways and hallways in the common areas of the development shall be equipped with standard height railings or grab bars to assist persons who have difficulty with walking.

Accessibility Requirements

54. City programs for housing are required to comply with public housing regulations and shall comply with California Building Code Section 11B-233. Provide 5% of total units with mobility and 2% of total units with communications; all of the remaining units shall be adaptable.

55. Refuse collection shall be provided in a manner that requires a minimum of physical exertion by residents and on an accessible route.
56. Parking structures shall have a minimum height clearance of 8'-2".
57. All units on an accessible route other than mobility units shall be adaptable.
58. All common areas shall be fully accessible.
59. Provide exterior accessible route from accessible parking to retail spaces.

General requirements

60. The building plans, including grading and site development plans and all construction activity shall comply with 2016 CBC, CPC, CMC, CEC, CGBSC, CA Energy Code.
61. Provide exiting plans.
62. Exits system must be continuous to the public way.
63. EV charging stations are required.
64. Bicycle parking is required.
65. An acoustical report will be required for the prevention of noise transfer to the residential units along the drive aisles.
66. Residential units shall comply with natural lighting requirements per CBC Section 1205. Exterior glazed openings shall open directly onto a yard or public way. The units along the drive aisle do not meet this requirement.
67. It appears that access to the retail spaces from public parking is through the residential corridor. This area will be required to meet the requirements for a public access way. (See Police Department Conditions of Approval regarding security)
68. The building shall be solar ready and the structural area for panel placement is required to be included in the calculations.
69. Provide allowable area/height analysis of the building.
70. Provide fire-rated construction for type I-A construction per Table 601.
71. Provide occupancy separation per Table 508.4 for group S-2 and R-2.

Structural Requirements (Based on Submitted 2014 Report)

72. The submitted tested report was completed in 2014 and it did not include all structural elements in the buildings such as steel framings and connections. Therefore, a new test report is required prior to construction documents

being submitted for plan check. The new test report shall include the following:

- a. The steel framing members and their connections have been exposed to weather for over 10 years. Provide the methodology of the testing with a summary or executive statement along with the test results. Include a discussion on how the framing members and their connections are selected and tested. Sample areas will NOT be an acceptable means of testing for steel frames and connections.
 - b. Testing of steel framing members and their connections shall be conducted after removing corrosion. A **nonlinear** analysis shall be provided to verify shear failure, yielding of steel under direct stress, lateral torsional buckling and bearing failure near/at supports or loading points.
 - c. Update original report to reflect current condition of the buildings.
 - d. Explanation of original design service life of the building and if it will remain the same.
 - e. Provide detailed methods to remove corrosion from framing members and their connections. Provide method(s) including material(s) that will be used to prevent future corrosion.
 - f. Provide details on the worst corrosion depth to framing members and their connections including thickness loss after removing corrosion.
 - g. Provide a detailed explanation if the existing framing members and connections will retain the capacity to carry new design loads. Additionally, provide explanations if the durability and sustainability will remain the same for the service life of the building and the protocol for premature failure in framing members and their connections.
73. The existing building was designed based on the 1997 UBC; the new construction and structural designs shall comply with the 2016 CA Building Standards Code and current structural Design Standards.
74. The existing structural layout does not align with the new architectural layout in certain areas; several columns located in corridors and accessible routes. Provide new structural and/or architectural layouts to match.

Garden Grove Fire Department

75. All requirements of the Garden Grove Building & Safety Division and Fire Department shall be met, including any required occupancy permits and

inspections. The development will meet the requirements for new high-rise buildings including fire sprinklers, fire alarms, a smoke removal system, and a fire control room (refer to City of Garden Grove Fire Department pamphlet entitled "Requirements and Standards for New High-Rise Buildings"). A building is considered to be "high-rise" when it is a height of 75 feet or more per City Ordinance.

76. All fire protection requirements shall meet all applicable State and Local Codes.
77. The applicant shall provide a CAD turning radius with GGFD engine and truck specifications.
78. The applicant shall submit revised plans for review and approval by the Garden Grove Fire Department showing the fire lane widths, hydrant locations, fire control room, and Fire Department connections.

Police Department

79. Within the commercial tenant spaces, there shall be no pool tables or amusement devices on the premises at any time.
80. Within the commercial tenant spaces, there shall be no live entertainment, dancing, karaoke, or disc-jockey entertainment permitted on the property at any time.
81. There shall be no gaming tables or gaming machines as outlined in City Code Sections 8.20.010 and 8.20.050 on the property at any time.
82. There shall be no uses or activities permitted on the property of an adult-oriented nature as outlined in City Code Section 9.04.060.
83. Within the commercial tenant spaces, the interior walls and/or partitions in Alcoholic Beverage Control (ABC) licensed establishments shall not exceed 48 inches in height and shall not be enclosed (from floor to ceiling) at any time.
84. The number of ABC licensed establishments shall be limited to half of the overall commercial floor area. Half of the overall commercial floor area is a maximum of 6,469 square feet of floor area that can be used for ABC licensed establishments. A Conditional Use Permit is required to be approved for each individual ABC license on the property. The public shall enter all ABC licensed establishments through a controlled doorway in a tenant space. There shall be no ABC licensed establishments in the possible retail mezzanine area.

85. The entries to the senior housing units shall be security entrances and only available to residents. Similarly, the entrances to the retail service corridor shall be security entrances and only available to the commercial tenants. The proposed retail mezzanine area shall only be accessed from the commercial retail portion of the building.
86. The Boys & Girls Club have requested an easily accessible and safe walkway between the properties that will be secure. Provide information regarding this access between the Boys & Girls Club and the senior housing, including where the access occurs, who is provided with keys, etc.
87. The entries to the commercial area of the development closed when the businesses are closed.
88. The owner/developer shall develop a Security Plan for the property with the Police Department. Security issues regarding the access to the different portions of the development shall be addressed ensuring safety for residents, visitors, commercial tenants, and Boys & Girls Club members. The Security Plan may require the installation of an alarm system or other improvements. The Security Plan shall be complete and approved by the Police Department prior to any Certificate of Occupancy being issued for the property. All improvements required by the Security Plan shall be installed and complete prior to any Certificate of Occupancy.

Community and Economic Development Department

89. Prior to issuance of building permits, the property owner, the Emlen W. Hoag Foundation, shall sign and record a Declaration of Covenants and Restrictions for the Transfer of Development Rights ("Covenant") with the City of Garden Grove, in a form approved by the City Attorney and City Manager, which transfers the residential dwelling development rights from two acres on the GGBGC property (APN 098-070-73) to the Garden Brook Senior Center property (APN 098-070-72). The document shall be consistent with the approved site plan, shall be enforceable by the City, shall run with the land, shall bind all current and future owners and tenants of all or portions of Parcel 72 and 73, shall provide that violation of the terms of the document constitute a violation of these conditions of approval, and shall not be modified or terminated without prior written approval from the City.
90. Noise generated by the uses on-site shall be subject to the noise ordinance as adopted by the City of Garden Grove.
91. Enhanced concrete treatment shall be provided at a 20-foot depth on all vehicular access ways of the site, subject to approval by the Community & Economic Development Department. The enhanced concrete treatment can include decorative stamped concrete, interlocking pavers or other enhanced

- treatment, excluding scored and/or colored concrete. Color, pattern, material, and final design and configuration shall be approved by the Community & Economic Development Department, Planning Division, and shall be shown on the final site plan, grading plan, and landscape plans.
92. Litter shall be removed daily from the project site including adjacent public sidewalks and all parking areas under the control of the property owner. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
 93. Best Management Practices shall be incorporated in the management of the site to detour and/or abate 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 if necessary.
 94. The owner/developer shall provide adequate trash enclosures with receptacles to accommodate the uses on the site along with adequate pick-ups during the week. All trash enclosures shall match the color and material of the buildings or block wall on the site. The trash bins shall be kept inside the trash enclosure, and the gates shall remain closed at all times except during disposal and pick-up. The trash shall be picked up as needed to accommodate the use; the applicant shall increase the number of pick-ups as required.
 95. The owner/developer shall provide the following for the contracted trash collection agency, Republic Industries:
 - a. Incorporate into the plans a clearance height of 14'-6" to allow for access of the trash trucks.
 - b. Prepare and submit for approval by Republic Industries, a "Trash Management Plan" for the property. A copy of the approved "Trash Management Plan" shall be submitted to the Planning Services Division prior to the issuance of any Certificate of Occupancy for the project.
 96. Prior to the start of construction, temporary security fencing shall be erected if necessary. The fencing shall be a minimum of six (6) feet in height with locking, gated access, and shall remain through the duration of construction.
 97. Prior to the issuance of permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the name and address of the development, and the developers' name, address, and a 24-hour emergency telephone number.

98. The floor plan is an integral part of the decision approving this development. Any additional changes in the design of the floor plan shall require the approval of the Community & Economic Development Department. Any change in the approved floor plan that has the effect of expanding or intensifying the approved use, shall require a new Site Plan.
99. The parking on the site is required for a mix of uses. The following are project requirements for parking on the site:
 - a. The affordable senior housing units require .5 spaces per unit and with a proposed total of 394 units the project requires 197 parking spaces. At no time shall the number of residential parking spaces be reduced below the required minimum of .5 spaces per affordable senior housing unit.
 - b. The project includes 12,938 square feet of commercial floor area along the Garden Grove Boulevard frontage. The project shall provide a minimum of 1 parking space for every 200 square feet of commercial floor area for a minimum total of 65 parking spaces. At no time shall the number of commercial parking spaces be reduced below the required minimum of 65 parking spaces.
 - c. The proposed commercial parking minimum of 65 parking spaces fulfills the required number of spaces for retail commercial uses (1 space per 200 square feet) but does not allow for commercial uses that have a higher parking requirement. A full-service restaurant requires 1 parking space for every 100 square feet of floor area and a doctor's office requires 1 parking space for every 170 square feet of floor area. In the event, the property manager seeks to lease a tenant space to a business use with a higher parking requirement than 1 space for every 200 square feet additional commercial parking space shall be designated/created to meet the requirements of said use. The creation of additional commercial parking spaces shall not diminish the required minimum spaces for the senior housing units.
 - d. Similarly, the possible addition of retail uses on a commercial mezzanine are not included in the proposed parking minimum of 65 parking spaces. To use the mezzanine for any type of commercial use (including storage) shall require additional commercial parking spaces.
 - e. The applicant shall submit for review and approval by the Community & Economic Development Department and the Police Department, a Parking Management Plan. The Parking Management Plan shall provide details on how parking will be managed on the property between residents, residential guests, and commercial customers/staff and provide details on the proposals outlined at the Neighborhood Meeting held on September 27, 2017. The specific details outlined and requiring further information include, gates for the parking areas and keyed

access, a parking sticker program, prohibited parking enforced by on-site management company, visitor parking without overnight stays, possible Lyft or Uber stop, and a possible Zipcar station. The Parking Management Plan shall be approved prior to final inspection.

100. The applicant has proposed a partnership with the Boys & Girls Club for an Intergenerational Program between the youth at GGBGC and the seniors in the project. To implement the Intergenerational Program the following are required:
 - a. Prior to obtaining any building permit, the plans shall be revised for review and approval of an easily accessible safe walkway between the senior housing and the GGBGC that will be secure. The revised plans shall provide lighting details for this access between the two properties.
 - b. Provide a detailed Scope of Work for the Intergenerational Program and how it will be implemented. Identify how the dedicated personnel housed in the senior housing will be chosen/hired and how such a position shall be maintained. The Scope of Work shall be signed by the partners associated with both the seniors and the youth and submitted to the Community & Economic Development Department for review.
 - c. The applicant shall provide upgraded ADA busing systems to the existing transportation infrastructure (GGBGC) to facilitate senior outings and appointments.
 - d. Prior to issuance of any building permit, the applicant shall provide to the Community & Economic Development Department, for review and approval, revised plans of a social room available for use by both agencies with convertible sturdy furniture, a community kitchen, and outside raised planter gardens. Also a large community room with availability of a projection screen, TV, WiFi, and outlets. The community rooms will meet the GGBGC's requirements for windows or openness to provide clear lines of supervision of adults with youth.
101. The owner/developer shall submit a complete "Landscape Plan" governing the entire development. Said plan shall include type, size, location and quantity of all plant material in addition to irrigation plans, staking and planting specifications. The "Landscape Plan" is also subject to the following:
 - a. A complete, permanent, automatic remote control irrigation system shall be provided for all common area landscaping shown on the plan including parkway plantings. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation. All trees shall have a deep water irrigation detail.

- b. Provide landscape plans in more detail and at a larger scale. The detailed plan of each recreation area or landscape area shall identify the type and locations of perennials and shrubs (not just as a general list of choices) as well as trees and ground covers.
- c. Street trees with deep-water irrigation systems shall be provided along the street frontage at a distance of no more than 30 feet on center. The street trees shall be planted in tree wells that are 4 feet wide by 8 feet in length. Trees shall be canopy with shrubs and/or groundcover in the tree well. The type of street tree shall be approved by the Community & Economic Development Department and Public Works staff.
- d. The landscaping along Garden Grove Boulevard will be in character with the landscaping requirements of the Garden Grove Mixed Use 1 zone. For property where the front lot line abuts Garden Grove Boulevard, the 10-foot area measured from, and perpendicular to, the property line, shall be primarily for pedestrian use and shall be paved and augmented with landscaping such as planters and trees, as provided per Section 9.18.100.020.C (Setbacks) and subsection C (Garden Grove Boulevard Tree Requirements). Elements enhancing the pedestrian experience shall be incorporated into the front setback, including, but not limited to, benches, lighting, and enhanced paving. Garden Grove Boulevard tree requirements include columnar trees planted within 10 feet of the property line and placed at regular intervals at no more than 40 feet on center. Setback canopy trees shall be planted at a ratio of at least one tree for every 50 feet of Garden Grove Boulevard frontage. Setback canopy trees can be placed at regular intervals along the front setback or may be clustered.
- e. Provide specific details for how the recreation courtyard on the west side of the first floor shall be screened from the service driveway. Include wall/fence specifications and identify all plant types.
- f. The first floor recreation courtyards will be heavily shaded throughout the day. Provide appropriate selections for all plantings.
- g. The owner/developer shall be responsible for installation and permanent maintenance of all landscaping on the property. All planting areas are to be kept free of weeds and debris.
- h. All landscaping and irrigation shall be permanently maintained. The Permanent maintenance includes the regular replacement of plants when they become old and leggy and the regular addition of plants as they become sparse. Landscape areas shall be maintained to be fully landscaped, adequately watered, and not overly pruned.

- i. The south (rear) setback of the building shall be planted with a row of vertically growing trees. The proposed setback between the rear property line and the proposed parking structure shall be adequate to accommodate these trees and their future growth pattern. The irrigation plan for these trees shall have a deep-water irrigation system that is specified and drawn on the landscape plans.
 - j. All trees planted within ten feet (10') of any public right of way shall be planted in a root barrier shield and shall have a deep-water irrigation system specified and drawn on the landscape plans.
102. All exterior lighting shall be reviewed and approved by the Community & Economic Development Department. The applicant shall be responsible for providing adequate lighting for the parking areas and walkways in compliance with CITY regulations. The proposed design of the parking structure has openings in the walls. Provide information that the light from these openings shall not unreasonably illuminate the neighboring properties.
103. The owner/developer shall submit for review and approval by the Community & Economic Development Department, a "Loading/Unloading Plan" for the property, including the travel path and turning radius of delivery trucks, prior to issuance of any permit. The "Loading/Unloading Plan" shall provide information and schedules for deliveries onto the site. All loading and unloading operations shall be conducted so as to not interfere with parking or with vehicle and pedestrian access. Loading berths are ten feet wide by 35 feet in length. No delivery trucks shall be left on or idling during deliveries. Include information on loading for the residential units.
104. All signs shall require a separate permit and shall be installed in accordance with the provisions of the sign ordinance and an approved sign plan. The Community & Economic Development Department shall approve all signs prior to installation. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort.
105. The owner/developer shall submit a sign plan for the development that includes the following:
- a. The project name shall be added to the front elevation so that is readable from a pedestrian level.
 - b. There shall be no exterior tenant signs on the second floor of the commercial businesses.
 - c. Exterior tenant signs on the first floor shall be channel letters with a maximum height of 18 inches. The sign plan shall indicate a limited choice of font(s) and color(s) for the channel letters that are compatible

- with the colors and materials of the building. Also, the plan shall specify color of returns.
 - d. The owner/developer shall provide effective directional signs for the entry onto the site and for the location of parking.
 - e. The owner/developer shall limit the areas in which advertisements and other signs shall be displayed on storefront windows. These advertisements and signs shall be allowed in specific areas in an organized fashion.
 - f. The building address shall be a minimum of 12 inches in height and in a contrasting color to the building.
106. The applicant/property owner(s) shall enter into an Affordable Housing Agreement with the City of Garden Grove. The Housing Agreement shall be prepared at the cost of the applicant/property owner and shall be submitted for review and approval by the City Attorney's office and the Community & Economic Development Department prior to the issuance of building permits. The approved Housing Agreement shall be recorded prior to issuance of a building permit for any structure in the housing development. The Housing Agreement shall run with the land and be binding on all future owners and successors in interest. The Affordable Housing Agreement shall include, but not be limited to, the following:
- a. The total number of units approved for the Housing Development, the number, location, and level of affordability of target units, and the number of density bonus units.
 - b. Standards for determining affordable rent for the target units.
 - c. The location, unit size in square feet, and number of bedrooms of target units.
 - d. Provisions to ensure affordability in accordance with Subsection G of this section.
 - e. A schedule for completion and occupancy of target units in relation to construction of non-restricted units.
 - f. A description of any concessions or incentives or waivers and modifications being provided by the City.
 - g. A description of remedies for breach of the agreement by either party. The City may identify tenants or qualified purchasers as third party beneficiaries under the agreement.

- h. Procedures for qualifying tenants and prospective purchasers of target units.
 - i. Any other provisions to ensure implementation and compliance with this section.
 - j. Procedures for establishing affordable rent, filling vacancies, and maintaining target units for eligible tenants.
 - k. Provisions requiring verification of household incomes.
 - l. Provisions requiring maintenance of records to demonstrate compliance with this subsection.
 - m. The property owner shall restrict tenancy occupancy to a "2 + 1" formula, 2 persons per bedroom plus one additional person (ex: a two bedroom unit can only house five persons).
 - n. The property owner shall provide a professional on-site caretaker, as defined and required by Title 25, Division 4, Article 5, Section 42 of the State Housing Law Regulations.
107. The owner/developer shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-048-2018 and agreement with all conditions of approval.
108. The applicant shall, as a condition of Project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning General Plan Amendment No. GPA-001-2018, Planned Unit Development No. PUD-008-2018, and Site Plan No. SP-048-2018, (collectively, the "Project entitlements") and/or the adopted subsequent 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 further pay any adverse financial award, which may issue against the City, including, but not limited to, any award of attorney fees to a party challenging such project approval. Notwithstanding the foregoing, in the event any legal action or proceeding is filed against the City and/or applicant, seeking to attack, set aside, void or annul any of the Project entitlements, applicant shall have the right and obligation to either: (1) defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney; or (2) request that the

City rescind the entitlement approvals, in which case the applicant would have no obligation to defend or indemnify the City; however, applicant shall reimburse the City for any costs incurred or assessed against the City as a result of the filing of such legal action or proceeding, provided the City acts promptly to rescind the entitlements.

109. The Conditions of Approval set forth herein include certain development impact fees and other exactions. Pursuant to Government Code §66020(d), these Conditions of Approval constitute written notice of the amount of such fees. The applicant is hereby notified that the 90-day protest period, commencing from the effective date of approval of Site Plan No. SP-048-2018 has begun.
110. 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-048-2018 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one year of the expiration of the appeal and thereafter, diligently advanced until completion of the project.
111. In the event that any substantial grading or ground disturbance is required to complete construction of the project, a principal archaeologist shall be hired by the applicant to oversee this portion of the construction. The principal archaeologist shall retain representatives of Gabrieleno heritage to perform Native American monitoring of all ground disturbance. If multiple tribal groups request to participate in monitoring, a rotation shall be established and the archaeologist shall be responsible to ensure work is distributed as equitably as possible. If prehistoric cultural resources are recovered, all tribal groups participating in the monitoring shall have input in regard to the treatment and all materials will be reburied on site at a location deep enough not to be disturbed in the future. Native American monitoring shall cease if bedrock or loose sediments that can be demonstrated to be more than 10,000 years old are encountered.
112. The applicant shall hire an environmental consultant to implement the Mitigation Monitoring and Reporting Program as identified in the subsequent Mitigated Negative Declaration, and shall provide updates about the implementation process to the City of Garden Grove, Community & Economic Development Department until completion of the project.

The Galleria Mixed-Use Project

Mitigation Monitoring and Reporting Program

prepared by
City of Garden Grove
11222 Acacia Parkway
Garden Grove, California 92840

prepared with the assistance of
Rincon Consultants, Inc.
250 East 1st Street, Suite 301
Los Angeles, California 90012

March 2018

Mitigation Monitoring and Reporting Program

This document is the Mitigation Monitoring and Reporting Program (MMRP) for The Galleria Mixed-Use Project proposed in the City of Garden Grove. The purpose of the MMRP is to ensure that the required mitigation measures identified in the Initial Study – Mitigated Negative Declaration (IS-MND) are implemented as part of the overall project implementation. In addition to ensuring implementation of mitigation measures, the MMRP provides feedback to agency staff and decision-makers during project implementation, and identifies the need for enforcement action before irreversible environmental damage occurs.

The following table summarizes the mitigation measures for each issue area identified in the IS-MND for the proposed project. The table identifies each mitigation measure, the action required for the measure to be implemented, the time at which the monitoring is to occur, the monitoring frequency, and the agency or party responsible for ensuring that the monitoring is performed. In addition, the table includes columns for compliance verification. These columns will be filled out by the monitoring agency or party and would document monitoring compliance. Where an impact was identified to be less than significant, no mitigation measures were required.

This MMRP will be used by City staff or the City’s consultant to determine compliance with permit conditions. Violations of these conditions may cause the City to revoke the operating permit.

City of Garden Grove
The Galleria Mixed-Use Project

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Compliance Verification	
					Initial	Date
NOISE						
N-1. Install STC Rated Materials. The provision of forced-air mechanical ventilation, enabling new residents to retain adequate air quality with windows closed, and the installation of residential windows, exterior doors, and exterior wall assemblies would substantially reduce interior noise in habitable rooms. Exterior materials with an STC 30 rating would reduce exterior noise at a 500 Hz frequency by approximately 30 dBA in the interior environment. This STC rating is calculated for specific materials in a laboratory setting by measuring sound transmission loss in 1/3 octave increments between 125 Hz and 4,000 Hz. Although STC 30-rated materials would not perform equally at all frequencies of ambient noise, they would reduce overall exterior noise by approximately 30 dBA. The resulting interior noise level would be 44 dBA CNEL (74 dBA CNEL minus 30 dBA) and would meet the City's interior noise standard of 45 dBA CNEL.	Review and verify that STC 30-rated materials have been included in final design plans; field verify that STC 30 materials are adequately installed.	Review and verification prior to building permit issuance; field verification prior to final occupancy.	Review and verification once permit issuance; field verification once prior to final occupancy.	City of Garden Grove Planning and Building Services Divisions		
N-2. Construction Equipment Staging. The following measures shall be followed during construction of the mixed-use residential building.	Field verify adherence to all recommended construction equipment measures.	Field verification during construction.	Field verification periodically during construction.	City of Garden Grove Building Services Division		
<ul style="list-style-type: none">• Mufflers. During all project site excavation and grading, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers consistent with manufacturers' standards.• Stationary Equipment. All stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receptors.• Equipment Staging Areas. Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise sources and noise-sensitive receptors.• Electrically-Powered Tools and Facilities. Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.						

Mitigation Monitoring and Reporting Program

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party	Initial	Date	Compliance Verification Comments
TRANSPORTATION							
TR-1 Traffic Signal. A traffic signal shall be installed at the intersection of the proposed project driveway at Garden Grove Boulevard at the northeast corner of the project site prior to building occupancy to reduce potential traffic safety issues for drivers attempting to enter and exit the driveway of the proposed project and the driveway of the proposed Brookhurst Place Residential development on the opposite side of Garden Grove Boulevard.	Review and verify that a traffic signal has been included in the final design plans; field verify that traffic signal is installed.	Review and verification prior to building permit issuance; field verification prior to issuance of occupancy permit.	Review and verification once permit issuance; field verification once prior to final occupancy.	City of Garden Grove Engineering Division			
TRIBAL CULTURAL RESOURCES							
TCR-1 Native American Monitoring. The principal archaeologist identified by the City shall retain representatives of Gabrieleno heritage to perform Native American monitoring of all ground disturbance. If multiple tribal groups request to participate in monitoring, a rotation shall be established and the archaeologist shall be responsible to ensure work is distributed as equitably as possible. If prehistoric cultural resources are recovered, all tribal groups participating in the monitoring shall have input in regard to treatment and all materials will be reburied on site at a location deep enough not to be disturbed in the future. Native American monitoring shall cease if bedrock or loose sediments that can be demonstrated to be more than 10,000 years old are encountered.	Verify that Native American monitor is obtained; field verify that monitor is on-site during ground disturbance.	Verification prior to grading permit issuance; field verification during ground disturbance.	Verification once prior to grading permit issuance; field verification periodically during ground disturbance.	City of Garden Grove Planning and Building Services Divisions			

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The Galleria Mixed-Use Project

Initial Study-Mitigated Negative Declaration

prepared by

City of Garden Grove

11222 Acacia Parkway

Garden Grove, California 92840

prepared with the assistance of

Rincon Consultants, Inc.

250 East 1st Street, Suite 301

Los Angeles, California 90012

February 2018

The Galleria Mixed-Use Project

Initial Study-Mitigated Negative Declaration

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February 2018

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Appendix B	CalEEMod Results
Appendix C	Water Quality Management Plan
Appendix D	Noise Measurement Data
Appendix E	Traffic Study

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Initial Study

1. Project Title

The Galleria Mixed-Use Project

2. Lead Agency Name and Address

City of Garden Grove
Planning Services Division
11222 Acacia Parkway
Garden Grove, California 92840

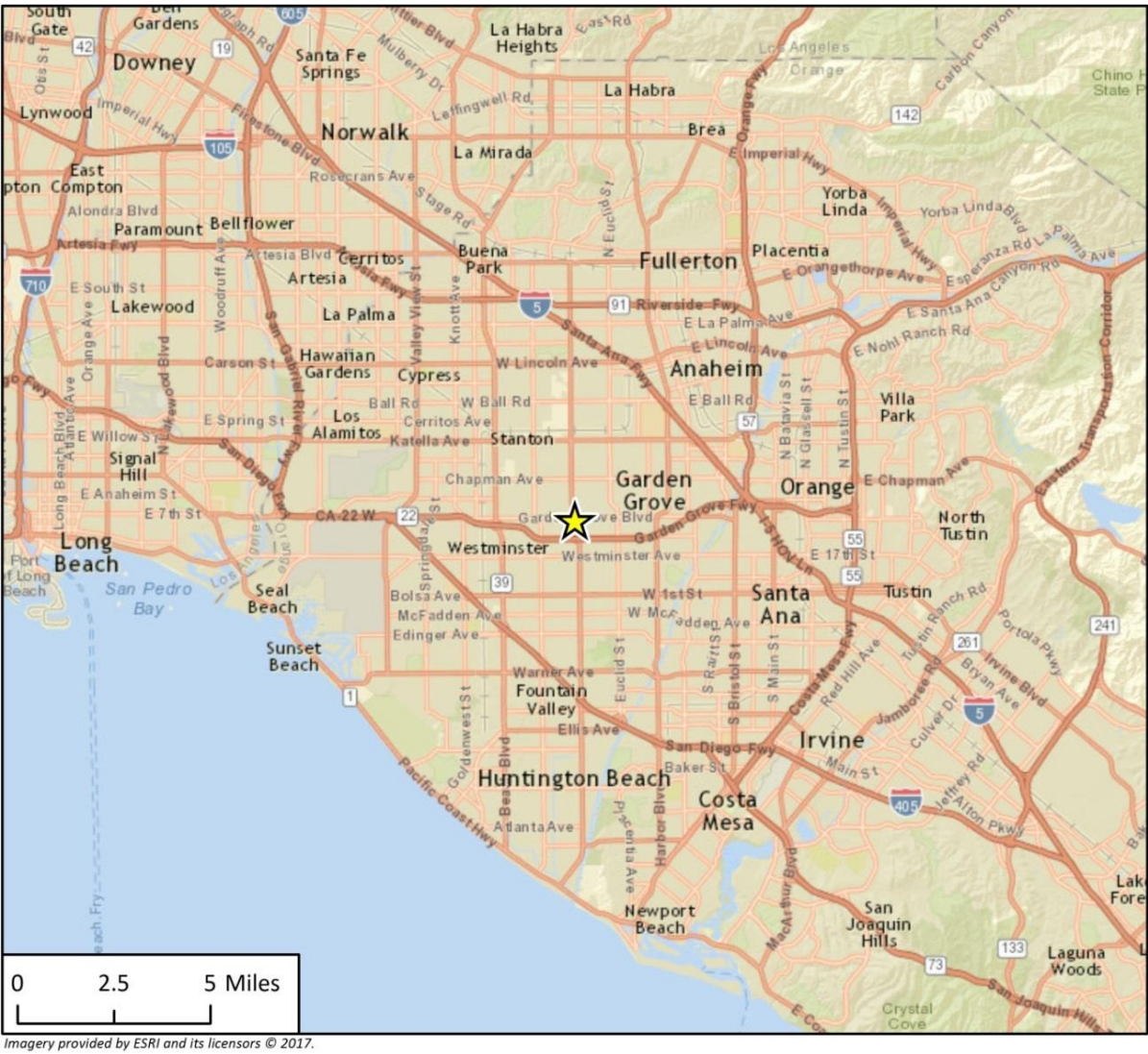
3. Contact Person and Phone Number

Erin Webb, Senior Planner
(714) 741-5313

4. Project Location

The 5.09-acre project site is located at 10080 Garden Grove Boulevard in the City of Garden Grove (City), California. The site is bordered by Garden Grove Boulevard to the north, Ramada Plaza Hotel to the west, a multi-tenant commercial center to the east, and Brookhurst Avenue farther east. The Boys & Girls Club of Garden Grove, single family residences, and Kiwanis Land Park are located south of the project site. The parking lot for the Boys & Girls Club is included in the project site. Figure 1 shows the location of the site within the region.

City of Garden Grove
The Galleria Mixed-Use Project



★ Project Location



Fig 1 Regional Location

Figure 2 shows the project site in its local context. The site is partially developed with the steel framework of a previously approved mixed-use development project (refer to Section 8, below, for the background and history of the project site). Figure 3a-3f provide photos that show the existing conditions of the site and surrounding area.

Figure 1 Regional Location

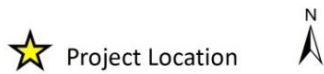
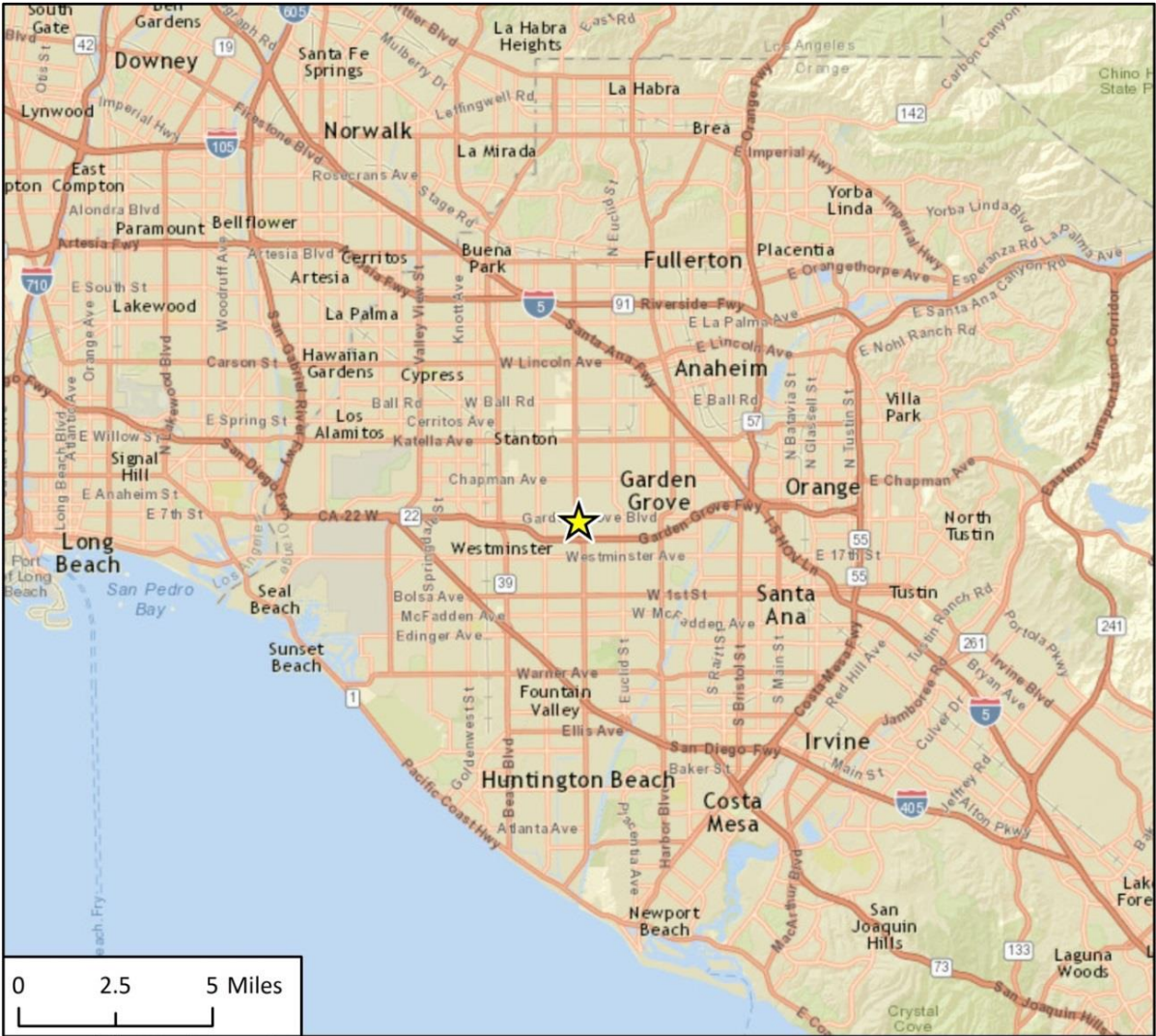


Fig 1 Regional Location

Figure 2 Project Location



Figure 3a View of Project Site Looking South across Garden Grove Boulevard



Figure 3b View of Southern Boundary of Project Site Looking North along Larson Avenue



Figure 3c View of Commercial Development Looking East from Project Site along Garden Grove Boulevard

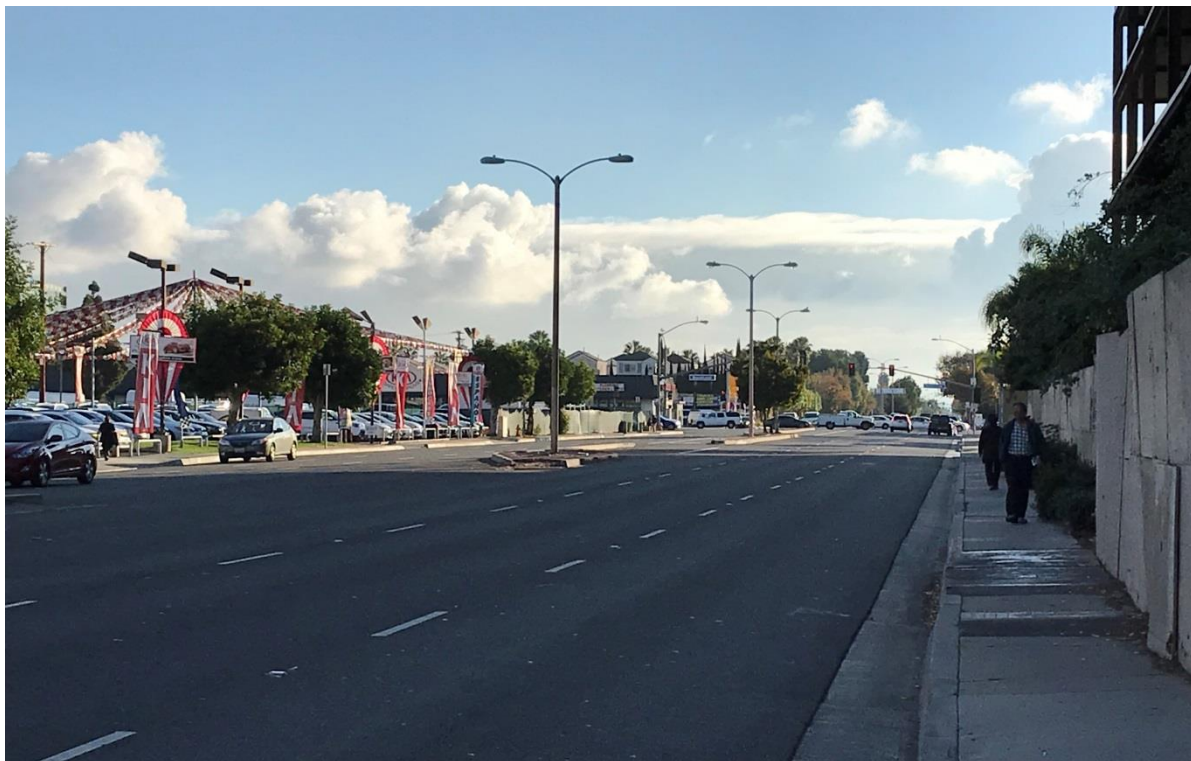


Figure 3d View of Project Site and Commercial Development Looking West from Brookhurst Street



Figure 3e View of Single Family Residences Looking East along Larson Avenue



Figure 3f View of Multi-family Residences Looking North along Brookhurst Way



5. Project Sponsor's Name and Address

AMG & Associates, LLC
16633 Ventura Boulevard, Suite 1014
Encino, California 91436

6. General Plan Designation

Residential/Commercial Mixed Use 1
Focus Area F – Brookhurst Triangle Area

7. Zoning

Garden Grove Boulevard Mixed Use 1 (GGMU-1)

8. Project Description and Background

The Galleria Mixed-Use project (proposed project) would be constructed on the site of a previously approved and partially constructed commercial and residential mixed-use development at the same location (10080 Garden Grove Boulevard).

Background and History

The project site was originally reviewed as part of the Garden Grove Galleria project (hereafter referred to as “previously approved project”), mixed-use building that was previously approved by the City in 2005. The building was proposed to be eight stories in height on the north, east, and west sides, and five stories on the south side. The 2005 Garden Grove Galleria Mitigated Negative Declaration (hereafter referred to as “2005 MND”) was adopted by the City and is provided as Appendix A. As proposed in 2005, the first four levels of the building consisted of two, double-height floors at the front totaling 123,662 square feet (sf) of commercial tenant space, and four floors of parking within a structure at the rear. The entirety of the fifth floor consisted of parking while the sixth, seventh, and eighth floors above consisted of 66 condominium units (22 units per floor). Currently, the project site is partially developed with the steel framework that was constructed for the previously approved project.

Proposed Project

The currently proposed project would make use of the existing on-site steel frame to construct an eight-story mixed-use development consisting of 12,938 sf of commercial space on the first two floors of the building, and 400 senior housing units (totaling 343,345 sf of residential space) distributed across all eight floors. Unlike the previously approved project, all four sides of the currently proposed building would be eight stories. The eight-story building would be located on the northern portion of the site and a three-level parking structure would be located on the southern portion of the site (see Figure 4). The project site would include the parking lot associated with the Boys and Girls Club south of the site. The proposed project would include 25,503 sf of common open space that would include a recreation courtyard on the first floor, common rooms on the third and fourth floors, and recreation decks on the third and sixth floors. The proposed project would also include landscaped trees along the southern border of the project site to provide a buffer

between the parking structure and the residences and the Boys and Girls Club facility to the south. Figures 4 through 7 show the site plan, landscape plan, elevations, and a rendering for the proposed project.

Site Access and Parking

The proposed project would include 243 parking stalls for the residential and commercial uses in a 141,295 square-foot, three-level parking structure at the rear of the project site. Resident access to the proposed project would be provided via one egress/ingress driveway at the northeastern corner of the project site along Garden Grove Boulevard that would continue along the eastern boundary of the site. There would also be a service driveway along the western boundary of the site.

Grading and Construction

Currently, the project site is partially developed with the steel framework pertaining to the previously approved project. Therefore, construction of the proposed project would require completion of the steel frame and the remaining stages of construction, including the flooring, roofing, electrical, plumbing, and painting. Construction would not include intensive site preparation, grading, or excavation activities. However, some grading and excavation could be needed to add structural support to the building foundation and perform maintenance on the existing steel frame for possible damage from weathering. These activities were assumed in the project analysis.

Required City Approvals

The proposed project requires amending the General Plan land use designation for the property from Residential/Commercial Mixed Use 1 to Community Residential (which currently allows densities of 48.1 to 60 dwelling units per acre). The following would also be required:

- Zone Change from Garden Grove Boulevard Mixed Use 1 (GGMU-1) to Planned Unit Development
- Site Plan Approval
- Zone Change of the Boys and Girls Club parking lot from Open Space (OS) to Community Residential
- Approval for a 35 percent density bonus

Comparison of Previously Approved Project to Proposed Project

For the purposes of this Initial Study, the current site conditions are used as the baseline for identification of the potentially significant effects of the proposed project under CEQA. However, the analysis herein also includes a comparison of the proposed project's impacts to those of the previously approved project in order to facilitate an understanding of how the currently proposed and previously approved projects compare. This comparison is provided for informational purposes only. Table 1 summarizes the differences between the proposed project and the previously approved project.

Table 1 Comparison of Proposed Project to Previously Approved Project

Project Components	Previously Approved Project	Proposed Project	Change
Residential Units	66	400	+334
Commercial (sf)	123,662	12,938	-110,724
Building Stories	8 on three sides, 5 on south side	8 on all sides	None
Parking Structure Stories	4	3	-1
Parking (stalls)	740	310	-430
Note: sf = square feet			

9. Surrounding Land Uses and Setting

The project site is located along Garden Grove Boulevard and is surrounded by a mix of uses, including residences, institutional, and retail and commercial space. These include the Boys and Girls Club facility located immediately south of the southern boundary of the project site, and the Brookhurst Triangle Apartments project north of the project site across Garden Grove Boulevard. California State Route (SR-22) is located approximately 0.5 mile south of the site. Figure 3 shows the surrounding uses. This area is also identified as Focus Area F – Brookhurst Triangle Area in Exhibit LU-1 of the Garden Grove General Plan Land Use Element.

10. Other Public Agencies Whose Approval is Required

The City of Garden Grove is the lead agency. The approval of other public agencies is not required.

11. Subsequent Initial Study and MND

The proposed project was originally proposed and considered in 2005 (previously approved project). Pursuant to the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. and California Code of Regulations, Title 14, Sections 15000 et seq. ("CEQA"), the City adopted a Mitigated Negative Declaration ("MND") and approved the project in 2005. A Notice of Determination was filed and posted on May 20, 2005. In 2017, modifications were proposed to the 2005 project ("proposed project"). Pursuant to Public Resources Code Section 21166 and California Code of Regulations, Title 14, Section 15162, the City prepared a subsequent initial study to analyze the proposed project's environmental effects. The subsequent initial study concluded that all of the proposed project's environmental impacts could be reduced to a less than significant level of less than significance. On this basis, the subsequent initial study concluded that a subsequent MND was appropriate.

City of Garden Grove
The Galleria Mixed-Use Project
Figure 4 Site Plan

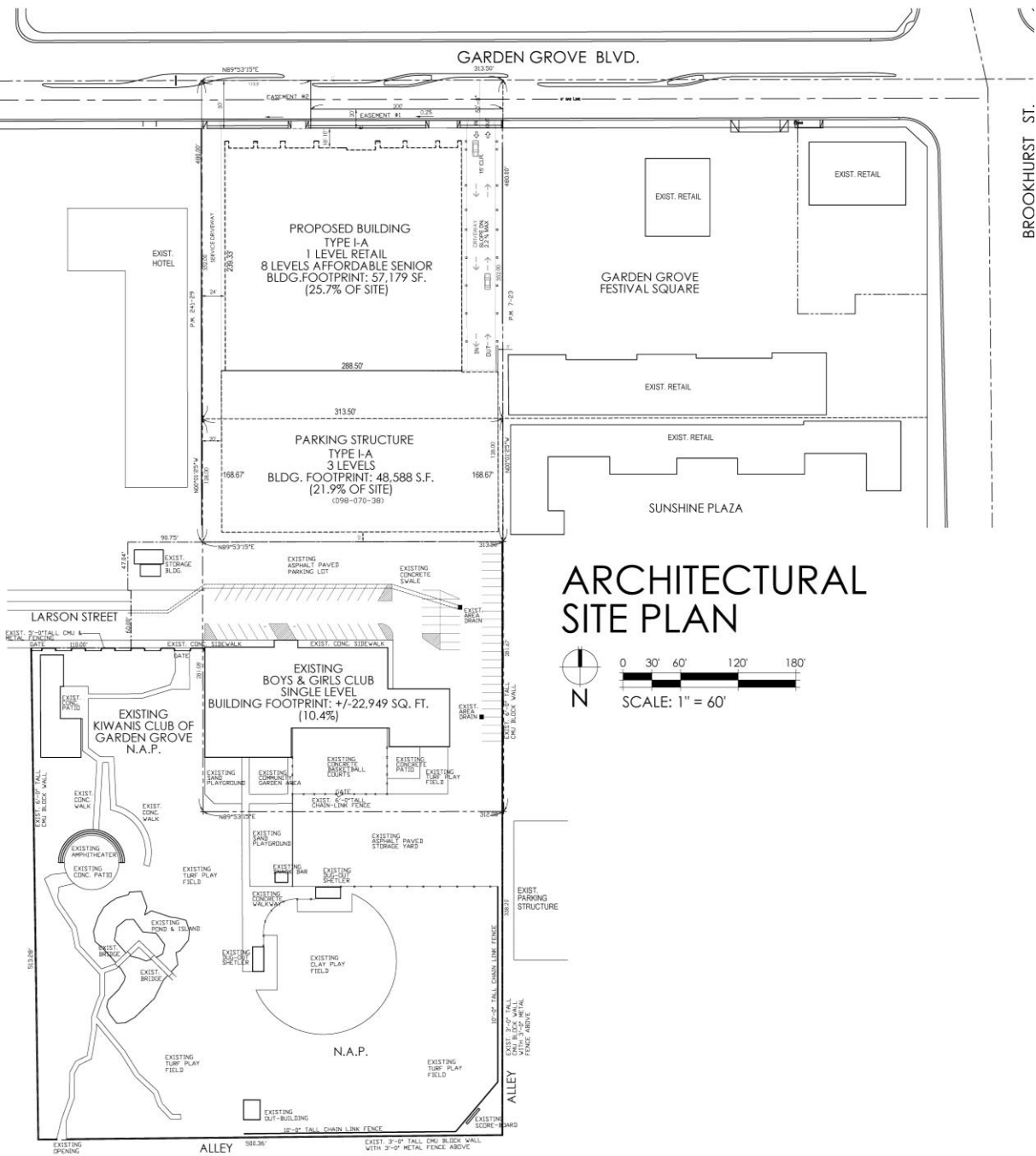


Figure 5 Landscape Plan

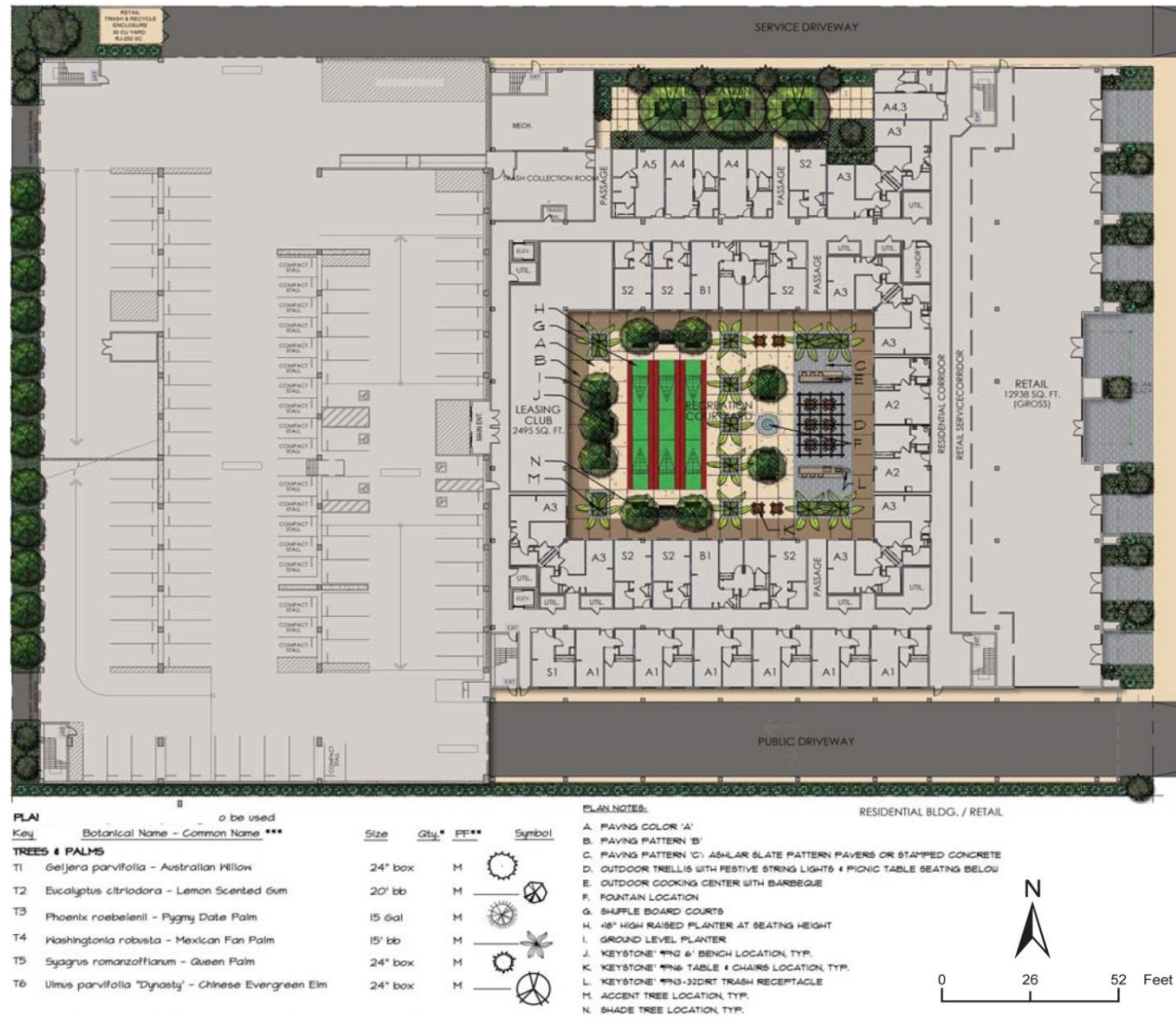


Figure 6a Project Elevations: West and North



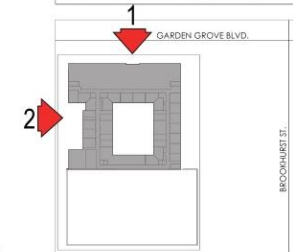
2. WEST ELEVATION



1. NORTH ELEVATION - GARDEN GROVE BLVD.

Source: Architects Orange, July 2017.

MATERIAL/COLOR LEGEND	
1	LIGHT SAND FINISH STUCCO 16/20
2	DECORATIVE METAL PANEL/CERAMIC TILE
3	VINYL WINDOWS
4	ALUMINUM STOREFRONT
5	PERFORATED METAL RAILING
6	ACRYLIC RAILING
7	CERAMIC TILE
8	HORIZONTAL METAL SLATS (WOOD GRAIN FINISH)
9	METAL TUBING (SCREEN)
10	PAINTED CONCRETE STRUCTURE



KEY MAP

Figure 6b Project Elevations: East and South



4. EAST ELEVATION



3. SOUTH ELEVATION

Source: Architects Orange, July 2017.

MATERIAL/COLOR LEGEND

- | | |
|----|--|
| 1 | LIGHT SAND FINISH STUCCO 16/20 |
| 2 | DECORATIVE METAL PANEL/CERAMIC TILE |
| 3 | VINYL WINDOWS |
| 4 | ALUMINUM STOREFRONT |
| 5 | PERFORATED METAL RAILING |
| 6 | ACRYLIC RAILING |
| 7 | CERAMIC TILE |
| 8 | HORIZONTAL METAL SLATS (WOOD GRAIN FINISH) |
| 9 | METAL TUBING (SCREEN) |
| 10 | PAINTED CONCRETE STRUCTURE |

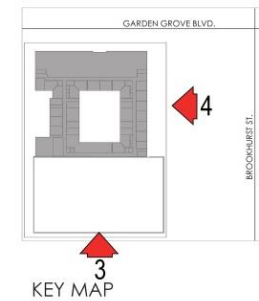
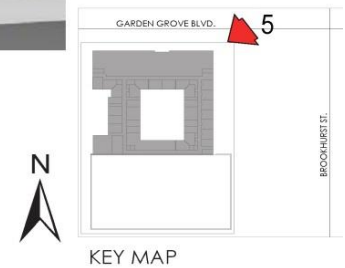


Figure 7 Project Rendering



5. VIEW ALONG GARDEN GROVE BLVD. - (LOOKING SOUTHWEST)

Source: Architects Orange, July 2017.



Environmental Factors Potentially Affected

This project would potentially affect the environmental factors checked below, involving at least one impact that is “Potentially Significant” or “Potentially Significant Unless Mitigation Incorporated” as indicated by the checklist on the following pages.

- | | | |
|---|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology and Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Hydrology and Water Quality |
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Transportation/Traffic | <input checked="" type="checkbox"/> Tribal Cultural Resources | <input type="checkbox"/> Utilities and Service Systems |
| <input type="checkbox"/> Mandatory Findings of Significance | | |

Determination

Based on this initial evaluation:

- ☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the project proponent. A SUBSEQUENT MITIGATED NEGATIVE DECLARATION will be prepared.
- ☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- ☐ I find that the proposed 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.

- ☐ I find that although the proposed project could have a significant effect on the environment, because all potential 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 proposed project, nothing further is required.

Signature

Date

Printed Name

Title

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Environmental Checklist

1 Aesthetics				
	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a. Would the project have a substantial adverse effect on a scenic vista?

The project site is located along a commercial corridor in the City of Garden Grove. The project site is partially developed with the steel frame for the previously approved project. The topography of the area is generally flat and there are no scenic views available from or through the project site. Because the proposed project would not substantially increase height or massing beyond that of the existing steel frame, as development would only add three additional stories to the existing structure, it would not alter existing views. Viewers from the Boys and Girls Club south of the site would see eight stories on the southern building façade. However, the proposed building would not adversely affect an identified scenic vista. Based on these facts, the project would have no impact on a scenic vista.

The 2005 MND also found no impact on scenic vistas from the previously approved project. For this reason and because the proposed project and previously approved project would occupy the same building footprint and would generally have the same overall height and massing, with the exception of the three additional stories on the southern facade, the proposed project would not create any new significant impact and no impact would occur.

NO IMPACT

b. Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

There are no State-designated scenic highways in Garden Grove. According to the California Department of Transportation (CalTrans), a portion of the California Pacific Coast Highway (Highway 1) is identified as an “Eligible State Scenic Highway – Not Officially Designated” (Caltrans 2017). However, this segment of Highway 1 is located approximately six miles south of the City. Consequently, the proposed project would have no impact on a State scenic highway.

The 2005 MND also determined that the previously approved project would have no impact to scenic resources within a State scenic highway for the same reasons discussed above. Therefore, impacts of the proposed project would not change compared to the previously approved project and no impact would occur.

NO IMPACT

- c. *Would the project substantially degrade the existing visual character or quality of the site and its surroundings?*

Currently, the project site is partially developed with a steel building framework. Surrounding uses include low-to-medium density residential, retail, commercial space, hotel, and recreational uses.

The proposed project would be consistent with the residential/commercial mixed-use character of the Garden Grove Boulevard corridor and would improve on-site visual conditions by completing construction of a partially developed structure (see Figure 7). Further, the architectural style of the proposed structure would contribute to the variety of architectural styles of buildings in the project site vicinity. The contemporary design of the building facades would complement those of other residential developments in the area, particularly the Brookhurst Triangle apartment complex north of the project site across Garden Grove Boulevard. Further, the ground floor commercial uses and tenant apartments on the upper floors would not adversely affect public views in the area. The project would support the City’s vision for the entire vicinity of the project site to be developed as a vibrant boulevard that heavily emphasizes pedestrian orientation through use of active street frontages, scaled and designed buildings, and engaging outdoor spaces. Therefore, impacts related to the existing visual character or quality of the site would be less than significant.

Development of the proposed eight-story structure could affect the levels of shading experienced by surrounding land uses, particularly the hotel directly adjacent to the western boundary of the project site. Shadow analysis was performed to determine how the height increase would affect outdoor conditions at this residential use. Shadow-sensitive uses include routinely useable outdoor spaces associated with residential, recreational, or institutional land uses (e.g., schools, convalescent homes); commercial uses such as pedestrian-oriented outdoor spaces or restaurants with outdoor eating areas; nurseries; and existing solar collectors. These uses are considered sensitive because sunlight is important to their function, physical comfort, and/or commerce. The time period between late October and early April includes the winter solstice, and the period between early April and late October includes the summer solstice. In the northern hemisphere, shadows cast to the northwest and northeast are longest during the winter solstice and shortest during the summer solstice.

The estimated summer solstice (June 21) shadows generated by the proposed project are illustrated in Figure 8. At 9:00 AM in the summer months, the proposed building would cast shadows that would increase in comparison to the existing steel framework over a majority of the hotel west of the project site. However, as shown in Figure 8, the hotel already experiences shading generated by the existing steel framework structure, which is approximately five stories in height. As shown, with full development of the proposed eight-story structure, increases in shading generated by the

additional building height would be nominal. Furthermore, at 12:00 PM, the shadows would have fully recessed to not cover any portion of the hotel. Overall, the hotel would be exposed to shading for a period of three hours or less. Beginning at 3:00 PM, the shadows have begun to spread east of the project site and will extend to cover the parking lot area and portions of the commercial building on the property directly east. However, these uses are not considered shadow-sensitive. Therefore, because shadows would not be cast onto light-sensitive uses for a period greater than four hours between the hours of 9:00 AM and 3:00 PM during the summer solstice, impacts of the proposed project would be less than significant.

The estimated winter solstice (December 21) shadows generated by the proposed project are illustrated in Figure 9. At 9:00 AM, the proposed building would cast shadows that would increase in comparison to the existing steel framework over the hotel west of the project site. Shadows would cover the northeastern corner of the hotel as well as a portion of the eastern façade. Shadows generated by the existing steel framework currently only cover the northeastern corner of the hotel. However, the shadows would entirely subside by 11:00 AM and would not cover any portion of the hotel. The hotel would be exposed to shading for a period of less than two hours. Beginning at 1:00 PM, the shadows would increase to the east and would extend to cover the parking lot and portions of the commercial building east of the project site, as well as the parking lots and commercial buildings northeast of the project site across Garden Grove Boulevard. However, these uses are not considered shadow-sensitive. Based on these facts, impacts of the proposed project would be less than significant.

The previously approved project was designed to implement commercial storefronts on Garden Grove Boulevard and set back residential units on the upper floors to minimize the overall height of the building. The 2005 MND concluded that the previously approved project would have no impact on the visual character or quality of the site because the project's use and architecture was consistent with existing development along an urbanized corridor. Because the proposed project's architectural style would also be consistent with existing surrounding development, it would not generate new or increased impacts compared to the previously approved project. Further, although the 2005 MND did not analyze shade and shadow impacts, as the increased building height under the proposed project would have the same general height as the previously approved project and would not generate substantially increased levels of shading compared to the existing steel framework on-site, impacts would not be greater than those of the previously approved project and would be less than significant.

LESS THAN SIGNIFICANT IMPACT

Figure 8 Shadows Cast on the Summer Solstice

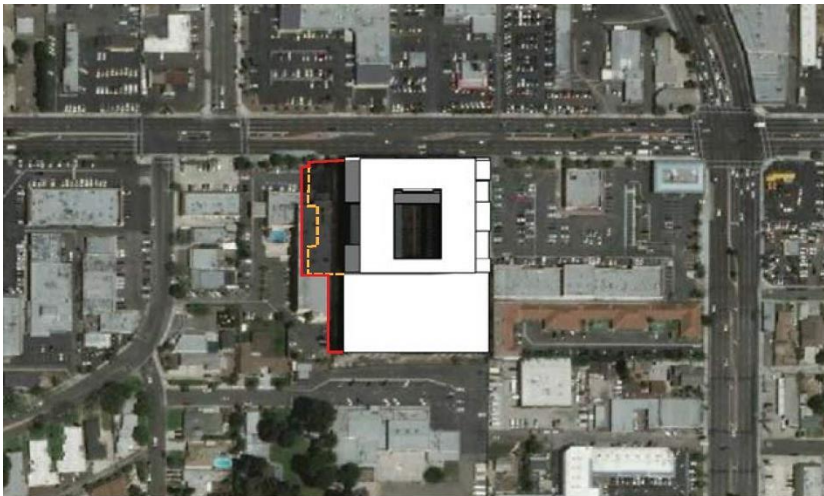


Photo 1: Summer Solstice June 21, 9am



Photo 2: Summer Solstice June 21, 12pm



Photo 3: Summer Solstice June 21, 3pm



Photo 4: Summer Solstice June 21, 5pm

— Building Shadow - - - Existing Building Shadow

Figure 9 Shadows Cast on the Winter Solstice

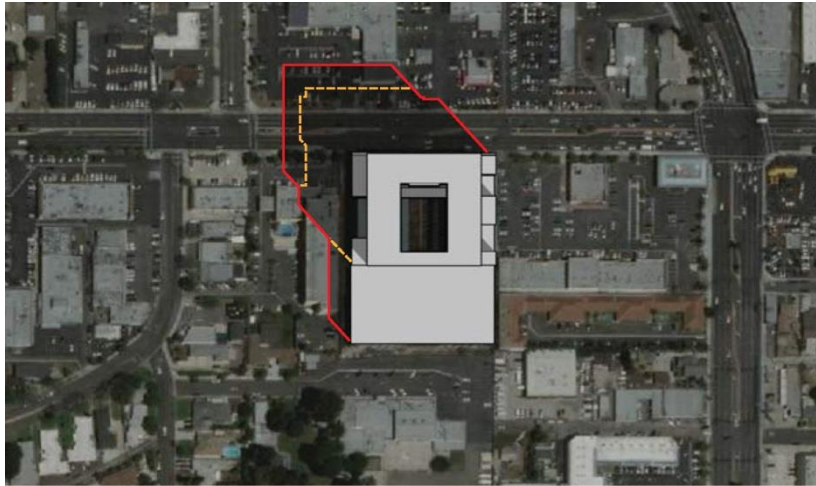


Photo 1: Winter Solstice December 21, 9am

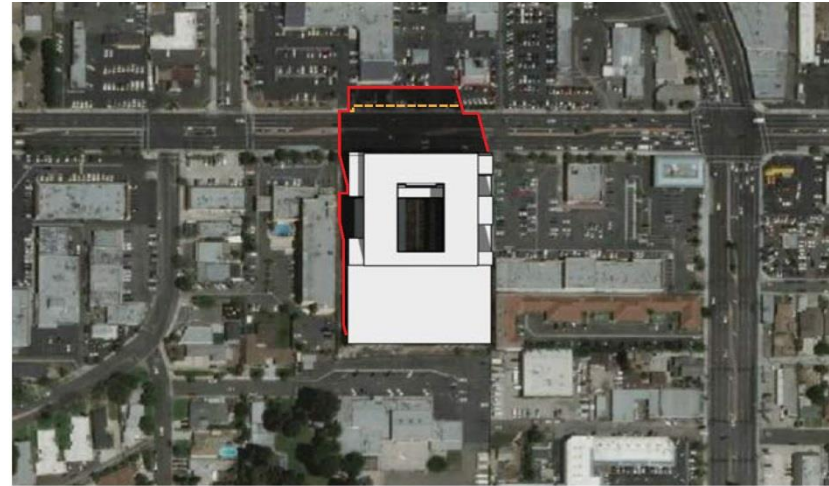


Photo 2: Winter Solstice December 21, 11am



Photo 3: Winter Solstice December 21, 1pm



Photo 4: Winter Solstice December 21, 3pm

— Building Shadow - - - Existing Building Shadow

- d. *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

The project site is located in an urban area that includes various sources of light and glare, including street lights, security lighting, signage, reflective building surfaces, parked vehicles, and head and tail-lights from moving vehicles. According to Section 9.18.100.020 of the Garden Grove Municipal Code (GGMC), all on-site lighting in all mixed-use zones are required to be stationary and directed away from adjoining properties (Garden Grove 2017). The proposed project includes ground floor commercial use, senior housing units, and a three-story parking structure on the southern portion of the site. Sources of light from the proposed project would include commercial storefronts on the ground floor along Garden Grove Boulevard during hours of operation, interior window light from residential uses on upper floors, exterior building security lighting, and security lighting from the parking structure. Although this would add new light sources on the project site, lighting from these uses would be similar to the lighting levels of surrounding land uses and would incrementally add to existing sources of light along the developed corridor. In addition, the proposed project would include use of landscaped trees along the southern border of the project site, which would minimize potential spillover of incident light and glare from the parking structure. Further, the proposed project would be required to comply with Section 9.18.100.020 of the GGMC which would ensure that on-site lighting systems would not be designed in a way that increased existing lighting levels at adjacent development and surrounding uses.

New sources of glare would include headlights from cars entering and leaving the site at night as well as window glare from cars and the proposed building that could reflect sunlight during certain times of the day. However, glare from these sources would be similar to glare generated by surrounding development and associated vehicle traffic and would not considerably increase levels of daytime or nighttime glare within the proposed area. Further, although windows of tenant apartments and ground floor retail space would potentially introduce new sources of glare, the windows would be designed to minimize light reflection. Overall, due to the lighting and landscaping design of the proposed project, the activities associated with the proposed land uses (i.e., resident and visitor vehicle trips), building design, and compliance with City lighting regulations, the proposed project would not substantially increase levels of light and glare within the surrounding area and impacts would be less than significant.

Compared to the previously approved project, levels of light and glare generated by the proposed project would be generally similar since the structural design and building size would generally be the same for both projects even though the proposed project would involve considerably less commercial development on the ground floors, there would be fewer stories of parking, and the southern façade of the building would be three stories higher than that of the previously approved project. The previously approved project involved greater use of lighting as the amount of commercial development on the ground floor was considerably larger than the proposed project. Further, because the parking structure under the previously approved project was five stories, this would generate less light and glare than the proposed project where the parking structure would be three stories and tenant apartments would be located on all eight floors. The 2005 MND concludes that the previously approved project would not result in an impact related to lighting and glare due to lighting system design, but would require a condition of approval for landscaping on the southern border of the project site, adjacent to the existing Boys & Girls Club, to further minimize the effects of light and glare. Because the proposed project would include landscaping at the southern border of the project site, a condition of approval for landscaping would not be required. Therefore, the

proposed project would not substantially increase impacts compared to the previously approved project and impacts would remain less than significant.

LESS THAN SIGNIFICANT IMPACT

2 Agriculture and Forestry Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Conflict with existing zoning for agricultural use or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a. *Would the project convert Prime Farmland, Unique Farmland, 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. *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*
- 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))?*
- d. *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*

- 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?*

The following response applies to all of (a) – (e) provided above.

The proposed project would involve development of an eight-story mixed-use senior housing development within a developed urban area in the City of Garden Grove. According to the California Department of Conservation's (DOC) Farmland Mapping and Monitoring Program (FMMP), the project site is located on land designated as urban and built-up land and there is no agricultural land within the project vicinity (DOC 2014). Further, the project site would not be on land enrolled under the Williamson Act or zoned for agricultural use (DOC 2004). Further, the project site and surrounding areas are not zoned as forest land or timberland, and the proposed project would not cause a loss of forest land or conversion of forest land to non-forest use (Garden Grove 2008a; Garden Grove 2017). Due to the absence of agricultural land at the project site or in the surrounding area, the project would not involve changes to the existing environment that could result in conversion of Farmland to a non-agricultural use. No impact to agricultural or forest resources would occur.

The proposed project would be located at the same project site as the previously approved project and would not be in proximity to any agricultural lands. Therefore, the proposed project would have no new impacts compared to the previously approved project.

NO IMPACT

3 Air Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. Would the project conflict with or obstruct implementation of the applicable air quality plan?

The project site is in the South Coast Air Basin, which is under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The local air quality management agency is required to monitor air pollutant levels to ensure that applicable air quality standards are met and, if they are not met, to develop strategies to meet the standards. The SCAQMD has adopted an Air Quality Management Plan (AQMP) that provides a strategy for the attainment of state and federal air quality standards.

According to the SCAQMD Guidelines, a project may be inconsistent with the AQMP if it would generate population, housing, or employment growth exceeding the forecasts used in the development of the AQMP. The 2016 AQMP, the most recent AQMP adopted by the SCAQMD, incorporates local city general plans and the Southern California Association of Government's (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) socioeconomic forecast projections of regional population, housing and employment growth (SCAQMD 2016). The proposed project would consist of 344 more residential units than the previously approved project, which would directly increase population growth beyond within the city compared to existing conditions.

As discussed in Section 13, Population and Housing, the construction of 400 residential units would generate an estimated 769 residents. SCAG forecasts that the population of the City will increase to 178,200 by the year 2040, which is an increase of 1,914 persons from the current population (SCAG 2016). The 769 project residents would constitute about 40 percent of the City's total projected population growth through 2040. Therefore, the level of population growth associated with the proposed project would not exceed regional population forecasts.

The proposed project would include 344 more residential units than the previously approved project and, therefore, would add more residents. Nevertheless, as noted above, because the proposed project would be consistent with the AQMP, its impact would be less than significant and no new impacts would be generated compared to the previously approved project.

LESS THAN SIGNIFICANT IMPACT

- b. Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation?*
- 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 that exceed quantitative thresholds for ozone precursors)?*

The following response applies to (b) and (c).

Temporary construction emissions and long-term operational emissions were calculated for the proposed project using the California Emissions Estimator Model (CalEEMod) Version 2016.3.1. Because site excavation and grading have already been completed, construction emissions are limited to those associated with building construction, paving, and architectural coating (see Appendix B).

The SCAQMD has developed specific numeric thresholds that apply to projects in the South Coast Air Basin. The SCAQMD has established the following significance thresholds for temporary construction activities within the South Coast Air Basin:

- 75 pounds per day of ROG
- 100 pounds per day of NOX
- 550 pounds per day of CO
- 150 pounds per day of SOX
- 150 pounds per day of PM10
- 55 pounds per day of PM2.5

The SCAQMD has also established the following significance thresholds for long-term project operation within the South Coast Air Basin:

- 55 pounds per day of ROG
- 55 pounds per day of NO_x
- 550 pounds per day of CO
- 150 pounds per day of SO_x
- 150 pounds per day of PM₁₀
- 55 pounds per day of PM_{2.5}

In addition to the above thresholds, the SCAQMD has developed Localized Significance Thresholds (LSTs) in response to the Governing Board's Environmental Justice Enhancement Initiative (1-4), which was prepared to update the *CEQA Air Quality Handbook*. LSTs were devised in response to concerns regarding exposure of individuals to criteria pollutants in local communities. LSTs represent the maximum emissions from a project that would not cause or contribute to an air quality exceedance of the most stringent applicable federal or state ambient air quality standard at the nearest sensitive receptor, taking into consideration ambient concentrations in each source receptor area (SRA), project size, distance to the sensitive receptor, etc. However, LSTs only apply to emissions within a fixed stationary location, including idling emissions during project construction. LSTs have been developed for NO_x, CO, PM₁₀ and PM_{2.5}. LSTs are not applicable to mobile sources such as cars on a roadway (SCAQMD 2003). LSTs for operational emissions do not apply to on-site development since the majority of emissions would be generated by cars on the roadways. LSTs for operational emissions include but are not limited to NO_x and CO combustion emissions from stationary sources and/or on-site mobile equipment. Some operational activities may also include fugitive PM_{2.5} and PM₁₀ dust generating activities such as aggregate operations or earthmoving activities in landfills. As the proposed project would not involve such activities, LSTs for operational emissions are not applicable.

LSTs have been developed for emissions in construction areas up to five acres in size. The SCAQMD provides lookup tables for project sites that measure one, two, or five acres. The project site is 5.09 acres and is located in Source Receptor Area 17 (SRA-17) (SCAQMD 2009). However, as development would only occur on approximately three acres of the project site, LSTs for a two acre site were used to provide a more conservative analysis. LSTs are provided for receptors at a distance of 82 to 1,640 feet (25 to 500 meters) from the project site boundary. The sensitive receptors immediately adjacent to the project site are the Ramada Plaza Hotel to the west and the Boys & Girls Club of Garden Grove south of the project site. The Ramada Inn is within 82 feet of the project site while the Boys & Girls Club facility is at a distance of approximately 115 feet. According to the SCAQMD's publication Final LST Methodology, projects located closer than 82 feet to the nearest receptor should use the LSTs for receptors located at 82 feet. For a conservative comparison, LSTs for construction on a two-acre site in SRA-17 are shown in Table 2, which indicates that the project would not exceed the LSTs.

Construction Emissions

Table 2 compares the estimated maximum daily emissions of pollutants for the proposed project to regional thresholds and LSTs. Emissions from construction of the proposed project would not exceed SCAQMD's regional or LSTs for any pollutant.

Completion of the previously approved project would require essentially the same construction activities as the proposed project since it would involve the same building footprint and only slightly larger building massing. Therefore, maximum daily construction emissions and impacts associated with the proposed project would not be substantially larger compared to the previously approved project and impacts would be less than significant.

Table 2 Construction Maximum Daily Air Pollutant Emissions for the Proposed Project

Construction Year	Maximum Emissions (lbs/day)					
	ROG	NOx	CO	SOx	PM ₁₀	PM _{2.5}
2018 Maximum lbs/day ¹	23.8	35.3	42.6	0.1	6.9	3.0
2018 Maximum On-site lbs/day ²	N/A	23.4	17.6	N/A	1.5	1.4
SCAQMD Thresholds	75	100	550	150	150	55
Local Significance Thresholds ³ (LSTs) (on-site only)	N/A	115	715	N/A	6	4
Thresholds Exceeded?	No	No	No	No	No	No

Notes: All calculations were made using CalEEMod Version 2016.3.1. CalEEMod calculations are a part of the Greenhouse Gas Study (see Appendix B). Grading, Paving, Building Construction and Architectural Coating totals include worker trips, soil export hauling trips, construction vehicle emissions and fugitive dust. Numbers may not add up due to rounding.

¹ Maximum lbs/day refers to the total on-site and off-site emissions from construction activities

² Maximum on-site lbs/day refers only to emissions from on-site construction activities.

³ LSTs are for a two-acre project in SRA-17 within a distance of 82 feet (25 meters) from the site boundary.

Operational Emissions

Table 3 summarizes the increase in emissions associated with operation of the proposed project. Emissions generated from operation of the proposed project would not exceed the SCAQMD thresholds for ROG, NO_x, CO, SO_x, PM₁₀, or PM_{2.5}. Therefore, air quality impacts associated with operation of the proposed project would be less than significant.

Table 3 Long-Term Operational Emissions (lbs/day)

Emission Source	ROG	NOX	CO	SO2	PM10	PM2.5
Area	21.4	7.6	133.6	0.4	16.6	16.6
Energy	0.1	1.2	0.5	<0.1	0.1	0.1
Mobile	3.9	16.5	38.4	0.1	8.3	2.3
Total Proposed Project Emissions	25.4	25.3	172.5	0.5	25.0	19.0
SCAQMD Thresholds	55	55	550	150	150	55
Threshold Exceeded?	No	No	No	No	No	No

Source: See Appendix B for Greenhouse Gas Study and CalEEMod calculations.

Note: Totals may not add up due to rounding.

Table 4 compares the estimated maximum daily emissions of pollutants for the proposed project compared to those of the previously approved project during each year of the construction period and Table 5 compares the estimated daily operational emissions for each project. As shown, emissions generated by construction of the proposed project would be approximately the same as the previously approved project, although the previously approved project would have slightly lower emissions as overall building size would be smaller than the proposed project. Neither of the

emissions would exceed SCAQMD's regional or local significance thresholds for any pollutant. Therefore, there would be no significant impacts beyond those associated with the previously approved project.

Table 4 Comparison of Construction Maximum Daily Air Pollutant Emissions

Construction Year	Maximum Emissions (lbs/day)					
	ROG	NOx	CO	SOx	PM ₁₀	PM _{2.5}
Proposed Project						
2018 Maximum lbs/day	15.1	35.5	42.6	0.1	6.9	3.0
2018 Maximum On-site lbs/day	N/A	23.4	17.6	N/A	1.5	1.4
Previously Approved Project						
2018 Maximum lbs/day	12.0	35.0	33.5	0.1	4.9	2.5
2018 Maximum On-site lbs/day	N/A	23.4	17.6	N/A	1.5	1.4
SCAQMD Thresholds	75	100	550	150	150	55
Local Significance Thresholds ¹ (LSTs) (on-site only)	N/A	115	715	N/A	6	4
Thresholds Exceeded?	No	No	No	No	No	No

Notes: All calculations were made using CalEEMod Version 2016.3.2. CalEEMod calculations are a part of the Greenhouse Gas Study (see Appendix B). Grading, Paving, Building Construction and Architectural Coating totals include worker trips, soil export hauling trips, construction vehicle emissions and fugitive dust. Numbers may not add up due to rounding.

¹ LSTs are for a two-acre project in SRA-17 within a distance of 82 feet (25 meters) from the site boundary.

As shown in Table 5, operational emissions under the proposed project would be higher than the previously approved project for four (4) criteria pollutants due to the vehicle trips associated with the difference in land uses between the proposed and previously approved projects, as well as the larger overall building size of the proposed project. However, because these emissions would not exceed SCAQMD thresholds, air quality impacts during operation of the proposed project not be substantially greater than those of the previously approved project and would be less than significant.

Table 5 Comparison of Operational Emissions (lbs/day)

Emission Source	ROG	NOx	CO	SO2	PM10	PM2.5
Proposed Project Emissions						
Area	21.4	7.6	133.6	0.4	16.6	16.6
Energy	0.1	1.2	0.5	<0.1	0.1	0.1
Mobile	3.9	16.5	38.4	0.1	8.3	2.3
Total Proposed Project Emissions	25.4	25.3	172.5	0.6	25.0	19.0
Previously approved Project Emissions						
Area	6.2	1.3	22.1	<0.1	2.7	2.7
Energy	<0.1	0.3	0.1	<0.1	<0.1	<0.1
Mobile	11.0	49.1	115.7	0.3	25.2	7.0
Total Previously Approved Project Emissions	17.2	50.6	137.9	0.4	28.0	9.8
SCAQMD Thresholds	55	55	550	150	150	55

Source: See Appendix B for Greenhouse Gas Study and CalEEMod calculations.
 Note: Totals may not add up due to rounding.

LESS THAN SIGNIFICANT IMPACT

d. Would the project expose sensitive receptors to substantial pollutant concentrations?

Certain population groups, such as children, the elderly, and people with health problems, are particularly sensitive to air pollution. Sensitive receptors are defined as land uses that are more likely to be used by these population groups and include health care facilities, retirement homes, school and playground facilities, and residential areas.

The California Air Resources Board's (ARB's) *Air Quality and Land Use Handbook: A Community Health Perspective* (2005) recommends against siting sensitive receptors within 500 feet of a freeway, urban roads with 100,000 vehicles per day, or rural roads with 50,000 vehicles per day. The primary concern with respect to heavy-traffic roadway adjacency is the long-term effect of toxic air contaminants (TACs), such as diesel exhaust particulates, on sensitive receptors. The primary source of diesel exhaust particulates is heavy-duty trucks on freeways and high-volume arterial roadways. However, California State Route (SR-22) is located approximately 0.5 mile south of the site and would not expose on-site receptors to substantial roadway pollutants. Garden Grove Boulevard and Brookhurst Street are the nearest arterial roadways within 500 feet of the project site. However, according to the 2017 Traffic Flow Map for Orange County, Garden Grove Boulevard carries approximately 24,000 vehicles per day and Brookhurst Street carries approximately 43,000 vehicles per day along segments nearest to the project site (Orange County 2017). Therefore, the proposed project would not introduce sensitive receptors within 500 feet of a freeway or urban roads with 100,000 vehicles per day and, therefore, would not expose sensitive receptors to substantial pollutant concentrations.

The 2005 MND also found a less than significant impact to sensitive receptors from the previously approved project. For this reason and because the proposed project and previously approved

project would occupy the same building footprint and generated emissions would not exceed SCAQMD thresholds, impacts under the proposed project would not be substantially greater than the previously approved project and would be less than significant.

LESS THAN SIGNIFICANT IMPACT

e. Would the project create objectionable odors affecting a substantial number of people?

The SCAQMD has identified some common types of facilities that have been known to produce odors: agriculture (farming and livestock), wastewater treatment plants, food processing plants, chemical plants, composting operations, refineries, landfills, rendering plants, dairies, rail yards, and fiberglass molding operations. The proposed project would consist of commercial and residential uses; neither of these land uses is commonly associated with the production of objectionable odors. Although construction activities during project construction would potentially generate odors from fuel combustion, these odors would be temporary and would cease upon project completion. Therefore, there would be no impact related to odors.

The 2005 MND also concluded that the previously approved project would have no impact regarding objectionable odors for the same reasons discussed above. Therefore, the proposed project would not have any new impacts compared to the previously approved project and impacts would be less than significant.

NO IMPACT

4 Biological Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- 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?*
- 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, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*
- 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?*
- 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?*
- e) *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*
- f) *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other previously approved local, regional, or state habitat conservation plan?*

The following response applies to (a) through (f).

The project site is located in a highly developed commercial corridor in the City of Garden Grove. The site is entirely paved and partially developed with steel building framework and is surrounded by similar urban development. There are no known endangered, threatened, or rare species currently on the project site or in the surrounding area. The only adjacent vegetation includes street trees and associated sparse landscaping along Garden Grove Boulevard at the northeast and northwest corners of the project site. Although no birds are known to inhabit these trees, it is possible that migratory birds could use them for nesting. In addition, as these trees are not located on the project site, no tree removal would be required for construction of the proposed project that could violate any local policies or ordinances regarding tree removal or potentially affect habitat of sensitive species. The project site is not near any critical habitat areas for endangered or threatened species per the U.S. Fish and Wildlife Service (USFWS) critical habitat mapper (USFWS 2017a) or any habitat area identified in the Conservation Element of the City of Garden Grove General Plan (City of Garden Grove 2008b). The project site is also not located on or near a federally protected wetland or within a wildlife habitat corridor (USFWS 2017b, CDFW 2017). Further, the project site is not located in an area subject to an adopted conservation plan. Therefore, development of the proposed project would not generate substantial adverse effects related to biological resources.

The proposed project would be located at the same site as the previously approved project. Due to the site's developed condition in an urban community, the 2005 MND determined that the previously approved project would have no impact on known endangered, threatened, or rare species; natural communities; and wildlife movement and wildlife corridors, and would not conflict with an approved local, regional, or State habitat conservation plan. Because the proposed project would be located on the same site analyzed in the 2005 MND and conditions regarding biological resources have not changed, the proposed project would not have new impacts beyond those of the previously approved project.

NO IMPACT

5 Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a. *Would the project cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?*

According to the Conservation Element of the Garden Grove General Plan, three structures in the city are candidates for nomination to the *National Register of Historic Places* (City of Garden Grove 2008b). These include the Stanley or Ware House within Heritage Park, the Harry A. Lake House, and the Reyburn House. None of these structures are located within the vicinity of the project site and the project site contains no resources listed in the California Register of Historical Resources or as defined in CEQA Guidelines § 15064.5(a) (California State Parks 2017b). No impact would occur.

The proposed project would be located on the same site as the previously approved project. Therefore, as identified for the previously approved project in the 2005 MND no impact would occur under the proposed project.

NO IMPACT

- b) *Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?*
- c) *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*
- d) *Would the project disturb any human remains, including those interred outside of formal cemeteries?*

The Garden Grove General Plan Conservation Element identifies one prehistoric site and twelve historic archaeological sites dating from the early 1900s located within the City (Garden Grove 2008b). However, none of these sites are located within the vicinity of the project site.

The site is currently entirely paved and developed with steel building framework. The site is disturbed from previous grading and paving activities and disturbed soils typically eliminate the original stratigraphic/geologic context for resources, which are therefore not considered “significant” or “unique.” The proposed construction site contains no known or recorded archaeological resources, paleontological resources, unique geologic features, or human remains. Therefore, no such resources are anticipated to be discovered on the site and the likelihood for unknown archaeological resources, paleontological resources, human remains, or unique geologic resources to be present in the area of proposed disturbance is low. However, because the current framework would be used to complete construction of the proposed project, no major ground disturbing activities would be required. Though it is likely that some ground disturbance would be needed to install additional framework and foundational support according to current building code, ground disturbing activities would be minimal. As a result, construction of the proposed project would not be expected to affect any potential archaeological or paleontological resources or human remains that may be present on the project site. Further, given that no historic, paleontological or archaeological resources or human remains are anticipated to be discovered at the project site impacts would be less than significant.

The proposed project would be located on the same site as the previously approved project; therefore impacts to cultural resources would be similar. Due to the disturbed condition of the project site, the 2005 MND determined that the previously approved project would have no impact on archaeological, paleontological, or human remains. Because construction of the proposed project would not require additional intensive grading or excavation on-site, and only minimal ground disturbance would occur, no impact would occur with implementation of the proposed project.

NO IMPACT

6 Geology and Soils

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Expose people or structures to potentially substantial adverse effects, including the risk of loss, injury, or death involving:				
1. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Be located on a geologic unit or soil that is made unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a.1. 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?*

The project site is located in Southern California, which is a seismically active region at the junction of the North American and Pacific tectonic plates. The proposed project would occur on an approximately 5.09-acre site (134600 sf) in the southwestern portion of the City of Garden Grove in Orange County. This area is relatively flat. Soil groups in the project area primarily consist of alluvial fans typically consisting of deposits of fine sandy loam and silts. (U.S. Department of Agriculture 2017).

The project site is not located in an area that has been identified as having a known earthquake fault as delineated by the Fault Activity Map of California of the California Department of Conservation. The closest fault to the project site is the Los Alamitos Fault located approximately six miles east of the site. This fault is a concealed fault generally running northwest to southeast in direction. Displacement along this fault occurred during the Late Quaternary period (during the past 700,000 years), but this fault is not considered active as displacement has not occurred during the past 11,700 years (CGS 2015). No known fault lines have been mapped across the project site and the Alquist-Priolo Earthquake Fault Zones map for the Anaheim Quadrangle does not show the project site as being in an Earthquake Fault Zone (CGS 1998). Therefore, development of the proposed project would not be expected to expose future residents to risk of fault rupture and impacts would be less than significant.

The proposed project would be located at the same site as the previously approved project, with similar risks related to fault rupture. Because development of the proposed project would be subject to CBC requirements and geologic conditions at the project site have not changed, impacts related to ground rupture would not be greater than those identified in the 2005 MND and would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- a.2. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*
- a.3. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*

The following response applies to (a.2) and (a.3).

The project site is located in the seismically active Southern California Region and is, therefore, susceptible to ground shaking during a seismic event. Although no known faults cross the project site, the Los Alamitos fault is approximately six miles east of the project site so ground shaking would be expected in the event of an earthquake as well as other secondary impacts from seismic activity, such as liquefaction. Further, the project site is being located in an area subject to liquefaction according the Earthquake Fault Zones map for the Anaheim Quadrangle as well as the Safety Element of the Garden Grove General Plan (City of Garden Grove 2008c). To reduce geologic and seismic impacts, the City regulates development through the requirements of the California Building Code (CBC). The purpose of the CBC is to establish minimum standards to safeguard the public health, safety, and general welfare through structural strength, means of egress, and general stability by regulating and controlling the design, construction, quality of materials, use and

occupancy, location, and maintenance of all building and structures within its jurisdiction. The earthquake design requirements of the CBC take into account the occupancy category of the structure, site class, soil classifications, and various seismic coefficients. The CBC provides standards for various aspects of construction, including but not limited to excavation, grading, and earthwork construction, preparation of the site prior to fill placement, specification on fill materials and fill compaction and field testing, retaining wall design and construction, foundation design and construction, and seismic requirements. It includes provisions to address issues such as (but not limited to) construction on expansive soils and soil strength loss. In accordance with California law, project design and construction would be required to comply with provisions of the CBC. The proposed project would comply with CBC provisions and requirements to reduce potential impacts to future residents from ground shaking and liquefaction. Adherence to CBC standards would reduce potential impacts to a less than significant level.

The proposed project would be located at the same site as the previously approved project, with similar risk levels regarding local geologic conditions. Although the proposed project would have a slightly larger building size, and therefore possibly require additional structural support, as the location of the building is the same as the previously approved project, risk of exposure to geologic hazards would be generally the same. The 2005 MND concludes that impacts associated with the previously approved project would be less than significant with adherence to standard engineering practices and design criteria relative to seismic and geologic hazards within the CBC. The proposed project would also be required to adhere to the CBC; therefore, impacts related to seismic ground shaking or ground failure would not be greater than those analyzed in the 2005 MND and would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.4. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?

The geologic character of an area determines its potential for landslides. Steep slopes, the extent of erosion, and the rock composition of a hillside all contribute to the potential for slope failure and landslide events. In order to fail, unstable slopes need to be disturbed. Common triggering mechanisms of slope failure include undercutting slopes by erosion or grading, saturation of marginally stable slopes by rainfall or irrigation, and shaking of marginally stable slopes during earthquakes. The topography of the project site and the surrounding area is generally flat. According to the Earthquake Fault Zones map for the Inglewood Quadrangle, the project site is not located in a landslide hazard zone (CGS 1998). Therefore, no impact would occur with respect to landslides.

The 2005 MND determined that development of the project site with the previously approved project would have no impact associated with respect to landslides given the generally flat topography of the surrounding area. The proposed project would be located on the same site and construction activities would use the existing steel framework; therefore, landslide risks would not be greater than those of the previously approved project as analyzed in the 2005 MND.

NO IMPACT

b. Would the project result in substantial soil erosion or the loss of topsoil?

The proposed project would involve construction of an eight-story mixed-use senior living facility. The project site is currently partially developed with a steel building framework that would be used for construction of the proposed project. The site is entirely paved and no demolition or grading

activities would be required for project construction. Because construction of the proposed project would not involve major ground disturbance activities, there would be no anticipated increase in the potential for soil erosion from the project site. Although the proposed project would have a slightly larger building size, and therefore possibly require ground disturbance to install additional structural and foundational support, ground disturbance would be minimal and would not substantially increase potential soil erosion. Nevertheless, construction of the proposed project would be required to comply with Construction General Permit (Order Nos. 2009-0009-DWQ and 2010-0014-DWQ), which is issued by the State Water Resources Control Board (SWRCB). The Construction General Permit requires the development of a Storm Water Pollution Prevention Plan (SWPPP), which outlines best management practices (BMP) to reduce erosion and topsoil loss from stormwater runoff. Compliance with the Construction General Permit would ensure that BMPs are implemented during construction, and prevent substantial soil erosion or the loss of topsoil and no impacts related to soil erosion would occur.

Construction activities under the proposed project would be similar to those of the previously approved project. Therefore, with adherence to building code and the City's Engineering Services Division requirements, impacts to topsoil generated by construction of the proposed project would not be substantially greater than those of the previously approved project and would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- c. *Would the project be located on a geologic unit or soil that is made unstable as a result of the project, and potentially result in on or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?*

As discussed under item b, although the project site is located in a seismically active area and is within an area designated for liquefaction risk, the proposed project would comply with CBC building requirements to reduce potential effects from unstable soils and liquefaction. Further, the proposed project would not involve any activities known to cause or trigger subsidence and is not anticipated to adversely affect soil stability or increase the potential for local or regional landslides, subsidence, liquefaction, or collapse. Compliance with CBC requirements would further help reduce these potential risks. Because the project would not create or exacerbate conditions related to unstable soils, impacts would be less than significant.

The proposed project would be located on the same site as the previously approved project and would therefore have a similar risk of unstable soils. Therefore, with adherence to applicable building codes, the proposed project would not generate greater impacts than those of the previously approved project and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- d. *Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?*

Expansive soils are those with the ability to shrink or swell as its water content changes. According to the Natural Resource Conservation Service Web Soil Survey, the project site is located on alluvial fans consisting of fine sandy loam and silts. These soils are not associated with high shrink/swell potential. Further, neither the Garden Grove General Plan nor the City Municipal Code currently address risks associated with expansive soils in the City. However, the development of the proposed project would be required to adhere to CBC regulations. Foundation and structural design would be

required to incorporate measures prescribed in the CBC to address these design considerations and minimize project impacts related to expansive soils. Because the project would not create or exacerbate the potential for soil expansion, impacts related to expansive soils would be less than significant.

The proposed project would be located on the same site as the previously approved project; therefore impacts from expansive soils would not be greater than those identified for the previously approved project. The 2005 MND determined that the previously approved project would comply with applicable building codes, and therefore would have no impact regarding expansive soils. As described, the proposed project would also comply with building code regulations and would have no impacts similar to the previously approved project.

NO IMPACT

- 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?*

The proposed project would require a lift station for waste to connect to the City's sewage disposal system and would not use septic tanks or an alternative wastewater disposal system. Therefore, the proposed project would have no impact related to septic tanks or alternative wastewater systems and would not generate new impacts compared to the previously approved project.

NO IMPACT

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7 Greenhouse Gas Emissions

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with any applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

The analysis below is based on the Greenhouse Gas Study prepared by Rincon Consultants for the proposed project (see Appendix B). The Greenhouse Gas Study analyzes the proposed project's greenhouse gas (GHG) emissions and associated impacts to regional climate change in comparison to existing conditions on the project site.

Based on Appendix G of the CEQA Guidelines, there are two paths to evaluate the significance of impacts related to GHG emissions from a project:

- Calculate GHG emissions to evaluate if they may have a significant impact on the environment; and/or
- Evaluate consistency with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG that qualifies as a GHG reduction plan as defined in CEQA Guidelines Section 15183.5.

The majority of individual projects do not generate sufficient GHG emissions to directly influence climate change. However, physical changes caused by a project can contribute incrementally to cumulative effects that are significant, even if individual changes resulting from a project are limited. The issue of climate change typically involves an analysis of whether a project's contribution towards an impact would be cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects (CEQA Guidelines, Section 15064[h][1], AEP 2017).

According to CEQA Guidelines, projects can tier off of a qualified GHG reduction plan, which allows for project-level evaluation of GHG emissions through the comparison of the project's consistency with the GHG reduction policies included in a qualified GHG reduction plan. This approach is considered by the Association of Environmental Professionals (AEP) in their white paper, *Beyond Newhall and 2020*, to be the most defensible approach presently available under CEQA to determine the significance of a project's GHG emissions (AEP 2015). However, Garden Grove does not currently have a qualified GHG reduction plan; therefore, this approach is not currently feasible.

To evaluate whether a project may generate a quantity of GHG emissions that may have a significant impact on the environment, a number of operational bright-line significance thresholds have been developed by State agencies. Significance thresholds are numeric mass emissions thresholds that identify the level at which additional analysis of project GHG emissions is necessary. Projects that attain the significance target, with or without mitigation, would result in less than significant GHG emissions. Many significance thresholds have been developed to reflect a 90 percent capture rate tied to the 2020 reduction target established in Assembly Bill (AB) 32. These targets have been identified by numerous lead agencies as appropriate significance screening tools for projects with horizon years before 2020.

In guidance provided by the SCAQMD's GHG CEQA Significance Threshold Working Group in September 2010, SCAQMD considered a tiered approach to determine the significance of residential and commercial projects. The draft tiered approach is outlined in meeting minutes dated September 29, 2010.

- Tier 1** If the project is exempt from further environmental analysis under existing statutory or categorical exemptions, there is a presumption of less than significant impacts with respect to climate change. If not, then the Tier 2 threshold should be considered.
- Tier 2** Consists of determining whether or not the project is consistent with a GHG reduction plan that may be part of a local general plan, for example. The concept embodied in this tier is equivalent to the existing concept of consistency in CEQA Guidelines section 15064(h)(3), 15125(d) or 15152(a). Under this Tier, if the proposed project is consistent with the qualifying local GHG reduction plan, it is not significant for GHG emissions. If there is not an adopted plan, then a Tier 3 approach would be appropriate.
- Tier 3** Establishes a screening significance threshold level to determine significance. The Working Group has provided a recommendation of 3,000 metric tons (MT) of carbon dioxide equivalent (CO₂e)¹ per year for low-density mixed use projects. Low-density mixed use developments commonly include low-density housing combined with supporting land uses in close proximity that are generally consistent with the characteristics of the surrounding neighborhood.
- Tier 4** Establishes a service population threshold to determine significance. The Working Group has provided a recommendation of 4.8 MT of CO₂e per year for land use projects.

The Tier 4 threshold applies best to evaluating impacts of the proposed project's GHG emissions because the proposed project is not exempt from analysis (Tier 1), the City does not have a qualified GHG reduction plan (Tier 2), and the proposed project is not a low-density development (Tier 3). A series of sensitivity analyses was performed by SCAQMD to assess the likely project size for the Tier 3 threshold and included single-family residential projects up to 80 units in size or commercial office projects up to 265,000 sf, which is not consistent with the density or mixed-use character of the proposed project (SCAQMD 2008). Rather, the proposed project is more comparable to a high-density development the impacts of which would be more appropriately quantified by a service population threshold (Tier 4) to reflect per-person emission efficiency.

¹ Because GHGs absorb different amounts of heat, a common reference gas (CO₂) is used to related the amount of heat absorbed to the amount of the gas emissions, referred to as "carbon dioxide equivalent" (CO₂e), and is the amount of a GHG emitted multiplied by its global warming potential (GWP). CO₂ has a 100-year GWP of one. By contrast, CH₄ has a GWP of 25, meaning its global warming effect is 25 times greater than CO₂ on a molecule per molecule basis (Intergovernmental Panel for Climate Change [IPCC] 2007).

The Tier 4 SCAQMD threshold was designed to ensure that the AB 32 2020 statewide GHG reduction target for land use sectors would be achieved by dividing the 2020 target by 2020 statewide service population (population plus employment for land use sectors only). The AEP white paper, *Beyond Newhall and 2020*, recommends that for projects with a horizon of 2020 or earlier, a threshold based on meeting AB 32 targets should be used (AEP 2016). Thus, projects with horizon years of 2020 or earlier, and emissions below the SCAQMD threshold are not expected to require GHG mitigation for state mandates to be achieved. Based on an assumed construction start date of January 2019 for the proposed project, and the applicant's estimated a 12-month construction period, project construction would be completed in late 2019 and the proposed project would be fully operational in 2020. Therefore, the horizon year is 2020. However, a construction period of January 2018 to December 2018 was modeled in CalEEMod to provide a more conservative analysis and discount any future regulatory changes that may be implemented to increase equipment efficiencies and/or restrict GHG emissions.

This analysis is based on the methodologies recommended by the California Air Pollution Control Officers Association [CAPCOA] (2008) CEQA and Climate Change white paper. The analysis focuses on CO₂, N₂O, and CH₄ because these are the GHG emissions that onsite development would generate in the largest quantities.

- a. *Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?*

The proposed project would generate temporary GHG emissions through the burning of fossil fuels or other GHG emissions during construction, including on-site stationary emissions and off-site mobile emissions. Construction emissions are associated with the operation of diesel powered equipment. Operational emissions include area sources (consumer products, landscape maintenance equipment, and painting), energy use (electricity and natural gas), solid waste, electricity to deliver water, and transportation emissions associated with the previously approved project and the proposed project. The following summarizes emissions associated with construction and operation of the proposed project. Total project emissions were compared to the recommended GHG emissions threshold of 4.8 MT of CO₂e per the service population shown in Table 6.

Construction Emissions

As shown in **Error! Reference source not found.**Table 7, construction activity for the proposed project would generate an estimated 984 MT of CO₂e that, when amortized over 30 years, would be approximately 32.8 MT of CO₂e per year.

Stationary and Mobile Source Emissions

Under the Tier 4 threshold, total emissions generated by a project are estimated over a service population. For this analysis, the service population for each project was determined by the population and employment growth generated from development under each project. The proposed project would include 400 residential units and 12,938 sf of commercial space. As discussed in Section 13, *Population and Housing*, the proposed project would generate an estimated 769 residents. Further, according to SCAG's employment density study, which provides employment density factors for different land use categories in Orange County, the employment density factor for commercial retail development in Orange County is 450 sf per employee. Therefore, the proposed project would generate 29 new employees. Table 6 shows the total combined population

and employment growth generated under the proposed project. In total, the proposed project would generate an estimated population increase of 798.

Table 6 Proposed Project Service Population

Land Use	Growth Projections
Residential	769
Commercial	29
Total	798

Notes:

Employment growth estimated with the following calculation methodology: land use sf/employment density rate= estimated employee generation

An employment density rate of 450 median sf per employee was used for the proposed project based on the land use category of Other Retail/Svc.

Source: SCAG 2001

Table 7 summarizes construction, operational, and mobile GHG emissions associated with development of the proposed project per its associated service population estimate. Annual emissions from the proposed project would total approximately 4.1 MT of CO₂e per service population. The increase in emissions compared to existing conditions on the unoccupied site, which currently generates no emissions, would result from mobile emissions (i.e., CO₂, CH₄, and N₂O) caused by vehicle trips to and from the project site. However, as emissions generated from the proposed project would be below SCAQMD thresholds, impacts would be less than significant.

Table 7 Proposed Project Annual GHG Emissions

Emission Source	Proposed Project Annual Emissions
Construction¹	32.8
Operational	
Area	119.0
Energy	1,111.0
Solid Waste	99.4
Water	210.0
Mobile	
CO ₂ and CH ₄	1,514.0
N ₂ O	67.6
Total	3,153.8
Service Population	769
Total/Service Population	4.1 MT CO ₂ e/ service population/year
SCAQMD Tier 4 Threshold	4.8 MT CO ₂ e/service population/year

¹ Amortized per year construction emissions for a 30 year period.

See Appendix B for CalEEMod results. Some numbers may not add due to rounding. Emission data is pulled from "mitigated" results that account for compliance with regulations and project features, such as project proximity to public transit.

The 2005 MND does not include an analysis of greenhouse gas emissions or climate change, as it was not required by CEQA at the time. Therefore, emissions associated with construction and operation of the previously approved project are calculated herein.

Construction activity for the previously approved project would generate an estimated 784 MT of CO₂e, 26.1 MT of CO₂e per year over a 30-year period. In comparison, the proposed project would generate more emissions (approximately 984 MT of CO₂e, or 32.8 MT of CO₂e per year over a 30-year period). Table 8 compares the service population generated under the proposed project and the previously approved and Table 9 compares operational emissions.

Table 8 Service Population Comparison

Project	Growth Projections	
	Previously Approved Project	Proposed Project
Population	246	769
Employees	275	29
Total	521	798

Notes:

Employment growth estimated with the following calculation methodology: land use sf/employment density rate= estimated employee generation

An employment density rate of 450 median sf per employee was used for both previously approved and proposed projects based on the land use category of Other Retail/Svc.

Source: SCAG 2001

Table 9 Annual GHG Emission Comparison

Emission Source	Project Emissions (MT CO ₂ e)	
	Previously Approved Project	Proposed Project
Construction	32.8 ¹	32.8
Operational		
Area	19.6	119
Energy	1,041	1,111
Solid Waste	81.3	99.4
Water	105	210
Mobile		
CO ₂ and CH ₄	4,556	1,514
N ₂ O	205	67.6
Total	6,034	3,153.8
Service Population	521	798
Total/Service Population	11.6 MT CO ₂ e/ service population/year	4.1 MT CO ₂ e/ service population/year
SCAQMD Tier 4 Threshold	4.8 MT CO ₂ e/service population/year	

Notes:

¹ As the previously approved and proposed project would be approximately the same size, construction emissions would be approximately the same for development under each.

Numbers may not add due to rounding.

See Appendix B for CalEEMod results. Some numbers may not add due to rounding. Emission data is pulled from “mitigated” results that account for compliance with regulations and project features, such as project proximity to public transit.

The proposed project would result in a net reduction in operational emissions of 7.5 MT of CO₂e per service population in comparison to the previously approved project. This would be primarily because the proposed project would generate fewer mobile emissions (i.e., CO₂, CH₄, and N₂O) caused by vehicle trips to and from the project site due to the decrease in commercial use (from 123,662 sf to 12,938 sf). Per capita emissions for the previously approved project would exceed the SCAQMD threshold of 4.8 MT of CO₂e per service population. By comparison and as discussed above, the proposed project’s emissions would be below the per service population threshold; thus, the proposed project’s impact would be lower than that of the previously approved project.

LESS THAN SIGNIFICANT IMPACT

- b. Would the project conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

The proposed project would be generally consistent with applicable regulations or plans addressing GHG reductions, including the SCAG 2016 RTP/SCS. Specifically, SCAG’s 2016-2040 RTP/SCS provides transportation and development strategies to reduce regional emissions. The City has not adopted a GHG reduction plan, such as a CAP and there are no adopted General Plan policies that directly address citywide levels of GHG. In addition, Orange County has not adopted a regional GHG reduction plan that the City has adopted. As such, the County refers to the AQMP regulations

regarding GHG reduction strategies. The initiatives and strategies in the AQMP are guided by the growth projections and development strategies provided in the 2016 RTP/SCS.

The design and implementation of development of the proposed project would comply with CalGreen Building Standards, which include measures to reduce emissions. The proposed project would also comply with SCAQMD Rule 1113 that limits ROG_s from building architectural coatings to 50 g/L. Table 10 provides an analysis of the proposed project’s consistency with applicable goals and strategies set forth in Chapter 5, *On the Road to Greater Mobility and Sustainable Growth*, of the 2016 RTP/SCS (SCAG 2016).

Table 10 Consistency with Applicable SCAG RTP/SCS GHG Emission Reduction Strategies

Reduction Strategy	Project Consistency
Land Use and Action Strategies	
Focus new growth around transit The 2016 RTP/SCS land use pattern reinforces the trend of focusing growth in the region’s High Quality Transit Areas (HQTAs). Concentrating housing and transit in conjunction concentrates roadway repair investments, leverages transit and active transportation investments, reduces regional life cycle infrastructure costs, improves accessibility, avoids greenfield development, and has the potential to improve public health and housing affordability. HQTAs provide households with alternative modes of transport that can reduce VMT and GHG emissions.	Consistent The proposed project would involve construction of a mixed-use residential and commercial project in an area well-served by public transit. The project is located less than one quarter of a mile from five bus stops served by OCTA routes 35 and 56, and within a mile of numerous bus stops served by the same routes.
Provide more options for short trips 38 percent of all trips in the SCAG region are less than three miles. The 2016 RTP/SCS provides two strategies to promote the use of active transport for short trips. Neighborhood Mobility Areas are meant to reduce short trips in a suburban setting, while “complete communities” support the creation of mixed-use districts in strategic growth areas and are applicable to an urban setting.	Consistent The proposed project would involve construction of a mixed-use project in an urban area currently served by a mix of commercial and retail uses, public services (e.g., post office, police, and fire department), schools, libraries, and residences. The site is located less than one quarter of a mile from five bus stops, and nearest bus stop is located within 0.1 mile of the site. The transit options provide public access to local and regional destinations. Walking or biking would also be viable modes of transportation to reach numerous destinations or public transit.
Other Initiatives	
Reduce emissions resulting from a project through implementation of project features, project design, or other measures. Incorporate design measures to reduce energy consumption and increase use of renewable energy.	Consistent The design and implementation of the proposed project would comply with CalGreen Building Standards, which includes measures to reduce emissions. The project would also comply with SCAQMD Rule 1113 that limits ROG _s from building architectural coatings to 50 g/ L.

Source: SCAG, RTP/SCS, 2016.

The proposed project would comply with the California Building Standards Code, which requires energy efficiency, water efficiency, and material conservation and resource efficiency, and SCAQMD rules (e.g., Rule 1113 and 445). It is also consistent with regional and local strategies to reduce GHG emissions, as detailed in Table 10. The proposed project is infill development at a site served by

public transit in short distance of retail, commercial, and public uses, and would generate approximately 4.5 MT of CO₂e per service population per year. This falls below the SCAQMD significance threshold of 4.8 MT CO₂e per service population per year. The proposed project would not substantially contribute to City, regional or statewide GHG emissions or obstruct achievement of local targets and state mandates. Therefore, the proposed project would be consistent with state, local, and regional plans to reduce GHG emissions and no impact would occur.

As discussed, construction activities under the previously approved project would be similar to those of the proposed project, and therefore would generate similar levels of construction emissions. However, because of the smaller amount of commercial development, the proposed project would generate considerably less vehicle trips, and therefore would have less operational emissions. In result, the proposed project would have fewer overall emissions compared to the previously approved project. Although the 2005 MND does not specifically analyze GHG emissions, the report concludes that the previously approved project would implement mitigation measures recommended in the General Plan EIR to reduce overall emissions to a level that would not conflict with local attainment plans or emissions thresholds, and therefore would have a less than significant impact with regard to pollutant emissions. Because the proposed project would generate fewer emissions than the previously approved project and would comply with applicable SCAQMD reduction strategies, impacts to GHG reduction targets would be less than the previously approved project and no impact would occur.

NO IMPACT

8 Hazards and Hazardous Materials

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site that is included on a list of hazardous material 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located in 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- 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?*

The following response applies to (a) and (b).

Potentially hazardous materials such as fuels, lubricants, and solvents would be used by heavy machinery during construction of the project. However, the transport, use, and storage of hazardous materials during construction of the project would be conducted in accordance with all applicable state and federal laws, such as the Hazardous Materials Transportation Act, Resource Conservation and Recovery Act, the California Hazardous Material Management Act, and the California Code of Regulations, Title 22.

The proposed project involves development of a senior housing development with supporting commercial and some open space use. Activities associated with these uses would not involve on-site handling or use of hazardous materials; common household cleaners would likely be the chemicals most often used on-site during operation of the proposed project and are not considerably hazardous. Therefore, the proposed project would not subject future residents or the general public to risk of exposure to hazardous materials and no impacts would occur.

Compared to the previously approved project, although the proposed project would involve more residential units and less commercial use, activities associated with construction and operation would be generally equivalent to the previously approved project. The 2005 MND concludes that the previously approved project would not generate health hazards and the proposed project would not generate any new impacts given that it would be on the same site as the previously approved project and would not involve uses (senior housing and commercial) that would not involve the handling, use, or transport of large quantities of hazardous materials.

NO IMPACT

- c. *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?*

The school nearest to the project site is Sunnyside Elementary School located approximately 0.3 miles to the south. There are no schools within a 0.25-mile radius of the project site. Though potentially hazardous materials such as fuels, lubricants, solvents, and oils could be used during construction of the proposed project, the transport, use, and storage of any and all hazardous materials would be conducted in accordance with all applicable State and federal laws, such as the Hazardous Materials Transportation Act, Resource Conservation and Recovery Act, the California Hazardous Material Management Act, and the California Code of Regulations, Title 22. Impacts to schools associated with hazardous emissions would be less than significant.

Construction and operational activities of the proposed project would be generally similar to those of the previously approved project and the project site would remain the same. The 2005 MND concludes that the previously approved project would not result in impacts to any school from use or transport of hazardous materials. Given that the proposed project would occur at the same site and would involve uses that do not involve the handling, use, or transport of large quantities of hazardous materials. Household cleaners would be the primary chemicals used on-site. Therefore, no new impacts would be generated compared to the previously approved project.

NO IMPACT

- d. *Would the project be located on a site included on a list of hazardous material 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?*

The following databases compiled pursuant to Government Code Section 65962.5 were checked on November, 2017 for known on-site hazardous materials contamination:

- **United States Environmental Protection Agency (U.S. EPA).** Superfund Enterprise Management System (SEMS) Database
- **California State Water Resources Control Board (SWRCB).** GeoTracker Database search for leaking underground storage tanks (LUSTs)
- **California Department of Toxic Substances Control (DTSC).** Brownfields and Environmental Restoration Program Cleanup (Cleanup Program) EnviroStor Database

The project site is not located on or adjacent to any known hazardous or contaminated sites. The SEMS and Envirostor database searches did not produce any results with the project site, indicating that the site is free of known hazards and contaminants (U.S. EPA 2017, DTSC 2017). A search of the GeoTracker Database identified the project site as listed for potential gasoline contamination in 1999 associated with the former on-site car dealership (SWRCB 2017). However, according to the GeoTracker Database records, the cleanup case was closed as of 2003 and “No Further Action” letter from the County of Orange Health Care Agency was issued (SWRCB 2017). The GeoTracker database identified two cleanup sites listed for gasoline contamination within a 1,000-foot radius of the project site; however, both have been designated as closed cases for over 20 years. Therefore, the project site does not contain any hazardous materials. Construction and operation would be subject to State regulations and would not affect nearby areas. Impacts related to hazardous material sites would be less than significant.

The proposed project would be located on the same site as the previously approved project. Because the 2005 MND concludes that the previously approved project would not result in exposure of potential future residents or the public to hazardous materials based on the location of the

project site, impacts under the proposed project would not be greater than those identified in the 2005 MND and would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- 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?*
- f. *For a project near a private airstrip, would it result in a safety hazard for people residing or working in the project area?*

The following response applies to (e) and (f).

The project site is not located within two miles of a public airport or private airstrip. The nearest airport to the project site is the Fullerton Airport located approximately seven miles north of the site. There is also a joint forces training base with an air traffic control tower in Los Alamitos approximately 5.5 miles northwest of the project site. Therefore, the proposed project would not result in any impacts related to hazards near airports and airstrips. Because the previously approved project would be on the same site as the proposed project, it would have no impacts with respect to aircraft-related hazards. Although the proposed project would increase the number of on-site residents compared to the previously approved project, residents would not be exposed to aircraft-related hazards.

NO IMPACT

- g. *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

According to the General Plan Safety Element, the City has a detailed Emergency Operations Plan (EOP) which provides the basis for the City's emergency planning. The General Plan Safety Element also identifies the Emergency Operations Centers, and indicates the personnel responsible for managing the emergency operations systems (City of Garden Grove 2008c).

No roads would be permanently closed as a result of the construction or operation of the proposed project, and no structures would be developed that could potentially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Construction activities would cause temporary street closures; however, activities would be coordinated with the City police and fire departments to determine adequate alternative site access and travel routes during this time. The proposed project would be accessed via driveways along Garden Grove Boulevard at the eastern and western boundaries of the project site. In addition, the proposed project would not implement features, such as inadequate stair access or security lighting, that would interfere with the EOP. Therefore, the proposed project would not result in impacts related to emergency response or evacuation plans. No impact would occur.

Compared to the previously approved project, the proposed project would generally have the same building design and site access features. The 2005 MND concludes that the previously approved project would not interfere with emergency response or evacuation plans. Although the proposed project would have a slightly different building design than the previously approved project, with eight stories along the southern façade as compared to five stories, this would not affect existing City evacuation plans or emergency response plans. Therefore the proposed project would not generate new impacts compared to those under the previously approved project.

NO IMPACT

- h. Would the project 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?*

The City of Garden Grove has a generally negligible risk of wildfires as it is substantially urbanized and built-out and the General Plan Safety Element does not identify any areas within the City as having wild fire risk. Despite these conditions, development of the proposed project would abide by all federal and local codes applicable to fire prevention including the Uniform Fire Code (UFC), Uniform Building Code (UBC), California Administrative Code Title 19 (State Fire Code), and all fire prevention and protection measures stated in the GGMC. Further, the City Fire Department would review all building plans prior to construction to ensure that all required fire prevention and protection measures are included in the final plans. Due to the urbanized location of the site and compliance with applicable safety measures, no impact would occur.

The proposed project would be located on the same site as the previously approved project. The 2005 MND concludes that development of the previously approved project on the project site would not cause impacts related to wildland fires, therefore the proposed project would not generate substantially greater impacts.

NO IMPACT

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9 Hydrology and Water Quality

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 that would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
g. Place housing in a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary, Flood Insurance Rate Map, or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
h. Place structures in a 100-year flood hazard area that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
i. Expose people or structures to a significant risk of loss, injury, or death involving flooding, including that occurring as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■
j. Result in inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	■

Huitt-Zollars, Inc. prepared a Water Quality Management Plans (WQMP) for the proposed project in August 2017. This report is included as Appendix C of this document.

- a) *Would the project violate any water quality standards or waste discharge requirements?*
- e) *Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?*
- f) *Would the project otherwise substantially degrade water quality?*

The following response applies to (a), (e), and (f).

As part of Section 402 of the Clean Water Act (CWA), the U.S. EPA has established regulations under the National Pollution Discharge Elimination System (NPDES) program to control both storm water discharges during construction and operation of the development projects. In California, the State Water Quality Control Board administers the NPDES permitting program and is responsible for developing permitting requirements. Under the conditions of the NPDES permit, the project applicant would be required to eliminate or reduce non-storm water discharges, develop and implement a Storm Water Pollution Prevention Plan (SWPPP) for the project construction activities, and perform inspections of the SWPPP measures and control practices to ensure conformance. The SWPPP identifies best management practices (BMPs) that control surface runoff, erosion, and sedimentation. The applicant would be required to control pollutant discharge by utilizing BMPs such as the Best Available Technology Economically Achievable (BAT) and the Best Conventional Pollutant Control Technology (BCT) to avoid discharging pollutants into the storm drain system.

The project site is located in an urban area and is currently entirely paved and developed with the steel frame for the previously approved project. Drainage is collected in storm drains along sidewalk

gutters and directed to the City's existing stormwater system. Construction of the proposed project would not involve ground disturbing activities that would alter the amount of impervious surface area on the project site, therefore existing drainage conditions would not be changed in a way that increases or decreases on-site flows. In result, upon completion, the proposed project would not affect existing stormwater flows off the site and would not affect water quality.

In addition, the proposed project would be required to comply with all established regulations under the National Pollution Discharge Elimination System (NPDES) permitting program to control both construction and operation stormwater discharges, including developing and implementing a SWPPP and implementing applicable BMPs. The proposed project would also be required to comply with Section 9.18.120.020 of the City Municipal Code that requires all irrigation systems for mixed-use projects to avoid runoff, low-head drainage, overspray or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures (Garden Grove 2017). Furthermore, the proposed project would comply with the measures and requirements provided in the Water Quality Management Plan (WQMP) prepared for the proposed building (Appendix C). Overall, compliance with NPDES permit requirements, the City Municipal Code, and the WQMP would ensure that the proposed project would not cause adverse impacts related to water quality standards or existing drainage conditions.

Compared to the previously approved project, development of the proposed project would have similar building design and construction, even though the proposed project would be slightly larger in overall building size. The 2005 MND concludes that the previously approved project would not substantially degrade water quality standards or surface runoff as it would comply with City Municipal Code requirements, NPDES permit requirements, and would incorporate drainage plans into the construction plans to be previously approved by the City's Engineering services Division. The proposed project would also be subject to these requirements as well as the measures provided in the WQMP, and therefore would not have greater impacts than those identified in the 2005 MND.

NO IMPACT

- 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)?*

According to the City's Urban Water Management Plan (UWMP), the City of Garden Grove receives its water service from the Water Services Division of the Public Works Department, which has provided water service to the City since 1958. The City receives its water from two main sources, local well water from the Lower Santa Ana River Groundwater Basin, and imported water from the municipal Water District of Orange County (City of Garden Grove 2016). The existing project site is urbanized, entirely paved, and partially developed with the steel building framework from the previously approved project. There is no vegetation presently on the project site, and adjacent areas are predominately built-out. Because no ground major disturbance activities would be required for construction of the proposed project, such as demolition and grading, there would be no anticipated changes to groundwater recharge or surface runoff conditions. Although some ground disturbance may be needed to install additional structural and foundational support for the proposed building, this disturbance would be minor and would not considerably affect existing hydrologic conditions. In addition, the 2015 UWMP states that the Water Services Division would be

able to provide reliable water supplies for an average year, single dry year, and multiple dry years for its existing and planned supplies. Therefore, the proposed project would be able to be served by available water supply and would not result in an exceedance of safe yield or a significant depletion of groundwater supplies. Impacts would be less than significant.

Construction of the proposed project would be similar to that of the previously approved project. The 2005 MND concludes that implementation of the previously approved project would not substantially impact groundwater supplies or recharge as would not require substantial excavations or other related below-grade work and would not expected to use large quantities of water. Therefore, the proposed project would not have greater impacts to groundwater conditions compared to the previously approved project.

LESS THAN SIGNIFICANT IMPACT

- 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 substantial erosion or siltation on- or off-site?*
- d) *Would the project substantially alter the existing drainage pattern of the site or area, including 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?*

The following response applies to (c) and (d).

Currently, the project site is entirely paved and partially developed with the steel building framework from the previously approved project. There are no streams or rivers in the project vicinity and no on-site vegetation. According to the Water Quality Management Plan developed by Huitt-Zollars, Inc., on-site sheet flows currently travel in a southwesterly direction with a high point at the northeast corner of the site and a low point at the southwest corner of the site. The site is bounded by Garden Grove Boulevard on the north and stormwater flows from the north, including those within Garden Grove Boulevard, are contained within the street and do not run-on to the site. Therefore, the proposed project would not be expected to alter the course of any stream or other drainage and would not increase the potential for flooding from off-site runoff (Huitt-Zollars, Inc. 2017, Appendix C). In addition, the proposed project would comply with the City's urban runoff requirements as stated in the Municipal Code, which require payment of a drainage facilities fee to mitigate the costs of potential new or expanded storm drain facilities, although no such need is anticipated. There would be no impact to existing drainage patterns on or adjacent to the project site.

Compared to the previously approved project, the proposed project would have similar building construction and site design. The 2005 MND concludes that the previously approved project would not impact surface waters since run-off would continue to be collected in local and regional storm drain facilities and City and County discharge facilities have sufficient capacity to handle existing flows. The proposed project would not substantially alter the overall amount of on-site impervious surface area compared to the previously approved project and would comply with current regulations pertaining to control of surface runoff. Therefore, no new impacts would be generated under the proposed project and no impact would occur.

NO IMPACT

- g) *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?*

- h) Would the project place within a 100-year flood hazard area structures which would impede or redirect flood flows?*
- i) Would the project create 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?*

The following response applies to (g) through (i).

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), Panel Number 06059C0139J, the project site is located in Flood Zone X, which is characterized by a minimal risk of flooding and is located outside the 100-year flood hazard area (FEMA 2009). There are also no dams or levees in the vicinity of the project site. The nearest dam to the project site is Prado Dam located approximately 20 miles to the northeast. Therefore, development of the proposed project would not expose people or structures to significant flood hazards and would not impede or redirect flood flows. No impact would occur.

The proposed project would be located at the same site as the previously approved project and the 2005 MND concludes that the previously approved project would not be subject to a flood hazard; therefore, impacts under the proposed project related to flood hazards would not be greater than those analyzed in the 2005 MND.

NO IMPACT

- j. Would the project result in inundation by seiche, tsunami, or mudflow?*

The project site is located approximately eight miles inland from the coast of the Pacific Ocean and is not inside the boundaries of any regional tsunami impact areas (DOC 2015). In addition, the project site is flat and surrounded by residential and commercial development away from crests and very steep ridges and is not near any inland bodies of water. There would be no impacts related to risk of seiches, tsunamis, or mudflow.

The proposed project would be located at the same site as the previously approved project. The 2005 MND concludes that the project site is not at risk of seiches, tsunamis, or mudflows due to its distance from the coast, the absence of large bodies of water, and the absence of hilly or mountainous terrain. As noted above, the risk of such events under the proposed project would not be greater than those of the previously approved project.

NO IMPACT

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10 Land Use and Planning

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Conflict with an applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. Would the project physically divide an established community?

The project site is located on a mixed-use development site and is immediately surrounded by other mixed-use development including restaurants, hotel uses, car dealerships, and other commercial development. Residential development is located east of the project site across Brookhurst Street, southwest of the project site off of Kerry Street, and north of the project site along Brookhurst Way. The closest of these residential developments is approximately 250 feet southwest of the project site. No new streets or other structures or facilities that would divide the community are included in the proposed project and all project components would be developed within the project site. In addition, the proposed project would help expand the existing residential community as it would include high density development of senior housing with supporting commercial and open space recreational uses. Therefore, the proposed project would not divide an established community and there would be no impact.

Similarly, the 2005 MND concludes that the previously approved project would not physically divide an established community because it would develop higher density residential and commercial uses in an urbanized corridor. Because the proposed project would be in the same location, would involve the same general pattern of use as the previously approved project, and would not include any features (such as new roads) that would divide the community, impacts related to nearby communities would not be greater than those identified in the 2005 MND.

NO IMPACT

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?

According to the City's General Plan Land Use Element, the project site is currently designated Residential/Commercial Mixed Use 1 and is within Focus Area F, the Brookhurst Triangle Area. The proposed project requires an amendment to the General Plan land use designation for the property from Residential/Commercial Mixed Use 1 to Community Residential (which currently allows densities of 48.1 to 60 dwelling units per acre) as the proposed project would include development of 400 residential units on an approximately five acre site (density of 80 dwelling units per acre). The project site is zoned Garden Grove Boulevard Mixed Use 1 (GGMU-1). The GGMU-1 zone applies to specific properties along Garden Grove Boulevard and provides for urban-scale, fully integrated commercial and residential mixed use developments near key intersection locations.

Based on the Land Use Element, the Community Residential designation is the most intensive residential land use designation that is intended exclusively for senior housing, convalescent homes, congregate housing, and institutional quarters, and the Brookhurst Triangle Area is intended for mixed uses with commercial, office and residential uses (Garden Grove 2008a). The proposed project would develop an eight-story mixed-use building consisting of 400 senior housing units and 12,938 sf of commercial use. Based on the GGMU-1 zoning, development of the project site with a high density, mixed-use project has been anticipated.

According to Section 9.18.110.030 of the GGMC, a minimum of 300 square feet of open space per dwelling unit is required for all residential/commercial mixed use developments. However, based on current site plans, the proposed project would only include approximately 64 square feet of open space per unit. Although the amount of open space provided would be considerably less than what is required by the GGMC, because the intended building tenants would be senior citizens, this population would likely not require a large amount of open space and the amount provided under the proposed project would be sufficient to meet their demand.

Overall, the project would generally comply with the land use provisions included in the General Plan, even though it would provide less open space than what is currently required by the GGMC. Potential land use impacts would be less than significant.

The Land Use Plan provides the following applicable policies regarding mixed use and residential development within the city:

- Policy LU-1.1 Identify appropriate locations for residential and non-residential development to accommodate growth through the year 2030 on the General Plan Land Use Diagram (Exhibit LU-3).
- Policy LU-1.2 Encourage modern residences in areas designated as Mixed Use. Mixed use housing should minimize impacts on designated single-family neighborhoods.
- Policy LU-1.3 Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts / entertainment, in appropriate locations.
- Policy LU-1.4 Encourage active and inviting pedestrian-friendly street environments that include a variety of uses within commercial and mixed use areas.
- Policy LU-1.5 Mixed Use should be designed to:
 - Create a pleasant walking environment to encourage pedestrian activity.
 - Create lively streetscapes, interesting urban spaces, and attractive landscaping.
 - Provide convenient shopping opportunities for residents close to their residence.

- Integrate with surrounding uses to become a part of the neighborhood rather than an isolated project.
- Use architectural elements or themes from the surrounding area, as appropriate.
- Provide appropriate transition between land use designations to minimize neighbor compatibility conflicts.
- 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.
- 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.
- 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.
- Policy LU-4.2 Ensure that infill development is well-planned and allows for increased density in Focus Areas along established transportation corridors.
- Policy LU-4.3 Allow for mixed use development at varying intensities in Focus Areas as a means of revitalizing underutilized parcels.

The proposed project would be consistent with the policies listed above as development would include higher-density multi-family housing as well as commercial and retail uses in a mixed-use building along a major transit corridor in proximity to existing commercial uses. In addition, the architecture on the building's facades would be designed to be visually appealing and ground floor commercial uses would enhance pedestrian-orientation of the building. Overall, development included in the proposed project would help facilitate the vision to increase density along transit and commercial corridors while helping create a vibrant environment that supports a variety of uses include residential and commercial development.

Although the proposed project would include more residential units and less commercial space than the previously approved project, the general classification of development would remain mixed-use. The 2005 MND concludes that the previously approved project would be consistent with General Plan land use regulations as it would include a mix of residential and commercial development that is anticipated by the General Plan. As the proposed project would contain a similar mix of development, it would also be consistent with the General Plan and impacts would not be greater than those analyzed in the 2005 MND.

LESS THAN SIGNIFICANT IMPACT

- c. *Would the project conflict with an applicable habitat conservation plan or natural community conservation plan?*

The project site is located in a highly developed corridor in Garden Grove. As discussed under Section 4, *Biological Resources*, the project site is not located within the boundaries of a habitat conservation plan or natural community conservation plan. No impact would occur. Further, because the previously approved project would occur on the same site and the 2005 MND determined that no impacts would occur under the previously approved project, no new impacts would be generated by the proposed project.

NO IMPACT

11 Mineral Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a. *Would the project 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. *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?*

The following response applies to (a) and (b).

The project site is currently unoccupied and is partially developed with steel framework from the previously approved project. The site is not used for oil or mineral recovery, and the City's General Plan does not identify the project site as an important mineral resource recovery site (City of Garden Grove 2008b). Therefore, the proposed project would have no impact related to mineral resources.

The previously approved project would be on the same site as the proposed project. As the 2005 MND determined the previously approved project would have no impact to mineral resources, the proposed project would not generate any new impacts with respect to mineral resources.

NO IMPACT

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12 Noise

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
a. 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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. A substantial permanent increase in ambient noise levels above those existing prior to implementation of the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located in 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project near a private airstrip, would it expose people residing or working in the project area to excessive noise?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

General Noise Background

Noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to the actual sound pressure levels to be consistent with that of human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz).

Sound pressure level is measured on a logarithmic scale with the 0 dBA level based on the lowest detectable sound pressure level that people can perceive (an audible sound that is not zero sound).

pressure level). Based on the logarithmic scale, a doubling of sound energy is equivalent to an increase of 3 dBA, and a sound that is 10 dBA less than the ambient sound level has no effect on ambient noise. Because of the nature of the human ear, a sound must be about 10 dBA greater than the ambient noise level to be judged as twice as loud. In general, a 3 dBA change in the ambient noise level is noticeable, while 1-2 dBA changes generally are not perceived. Quiet suburban areas typically have noise levels in the range of 40-50 dBA, while areas adjacent to arterial streets are typically in the 50-60+ dBA range. Normal conversational levels are usually in the 60-65 dBA range, and ambient noise levels greater than 65 dBA can interrupt conversations.

Noise levels from point sources, such as those from individual pieces of machinery, typically attenuate (or drop off) at a rate of 6 dBA per doubling of distance from the noise source. Noise levels from lightly traveled roads typically attenuate at a rate of about 4.5 dBA per doubling of distance. Noise levels from heavily traveled roads typically attenuate at about 3 dBA per doubling of distance. Noise levels may also be reduced by intervening structures; generally, a single row of buildings between the receptor and the noise source reduces noise levels by about 5 dBA, while a solid wall or berm reduces noise levels by 5 to 10 dBA (Federal Transit Administration [FTA] 2006). The manner in which homes in California are constructed generally provides a reduction of exterior-to-interior noise levels of approximately 20 to 25 dBA with closed windows (FTA 2006).

In addition to the instantaneous measurement of sound levels, the duration of sound is important since sounds that occur over a long period of time are more likely to be an annoyance or cause direct physical damage or environmental stress. One of the most frequently used noise metrics that considers both duration and sound power level is the equivalent noise level (Leq). The Leq is defined as the single steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual fluctuating levels over a period of time (essentially, the average noise level). Typically, Leq is summed over a one-hour period. For other time periods, the duration is shown in brackets. For example, a 30-minute Leq would be shown as Leq [30]. Lmax is the highest root mean squared (RMS) sound pressure level within the measuring period, and Lmin is the lowest RMS sound pressure level within the measuring period.

The time period in which noise occurs is also important since noise that occurs at night tends to be more disturbing than that which occurs during the day. Community noise is usually measured using Day-Night Average Level (Ldn), which is the 24-hour average noise level with a 10-dBA penalty for noise occurring during nighttime (10:00 PM to 7:00 AM) hours, or Community Noise Equivalent Level (CNEL), which is the 24-hour average noise level with a 5 dBA penalty for noise occurring from 7:00 PM to 10:00 PM and a 10 dBA penalty for noise occurring from 10:00 PM to 7:00 AM. Noise levels described by Ldn and CNEL typically do not differ by more than 1 dBA. In practice, CNEL and Ldn are often used interchangeably.

The relationship between peak hourly Leq values and associated Ldn values depends on the distribution of traffic over the entire day. There is no precise way to convert a peak hour Leq to Ldn. However, in urban areas near heavy traffic, the peak hourly Leq is typically 2-4 dBA lower than the daily Ldn. In less heavily developed areas, such as suburban areas, the peak hourly Leq is often roughly equal to the daily Ldn. For rural areas with little nighttime traffic, the peak hourly Leq will often be 3-4 dBA greater than the daily Ldn value (California State Water Resources Control Board [SWRCB] 1999). The project site is located in a suburban area; therefore, the daily Ldn (or CNEL) value would be roughly equivalent the peak hourly Leq at the project site.

Vibration

Vibration refers to groundborne noise and perceptible motion. Vibration is a unique form of noise because its energy is carried through buildings, structures, and the ground, whereas noise is simply carried through the air. Thus, vibration is generally felt rather than heard. Some vibration effects can be caused by noise (e.g., the rattling of windows from passing trucks). This phenomenon is caused by the coupling of the acoustic energy at frequencies that are close to the resonant frequency of the material being vibrated. Typically, groundborne vibration generated by manmade activities attenuates rapidly as distance from the source of the vibration increases. The ground motion caused by vibration is measured as particle velocity in inches per second and is referenced as vibration decibels (VdB) in the U.S.

The background vibration velocity level in residential areas is usually around 50 VdB. The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels for many people. The range of interest is from approximately 50 VdB, which is the typical background vibration velocity level, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings. Building damage can also occur at 95 VdB. Most perceptible indoor vibration is caused by sources in buildings such as operation of mechanical equipment, movement of people, or the slamming of doors. Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel wheeled trains, and traffic on rough roads.

Project Site Noise Conditions

The primary off-site noise sources in the project area are motor vehicles (e.g., automobiles, buses, and trucks) along Garden Grove Boulevard, which is located at the northern boundary of the project site. A secondary noise source is vehicle traffic along Brookhurst Street, located approximately 450 feet east of the project site. Motor vehicle noise is a concern because it is characterized by a high number of individual events that often create sustained noise levels. Ambient noise levels would be expected to be highest during the daytime and rush hour unless congestion slows speeds substantially. Additional sources of noise in the project site vicinity include activities associated with nearby commercial and residential uses, including delivery trucks and landscaping equipment. The project site is currently partially developed with the steel frame of the previously approved project, so there are no existing sources of noise on the project site.

To characterize existing ambient noise levels at the project site, four 15-minute sound measurements were taken using a Casella CEL-633 ANSI Type II sound level meter between 7:00 AM and 9:00 AM on November 9, 2017 (refer to Appendix D for sound measurement data).

Measurement locations were selected based on the potential exposure of the nearest noise-sensitive receptors to noise levels from construction and operation of the proposed project. These receptors include multi-family residences northwest of the project site along Brookhurst Way, the single-family residences and Boys & Girls Club facility immediately southwest of the project site, and single family residences east of the project site along Brookhurst Street. The measurements were taken on a weekday during the morning peak traffic hour time to represent maximum noise levels in the area. See Figure 8 for the locations of sound measurements. As shown in Table 11, noise levels in the vicinity of the project site range from approximately 58.0 dBA Leq and 70.0 dBA Leq.

Table 11 Project Sound Level Monitoring Results

Measureme nt Number	Measurement Location	Sample Time	Approximate Distance to Centerline of Roadway (in feet)	Leq[15] (dBA) ¹	Lmin (dBA)	Lmax (dBA)
1	Garden Grove Boulevard adjacent to the northern boundary of the project site	7:35 AM – 7:50 AM	30	70.0	48.5	88.7
2	Brookhurst Street approximately 550 feet east of the project site	7:58 AM – 8:13 AM	30	67.0	47.2	78.8
3	Larson Avenue at the southwest corner of the project site	7:13 AM – 7:28 AM	N/A ²	57.9	45.9	77.9
4	Brookhurst Way approximately 650 northwest of the project site	8:22 AM – 8:37 AM	35	60.2	45.4	79.1

See Appendix D for noise monitoring data. See Figure 8 for a map of the sound measurement locations.

¹ The equivalent noise level (Leq) is defined as the single steady A-weighted level that is equivalent to the same amount of energy as that contained in the actual fluctuating levels over a period of time (essentially, the average noise level). For this measurement, the Leq was over a 15-minute period (Leq [15]).

² This measurement was taken in a cul-de-sac-ending street and not a through roadway with an approximate distance to a centerline.

Source: Rincon Consultants, field measurements on November 9, 2017 using ANSI Type II Integrating sound level meter.

Sensitive Receptors

Noise exposure goals for various types of land uses reflect the varying noise sensitivities associated with those uses. Typically, noise sensitive land uses include single family residential, multiple family residential, churches, hospitals and similar health care institutions, convalescent homes, libraries, and school classroom areas. The predominant noise sensitive land uses in the City are residential uses.

Several City General Plan Noise Element policies are aimed at reducing noise exposure of noise-sensitive receptors, including schools, hospitals, convalescent homes, churches, and residences (Garden Grove 2008e). The noise-sensitive uses closest to the project site include the Ramada Inn immediately adjacent to the western boundary of the project site as well as several single-family residences and a Boys & Girls Club facility immediately adjacent to the southwestern corner of the project site along Larson Avenue. Other noise-sensitive receptors in the site vicinity are single family residences along the east side of Brookhurst Way approximately 550 feet east of the project site, and multi-family residences along Brookhurst Way, approximately 560 feet northwest of the project site. A new residential development being constructed approximately 250 feet northeast of the project site, the Brookhurst Triangle apartments, which has just completed phase one of construction, would also be a sensitive receptor. See Figure 8 for location of existing noise-sensitive receptors.

Figure 8 Noise Measurement Locations



Noise Regulation

The goals, policies, and actions contained in the Noise Element focus on establishing and applying criteria for acceptable noise levels for different land uses to minimize the negative impacts of noise, especially at sensitive receptors. To achieve these goals and actions, the City has adopted noise standards that stipulate base ambient exterior noise limits, shown in Table 12. According to Section 8.47.040, Ambient Base Noise Levels, of the GGMC, noise standards in the land use and noise compatibility matrix of the Noise Element define the acceptable and unacceptable noise levels for various land uses in the City (Garden Grove 2008a). As discussed under *Sensitive Receptors*, the closest noise-sensitive land uses near the project site include the Ramada Inn, the Boys & Girls Club facility and the single family residences along Larson Avenue. According to the City's land use and noise compatibility matrix shown in Table 13, an exterior noise exposure of 50-65 dBA CNEL or less is acceptable for schools and nursing homes, and exterior noise exposure of 50-70 CNEL or less is acceptable for multi-family residences. The proposed project is a multi-unit residential housing complex for senior citizens for which these standards would apply. However, per Section 8.47.040 of the GGMC, when the actual measured ambient noise level exceeds the ambient base noise level stipulated in the noise ordinance, the actual measured ambient noise level shall be utilized as the new basis for determining whether or not the subject noise exceeds the level allowed (Garden Grove 2017a). That is, if ambient noise levels measured using a noise meter are found to be higher than the 50-70 CNEL level threshold provided in the ordinance, the measured noise levels are used as the new threshold level. Further, these regulations are not applicable to motor vehicles operating on public rights-of-way (GGMC Section 8-47.050) and are not applicable to construction noise levels, which are regulated exclusively by hour of operation limitations.

The Noise Element also references Title 25, Section 1092 of the California Code of Regulations, which sets forth requirements for the insulation of multiple-family residential dwelling units from excessive and potentially harmful noise. Whenever multiple-family residential dwelling units are proposed in areas with excessive noise exposure, the developer must incorporate construction features into the building's design that reduce interior noise levels to 45 dBA CNEL.

Table 12 Garden Grove Ambient Base Noise Levels by Land Use

Land Use Sensitivity	Use	Time	Ambient Base Noise Levels dB(A)
Sensitive	Residential Use	7 AM to 10 PM	55
		10 PM to 7 AM	50
Conditionally Sensitive	Institutional Use	Anytime	65
	Office-Professional Use	Anytime	65
	Hotel & Motels	Anytime	65
Non-Sensitive	Commercial Uses	Anytime	70
	Commercial / Industrial Uses within 150 feet of Residential	7 AM to 10 PM	65
		10 PM to 7 AM	50
	Industrial Use	Anytime	70

All activities within land use zones are subject to provisions of Section 8.47.060 (A-D)
Source: Garden Grove 2017a

Table 13 Garden Grove Noise and Land Use Compatibility Guidelines

Land Use Category	Noise Exposure Levels (Ldn or CNEL, dBA)			
	Normally Acceptable	Conditionally Acceptable	Normally Unacceptable	Clearly Unacceptable
Residential - Low Density, Single-Family, Duplex, Mobile Homes	50-60	60-70	70-75	75-85
Residential - Multiple Family	50-65	60-70	70-75	70-85
Transient Lodging - Motel, Hotels	50-65	60-70	70-80	80-85
Schools, Libraries, Churches, Hospitals, Nursing Homes	50-65	60-70	70-80	80-85
Auditoriums, Concert Halls, Amphitheaters	NA	50-70	NA	65-85
Sports Arenas, 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

Normally Acceptable – Specified land use is satisfactory, based upon 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 noise 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 be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.

Clearly Unacceptable – New construction or development should generally not be undertaken.

Source: Garden Grove 2017a

For construction noise within the City, according to GGMC Section 8.47.060, *Special Noise Sources*, construction activity is prohibited between the hours of 10:00 p.m. of one day and 7:00 AM 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(a), is caused discomfort or annoyance unless such operations are of an emergency nature.

GGMC Section 8.47.050, General Noise Regulation, further states that no person may create a noise level that exceeds the acceptable exterior noise levels in Table 12 such that the noise level exceeds the following noise limit categories:

- The noise standard for a cumulative period of more than 30 minutes in any hour;
- The noise standard plus five dB(A) for a cumulative period of more than 15 minutes in any hour;
- The noise standard plus 10 dB(A) for a cumulative period of more than five minutes in any hour;
- The noise standard plus 15 dB(A) for a cumulative period of more than one minute in any hour;
- or
- The noise standard plus 20 dB(A) for any period of time.

The Noise Element of the General Plan also provides the following policies and objectives regarding noise impacts in the City:

Goal N-1. Noise considerations must be incorporated into land use planning decisions.

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.

Policy N-1.2. Incorporate a noise assessment study into the environmental review process, when needed for a specific project for the purposes of identifying potential noise impacts and noise abatement procedures.

Policy N-1.4. Incorporate a noise assessment study into the environmental review process, when needed for a specific project for the purposes of identifying potential noise impacts and noise abatement procedures.

Policy N-1.5. Require the design of mixed use structures to incorporate techniques to prevent the transfer of noise and vibration from the commercial to residential use.

N-IMP-1B. Require that new commercial, industrial, any redevelopment project, or any proposed development near existing residential land use demonstrate compliance with the City's Noise Ordinance prior to approval of the project.

N-IMP-1C. Implement noise mitigation by placing conditions of approval on development projects, and require a clear description of mitigation on subdivision maps, site plans, and building plans for inspection purposes.

N-IMP-1D. Require construction activity to comply with the limits established in the City's Noise Ordinance.

N-IMP-1G. Encourage truck deliveries to commercial or industrial properties abutting residential or noise sensitive uses after 7:00 AM and before 10:00 PM.

N-IMP-1L. Enforce the Noise Ordinance to ensure that stationary noise and noise emanating from construction activities, private development, and/or special events are minimized.

Methodology and Significance Thresholds

The analysis of noise impacts considers the effects of both temporary construction-related noise and long-term noise associated with operation of the project. Four noise measurements were collected during the AM peak hour. As shown in Table 11, ambient noise in the project area ranged from approximately 58.0 dBA at the cul-de-sac of Larson Avenue to 70.0 dBA along Garden Grove Boulevard. As stated in the GGMC, where measured ambient noise levels exceed those stated in the Noise Ordinance the measured noise levels should be used as the new ambient base level. As the measured ambient noise levels in the project area exceeded the thresholds provided in the noise ordinance, this analysis uses the measured Leq at each of the noise measurement locations as the base ambient noise level threshold for operational noise at the project site. The proposed project, therefore, would have significant noise impacts if operational activities generated noise levels that exceeded the measured ambient noise levels.

The City has not adopted specific thresholds construction or operational groundborne vibration impacts. However, according to the Federal Railroad Administration (FRA), vibration impacts would be significant if they exceed the following thresholds:

- 65 VdB where low ambient vibration is essential for interior operations, such as hospitals and recording studios
- 72 VdB for residences and buildings where people normally sleep, including hotels
- 75 VdB for institutional land uses with primary daytime use, such as churches and schools
- 95 VdB for physical damage to extremely fragile historic buildings
- 100 VdB for physical damage to buildings

In addition to the groundborne vibration thresholds outlined above, the Federal Transit Administration (FTA) outlined human response to different levels of groundborne vibration as described in the FTA *Transit Noise and Vibration Impact Assessment*. These levels determined that groundborne vibration would result in a significant impact if it would exceed 65 VdB (i.e., the threshold of perception) and 100 VdB (i.e., the threshold for minor damage in fragile buildings). They further determined that vibration that is 85 VdB is acceptable only if there are an infrequent number of events per day. These thresholds are provided in Table 14.

Table 14 Human Response to Different Levels of Groundborne Vibration

Vibration Velocity Level	Human Reaction
65 VdB	Approximate threshold of perception for many people.
75 VdB	Approximate dividing line between barely perceptible and distinctly perceptible. Many people find that transportation-related vibration at this level is unacceptable.
85 VdB	Vibration acceptable only if there are an infrequent number of events per day.
Source: FTA 2006	

- 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?*

The dominant source of noise on the site is traffic along area roadways, particularly Garden Grove Boulevard and Brookhurst Street. The proposed project would qualify as a new noise-sensitive receptor with residential uses. Based on measurement results shown in Table 11, the project site is exposed to a noise level of approximately 70 dBA Leq at the northern project boundary along Garden Grove Boulevard (see Figure 8 for location of noise measurements).

As discussed under the *General Noise Background* above, CNEL is roughly equivalent to the peak hourly Leq in urban environments. Based on a measured noise level of 70 dBA Leq at the northern project site boundary, the CNEL at the project is also approximately 70 dBA. According to the City's adopted noise guidelines (Table 13), for a mixed-use residential and commercial development, noise levels between 70 and 75 dBA CNEL are considered normally unacceptable. Therefore, under these guidelines, new construction or development should be discouraged, but if new development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design (Garden Grove 2017a).

Usable exterior areas of the site consist of courtyards that would be shielded from traffic noise by the proposed building itself so the primary concern would be interior noise. The proposed project would require noise insulation features included in the design to achieve an interior noise level of 45 dBA CNEL. As discussed under the *General Noise Background* above, the manner in which homes in California are constructed generally provides a reduction of exterior-to-interior noise levels of

approximately 20 to 25 dBA with closed windows (FTA 2006). Therefore, based on an exterior noise exposure level up to 74 dBA CNEL, interior noise levels at the modified project would be up to 54 dBA CNEL and additional sound attenuation features would be needed to further reduce interior noise levels. With implementation of N-1, which requires use of STC materials, noise levels would be reduced to be below City thresholds and impacts would be less than significant.

The previously approved project would generate greater levels of operational noise compared to the proposed project primarily due to the greater amount of vehicle trips associated with the larger commercial space. Commercial uses associated with the previously approved project would generate considerably greater vehicle trips than the senior tenant residences associated with the proposed project. In result, the previously approved project would generate greater levels of traffic noise in proximity to the residential apartments that would also be developed. The 2005 MND determined that adherence to the City's noise ordinance and conditions of approval for a non-squeal surface in the parking structure would reduce noise levels to be less than significant. Due to the reduced amount of commercial use and vehicle use characteristics of senior-citizen tenants, the proposed project would generate less overall traffic and operational noise than the previously approved project. Furthermore, with implementation of N-1 and adherence to the City's noise ordinance, interior noise would be further mitigated under the proposed project. Impacts would be less than significant.

Mitigation Measure

N-1 Install STC Rated Materials. The provision of forced-air mechanical ventilation, enabling new residents to retain adequate air quality with windows closed, and the installation of residential windows, exterior doors, and exterior wall assemblies would substantially reduce interior noise in habitable rooms. Exterior materials with an STC 30 rating would reduce exterior noise at a 500 Hz frequency by approximately 30 dBA in the interior environment. This STC rating is calculated for specific materials in a laboratory setting by measuring sound transmission loss in 1/3 octave increments between 125 Hz and 4,000 Hz. Although STC 30-rated materials would not perform equally at all frequencies of ambient noise, they would reduce overall exterior noise by approximately 30 dBA. The resulting interior noise level would be 44 dBA CNEL (74 dBA CNEL minus 30 dBA) and would meet the City's interior noise standard of 45 dBA CNEL.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

- c. *Would the project result in a substantial permanent increase in ambient noise levels above levels existing without the project?*
- d. *Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

The following response applies to (c) and (d).

The proposed senior housing complex would generate two types of noise that are characterized and evaluated for significance using different methodologies and significance thresholds: on-site operational noise and construction noise. The following discussion addresses each of these potential noise impacts.

Operational Noise

Sources of noise associated with the proposed project would be similar to those of the other residential and commercial uses in the vicinity of the project site. On-site noise would be generated by activities such as visitor parking, human conversations, indoor TV use, and noise from trash hauling or delivery trucks. Noise sources could also include use of heating, ventilation, and air conditioning (HVAC) equipment that would be installed in the new building. These activities are similar in nature to what occurs at the other residential and commercial uses immediately adjacent to the east, west, and south boundaries of the project site. As discussed under *Noise Regulation*, per Section 8.47.050 of the GGMC existing ambient noise levels (shown in Table 11) would serve as the new ambient base noise levels since they currently exceed the 55 dBA ambient noise limit for residential uses and the 65 dBA ambient noise limit for hotel uses given in the City Noise Ordinance. The following are the anticipated noise levels associated with the proposed project.

Trash and Delivery Trucks

The California Motor Vehicle Code establishes maximum sound levels for trucks operating at speeds less than 35 miles per hour (Section 23130) of 86 dBA at 50 feet. In addition, Chapter 8.47.050 of the GGMC states that trash collection vehicles shall not operate during the stationary compaction process within 150 feet of residential property between the hours of 10:00 p.m. of one day and 7:00 AM of the next day. As a senior housing complex with limited commercial space, the proposed project would not have frequent delivery truck traffic and trash truck operation would be the same as currently conducted for nearby residential and commercial uses. Delivery and trash truck trips to the site would be a periodic source of operational noise, but would not result in a substantial increase in the CNEL² (24-hour average). Therefore, noise impacts from delivery and trash trucks during the operation period would be less than significant.

Parking Structure

Typical noise sources associated with parking structures include car alarms, door slams, radios, and tire squeals. According to an acoustical analysis prepared by Gordon Bricken and Associates, these sources typically range from about 30 to 66 dBA at a distance of 100 feet and are generally short-term and intermittent (Gordon Bricken 1996). Noise levels in the parking structure would fluctuate with the amount of automobile and human activity. More generally, noise levels would be highest during the day, when the largest number of employees and visitors would enter and exit the parking lot.

The adjacent residential, school club, and hotel uses are considered noise sensitive receptors. The sensitive receptors nearest to the project site are the Ramada Inn located immediately adjacent to the western boundary of the project site and the Boys & Girls Club facility located approximately 115 feet south from the southern boundary of the project site. Considering typical noise levels from parking lot activities at 10 feet (65 CNEL maximum), the 115-foot distance of existing sensitive uses to the project site, and the noise attenuation rate over these distances (6 dBA per doubling of distance), noise experienced at the nearest sensitive uses would be approximately between 47 and 45 CNEL, which is within the acceptable exterior noise levels for sensitive receptors (50-60 dBA CNEL). As a result, the proposed parking lot would not be a significant source of noise for adjacent

² CNEL is a weighted average of noise levels over a 24-hour period that adds 5 dBA to noise that occurs from 7-10 PM and adds 10 dBA to noise that occurs from 10 PM to 7 AM. The infrequent activity of delivery and trash trucks within the vicinity of the project site would not substantially change the 24-hour average noise levels.

uses. Further, the parking structure would be partially enclosed which would further attenuate noise generated from resident vehicle parking activities.

Noise from parking structure activities would be a periodic source of operational noise and would not result in a substantial increase in the CNEL or generate noise above the existing measured ambient residential noise levels around the project site (approximately 58 dBA at the Boys & Girls Club facility and 70 dBA along Garden Grove Boulevard near the Ramada Inn). Therefore, noise impacts from the parking lot would be less than significant.

Traffic Noise

Because the proposed project would accommodate approximately 769 new senior residents at the project site, operation of the proposed project would generate new vehicle trips associated with resident vehicle use. According to traffic study prepared by Kunzman Associates, Inc. (2017), the proposed project would generate approximately 2,015 weekday daily trips. This would increase resident vehicle traffic compared to existing conditions. As stated in the Traffic Impact Analysis (see Appendix E), the proposed project would not substantially affect traffic conditions on roadways in the vicinity of the project site (Kunzman 2017). Traffic generated from operation of the proposed project would utilize Garden Grove Boulevard for site access. This segment of Garden Grove Boulevard currently has an average daily traffic volume of 24,000 and a measured noise level of 70 dBA Leq (roughly equivalent to 70 CNEL). A doubling of average daily traffic volumes would increase traffic noise levels by 3 dBA. However, as the proposed project would generate approximately 1,888 additional trips (an 8.4 percent increase), noise levels from resident vehicle use would not substantially increase current traffic noise levels within the vicinity of the project site. Therefore, noise impacts from resident vehicle traffic would be less than significant.

The 2005 MND determined that the previously approved project and its subsequent activities would not generate a substantial increase in ambient noise levels because the development would be subject to the City's noise ordinance. However, when comparing the density of land uses between the proposed project and the previously approved project, although the proposed project would increase residential units, it would substantially decrease commercial space and parking spaces compared to the previously approved project. As a result, the proposed project would generate fewer overall vehicle trips to the project site; the proposed project would generate 2,015 trips while the previously approved project would generate 5,820 trips. In result, the proposed project would generate less traffic noise in the project area compared to the previously approved project, and any increase in traffic noise levels would be less than 3 dBA and would be within City noise thresholds.

Construction Noise

Project construction would generate noise that could be audible to nearby noise-sensitive receptors. Peak noise levels associated with the use of individual pieces of heavy equipment can range from about 70 to 89 dBA at 50 feet from the source, depending upon the types of equipment in operation at any given time and phase of construction (FHWA 2006). To determine noise impacts associated with project construction, construction noise levels during grading and building construction (the loudest phases of construction) were modeled using FHWA's Roadway Construction Noise Model (RCNM) software at three receptors: the single-family residences approximately 550 feet east of the project site, the Ramada Inn approximately 25 feet west of the project site, and the Boys & Girls Club facility approximately 115 feet south of the project site. The types of building construction equipment used in the RCNM software were garnered from the default equipment list provided from the CalEEMod software used for Section 3, *Air Quality*, and

Section 7, *Greenhouse Gas Emissions*. See Appendix B for CalEEMod assumptions and construction equipment list and Appendix D for more details regarding RCNM software results and assumptions.

As shown in Table 15, project construction would generate exterior noise levels of up to about 95 dBA at the Ramada Inn, up to 81.3 dBA at the Boys & Girls Club facility along Larson Avenue, and 68 dBA at the single family residences along Brookhurst Street 550 feet east of the project site. Noise levels at the Ramada Inn and at the Boys & Girls Club facility would exceed the measured ambient base noise levels (70.0 dBA and 57.9 dBA, respectively) at those locations.

Table 15 Construction Noise Levels at Sensitive Receptors

Construction Phase	Noise Level in Leq (dBA)		
	Ramada Inn	Boys & Girls Club	Residences along Brookhurst Street ¹
Building Construction	94.6	81.3	67.7
Paving	90.5	77.2	63.6
Architectural Coating	79.7	66.5	52.9

See Appendix D for RCNM worksheets.

¹ Actual construction noise levels experienced by these residences would be lower due to shielding by the existing commercial development immediately east of the project site. This development would help attenuate construction noise to be below the levels modeled.

Construction noise would be intermittently audible at immediately adjacent receptors since it would exceed ambient levels. However, as discussed under *Noise Regulation*, the City's noise ordinance noise level restrictions do not apply to construction work. Rather, construction noise is regulated exclusively by hours of operation limitations and all construction work for the proposed project would occur between the permitted hours of 7:00 AM and 10:00 PM. Construction activities would not occur during normal sleeping hours. Further, noise from construction activity would be temporary since construction of the proposed project is estimated to be completed in less than one year (see Appendix B for CalEEMod results). Therefore, project construction would have a less than significant temporary noise impact. However, although no significant noise impacts from construction equipment are anticipated, implementation of mitigation measure N-2 would help attenuate noise levels from construction equipment.

As the previously approved project would be generally the same size as the proposed project and include similar kinds of land uses, construction activities and timeline would be similar to those of the proposed project. The 2005 MND determined that although construction of infrastructure improvements or on-site development may temporarily increase noise levels at the project site, construction-related activities are temporary in nature and would end once construction is completed. Furthermore, the contractor would be required to comply with the County and City noise ordinances which would reduce potential noise impacts to be less than significant. Because proposed project would have the same general construction activities and would also be subject to County and City noise ordinances, the proposed project would not generate greater levels of noise from construction activities and impacts would be less than significant. Furthermore, although construction activities would not generate significant noise impacts, implementation of mitigation measure N-2 would minimize construction noise from the project site.

Mitigation Measure

N-2 Construction Equipment Staging. The following measures shall be followed during construction of the mixed-use residential building.

- **Mufflers.** During all project site excavation and grading, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers consistent with manufacturers' standards.
- **Stationary Equipment.** All stationary construction equipment shall be placed so that emitted noise is directed away from the nearest sensitive receptors.
- **Equipment Staging Areas.** Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise sources and noise-sensitive receptors.
- **Electrically-Powered Tools and Facilities.** Electrical power shall be used to run air compressors and similar power tools and to power any temporary structures, such as construction trailers or caretaker facilities.

LESS THAN SIGNIFICANT IMPACT

b. Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

Operation of the proposed project would not perceptibly increase groundborne vibration or groundborne noise on the project site above the existing conditions as the senior housing complex developed under the proposed project would not include equipment that generates substantial groundborne vibration. However, construction of the proposed project would temporarily generate vibration. Table 16 lists the anticipated construction equipment and their associated vibration levels at varying distances from the sensitive receptors described above.

Table 16 Construction Equipment Vibration

Equipment	Approximate VdB		
	25 Feet ¹	115 Feet ²	550 Feet ³
Large Bulldozer ⁴	87	67	47
Loaded Trucks	86	66	45
Jackhammer ⁵	79	59	39
Small Bulldozer	58	38	17

¹ Distance of Ramada Inn to the project site.

² Distance of Boys & Girls Club facility to the project site.

³ Distance of single family residences along Brookhurst Street to the project site.

⁴ Large and Small Bulldozer provided for additional information and reference. Construction of the proposed project would not involve use of bulldozers.

⁵ Jackhammer provided for additional information and reference. Construction of the proposed project would not involve use of a jackhammer.

Source: Federal Railroad Administration, 1998 (see Appendix B for vibration model calculations).

The nearest sensitive uses to the project site include the Ramada Inn approximately 25 feet west of the project site, the Boys & Girls Club facility approximately 115 feet south of the project site, the single family residences approximately 550 feet east of the project site, and the multi-family residences approximately 650 feet northwest of the project site. Project construction-generated vibration levels would only exceed 75 VdB, the approximate level at which individuals can perceive vibration, at the Ramada Inn. Vibration levels at all other sensitive receptors, including the multi-family residences 650 feet northwest of the project site (distance not included in Table 16), would be considerably below 75 VdB. However, the City of Garden Grove does not currently have vibration standards for noise-sensitive receptors. Section 9.08.020.040, *General Limitations on Uses*, states that activities within residential zones shall not be objectionable by reason of noise, odor, dust, mud, smoke, steam, vibration or other similar causes. However, vibration generated from construction equipment use would be below 95 VdB, the level at which structural damage to buildings can occur. Maximum vibration generated from construction equipment would be 86 VdB. Further, vibration would be temporary, and construction activity would be in accordance with the GGMC and would not occur between 7:00 AM and 10:00 PM. Therefore, overall construction activities would not expose noise-sensitive receptors to excessive vibration levels. Although the Ramada Inn would be exposed to vibration above the threshold for human perception, vibration would be temporary and intermittent and would only occur during permitted construction hours. Therefore, construction-generated vibration would not be considered objectionable by the GGMC and vibration-related impacts would be less than significant.

The previously approved project would generate construction-generated vibration similar to that of the as the proposed project since similar construction equipment would be used. As determined in the 2005 MND, vibration generated from the previously approved project would be less than significant as construction activities would be temporary and would comply with the City noise ordinances regarding permitted construction hours. Construction of the proposed project would not require considerable additional intensive site preparation, grading, or excavation activities. As such, resumed construction on the project site would not generate excess noise levels typically associated with the preliminary phases of construction, nor would on-site vibration from equipment result in damage to adjacent structures. In addition, as with the previously approved project, construction activity would also be limited to daytime hours and would not disturb adjacent residences (i.e., Ramada Plaza Hotel west of the project site) during hours of sleep. Therefore, the project would not generate greater vibration impacts than the previously approved project and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- e. *For a project located in 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?*
- 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?*

The following response applies to (e) and (f).

As discussed in Section 8, *Hazards and Hazardous Materials*, the project site is not located within two miles of a public airport and there are no private airstrips near the project site. The nearest airport to the project site Fullerton Airport, located approximately seven miles north from the site, and a military joint forces base air traffic control tower is located approximately 5.5 miles northwest

of the site. Therefore, the proposed project would not expose people working in the project area to excessive noise levels associated with air travel. No impact would occur.

The previously approved project would be on the same site as the proposed project and, therefore, also would not be subject to aircraft-related noise. Impacts of the proposed project would not be greater than the previously approved project and no impacts would occur.

NO IMPACT

13 Population and Housing

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Displace substantial amounts of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- 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)?*

As discussed in Section 3, *Air Quality*, the proposed project would consist of 400 senior residential units, generating a potential population increase of approximately 769 residents. As discussed in Section 4, *Land Use and Planning*, development of the project site with a higher intensity mixed-use has been anticipated since the site is designated Residential/ Commercial Mixed Use 1 by the City's General Plan Land Use Element. According to the Land Use Element, this designation includes tall, urban, mixed-use development at important intersections and locations that are eight to ten stories in height. In addition, senior housing can be considered in this designation with density bonuses (Garden Grove 2008c). Therefore, the proposed project would be consistent with the City's anticipated residential density of the project site.

According to data provided by the California Department Finance (DOF), the estimated population of the City is 176,286 and the average person per household is 3.74 (California DOF 2017a; California DOF 2017b). Because the proposed project would involve 400 senior residential units, per unit occupancy would be lower than the 3.74 person average. It is assumed that each studio would have one resident, each one-bedroom unit would have two residents, and each two-bedroom unit would have four residents. Based on these conservative assumptions, the project would add 769 residents with an average per unit occupancy of 1.92.

SCAG forecasts that the population of the City will increase to 178,200 by the year 2040, which is an increase of 1,914 persons from the current population (SCAG 2016). The addition of 769 new residents in the project area would constitute about 40 percent of the City's total projected population growth through 2040. Therefore, the level of population growth associated with the proposed project would not exceed official regional population projections. Moreover, the above

assumes that all project residents are new to Garden Grove, whereas the more likely scenario is that many future project residents already live in the City. Impacts associated with population growth would be less than significant and, therefore, would not directly or indirectly require the expansion of any City infrastructure.

The 2005 previously approved project included the development of 66 multi-family residential units. Although such units would not likely house the citywide average of 3.74 people per household, they would likely house more people per unit than would be proposed senior housing development. Assuming an average of 3 persons per unit, the previously approved project would add 198 new residents, or about 29 percent of the new residents associated with the proposed project. Although the increase in resident population would be lower under the previously approved project, the population growth associated with the proposed project would be within population forecasts for the City. Therefore, the proposed project would not generate greater population impacts than the previously approved project.

LESS THAN SIGNIFICANT IMPACT

- b. Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*
- c. Would the project displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

The following response applies to (b) and (c).

The project site is currently vacant and does not include any housing or people. The proposed project would involve development of apartment units for senior citizens. Therefore, the proposed project would not displace housing, people, or require the construction of replacement housing elsewhere. No impact would occur.

The previously approved project would occur on the same site as the proposed project. Because the 2005 MND determined that the previously approved project would not generate any impacts as the site does not have housing or people, no new impacts with regard to displacement would occur under the proposed project.

NO IMPACT

14 Public Services

	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 new or physically altered governmental 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 any of the public services:				
1 Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2 Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3 Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4 Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5 Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a.1. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection 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?

The Garden Grove Fire Department (GGFD) responds to fire emergencies from seven local stations in the City. The station nearest to the project site is Fire Station 1 located at 11301 Acacia Parkway (Civic Center) approximately 1.2 miles northeast of the project site. This station has 29 firefighters on duty daily and is equipped with a fire engine, a fire truck, two paramedic squads, two shift commander vehicles, and one air utility unit (Garden Grove 2017b).

The commercial and residential development under the proposed project would incrementally increase the demand for fire services in comparison to the existing conditions. However, the GGFD has a current staff of approximately 110 firefighters and the amount of population growth that would require increased staffing would be approximately 10 percent of the current population (17,600 individuals) (GGFD 2018). Therefore, the GGFD's current staff would be able to sufficiently serve the proposed project. In addition, fire safety features would be required, including fire sprinklers, fire alarms, a smoke removal system, and a fire control room, and the GGFD would review site plans, site construction, and the actual structure prior to occupancy to ensure that required fire protection safety features, including building sprinklers and emergency access, are

implemented in accordance with the City's standards, codes, and conditions of approval set forth by the GGFD. Overall, because the project site is within the GGFD's existing service area, new or expanded fire protection facilities would not be needed and the project's impact would be less than significant.

Compared to the previously approved project, the proposed project would include development of 334 more residential units and generate a larger population increase. In addition, proposed project residents would be senior. Therefore, the increased demand for fire and emergency medical services associated with the proposed project would be greater than that of the previously approved project. Despite the increase in demand for service compared to the previously approved project, the proposed project would not generate the requisite population growth that would require an increase in fire protection facilities or staff, and therefore would not result in any new significant impact. As identified in the 2005 MND, impacts to fire protection facilities would remain less than significant.

LESS THAN SIGNIFICANT IMPACT

a.2. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Police protection on the project site would be provided by the Garden Grove Police Department (GGPD). The police station nearest to the site is located at 11301 Acacia Parkway (Civic Center), approximately 1.2 miles northeast of the project site. The current GGPD staffing level is 166 officers to 170,000 residents, or a ratio of 0.98 GGPD staff per 1,000 residents, and the citywide average response time for emergency calls was 4 minutes, 29 seconds as of January 2017 (Matthew Fagan Consulting Services, Inc. 2017) Because the proposed project would generate a population increase of approximately 769 residents, the project would increase local demand for police protection services. However, this increase would not substantially change the GGPD service ratio, as it would only be reduced to 0.97 from 0.98, or create the need for new or expanded police protection facilities. Further, the proposed project would comply with conditions of approval from the GGPD to minimize increased demand, such as limiting ABC licenses at the project site. Impacts would be less than significant.

As compared to the previously approved project, the decrease in commercial use of the proposed project would reduce the demand for police protection services since vehicle traffic, guest and ABC-licensed establishments at the project site would be lower. The 2005 MND identifies impacts related police protection resulting from the previously approved project as less than significant. Therefore the proposed project's increase in demand for police protection service would be lower than the previously approved project, and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.3. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?

Although the proposed project would include residential development, residential units would be restricted to senior citizens and senior residents and would not generate an increase in school-age

children in the project area. Therefore, the proposed project would not increase demand for schools or otherwise adversely affect schools. No impact would occur.

Although the residential component of the previously approved project would have generated new students at local schools, the 2005 MND concluded that the previously approved project would have a less than significant impact with respect to schools with payment of applicable school impact fees. As noted above, the proposed senior housing project would have no direct or indirect impact to schools. Nevertheless, the applicant would be required to pay applicable school impact fees. No new impacts would be generated under the proposed project and no impacts would occur.

NO IMPACT

a.4. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?

As identified in the City's General Plan Parks, Recreation, and Open Space Element, the City's park system consists of 157.1 acres of parkland. The City currently owns 14 park properties and uses five public schools as additional park facilities through joint-use agreements with the School District. The City's General Plan also establishes the City's goal ratio of 2.0 acres of parkland per 1,000 persons (City of Garden Grove 2008d). As discussed in Section 13, *Population and Housing*, the City's current population is estimated at 176,285 people (California DOF 2017a). Based on this population and the 157.1 acres of parkland within the City limits, there are approximately 0.9 acres of parkland for every 1,000 residents, which is below the City's goal of 2.0 acres per 1,000 persons.

The proposed project would generate a population increase of approximately 769 residents. Although the residential component of the proposed project would include development of recreational uses such as outdoor decks, a recreation courtyard, and common rooms for use by senior residents that reside in the building, the proposed project would not include provision of park facilities and the amount of open space provided would be below what is required for residential development within the City. Therefore, residents may generate greater use of parks within the City. Furthermore, as the City currently is below their target parkland ratio, it is possible residents may travel to other cities for park recreation. However, given that the new population generated by the proposed project would consist of senior-citizen tenants, it is not likely that residents would generate substantial demand for new or altered park facilities in the area.

The 2005 MND concludes that the previously approved project would not increase demand for public facilities, such as public parks, or have a physical effect on existing parks since the project would also include recreational uses. Although the proposed project would provide considerably less open space than the previously approved project and would increase the overall number of on-site residents, it would limit residents to seniors who would generally be expected to create lower per capita demand for parks and recreational services. Therefore, overall impacts under the proposed project would not be substantially greater than those of the previously approved project and would be less than significant.

LESS THAN SIGNIFICANT IMPACT

a.5. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental 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?

The proposed project would incrementally increase the use of the City's public services and facilities. As discussed in Section 8, *Hydrology and Water Quality*, and Section 13, *Utilities and Service Systems*, the proposed project would have no significant impact to the storm drain system, solid waste disposal, water usage, and wastewater disposal. In addition, the proposed project would not generate adverse physical impacts on other public services or public facilities, such as libraries or hospitals. Impacts under the proposed project would be less than significant.

As determined in the 2005 MND, the previously approved project would have no impact on additional governmental services. The proposed project would not generate any new significant impacts related to governmental or public facilities compared to those under the previously approved project and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

15 Recreation

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- 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?*
- b. *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

The following response applies to (a) and (b).

The public parks nearest to the project site are Garden Grove Park, located approximately 0.80 mile southeast of the site, and Community Center Park, located approximately 1.2 miles northeast of the site. Residents of the proposed project may use local parks; however, as discussed in Section 15, *Public Services*, the proposed project would include private and public open space and recreational uses, including outdoor decks, a recreation courtyard, and common rooms (see Figure 5, Landscape Plan). However, the proposed project would not provide the amount of open space required for residential development within the City. Currently, the proposed project includes provision of 25,503 square feet of open space uses, whereas 120,000 square feet would be required under City building regulations. Further, a majority of the open space provided would be within the internal courtyard of the proposed building. In result, it is possible that residents may generate greater use of parks within the City for open space and recreational uses. Furthermore, as the City's current parkland ratio is considerably below the target goal ratio (two acres per 1,000 residents), it is also possible that residents would travel to other cities for park recreational use. However, given that the residential component of the proposed project would be senior housing, it is not likely that senior-citizen tenants would generate substantially increased demand for park facilities. Open space and recreational use by senior citizens would likely involve a smaller amount and intensity of physical activity as compared to younger tenants. Therefore, senior citizen tenants would not require the same amount of park or other open space and their needs would be met with the amount provided under the proposed project. Resident use of local public parks would likely be minimal. Therefore, the project would not result in the physical deterioration or required expansion

of off-site recreation or park facilities. Impacts related to recreational facilities would be less than significant.

The previously approved project also included recreational uses for on-site tenants and the 2005 MND concludes that the previously approved project would not substantially increase demand for regional parks or have a physical effect on existing parks. Though the proposed project would generate more overall residents and would provide considerably less open space than the previously approved project, the senior residents that would occupy the proposed project would generate less demand for parks and recreational facilities on a per capita basis. Therefore, overall impacts associated with the proposed project would not be considerably greater compared to the previously approved project and would be less than significant.

LESS THAN SIGNIFICANT IMPACT

16 Transportation/Traffic

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- 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?*

Kunzman Associates, Inc. prepared the Traffic Impact Analysis (TIA) for the proposed project (Kunzman 2017, Appendix E). Trip generation estimates were developed using trip generation rates and equations from Trip Generation, 10th Edition (Institute of Transportation Engineers [ITE] 2017). Based on the project description, the average trips for ITE land uses Senior Adult Housing-Attached and Specialty Retail were utilized to forecast the project's trip generation potential. Table 17 summarizes the trip generation potential, which shows that the project would generate an estimated 2,015 new weekday daily trips (half arriving, half departing) compared to current conditions (0 weekday daily trips), including 96 trips (38 inbound, 58 outbound) produced during the AM peak hour and 152 trips (81 inbound, 71 outbound) produced during the PM peak hour.

Table 17 Estimated Project Traffic Trip Generation

ITE Land Use Code / Project Description	Daily 2-Way	AM Peak Hour			PM Peak Hour		
		Enter	Exit	Total	Enter	Exit	Total
Trip Generation Rates							
Senior Adult Housing-Attached	3.70	0.07	0.13	0.20	0.14	0.12	0.26
Specialty Retail	40.00	0.72	0.48	1.2	1.80	1.80	3.60
Generation Rates							
Senior Adult Housing-Attached	1,480	28	52	80	57	47	104
Specialty Retail	535	10	6	16	24	24	48
Total	2,015	38	58	96	81	71	152
Source: <i>Trip Generation, 10th Edition</i> , Institute of Transportation Engineers, (ITE) [Washington, D.C. (2017)]. Kunzman 2017 (see Appendix E).							

Trips generated by the residential component of the project could also be making trips to the specialty retail land use within the project, thus double counting trips. In order to analyze a "conservative" scenario in terms of the assignment of project trips, the traffic volumes from the project site have not been reduced as a result of the internal interaction between the proposed land uses. Further, for specialty retail land use, a portion of the trips would come from pass-by trips, trips that are currently on the roadway system. In order to analyze a "conservative" scenario in terms of the assignment of trips, the traffic volumes from the specialty retail portion of the project site have not been reduced to take pass-by trips into consideration.

Ten key study intersections were selected for evaluation utilizing the Orange County Congestion Management Program (CMP) analysis criteria and requirements of the City of Garden Grove. The intersections listed below provide both local and regional access to the project area and define the extent of the boundaries for this traffic impact investigation. None of these are CMP intersections. The jurisdictions responsible for the intersections are located are identified in parenthesis.

- Magnolia Street (NS) at:
 - Chapman Avenue (EW) (Garden Grove)
 - Lampson Avenue (EW) (Garden Grove)
 - Garden Grove Boulevard (EW) (Garden Grove)
 - Trask Avenue (EW) (Garden Grove)
- Gilbert Street (NS) at Garden Grove Boulevard (EW) (Garden Grove)
- SR-22 Free WB Ramps (NS) at Trask Avenue (EW) (Caltrans)
- Brookhurst Street (NS) at:
 - Chapman Avenue (EW) (Garden Grove)
 - Lampson Avenue (EW) (Garden Grove)
 - Garden Grove Boulevard (EW) (Garden Grove)
 - Trask Avenue (EW) (Garden Grove)

Average daily traffic volumes for the 10 key study intersections identified above were factored from intersection turning movement counts obtained in October 2017, the Annual Traffic Volume Maps by the Orange County Transportation Authority, and the 2015 Traffic Counts on California State Highways by the California Department of Transportation.

The following scenarios are those for which volume/capacity calculations have been performed at the 10 key intersections for existing year (Year 2017) and opening year (Year 2017) conditions:

- Existing traffic
- Existing plus Project conditions
- Opening year (Year 2019) cumulative traffic without the proposed project
- Opening year (Year 2019) cumulative traffic plus proposed project traffic

According to the City's guidelines, Level of Service (LOS) D is the minimum acceptable LOS for its arterial roadway system and roadway facilities operating at LOS E or F are considered deficient. Per these guidelines, a significant traffic impact occurs when the intersections or roadway projected to operate at LOS D or better without the project would exceed LOS D with the project. A significant traffic impact would also occur if the project results in an increase of 0.01 or more in the volume-to-capacity (V/C) ratio at a location that is projected to operate at LOS E or F without the project.

The Orange County CMP definition of deficiency is based on maintaining a LOS standard of LOS E or better, except where an existing LOS F was identified in a prior CMP. However, intersection with existing LOS F may not increase by more than 0.1 above the baseline Intersection Capacity Utilization (ICU) value.

In the event that an intersection is operating at or is forecast to operate at a deficient LOS, the City's guidelines, as well as the CMP guidelines, have defined a series of steps to be completed to determine the project's contribution to the deficiency of intersections. The steps are as follows:

- Determine the mitigation measures necessary to achieve an acceptable service level.
- Calculate the project's share in the future traffic volume projections for the peak hours.
- Estimate the cost to implement recommended mitigation measures.
- Calculate the project's fair-share contribution to offset the project's traffic impacts.

Existing Plus Project Traffic Conditions

Table 18 summarizes the peak hour LOS results at the ten key study intersections for existing plus project traffic conditions. The first column (1) of Highway Capacity Method (HCM)/LOS values in Table 19 presents a summary of existing AM and PM peak hour traffic conditions while the second column (2) lists plus project traffic conditions. The third column (3) indicates whether traffic associated with the project would have significant impacts based on the LOS standards and significant impact criteria defined by the City of Garden Grove and Orange County.

Table 18 Existing Plus Project Peak Hour Intersection Capacity Analysis

Key Intersection	(1) Existing Traffic Conditions			(2) Existing Plus Project Traffic Conditions		(3) Significant Impact	
	AM/PM	V/C	LOS	V/C	LOS	V/C Increase	Yes/No
Magnolia Street at Chapman Avenue	AM	0.723	C	0.725	C	0.002	No
	PM	0.765	C	0.766	C	0.001	No
Lampson Avenue	AM	0.614	B	0.615	B	0.001	No
	PM	0.658	B	0.661	B	0.003	No
Garden Grove Boulevard	AM	0.565	A	0.567	A	0.002	No
	PM	0.811	D	0.823	D	0.012	No
Trask Avenue	AM	0.754	C	0.754	C	0	No
	PM	0.698	B	0.698	B	0	No
Gilbert Street at: Garden Grove Boulevard	AM	0.486	A	0.489	A	0.003	No
	PM	0.593	A	0.595	A	0.002	No
SR-22 Freeway WB Ramps at: Trask Avenue	AM	0.618	B	0.626	B	0.008	No
	PM	0.570	A	0.579	A	0.009	No
Brookhurst Street at: Chapman Avenue	AM	0.686	B	0.689	B	0.003	No
	PM	0.774	C	0.779	C	0.005	No
Lampson Avenue	AM	0.588	A	0.589	A	0.001	No
	PM	0.657	B	0.659	B	0.002	No
Garden Grove Boulevard	AM	0.669	B	0.677	B	0.008	No
	PM	0.789	C	0.799	C	0.01	No
Trask Avenue	AM	0.695	B	0.699	B	0.004	No
	PM	0.810	D	0.813	D	0.003	No

Source: Kunzman 2017

Traffic associated with the proposed project would not have a significant impact at any of the 10 key study intersections, when compared to the LOS standards and significant impact criteria. As shown in the TIA (Appendix E) LOS would not change for any of the study intersections and all V/C increases would be equal to or less than 0.012 (as shown in Column 3 of Table 18). All study intersections are forecast to operate at LOS D or better during the weekday AM and PM peak hours with the addition of project traffic.

Cumulative Plus Project Traffic Conditions

Table 19 summarizes the weekday AM peak hour and PM peak Level of Service results at the 10 key study intersections for the proposed project operational year 2019. As stated in the TIA, Operational Year (2019) traffic volumes have been calculated based on a 1.0 percent annual growth rate of existing traffic volumes over a two-year period (See Appendix E). All intersections are forecast to operate at acceptable levels of service in Year 2019 Cumulative Without Project Traffic Conditions and Year 2019 Cumulative Plus Project Traffic Conditions as they would continue to operate at LOS D or better during the AM peak hour and/or PM peak hours with the addition of ambient traffic growth and cumulative project traffic.

Traffic associated with the proposed project would not have a significant impact at any of the 10 key study intersections when compared to the LOS standards and significant impact criteria. The proposed project is not expected to add greater than 0.015 to the volume-to-capacity ratio at any of the intersections and all key study intersections are forecast to operate at LOS D or better during the weekday AM and PM peak hours with the addition of project traffic. Therefore, increases in volume-to-capacity ratio generated by the proposed project would be less than significant based on the City's LOS standards and impact criteria.

Although the proposed project would generate a greater amount of residents, it would have fewer associated daily vehicle trips with reduced commercial space compared to the previously approved project. Though the previously approved project would involve development of 334 fewer residences, it would generate approximately 3,805 trips more than the proposed project with development of 114,588 square feet more commercial use. Table 20 compares the daily trip generation associated with each project.

The 2005 MND determined that vehicle trips generated by the previously approved project would not generate significant impacts at any of the study intersections within the project area as it would not cause LOS at any intersection to drop below LOS D. Further, the previously approved project would involve implementation of driveway mitigation measures to reduce potential impacts from increased vehicle trips and traffic congestion to a less than significant level. Because the proposed project would generate nearly 3,805 fewer vehicle trips than the previously approved project, impacts to local traffic conditions would not be greater than those of the previously approved project and would be less than significant.

LESS THAN SIGNIFICANT IMPACT

Table 19 Year 2019 Cumulative Traffic Impacts

Key Intersection	(1) Existing Traffic Conditions			(2) Year 2019 Cumulative Traffic Conditions		(3) Year 2019 Cumulative Plus Project Traffic Conditions		(3) Significant Impact	
	AM/PM	V/C	LOS	V/C	LOS	V/C	LOS	V/C Increase ¹	Yes/ No
Magnolia Street at:									
Chapman Avenue	AM	0.723	C	0.741	C	0.743	C	0.002	No
	PM	0.765	C	0.791	C	0.793	C	0.002	No
Lampson Avenue	AM	0.614	B	0.632	B	0.633	B	0.001	No
	PM	0.658	B	0.684	B	0.687	B	0.003	No
Garden Grove Boulevard	AM	0.565	A	0.583	A	0.585	A	0.002	No
	PM	0.811	D	0.855	D	0.867	D	0.012	No
Trask Avenue	AM	0.754	C	0.774	C	0.774	C	0	No
	PM	0.698	B	0.718	C	0.718	C	0	No
Gilbert Street at:									
Garden Grove Boulevard	AM	0.486	A	0.502	A	0.505	A	0.003	No
	PM	0.593	A	0.618	B	0.621	B	0.003	No
SR-22 Freeway WB Ramps Street at:									
Trask Avenue	AM	0.618	B	0.680	B	0.673	B	0 ²	No
	PM	0.570	A	0.618	B	0.624	B	0.006	No
Brookhurst Street at:									
Chapman Avenue	AM	0.686	B	0.716	C	0.717	C	0.001	No
	PM	0.774	C	0.815	D	0.819	D	0.004	No
Lampson Avenue	AM	0.588	A	0.600	B	0.601	B	0.001	No
	PM	0.657	B	0.678	B	0.680	B	0.002	No
Garden Grove Boulevard	AM	0.669	B	0.713	C	0.719	C	0.006	No
	PM	0.789	C	0.853	D	0.863	D	0.01	No
Trask Avenue	AM	0.695	B	0.730	C	0.734	C	0.004	No
	PM	0.810	D	0.848	D	0.8	D	0.005	No

Source: Kunzman 2017

¹ V/C Increase refers to difference between column (3) and column (2).

² traffic conditions during this peak hour would be improved as the V/C ratio would decrease.

Table 20 Trip Generation Summary Comparison

ITE Land Use Code / Project Description	Quantity	Units	AM Peak Hour			PM Peak Hour			Daily
			Enter	Exit	Total	Enter	Exit	Total	
Previously Approved									
Condominium/Townhouse (Previous ITE 7 th Edition)	66	DU	5	24	29	23	11	34	387
Specialty Retail (Previous ITE 7 th Edition)	126.588	TSF	80	50	130	228	245	473	5,433
Total Trips – Previously Approved Traffic Study			85	74	159	251	256	507	5,820
Proposed									
Senior Adult Housing-Attached	400	DU	28	52	80	57	47	104	1,480
Specialty Retail	12,000	TSF	10	6	16	24	24	28	535
Total Trips – Proposed			38	58	96	81	71	152	2,015
Trip Difference (Previously Approved – Proposed)			-47	-16	-63	-170	-185	-355	-3,805
Source: <i>Trip Generation, 10th Edition</i> , Institute of Transportation Engineers, (ITE) [Washington, D.C. (2017)]. Kunzman 2017 (see Appendix E).									

- 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?*

Based on the Orange County CMP, a project needs a traffic impact analysis to determine the significance level of potential impacts if it generates more than 200 daily trips (See Appendix E of the TIA). According to the project's peak hour trips shown in Table 17 the proposed project would generate 2,015 daily trips, which exceed the 200 daily trip threshold for the project area. In conformance with the City's study guidelines and Orange County CMP requirements, AM peak hour and PM peak hour operating conditions were evaluated on the 10 key study intersections for conditions including Existing Plus Project Traffic and Year 2019 Cumulative Plus Project Traffic to determine if the volume of daily trips generated by the proposed project would significantly impact traffic conditions during those periods. As stated under item a above, all 10 of the key study intersections are forecast to operate at an acceptable LOS D or higher under both Existing Plus Project and Year 2019 Cumulative Plus Project conditions. Further, the proposed project is expected to at most result in a volume-to-capacity ratio of 0.015 at any of the intersections and, therefore, all increases in volume-to-capacity ratios would be less than significant based on the City's LOS standards and impact criteria and would be consistent with the Orange County CMP. Impacts would be less than significant.

Because the proposed project would include less commercial development than the previously approved project, it would generate fewer vehicle trips associated with project operation. The 2005 MND determined that because the 5,820 vehicle trips generated by the previously approved project would not cause any of the study intersections to operate below an acceptable LOS D, impacts to traffic congestion conditions would be less than significant. Because the proposed project would generate approximately 3,800 fewer vehicle trips than the previously approved project, impacts would not be greater than those under the previously approved project and would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- 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?*

As discussed in Section 8, *Hazards and Hazardous Materials*, and Section 12, *Noise*, because the project site is located approximately seven miles northeast from the nearest airport (Fullerton Airport) at this distance the project would not present any impediments to air traffic, and would not affect air traffic patterns. Therefore, no impact would occur.

The previously approved project would be on the same site as the proposed project; therefore, similar to the proposed project, no impact to air traffic patterns would occur.

NO IMPACT

- d. *Would the project substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use (e.g., farm equipment)?*

The proposed project would include primary access from Garden Grove Boulevard via a driveway at the northeast corner of the project site. The planned Brookhurst Place residential development directly north of the project site across Garden Grove Boulevard includes construction of a driveway directly opposite the proposed project driveway. New vehicle traffic from this driveway could generate cumulative traffic impacts when combined with new vehicle traffic from the proposed driveway. Therefore, a Traffic Signal Warrant Analysis was conducted for the unsignalized intersection of the

proposed project driveway at Garden Grove Boulevard using the California Department of Transportation Warrant 3 Peak Hour traffic signal warrant analysis as specified in the California Manual of Uniform Traffic Control Devices (November 2014). The analysis determined that a traffic signal is warranted at this intersection under Year 2019 Cumulative Plus Project Traffic conditions. Therefore, absent a traffic signal at this location, traffic safety issues could arise as drivers attempt to enter and exit both project driveways, which would be a significant impact unless mitigation is incorporated. Implementation of mitigation measure TRAF-1 would require installation of a traffic signal at the project site driveway and, in result, would reduce potential traffic safety issues to a less than significant level.

The proposed project would abide by local and regional requirements regarding site access features, such as on-site parking and driveway sight distance. Specifically, as provided in the TIA, the applicant will submit plans to the City of Garden Grove Planning Services Division to provide compliance with the following recommended roadway improvements:

- Site-specific circulation and access recommendations as depicted in Figure 29 of the Traffic Study (Appendix E)
- Sufficient on-site parking shall be provided to meet City of Garden Grove parking code requirements.
- On-site traffic signing and striping shall be implemented in conjunction with detailed construction plans for the project. Circulation within the project site should allow relatively free flow of vehicular traffic with no constrictions.
- Sight distance at project accesses shall comply with standard California Department of Transportation and City of Garden Grove sight distance standards. The final grading, landscaping, and street improvement plans shall demonstrate that sight distance standards are met. Such plans must be reviewed by the City and previously approved as consistent with this measure prior to issue of grading permits.

Although the proposed project would not be expected to have design features that would potentially cause traffic hazards, adherence to City regulations for site access would ensure that potential impacts would be less than significant.

The 2005 MND determined that conditions of approval would be required for site access hazards under the previously approved project to be reduced to a less than significant level. Specifically, the previously approved project would require construction of a traffic signal at the intersection of Garden Grove Boulevard and the main project entrance, a raised median on Garden Grove Boulevard to extend the left turn pocket to provide access to the main project entrance, relocation of the left pocket in front of the site to the west to allow for left turns into the proposed west side driveway, and implementation of a signal timing coordination plan along Garden Grove Boulevard. The proposed project would generate substantially fewer vehicle trips than the previously approved project. In result, the TIA determined that the proposed project would only require one of the same mitigation measures as the previously approved project, specifically installation of a traffic signal at the project site driveway through implementation of mitigation measure TRAF-1. No further mitigation would be necessary. Therefore, the proposed project would not generate greater impacts than the previously approved project and impacts would be less than significant.

Mitigation Measure

TRAF-1 Traffic Signal. A traffic signal shall be installed at the intersection of the proposed project driveway at Garden Grove Boulevard at the northeast corner of the project site prior to building occupancy to reduce potential traffic safety issues for drivers attempting to enter

and exit the driveway of the proposed project and the driveway of the proposed Brookhurst Place Residential development on the opposite side of Garden Grove Boulevard.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

e. Would the project result in inadequate emergency access?

A turning analysis was completed for the proposed project driveways to ensure the fire department would have acceptable access to and from the project site. In the vicinity of the project site, Garden Grove Boulevard is a six lane divided roadway with no on-street parking allowed. Garden Grove Boulevard Street is currently posted for 40 miles per hour. The turning template analysis has been based upon the parameters within the California Department of Transportation (Caltrans), Highway Design Manual, 2008 and American Association of State Highway and Transportation Offices (AASHTO), A Policy on Geometric Design of Highways and Streets, 2004. As provided in the TIA, the turning template analysis demonstrates adequate on-site circulation for expected fire department vehicles (see Appendix E of the TIA in Appendix E).

In addition, the proposed project would not result in inadequate emergency access because it would be subject to review by the Garden Grove Fire Department for the site plans, site construction, and the actual structures prior to occupancy to ensure that required fire protection safety features, including building sprinklers and emergency access, are implemented. Further, because the closest GGFD fire station is approximately 1.1 miles south of the site, firefighters would be able to quickly access the site if emergency conditions associated with senior housing occur, and, as discussed under item a, traffic generated by the proposed project would not substantially impact existing or future circulation conditions that would affect the ability of emergency vehicles to access the site. However, during the construction period, the circulation recommendations provided in the TIA and identified mitigation measures should be implemented to provide adequate vehicle access and circulation in and around the project site, which include installation of a stop sign and a traffic signal at the project driveway. Further, prior to the start of construction, the applicant shall submit a construction traffic plan to the City of Garden Grove Planning Services Division adhering to the standards set forth in the California Manual of Uniform Traffic Control Devices (2012) and applicable local ordinances. Overall, implementation of the circulation and construction traffic recommendations and project review by the City fire department would reduce potential impacts to a less than significant level.

Compared to the previously approved project, the proposed project would involve similar construction activities that could impact emergency access, but would have reduced impacts related to project operation. The 2005 MND determined that with approval of the City Police Department regarding building design plans that include increased floor height and elevator space to accommodate access for emergency vehicles and services, there would be no impacts to emergency access under the previously approved project. The proposed project would have the same design plans for emergency vehicle and services access and would generate considerably fewer vehicle trips and associated traffic that could potentially affect emergency access to the site. Therefore, impacts to emergency access would not be greater than the previously approved project and would be less than significant.

LESS THAN SIGNIFICANT IMPACT

f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?

Existing pedestrian facilities are shown in Figure 10 of the TIA (Appendix E). Pedestrian circulation would be provided via existing public sidewalks along Garden Grove Boulevard and Brookhurst Street to the

east of the site. The existing sidewalk system in the project vicinity provides direct connectivity to the existing residential and commercial development in the surrounding area. The nearest bus stop to the project site is located in front of the Ramada Inn approximately 50 feet west of the eastern boundary of the site, which is within walking distance, and is served by the Route 56 bus line. This route provides transit access to regional shopping malls, St. Joseph's Hospital, and the Orange Transportation Center, which provides connections to other bus routes and Metrolink trains that provide greater access to the rest of the city. As shown in Table 18 and **Error! Reference source not found.**, the traffic generated by the proposed project is not expected to adversely affect existing or forecasted traffic conditions that would cause a decrease in LOS below the acceptable LOS D threshold. A majority of the intersections would retain the same LOS under both analyzed scenarios. In result, traffic generated by the proposed project would not be expected to affect pedestrian facilities, including public transit bus schedules, in the surrounding area, or affect the level of pedestrian safety of local sidewalks and crosswalks. Therefore, the proposed project would not conflict with adopted policies, plans, or programs regarding public transit, bikeways, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities. Impacts would be less than significant.

The proposed project would be located at the same site as the previously approved project, and therefore would have similar levels of accessibility regarding pedestrian, bicycle, and public transit access. The 2005 MND determined that the previously approved project would not impact pedestrian or bicyclist facilities or alternative transportation during project operation, and only temporary impacts to pedestrians or bicyclists could occur during project construction. However, implementation of a traffic safety plan would ensure pedestrian and bicyclist safety during construction activities. Because construction and operational activities under the proposed project would be similar to the previously approved project, and the proposed project would include a construction traffic plan to avoid potential impacts to pedestrian, bicyclist, and transit facilities impacts to plans or programs related to use of these facilities would not be greater than those under the previously approved project and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

17 Tribal Cultural Resources

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in a 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. 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), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. 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 2024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

As of July 1, 2015, California Assembly Bill 52 of 2014 (AB 52) was enacted and expands CEQA by defining a new resource category, "tribal cultural resources." AB 52 establishes that "A project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment" (PRC Section 21084.2). It further states that the lead agency shall establish measures to avoid impacts that would alter the significant characteristics of a tribal cultural resource, when feasible (PRC Section 21084.3).

PRC Section 21074 (a)(1)(A) and (B) defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" and is:

1. 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), 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. In applying these criteria, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also establishes a formal consultation process for California tribes regarding those resources. Under AB 52, lead agencies are required to "begin consultation with a California Native American tribe

that is traditionally and culturally affiliated with the geographic area of the proposed project.” Native American tribes to be included in the process are those that have requested notice of projects proposed within the jurisdiction of the lead agency.

- a. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 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)?*
- b. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 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 2024.1?*

The following response applies to (a) and (b).

The steel framework and underlying building foundation of the previously approved project remain on the existing project site. The site had also been previously developed with vacant buildings remnant from a closed car dealership. As such, the ground underlying the project site has been heavily disturbed. In addition, as discussed in Section 5, *Cultural Resources*, the project site is not known to have any historical or cultural resources that would be impacted by construction of the proposed project. No major excavation, grading, or other ground-disturbing activities are expected to occur for the proposed project and no tribal cultural resources are expected to be uncovered.

The Gabrieleno Band of Mission Indians – Kizh Nation requested consultation with the City in regards to the proposed project and potential impacts to tribal cultural resources from ground disturbance activities. Although no major ground disturbance would occur, minor excavation activities may be needed to install additional structural and foundational support for the proposed building. Such activities could impact unanticipated tribal cultural resources and would require mitigation. With implementation of TCR-1, impacts to tribal resources would be less than significant.

When construction of the previously approved project began, AB 52 had not yet been enacted and the issue of tribal cultural resources was not specifically addressed under CEQA. Therefore, the 2005 MND did not specifically address these issues. As excavation and grading of the site have already occurred, impacts to tribal cultural resources are not anticipated for the proposed project. Further, if tribal cultural resources are discovered, mitigation measure TCR-1 would reduce potential impacts to be less than significant.

Mitigation Measures

TCR-1 Native American Monitoring. The principal archaeologist identified by the City shall retain representatives of Gabrieleno heritage to perform Native American monitoring of all ground disturbance. If multiple tribal groups request to participate in monitoring, a rotation shall be established and the archaeologist shall be responsible to ensure work is distributed as equitably as possible. If prehistoric cultural resources are recovered, all tribal groups participating in the monitoring shall have input in regard to treatment and all materials will be reburied on site at a location deep enough not to be disturbed in the future. Native American monitoring shall cease if bedrock or loose sediments that can be demonstrated to be more than 10,000 years old are encountered.

LESS THAN SIGNIFICANT IMPACT

18 Utilities and Service Systems

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a. *Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*
- b. *Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*
- e. *Would the project 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?*

The following response applies to (a), (b), and (e).

The Garden Grove Sanitary District (GGSD) provides sewer service in the City. The City's wastewater system consists of over 312 miles of gravity sewer pipes, which collect wastewater from the service area and convey it to the Orange County Sanitation District's (OCSD) trunk sewers. The trunk sewers further convey the wastewater to OCSD's two treatment facilities in Fountain Valley and Huntington Beach. OCSD's Plant No. 1 in Fountain Valley has a capacity of 320 million gallons per day (MGD) and Plant No. 2 in Huntington Beach has a capacity of 312 MGD (City of Garden Grove 2016). As such, these facilities have a combined treatment capacity of 632 MGD of wastewater. These facilities currently treat approximately 200 MGD of wastewater (OCWD 2017).

Wastewater generated by the proposed project would be treated by the OCSD. Generally, a sewer system experiences between 65 and 85 percent return rates of water use to the sewer, depending on the land uses being serviced and the amount of outdoor water use (VWD 2010). As shown in **Error! Reference source not found.**, conservatively assuming that generated wastewater is approximately 80 percent of total water demand, the proposed project would generate approximately 96,438 gallons per day of wastewater, or approximately 0.02 percent of OCSD's daily combined treatment capacity. Therefore, wastewater flow associated with the proposed project would not result in exceedance of OCSD's wastewater conveyance or treatment capacity and new or expanded wastewater treatment facilities would not be needed. The project would connect to the existing sewer system and the applicant would be responsible for any improvements needed to make this connection. Because sewer lines are under existing streets, upgrades could involve temporary disruption of the street. However, as discussed in *Hazards and Hazardous Materials*, construction activities would be coordinated with the fire and police departments to ensure that alternative circulation routes are implemented as needed to prevent impacts to traffic circulation and emergency access. Therefore, sewer improvements would not result in any long-term environmental impacts.

Table 21 Wastewater Generation Comparison

Project	Annual Water Demand (Mgal) ¹	Estimated Daily Water Demand (gpd)	Wastewater Generation	Estimated Amount (gpd)
Proposed	44.0	120,547	80% of Daily Water Demand	96,438
Previously Approved	21.9	60,000	80% of Daily Water Demand	48,000

¹ Mgal to gpd conversion: Mgal/365 = gpd
Notes: Mgal = million gallons, gpd = gallons per day
Source: CalEEMod, see Appendix B

The proposed project would generate approximately twice as much wastewater as the previously approved project. Specifically, the proposed project would generate an estimated net increase of 48,438

gallons per day of wastewater in comparison to the previously approved project, or approximately 0.008% of OCSD's daily combined treatment capacity, as shown in **Error! Reference source not found.** The 2005 MND determined that the previously approved project would have no impact to wastewater treatment facilities since existing infrastructure was adequate to meet the demands of the City, including those generated by the project. Despite the increase in wastewater generation, wastewater generated by the proposed project would also not exceed the capacity of existing wastewater infrastructure and would not generate greater impacts than the previously approved project. Impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- 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??*

As discussed in Section 9, *Hydrology and Water Quality*, the proposed project would be required to comply with NPDES requirements, which would ensure reduction of non-storm water discharges during operation and implementation of a SWPPP for project construction activities. Under the conditions of the permit, the SWPPP identifies BMPs that control surface runoff, erosion, and sedimentation. In addition, per Section 9.18.120.020 of the GGMC, all irrigation systems for mixed-use projects are required to avoid runoff, low-head drainage, overspray or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures (Garden Grove 2017a).

Further, according to the WQMP prepared by Huitt-Zollars, Inc., the proposed project would be able to use the City's existing stormwater drainage facilities to handle on-site flows from storm events. All roof drainage would be collected and conveyed via down drains to two sump pits located in the ground level garage. All surface drainage at ground level would then pass through infiltration inserts before being directed to the sump pits where the drainage flows will be discharged to the street from sump pumps through force mains. As there are no existing storm drain systems in the immediate vicinity of the project, all site drainage would be conveyed to Garden Grove Boulevard through parkway drains where stormwater flows are conveyed downstream to the west. Existing catch basins would then intercept these flows. The WQMP estimates the Design Capture Volume of stormwater for the entire site to be approximately 20,683 cubic feet per year, and the existing storm drain system maintained by the City would be able to sufficiently handle this flow. In addition, the proposed project would be required to comply with the requirements and measures provided in the WQMP that would ensure that drainage from the project site would not substantially affect existing City facilities. The complete WQMP is provided in Appendix C.

Overall, the proposed project would comply with the required measures of the NPDES permit and the existing drainage infrastructure has the capacity to accommodate the stormwater flows from the project site. Therefore, potential stormwater impacts would be less than significant.

The amount of impervious surfaces on the project site would be the same for the proposed project as for the previously approved project since the building footprint would be similar. As a result, stormwater flows from the project site would be expected to be similar between the two projects. The 2005 MND determined that the previously approved project would not have an impact on storm water drainage facilities since the City's existing drainage facilities are adequate to meet the demands of the area, including those generated by the previously approved project. As the proposed project would have

similar stormwater flows, impacts would not be substantially greater than those of the previously approved project and would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- d. *Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

The City of Garden Grove relies on a combination of imported water and local groundwater to meet its water needs. The City works with three primary agencies, the Metropolitan Water District (MWD), Municipal Water District of Orange County (MWDOC), and Orange County Water District (OCWD) to ensure a safe and reliable water supply that would continue to serve the community in periods of drought and shortage. Sources of imported water supplies include the Colorado River Aqueduct (CRA) and the State Water Project (SWP) provided by MWD and delivered through MWDOC. The City's main source of water supply is groundwater from the Lower Santa Ana River Groundwater Basin, also known as the OC Basin. Currently, the City relies on approximately 70 percent groundwater and 30 percent imported and the water supply mix is projected to remain roughly the same by 2040 (Garden Grove 2016).

As shown in **Error! Reference source not found.**, the proposed project would demand an estimated 120,547 gallons per day (gpd) of water, or 135 acre-feet per year (AFY).^{3, 4} According to the City's 2015 UWMP, the City's 2015 water demand was approximately 24,049 AFY. The City's future water demand and supply projections are provided in Table 22. The City estimates that water supplies will be sufficient to meet all demand through the year 2040 during normal, single dry year, and multiple dry year hydrologic conditions, and forecasts an approximate 2,000 AFY increase in water demand and supply over the next 20 years. The proposed project's water demand would constitute approximately 6.8 percent of the projected demand and therefore would be within the City's forecasted citywide supplies. No new or expanded entitlements for additional water provision would be needed, and the proposed project would not result in a substantial physical deterioration of public water facilities. Therefore, impacts to water supplies would be less than significant.

³ One gpd = $4.4 \times 10^{-8} \text{ m}^3/\text{s}$; 1 AFY = $3.9 \times 10^{-5} \text{ m}^3/\text{s}$; Conversion: $120,547 \text{ gpd} / 10^{-8} \text{ m}^3/\text{s} \times 3.9 \times 10^{-5} \text{ m}^3/\text{s} / 1 \text{ AFY}$. Source: Kylesconverter.com

⁴ Water consumption estimates based on CalEEMod results. CalEEMod uses total residential indoor and outdoor water use rates taken from Table ES-1 of the Pacific Institute "Waste Not Want Not" report. Values were divided by the total number of occupied households in California in the year 2000 to give water demand per dwelling unit. The report assumes that these water use values are representative of all residential dwelling unit types (single-family, apartment, condo, etc.).

Table 22 Garden Grove Water Supply in Normal, Single Dry and Multiple Dry Years (Acre-Feet)

	2020	2025	2030	2035	2040
Normal Year					
Supply Totals	24,078	25,847	26,024	26,07	26,055
Demand Totals	24,078	25,847	26,024	26,07	26,055
Single Dry Year					
Supply Totals	25,523	27,398	27,585	27,578	27,618
Demand Totals	25,523	27,398	27,585	27,578	27,618
Multiple Dry Year					
Supply Totals	25,523	27,398	27,585	27,578	27,618
Demand Totals	25,523	27,398	27,585	27,578	27,618

Source: Tables 3-6, 307, and 3-8, "Table 13, "Supply and Demand Assessment" of the 2016 Urban Water Management Plan (Garden Grove 2016).

As shown in Table 22, the water demand for the proposed project would be nearly twice that of the previously approved project. This would be due to the larger population increase resulting from the increase in residential units constructed by the proposed project. Nevertheless, as discussed above, project demand would be within the City's forecast supplies, therefore the proposed project would not generate substantially greater impacts than the proposed project and impacts on water distribution facilities would be less than significant.

LESS THAN SIGNIFICANT IMPACT

- f. *Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?*
- g. *Would the project comply with federal, state, and local statutes and regulations related to solid waste?*

The following response applies to (f) and (g).

The GGSD administers solid waste collection and disposal services through a private contract with Republic Services (Garden Grove 2017c). Waste generated and hauled from the project site would be disposed of at the Olinda Landfill, which is permitted to accept a maximum of 8,000 tons per day of solid waste. The average disposal rate at Olinda Landfill is 7,000 tons per day of solid waste; therefore, the landfill has an available average capacity of 1,000 tons per day (County of Orange 2016).

As shown in **Error! Reference source not found.**, the proposed project would generate approximately 198 tons of solid waste per year, or 0.54 tons per day. This would constitute about 0.1 percent of the currently available average capacity of the Olinda Landfill (1,000 tons). The proposed project's solid waste generation would be within the Olinda Landfill's capacity. In addition, the project would participate in local solid waste reduction, reuse, and recycling programs, which aim to divert about 50

percent of solid waste generated in the City from landfills in accordance with AB 939. Therefore, the project's impact would be less than significant.

Table 23 Solid Waste Generation Comparison

Land Use	Area (SF)	Dwelling Units	Solid Waste Generation	
			Tons per Year ¹	Tons per Day
Previously Approved Project				
Residential	--	66	30.4	0.083
Commercial	96,894	--	131.3	0.36
Previously approved Project Subtotal			161.7	0.44
Proposed Project				
Residential	--	400	184	0.50
Commercial	12,938	--	13.7	0.038
Proposed Project Subtotal			197.7	0.54
Net Increase in Solid Waste under the Proposed Project (tons per year)			36	
Net Increase in Solid Waste under the Proposed Project (tons per day)			0.1	

¹ Waste generation estimated by CalEEMod using annual waste disposal rates from the California Department of Resources Recycling and Recovery (CalRecycle) data for individual land uses. If waste disposal information was not available, waste generation data was used. CalEEMod uses the overall California Waste Stream composition to generate the necessary types of different waste disposed into landfills.

Source: CalEEMod, see Appendix B.

Error! Reference source not found. compares waste generation of the proposed project to that of the previously approved project. Because the proposed project would increase in solid waste disposal demand by approximately 0.1 tons per day, the project would generally require the same use of the currently available capacity at the Olinda Landfill (0.1 percent). The 2005 MND determined that the previously approved project would have no impact caused by the project's solid waste disposal needs since it would comply with applicable waste collection regulations. Therefore, the proposed project's solid waste solid waste impact would not be substantially greater than that of the previously approved project and impacts would be less than significant.

LESS THAN SIGNIFICANT IMPACT

19 Mandatory Findings of Significance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Does the project:				
a. Have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a. *Does the project have the potential to substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, 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?*

As discussed in Section 4, *Biological Resources*, Section 5, *Cultural Resources*, and Section 17, *Tribal Cultural Resources*, no impact to biological or cultural resources would occur under development of the proposed project.

NO IMPACT

- 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)?*

As described in the discussion of environmental checklist Sections 1 through 17, the proposed project would have no impact, a less than significant impact, or a less than significant impact with mitigation incorporated, with respect to all environmental issues. Cumulative impacts of several resource areas have been addressed in the individual resource sections above: Air Quality, Greenhouse Gases, Noise, and Transportation/Traffic (see CEQA Guidelines Section 15064(h)(3)). CalEEMod was utilized to assess the air quality and greenhouse gas impacts resulting from the proposed project, concluding that the impacts associated with these two issues were less than significant. Within the South Coast Air Basin, SCAMD considers projects that exceed the project-specific significance thresholds for emissions to have cumulatively considerable impacts. Although the proposed project would result in an increase in temporary and long-term daily operational emissions compared to current unoccupied conditions, emissions would not exceed SCAQMD operational or construction thresholds or LSTs, and would be consistent with the AQMP. Therefore, the proposed project's contribution to cumulative impacts to air quality and greenhouse gases would not be cumulatively considerable.

In addition, both noise and traffic studies conducted as part of this Initial Study considered cumulative increases in traffic and concluded that cumulative impacts would be less than significant. Although the Brookhurst Triangle apartments are currently under construction and are within proximity to the project site, construction of this development is expected to be completed by the start of construction of the previously approved project and there would be no anticipated cumulative impacts with regard to traffic or noise generated from concurrent construction schedules. Certain resource areas (e.g., agricultural and mineral) were determined to have no impact in comparison to existing conditions. Therefore, the project would not contribute to cumulative impacts related to these issues. Other issues (e.g., geology and hazards and hazardous materials) are by their nature project-specific and impacts at one location do not add to impacts at other locations or create additive impacts. As such, cumulative impacts would be less than significant (not cumulatively considerable).

LESS THAN SIGNIFICANT IMPACT

- c. *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?*

In general, impacts to human beings are associated with air quality, hazards and hazardous materials, and noise impacts. As detailed in Section 1, *Air Quality*; Section 8, *Hazards and Hazardous Materials*; and Section 12; *Noise*, the proposed project would not result, either directly or indirectly, in significant effects related to air quality, hazardous materials, or noise. Compliance with applicable rules and regulations and recommended mitigation measures would reduce potential impacts on human beings to a less than significant level.

LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

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List of Preparers

Rincon Consultants, Inc. prepared this IS-MND under contract to the City of Garden Grove. Persons involved in data gathering analysis, project management, and quality control are listed below.

RINCON CONSULTANTS, INC.

Joe Power, Principal-in-Charge

Susanne Huerta, Project Manager

Alex Campbell, Associate Planner

Jenny Pezda, Associate Environmental Planner

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Appendix A

2005 Mitigated Negative Declaration

Appendix B

CalEEMod Results

Appendix C

Water Quality Management Plan

Appendix D

Noise Measurement Data

Appendix E

Traffic Study

RESOLUTION NO. 5915

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-048-2018 FOR PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF BROOKHURST STREET AT 10080 GARDEN GROVE BOULEVARD AND 9860 LARSON AVENUE, PARCEL NUMBERS 098-070-72 AND 098-070-73, RESPECTIVELY.

WHEREAS, the City of Garden Grove has received an application to repurpose an existing 8-story, unfinished steel structure (prior Galleria, "Project" site) located at 10080 Garden Grove Boulevard (APN 098-070-72) for a 394-unit affordable senior housing project with 12,938 square feet of commercial space and to increase the developable site area by 2 acres, located at 9860 Larson Avenue (APN 098-070-73), to allow for the desired density of the Project. The land use actions requested to implement the Project include: (1) General Plan Amendment No. GPA-001-2018 to change the land use designation of the 3.09-acre site from Residential/Commercial Mixed Use 1 to Community Residential and to change the designation of the 2-acre portion of the parcel to the south from Parks and Open Space to Community Residential; (2) Planned Unit Development No. PUD-008-2018 to create PUD zoning for the Project site currently zoned Garden Grove Mixed Use 1 and the 2-acre Garden Grove Boys & Girls Club (GGBGC) site currently zoned Parks/Open Space; (3) Site Plan No. SP-048-2018 to allow the construction of the Project by reusing and modifying the existing steel structure and parking structure and building an 8-story 394-unit affordable senior housing project with 12,938 square feet of commercial retail space along the Garden Grove Boulevard frontage and a 3-story parking structure; (4) Pursuant to the State Density Bonus Law for affordable housing projects, approval of three waivers from the Municipal Code development standards: a) to construct residential units that are less than the minimum required size; b) to reduce the amount of useable open space and provide 27% of the required space; c) to allow for some compact spaces in the required residential parking (16% compact, 0 permitted); and,

WHEREAS, the proposed project was originally proposed and considered in 2005 (previously approved project). Pursuant to the California Environmental Quality, Public Resources Code Section 21000 et seq. and California Code of Regulations, Title 14, Sections 15000 et seq. ("CEQA"), the City adopted a subsequent Mitigated Negative Declaration ("MND") and approved the project in 2005. A Notice of Determination was filed and posted on May 20, 2005. In 2017, modifications were proposed to the 2005 project ("proposed project"). Pursuant to Public Resources Code Section 21166 and California Code of Regulations, Title 14, Section 15162, the City prepared a subsequent initial study (The Galleria Mixed-Use Project Initial Study-Mitigated Negative Declaration) to analyze the proposed project's environmental effects. The subsequent initial study concluded that all of the proposed project's environmental impacts could be reduced to a less than significant level. On this basis, the subsequent initial study concluded that a subsequent MND was appropriate; and

WHEREAS, pursuant to Resolution No. 5914-18, adopted March 15, 2018, the findings and reasons of which are incorporated into this Resolution by reference, the Planning Commission has recommended that the City Council adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project and approve General Plan Amendment No. GPA-001-2018 and Planned Unit Development No. PUD-008-2018.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session on March 15, 2018, does hereby approve Site Plan No. SP-048-2018, subject to the adoption of a subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project by the Garden Grove City Council and, the adoption and effectiveness of a Resolution approving General Plan Amendment No. GPA-001-2018, and an Ordinance approving Planned Unit Development No. PUD-008-2018 by the Garden Grove City Council, in substantially the same form as recommended by the Planning Commission pursuant to Resolution No. 5914-18.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-048-2018, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by AMG & Associates, LLC.
2. The applicant requests to amend the General Plan Land Use designation by changing the current designation of the project site (Residential/Commercial Mixed Use 1) and a 2-acre portion of the neighboring Garden Grove Boys & Girls Club (GGBGC) property (Parks and Open Space) to Community Residential, rezoning the combined site to Planned Unit Development for a mix of uses including senior housing, retail commercial, semi-public recreation and open space, and Site Plan approval to construct 394 affordable senior housing units and 12,938 square feet of commercial retail space with three concessions allowable by State Density Bonus law.
3. The Community Development Department has prepared a subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project, that concludes that (a) the proposed project will not have a significant adverse effect on the environment provided that certain mitigation measures identified in the initial study are incorporated into the project; (b) the subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program was prepared and circulated in accordance with applicable law, including CEQA and CEQA's implementing guidelines.
4. The two properties included in the proposed project, have General Plan Land Use designations of Residential/Commercial Mixed Use 1 (prior Galleria) and Parks and Open Space (GGBGC), and are zoned Garden Grove Mixed Use 1 (GGMU1) and Open Space (O-S). Provided General Plan Amendment No. GPA-001-2018

and Planned Unit Development No. PUD-008-2018 are approved by the City Council, both properties will have a General Plan Land Use designation of Community Residential and will be zoned Planned Unit Development (PUD). The Community Residential designation, coupled with the State Density Bonus law allowable percentage increase in density, will allow for the 394 units. The total project area is 5.09 acres comprised of the 3.09 project site that is developed with the 8-story steel structure and a 2 acre portion of the larger 6.92 acre parcel which includes the Garden Grove Boys & Girls Club and Kiwanisland.

5. The 2-acre portion of the GGBGC/Kiwanisland property will be tied to the Project site through a "Declaration of Covenants and Restrictions for the Transfer of Development Rights".
6. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject properties have been reviewed.
7. Report submitted by City staff was reviewed.
8. Pursuant to a legal notice, a public hearing was held on March 15, 2018, and all interested persons were given an opportunity to be heard.
9. The Planning Commission gave due and careful consideration to the matter during its meeting of March 15, 2018, and considered all oral and written testimony presented regarding the project, the initial study, and the subsequent Mitigated Negative Declaration.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.24.030, Land Use Actions, are as follows:

FACTS:

The project site (prior Galleria) has an existing 8-story, unfinished steel structure that will be modified and reused into a 394-unit affordable senior housing project with 12,938 square feet of commercial retail space.

The project site consists of one parcel of land with an area of 3.09 acres of land (APN 098-070-72) and a 2-acre portion of larger parcel abutting to the south, with an area of 6.92 acres (APN 098-070-73). Both properties are owned by the Emlen W. Hoag Foundation.

The two-acre portion of the lot to the south includes the Garden Grove Boys & Girls Club building and parking lots.

Approval of the Site Plan, in conjunction with General Plan Amendment No. GPA-001-2018, and Planned Unit Development No. PUD-008-2018 would facilitate the development of the 394-unit affordable senior housing units and 12,938 square feet of commercial retail space on the ground floor.

The Site Plan No. SP-048-2018 is being processed in conjunction with General Plan Amendment No. GPA-001-2018 and Planned Unit Development No. PUD-008-2018.

The property is located in the area of the intersection of Brookhurst Street and Garden Grove Boulevard. This area is in the Mixed Use General Plan Land Use designations and zoning with the intent of focusing growth on under-utilized commercial corridors, preserving older residential neighborhoods, and providing development opportunities to commercial property owners. The Brookhurst Triangle development site is across the street to the north and its first phase of multi-family residential construction is almost complete. The Ramada Plaza Hotel is adjacent to the west of the Project site and the Festival Plaza, a two-story commercial center, is to the east. The parking lot for the Garden Grove Boys & Girls Club abuts the Project site to the south, with the Boys & Girls Club building, Kiwanisland, and a baseball playing field further to the south and southwest.

The project has been designed to use the existing steel structure that was constructed under different zoning standards, to employ the provisions of the State Density Bonus law (additional density and reduced parking), and to comply where possible with the current development standards of the Municipal Code for multi-family residential and commercial development. Because the proposal is an affordable housing project, the applicant is also requesting three concessions from the Municipal Code standards as allowed per the State's Affordable Housing law: 1) to construct residential units that are less than the minimum required size; 2) to reduce the amount of useable open space and provide 27% of the required space; 3) to allow for some compact spaces in the required residential parking (16% compact, 0 permitted).

FINDINGS AND REASONS:

Site Plan:

1. The Site Plan complies with the spirit and intent of the provisions, conditions and requirements of the Municipal Code and other applicable ordinances.

The associated General Plan Amendment which will allow the increased density of the project is internally consistent with the goals and objectives of the City's adopted General Plan. The Residential/Commercial Mixed Use 1 zone intends for vibrant, urban-scale districts with higher residential densities and taller, more urban mixed use buildings. Senior housing is called out as an appropriate use in the Residential/Commercial Mixed Use 1. Amending the General Plan land

use designation to Community Residential, will facilitate the construction of senior housing and the development of affordable housing as encouraged by the General Plan Housing Element.

The proposed development will provide a unique mix of uses that are in keeping with the site constraints and the intent of the Garden Grove Mixed Use zoning. In particular, the project will meet the intent for this area of Garden Grove Boulevard by providing an urban-scale, fully integrated commercial and residential mixed-use development, which provides some commercial uses along the street frontage to encourage a more vibrant, pedestrian oriented streetscape. The uses included in the Planned Unit Development (PUD) for the property at 10080 Garden Grove Boulevard will be senior housing (multiple-family residential) apartments and retail commercial uses. On the 9860 Larson Avenue site, the uses will insure the continued operation of the Garden Grove Boys & Girls Club (open space, semi-public recreation facility, private club or lodge).

Approval and effectiveness of the proposed Site Plan is contingent upon City Council approval of General Plan Amendment (GPA-001-2018) and Planned Unit Development No. PUD-008-2018.

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 project was designed to meet the parking requirements for affordable senior housing units (.5 parking space per senior housing unit, requires 197 spaces) and retail commercial units (1 space for 200 square feet, requires 65 spaces) and provide 36 additional spaces with 11 being designated for residential guests.

Vehicular access is provided by one main access driveway for the public, and a secondary driveway that is for trash pick-ups, loading, and emergency services.

A Traffic Impact Analysis was prepared that evaluated the impact of the project on the surrounding street system and included a review of ten key intersections. Traffic associated with the proposed project would not adversely affect the traffic circulation. All study intersections are forecast to operate at Level of Service D (LOS D) or better during the weekday A.M. and P.M. peak hours with the addition of project traffic. City of Garden Grove guidelines require LOS D as the minimum acceptable LOS for the City of Garden Grove arterial roadway system. With the addition of the project, the intersections will continue to operate within the anticipated scope as analyzed in the General

Plan EIR (LOS D). The impacts were found to be insignificant at all study intersections. Therefore the project will not adversely affect traffic circulation.

To minimize concerns regarding traffic operations and safety at the site access points, specific mitigation measures have been incorporated into the conditions of approval. The mitigations include a traffic signal at the intersection of Garden Grove Boulevard and the main project entrance, changes to the median and existing left-turn pockets, and a signal-timing coordination plan.

The City's Traffic Engineering section has reviewed the proposed project and the Traffic Impact Analysis and provided appropriate conditions of approval to minimize any impacts to surrounding streets.

3. The development, as proposed, will not adversely affect essential public facilities such as streets and alleys, utilities, and drainage channels.

The Public Works Department has reviewed the plans, and a required Sewer Flow Study, to provide appropriate conditions of approval. The proposed development will provide landscaping, proper grading, and Site Design Best Management Practices to provide adequate on-site drainage. All appropriate conditions of approval and mitigation measures have been included, which will minimize any adverse impacts to surrounding streets, utilities, and drainage channels.

4. The development does have a reasonable degree of physical, functional, and visual compatibility with neighboring uses and desirable neighborhood characteristics.

The development does provide a reasonable degree of physical, functional and visual compatibility with the neighborhood, in part, because the building is designed to have a lower mass that corresponds in height (approximately 45 feet) to the neighboring Ramada Plaza Hotel. The senior housing apartments on the upper floors (6th, 7th, and 8th) are set back from the outer edges of the lower building mass. In this way, the architectural detailing of the building ties into the neighboring development and minimizes the overall height of the building. Also, the commercial storefronts along the Garden Grove Boulevard frontage provide compatibility with the neighboring commercial center and other similar developments in the nearby area. The project provides frontage that is consistent with the commercial development along an urbanized corridor and a building that is visually interesting.

5. 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 has been designed to be urban in character with a pedestrian plaza that includes landscaping along the Garden Grove frontage. The buildings will be modern in design and provide a residential setting for seniors close to commercial shopping at the Festival Plaza to the east and other nearby commercial developments. The project will be part of a node of taller, more urban development that is shared with the Brookhurst Triangle development immediately across Garden Grove Boulevard to the north. To facilitate the development of senior housing at the proposed density, the applicant has requested a concession to provide only a portion (27%) of the open space required for 394 units. The open space provided is of several types including two courtyards, a large community room off the first floor central courtyard, two smaller community rooms, four recreation decks, and 37 private balconies on the front units of the 3rd, 4th, 5th, and 6th floors. The applicant has proposed a partnership with the Garden Grove Boys & Girls Club to provide activities for seniors through Intergenerational Programming. This programming is a way to fulfill the intent of "open space" requirements where limited open space is provided. The project is designed to be a modern, attractive building providing affordable housing for seniors.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030 (Site Plan).
2. In order to mitigate any environmental impacts and to fulfill the purpose and intent of the Municipal Code, thereby, promoting the health, safety, and general welfare, the following conditions of approval, attached as Exhibit "A", shall apply to Site Plan No. SP-048-2018.

Adopted this 15th day of March 2018

ATTEST:

/s/ GEORGE BRIETIGAM
CHAIR

/s/ JUDITH MOORE
RECORDING SECRETARY

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on March 15, 2018, by the following vote:

/s/ JUDITH MOORE
RECORDING SECRETARY

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is April 5, 2018.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING – MITIGATED NEGATIVE DECLARATION, PLANNED UNIT DEVELOPMENT NO. PUD-008-2018, GENERAL PLAN AMENDMENT NO. GPA-001-2018, SITE PLAN NO. SP-048-2018. FOR PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, WEST OF BROOKHURST STREET AT 10080 GARDEN GROVE BOULEVARD.

Applicant: AMG & ASSOCIATES, LLC

Date: March 15, 2018

Request: To repurpose an existing 8-Story, unfinished, steel structure to a 400-unit senior housing project by amending the General Plan Land Use designation from Residential/Commercial Mixed Use 1 to Community Residential to increase the residential density from 42 dwelling units per acre to 60 dwelling units per acre specifically for senior housing; to rezone the site from Garden Grove Boulevard Mixed Use 1 (GGMU1) to Planned Unit Development (PUD) to implement the new General Plan designation; and Site Plan review for the proposed senior housing project which includes additional building mass and an increase in developable site area to 5.09 acres from 3.09 acres. The Developer is also requesting a density bonus of 35% under the State Density Bonus allowance and three concessions: a reduction in unit size from minimum requirements; a reduction in the required overall open space; and an increase in the number of allowable compact spaces. The site is in the GGMU1 (Garden Grove Boulevard Mixed Use 1) zone.

The Planning Commission will also consider adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the modified project.

Action: Public Hearing held. Speaker(s): Alexis Gevorgian, Maureen Blackmun, Bill Grant, Josh McIntosh. One letter of support was submitted by Cindy Spindle of the Garden Grove Chamber of Commerce.

Action: Resolution Nos. 5914-18 (PUD/GPA) and 5915-18 (SP) were approved.

Motion: Kanzler Second: Truong

Ayes: (7) Brietigam, Kanzler, Lazenby, Lehman, Nguyen, Salazar, Truong

Noes: (0) None

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING GENERAL PLAN AMENDMENT NO. GPA-001-2018, CHANGING THE GENERAL PLAN LAND USE DESIGNATION TO COMMUNITY RESIDENTIAL ON TWO PARCELS: ONE PARCEL WITH A LAND USE DESIGNATION OF RESIDENTIAL/COMMERCIAL MIXED USE 1, LOCATED AT 10080 GARDEN GROVE BOULEVARD, ASSESSOR'S PARCEL NO. 098-070-72; AND A PORTION OF A SECOND PARCEL WITH A LAND USE DESIGNATION OF PARKS AND OPEN SPACE LOCATED AT 9860 LARSON AVENUE, ASSESSOR'S PARCEL NO. 098-070-73

WHEREAS, the City of Garden Grove has received an application from AMG & Associates, LLC., to repurpose an existing 8-story, unfinished steel structure (prior "Galleria" project) located at 10080 Garden Grove Boulevard (APN 098-070-72) for a 394-unit affordable senior housing project with 12,938 square feet of commercial space, and to increase the developable site area by 2 acres, located at 9860 Larson Avenue (APN 098-070-73), to allow for the desired density of the "Project" and a General Plan Amendment No. GPA-001-2018 to change the land use designation of the 3.09-acre site from Residential/Commercial Mixed Use 1 to Community Residential and to change the designation of the 2-acre portion of the parcel to the south from Parks and Open Space to Community Residential to facilitate the development of the 394 affordable senior housing units and 12,938 square feet of commercial retail space (the "Project");

WHEREAS, General Plan Amendment No. GPA-001-2018 is being processed in conjunction with Planned Unit Development No. PUD-008-2018, and Site Plan No. SP-048-2018;

WHEREAS, following a Public Hearing held on March 15, 2018, the Planning Commission of the City of Garden Grove recommended approval of General Plan Amendment No. GPA-001-2018 pursuant to Resolution No. 5914-18;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on April 24, 2018, and all interested persons were given an opportunity to be heard;

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of April 24, 2018; and

WHEREAS, the City Council approved Resolution No. _____ during its meeting on April 24, 2018, adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for the Project pursuant to the California Environmental Quality Act, California Public Resources Section 21000 et seq. ("CEQA") and CEQA's implementing guidelines, California Code of Regulations, Title 14, Sections 15000 et seq.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
HEREBY RESOLVES, DETERMINES, AND FINDS AS FOLLOWS:

SECTION 1. City Council Resolution No. _____ adopting a Mitigated
Negative Declaration and Mitigation Monitoring Program for the Project is incorporated by
reference as if set forth fully herein.

SECTION 2. The City Council of the City of Garden Grove hereby finds and
determines, as follows:

- A. The General Plan Amendment is internally consistent with the goals and objectives of all elements of the City's adopted General Plan. The original "Galleria" project was deemed to be consistent with the General Plan as it fulfilled such goals as "a balanced, prosperous and attractive corridor of land use fronting Garden Grove Boulevard" and the policy to "improve the economic viability of the corridor by emphasizing appropriate development of large, vacant, properties". The existing steel structure was constructed for a mixed-use project with commercial uses along Garden Grove Boulevard and residential units above.

The current General Plan was adopted in 2008 and Mixed Use designations were an important change to Garden Grove's land use pattern. The project site was included in the new Residential/Commercial Mixed Use 1 land use designation (R/CMU1), which provided for mixed-use projects with residential densities up to 42 dwelling units per acre and commercial development of 0.5 FAR. These General Plan Mixed Use land use designations were intended to focus growth on under-utilized commercial corridors, preserve older residential neighborhoods from increased densities, and provide commercial property owners additional development opportunities to incentivize redeveloping their properties. The project site was able to accommodate proposals with higher residential density with the new Residential/Commercial Mixed Use 1 designation. The R/CMU1 includes the statement "senior housing should be allowed in this designation with density bonuses" in the "Desired Character and Uses" section.

The Garden Grove General Plan 2030 has, and continues to include, a Land Use designation, Community Residential, which is expressly for senior housing, convalescent homes, congregate housing and institutional quarters, and allows the highest density of up to 60 dwelling units per acre. The General Plan anticipates this designation shall be applied to parcels to facilitate the development of senior housing and similar uses. This designation has been applied to other sites for senior housing development such as 12761 Garden Grove Boulevard and 12232 Chapman Avenue, the Chapman Care Center nursing home. With the addition of two (2) acres to the project site, the density of 60 dwelling units per acre and the State

Density Bonus allowance of a 35% increase in density for affordable projects, the applicant was able to reach the unit count of 394.

The project includes commercial uses along the Garden Grove Boulevard frontage and is in an area with commercial shopping centers immediately abutting to the east and nearby. The proposed use is consistent with such General Plan policies as:

- Policy LU-1.2 Encourage modern residences in areas designated as Mixed Use.
- Policy LU-1.4 Encourage active and inviting pedestrian-friendly street environments that include a variety of uses within commercial and mixed use areas.
- 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.

The project is also consistent with the goals of the General Plan Housing Element to encourage development of affordable housing to meet the City's regional housing needs and to provide housing for people of all economic levels. Policy 2.4 of the Housing Element encourages collaborative partnerships to maximize resources available for the provision of housing affordable to lower-income households. Program 4 of the Housing Element encourages the development of affordable senior housing. The proposed General Plan Amendment will fulfill the goals of the General Plan Housing Element by providing 394 additional affordable senior housing units.

- B. The General Plan Amendment will promote the public interest, health, safety, and welfare by changing the General Plan to facilitate the construction of the affordable senior housing project with 394 units and 12,938 square feet of commercial floor area. The project promotes the public welfare by fulfilling the goals and policies of the General Plan and providing additional affordable housing opportunities for seniors. The General Plan Amendment facilitates the construction of the project, which has been reviewed and conditioned by all City Departments to maintain and promote health, safety, and welfare.
- C. The parcel for which an amendment of the General Plan land use map is sought is physically suitable for the proposed land use designation of Community Residential. The one parcel, and the portion of the second parcel included in the General Plan Amendment, are both owned by the Emlen W. Hoag Foundation. By providing additional lot area in the form of a "Transfer of Development Rights" for the 2-acre portion, the project density can be increased and the site can be developed for 394 affordable senior housing units. The development of the site, with a finished building will benefit the property owner and their mission to support the Boys & Girls Club of Garden Grove. The Boys & Girls Club building and uses on the 2-acre portion shall remain and new intergenerational programming shall be provided between the youth and seniors.

The subject parcel was approved for an 8-story building and the steel structure was constructed at that height. The existing structure can accommodate the proposal for senior housing. The site is served and accessible from Garden Grove Boulevard. The project is required to provide a new traffic signal, median modifications, and coordination of traffic on Garden Grove Boulevard, which will create safe ingress and egress to the proposed development. The surrounding uses include a commercial shopping center to the east, a hotel to the west, and a mixed-use residential and commercial development (Brookhurst Triangle) across Garden Grove Boulevard to the north. The proposed mixed-use development will be compatible with the surrounding uses described and consistent with the goals and policies of the General Plan to construct higher density residential mixed-use projects in such areas.

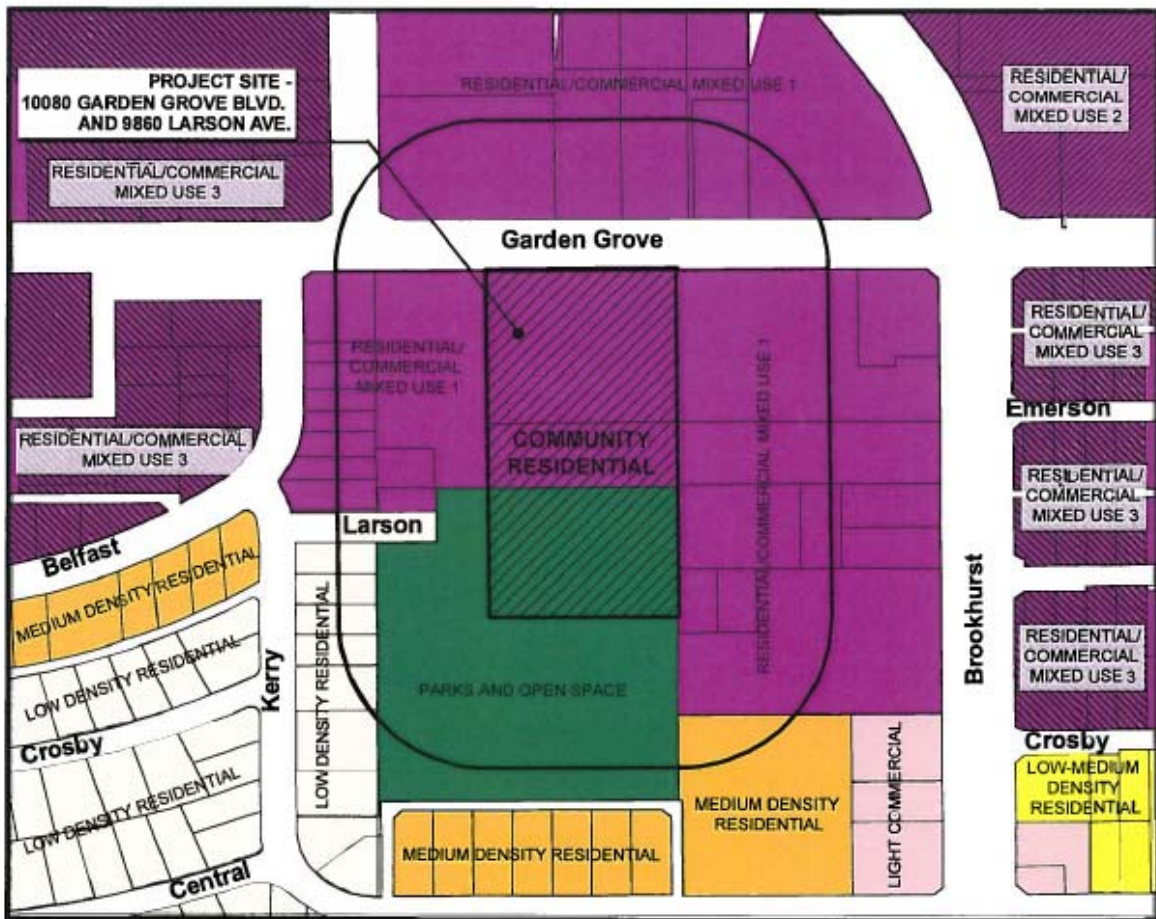
SECTION 3. The facts and reasons stated in Planning Commission Resolution No. 5914-18 recommending approval of GPA-001-2018, a copy of which is on file in the office of the City Clerk, is incorporated herein by reference with the same force and effect as if set forth in full herein.

SECTION 4. General Plan Amendment No. GPA-001-2018 is hereby approved.

SECTION 5. The land use designation of the property shown on the attached map is changed from Residential/Commercial Mixed Use 1 and Parks/Open Space to Community Residential. The General Plan map is amended accordingly.



GENERAL PLAN AMENDMENT NO. GPA-001-2018
PLANNED UNIT DEVELOPMENT NO. PUD-008-2018
SITE PLAN NO. SP-048-2018



LEGEND

- SUBJECT SITES - 10080 GARDEN GROVE BLVD. AND 9860 LARSON AVE.
 300 FEET RADIUS

NOTES

1. SITE ADDRESSES - 10080 GARDEN GROVE BLVD. AND 9860 LARSON AVE.
2. GENERAL PLAN: RESIDENTIAL/COMMERCIAL MIXED USE 1 AND PARKS AND OPEN SPACE TO COMMUNITY RESIDENTIAL

0 125 250 500 750 1,000 Feet



CITY OF GARDEN GROVE
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM
MARCH 2018

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-008-2018 BY CHANGING THE
ZONING DESIGNATION FROM GGMU1 (GARDEN GROVE MIXED USE 1) AND O-S (OPEN
SPACE) TO PLANNED UNIT DEVELOPMENT NO. PUD-008-2018

City Attorney Summary

This Ordinance approves a Planned Unit Development and corresponding amendment to the City's Zone Map with respect to an approximately 5.09 acre parcel located on the south side of Garden Grove Boulevard, west of Brookhurst Street at 10080 Garden Grove Boulevard and the property adjacent to the south at 9860 Larson Avenue, Assessor's Parcel Nos. 098-070-72 and 098-070-73, to change the zoning designation from GGMU1 (Garden Grove Boulevard Mixed Use 1) and O-S (Open Space) to Planned Unit Development No. PUD-008-2018, in order to facilitate the repurposing of an existing 8-story, unfinished steel structure into a 394-unit affordable senior housing project with 12,938 square feet of commercial retail space.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES
AS FOLLOWS:

WHEREAS, the City of Garden Grove has received an application from AMG & Associates, LLC., for approval to rezone the project site of 5.09 acres to Planned Unit Development, for the parcel at 10080 Garden Grove Boulevard (Assessor's Parcel No. 098-070-72) from GGMU1 (Garden Grove Boulevard Mixed Use 1) and the parcel at 9860 Larson Avenue (Assessor's Parcel No. 098-070-73) from O-S (Open Space), to facilitate the development of a 394-unit affordable senior housing project with 12,938 square feet of commercial retail space (the "Project");

WHEREAS, the Planned Unit Development No. PUD-008-2018 is being processed in conjunction with General Plan Amendment No. GPA-001-2018 to change the General Plan Land Use designations from Residential/Commercial Mixed Use 1 (prior Galleria, "Project" site) and Parks/Open Space (2-acre portion of Garden Grove Boys & Girls Club site) to Community Residential to increase the residential density from 42 dwelling units per acre to 60 dwelling units per acre specifically for senior housing and Site Plan No. SP-048-2018 to approve the affordable senior housing and commercial retail space project;

WHEREAS, pursuant to Resolution No. 5914, the Planning Commission, following a Public Hearing held on March 15, 2018, recommended adoption of a subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approval of Planned Unit Development No. PUD-008-2018 and General Plan Amendment No. GPA-001-2018;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on April 24, 2018, and all interested persons were given an opportunity to be heard;

WHEREAS, the City Council approved Resolution No. _____ during its meeting on April 24, 2018, adopting a subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project pursuant to the California Environmental Quality Act, California Public Resources Section 21000 et seq. ("CEQA") and CEQA's implementing guidelines, California Code of Regulations, Title 14, Sections 15000 et seq.; and

WHEREAS, the City Council hereby makes the following findings regarding Planned Unit Development No. PUD-008-2018:

- A. The location of the units, architectural design, and proposed use are compatible with the character of existing development in the vicinity, and the project will be well-integrated into its setting.

The project is designed to be integrated with the existing developments in the area. The building is designed to have commercial storefronts on Garden Grove Boulevard. The commercial portion of the building corresponds to the height (approximately 45 feet) of the neighboring Ramada Plaza Hotel. The affordable senior housing units on the upper floors are set back from the outer edges of the commercial footprint. In this way, the architectural detailing of the building ties into the neighboring development and minimizes the overall height of the building. The project provides frontage that is consistent with the commercial development along an urbanized corridor and is visually interesting. The design of the project will ensure a reasonable degree of compatibility with adjacent uses.

- B. The plan will produce a stable and desirable environment and will not cause undue traffic congestion on surrounding streets.

The design of the project complies with the spirit and intent of the Garden Grove Municipal Code for mixed-use development. A traffic study was prepared that evaluated the impact of the project on the surrounding street system and included review of 10 key intersections. All study intersections are forecast to operate at Level of Service D (LOS D) or better during the weekday A.M. and P.M. peak hours with the addition of the proposed traffic. With the project, the intersections will continue to operate within the anticipated scope as analyzed in the General Plan EIR (LOS D). The impacts were found to be insignificant at all study intersections, and therefore, the project will not cause traffic congestion on surrounding streets.

To minimize concerns regarding traffic operations and safety at the site access points, specific mitigation measures have been incorporated into the conditions of approval. The mitigations include, a traffic signal at the intersection of Garden Grove Boulevard and the main project entrance (the easterly driveway), changes to the median and existing left-turn pockets, and a signal-timing

coordination plan. Through these mitigation measures, the increased vehicle trips and congestion will have a less than significant impact.

C. Provision is made for both public and private open spaces.

The project has been designed to be urban in character with a pedestrian plaza that includes landscaping along the Garden Grove frontage. The buildings will be modern in design and provide a residential setting for seniors close to commercial shopping at the Festival Plaza to the east and other nearby commercial developments. The project will be part of a node of taller, more urban development that is shared with the Brookhurst Triangle development immediately across Garden Grove Boulevard to the north. To facilitate the development of senior housing at the proposed density, the applicant has requested a concession to provide a portion (27%) of the open space required for 394 units. The open space provided is of several types including two courtyards, a large community room off the first floor central courtyard, two smaller community rooms, four recreation decks, and 37 private balconies on the front units of the 3rd, 4th, 5th, and 6th floors. The applicant has proposed a partnership with the Garden Grove Boys & Girls Club to provide activities for seniors through Intergenerational Programming. This programming is a way to fulfill the intent of "open space" requirements where limited open space is provided. The project is designed to be a modern, attractive building providing affordable housing for seniors.

D. Provision is made for the protection and maintenance of private areas reserved for common use.

Through the conditions of approval for the project all necessary agreements for the protection and maintenance of private areas reserved for common use will be in place prior to the start of construction and will be required to be adhered to for the life of the project.

E. The quality of the project, achieved through the Planned Unit Development zoning, is greater than could be achieved through traditional zoning.

The project is a unique mix of uses on a unique site that could only be approved by Planned Unit Development (PUD) zoning. The project will repurpose an existing steel structure that was originally constructed for the first mixed-use project approved in 2005. However, the new proposal is for an increased density of affordable senior housing units that must be approved by amending the General Plan to the Community Residential land use designation. The Community Residential designation is only implemented by PUD zoning. The PUD zoning for this site, allows for commercial tenant spaces that are consistent with the existing character of Garden Grove Boulevard and affordable senior apartments that provide the convenience of living in a more urban environment.

For this unique project, the PUD zoning also defines a portion of the site that shall remain for uses typically found in the Open Space (O-S) zone. The PUD zoning allows for a mix of residential, commercial, and open space uses in an urban, mixed-use development that is visually interesting and will be a significant, new building in the City of Garden Grove. The qualities of the project could not be achieved through traditional zoning.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds that the foregoing recitals are true and correct.

Section 2. City Council Resolution No. _____ adopting a subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project is incorporated by reference as if set forth fully herein.

Section 3. Planned Unit Development No. PUD-008-2018 is hereby approved pursuant to the facts and reasons stated in Planning Commission Resolution No. 5914, 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.

Section 4. The property shown on the map attached hereto is rezoned to Planned Unit Development No. PUD-008-2018 as shown thereon.

Section 5. The implementation provisions for Planned Unit Development No. PUD-008-2018 are found under Planning Commission Resolution No. 5915-18 for Site Plan No. SP-048-2018 and as follows:

PUD-008-2018 is intended to allow for a mix of uses on the project site. The PUD will provide base zones or specific uses that are permitted on the properties with the understanding that all such uses or expansion of uses shall meet the applicable development standards from Title 9.

The following uses allowed under the Community Residential Land Use designation shall be allowed by PUD-008-2018 on the 10080 Garden Grove Boulevard parcel (APN 098-070-72):

- Senior Housing
- Convalescent Hospitals
- Congregate Housing
- Institutional Quarters

These uses translate to the following activities in Title 9, Section 9.16.020.030 Uses allowed:

- Multiple-Family Residential
- Community Care Facility, Residential
- Residential Care Facility for the Elderly (RCFE)

- Skilled Nursing Facility

The commercial uses shall be retail sales and services for neighborhoods and the larger community and shall be allowed on the 10080 Garden Grove Boulevard (APN 098-070-72) property. The following base districts for the commercial uses are:

- C-1, Neighborhood Commercial
 - O-P, Office Professional

The Boys & Girls Club uses are those found in the Open Space zone and include "Public and Semi Public" Educational Institutions and Public Recreational Facilities. The following base district for the 9860 Larson Avenue site (a portion of APN 098-070-73) is:

- O-S, Open Space

The Open Space uses are further defined by Title 9, Section 9.16.030.050 Open Space Zone.

Landscaping, pedestrian plazas along Garden Grove Boulevard, architectural detailing, outdoor dining and similar features shall meet the requirements of the following base district:

- GGMU1, Garden Grove Mixed Use 1

In the event that a use is proposed that is not listed, an interpretation of use may be made by the Zoning Administrator or the Planning Commission.

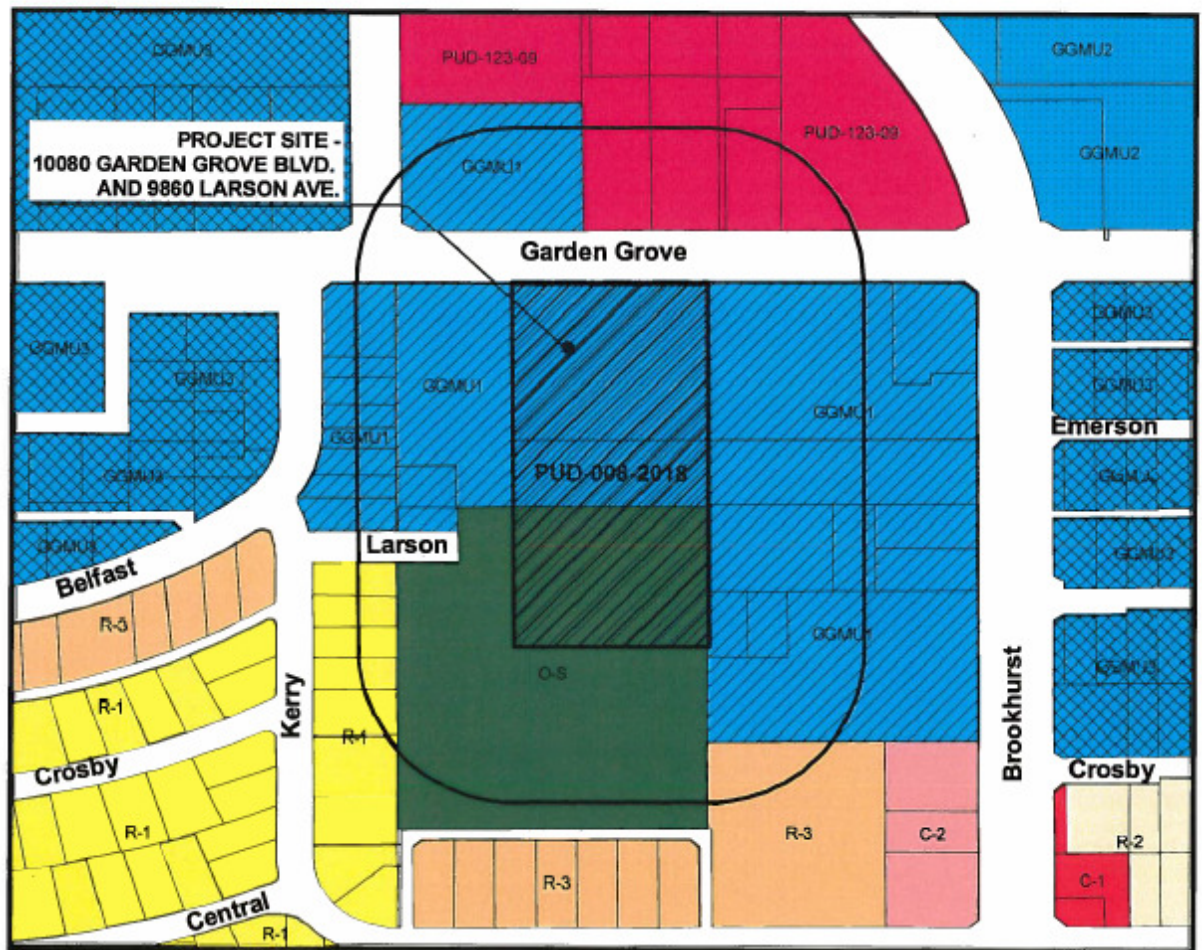
The commercial portion of the project meets the parking requirement for retail spaces at 1 space for every 200 square feet of commercial floor area, for a total of 65 required commercial parking spaces (12,938 square feet divided by 200 = 67). This number of parking spaces precludes leasing to tenants with a higher parking demand such as full-service restaurants and medical uses, and also does not take into account future use of a possible retail "mezzanine" level. Additional commercial parking spaces will need to be designated to allow for any use with a higher parking ratio or the development of commercial uses (including storage) of the mezzanine level.

Section 6. Severability. 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 7. 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.



**GENERAL PLAN AMENDMENT NO. GPA-001-2018
PLANNED UNIT DEVELOPMENT NO. PUD-008-2018
SITE PLAN NO. SP-048-2018**

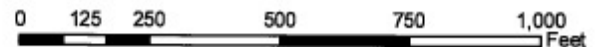


LEGEND

- SUBJECT SITES - 10080 GARDEN GROVE BLVD. AND 9860 LARSON AVE.
- 300 FEET RADIUS

NOTES

1. SITE ADDRESSES - 10080 GARDEN GROVE BLVD. AND 9860 LARSON AVE.
2. ZONING: GARDEN GROVE BOULEVARD MIXED USE 1 AND OPEN SPACE TO PUD-008-2018



**CITY OF GARDEN GROVE
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM
MARCH 2018**

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 PROGRAM FOR THE GARDEN BROOK SENIOR VILLAGE AFFORDABLE
SENIOR HOUSING PROJECT

WHEREAS, the City of Garden Grove has received an application from AMG & Associates, LLC., to repurpose an existing 8-story, unfinished steel structure (prior "Galleria" project) located at 10080 Garden Grove Boulevard (APN 098-070-72) for a 394-unit affordable senior housing project with 12,938 square feet of commercial space, and to increase the developable site area by 2 acres, located at 9860 Larson Avenue (APN 098-070-73) (the "Project");

WHEREAS, the land use actions requested to implement the Project include: (1) General Plan Amendment No. GPA-001-2018 to change the General Plan land use designations from Residential/Commercial Mixed Use 1 (prior "Galleria" project site) and Parks and Open Space (2-acre portion of Garden Grove Boys & Girls Club site) to Community Residential to increase the residential density from 42 dwelling units per acre to 60 dwelling units per acre specifically for senior housing; (2) Planned Unit Development No. PUD-008-2018 to rezone the site from Garden Grove Mixed Use 1 (GGMU1) and Open Space (OS) to Planned Unit Development to implement the Community Residential General Plan designation and the unique mix of uses; and (3) Site Plan review for the proposed affordable senior housing and commercial project, which includes changes to the massing of the building and an increase in developable site area to 5.09 acres from 3.09 acres. The developer is also requesting a density bonus of 35% under the State Density Bonus allowance and three concessions: a reduction in unit size from minimum requirements; a reduction in the required overall open space; and an increase in the number of allowable compact spaces;

WHEREAS, the proposed project was originally proposed and considered in 2005 (previously approved project). Pursuant to the California Environmental Quality, Public Resources Code Section 21000 et seq. and California Code of Regulations, Title 14, Sections 15000 et seq. ("CEQA"), the City adopted a Mitigated Negative Declaration ("MND") and approved the project in 2005. A Notice of Determination was filed and posted on May 20, 2005. In 2017, modifications were proposed to the 2005 project ("proposed project"). Pursuant to Public Resources Code Section 21166 and California Code of Regulations, Title 14, Section 15162, the City prepared a subsequent initial study (The Galleria Mixed-Use Project Initial Study-Mitigated Negative Declaration) to analyze the proposed project's environmental effects. The subsequent initial study concluded that all of the proposed project's environmental impacts could be reduced to a less than significant level. On this basis, the subsequent initial study concluded that a subsequent MND was appropriate;

WHEREAS, a Mitigation Monitoring Program has been prepared and is attached to the subsequent Mitigated Negative Declaration listing the mitigation measures to be monitored during project implementation;

WHEREAS, the Mitigated Negative Declaration and Mitigation Monitoring Program was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines;

WHEREAS, the Planning Commission of the City of Garden Grove held a duly noticed Public Hearing on March 15, 2018, and considered all oral and written testimony presented regarding the initial study, the subsequent Mitigated Negative Declaration, the Mitigation Monitoring Program, and the Project;

WHEREAS, the Planning Commission of the City of Garden Grove recommended approval of the subsequent Mitigated Negative Declaration, the Mitigation Monitoring Program, and the Project during its meeting on March 15, 2018;

WHEREAS, a duly noticed Public Hearing was held by the City Council on April 24, 2018, 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 April 24, 2018.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY RESOLVES, FINDS, AND DETERMINES as follows:

1. The City Council has considered the proposed subsequent Mitigated Negative Declaration and the Mitigation Monitoring Program, together with comments received during the public review process.
2. The City Council 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 will have a significant effect on the environment.
3. The City Council further finds that the adoption of the Mitigated Negative Declaration reflects the City Council's independent judgment and analysis.
4. Therefore, the City Council at Regular Meeting assembled on April 24, 2018, does hereby adopt the Mitigated Negative Declaration and Mitigation Monitoring Program.
5. The record of proceedings on which the City Council's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development.



* ARTIST RENDERING

Project Team

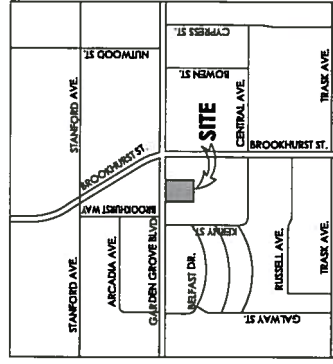
APPLICANT/OWNER:	ARCHITECT:	LANDSCAPE ARCHITECT:
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Sheet Index

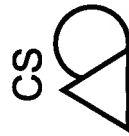
ARCHITECTURAL	LANDSCAPE
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A-2.1 CONCEPTUAL BUILDING PLAN - LEVEL 2	L-4 LANDSCAPE PLAN - LEVEL 4
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A-4.1 CONCEPTUAL UNIT PLANS	

AMG & Associates, LLC
GARDEN BROOK SENIOR VILLAGE
Garden Grove, CA.

AGENCY SUBMITTAL
GARDEN GROVE, CA.
MARCH 7, 2018



Vicinity Map
N.T.S.



JOB NO. DATE
16-372 03-07-18

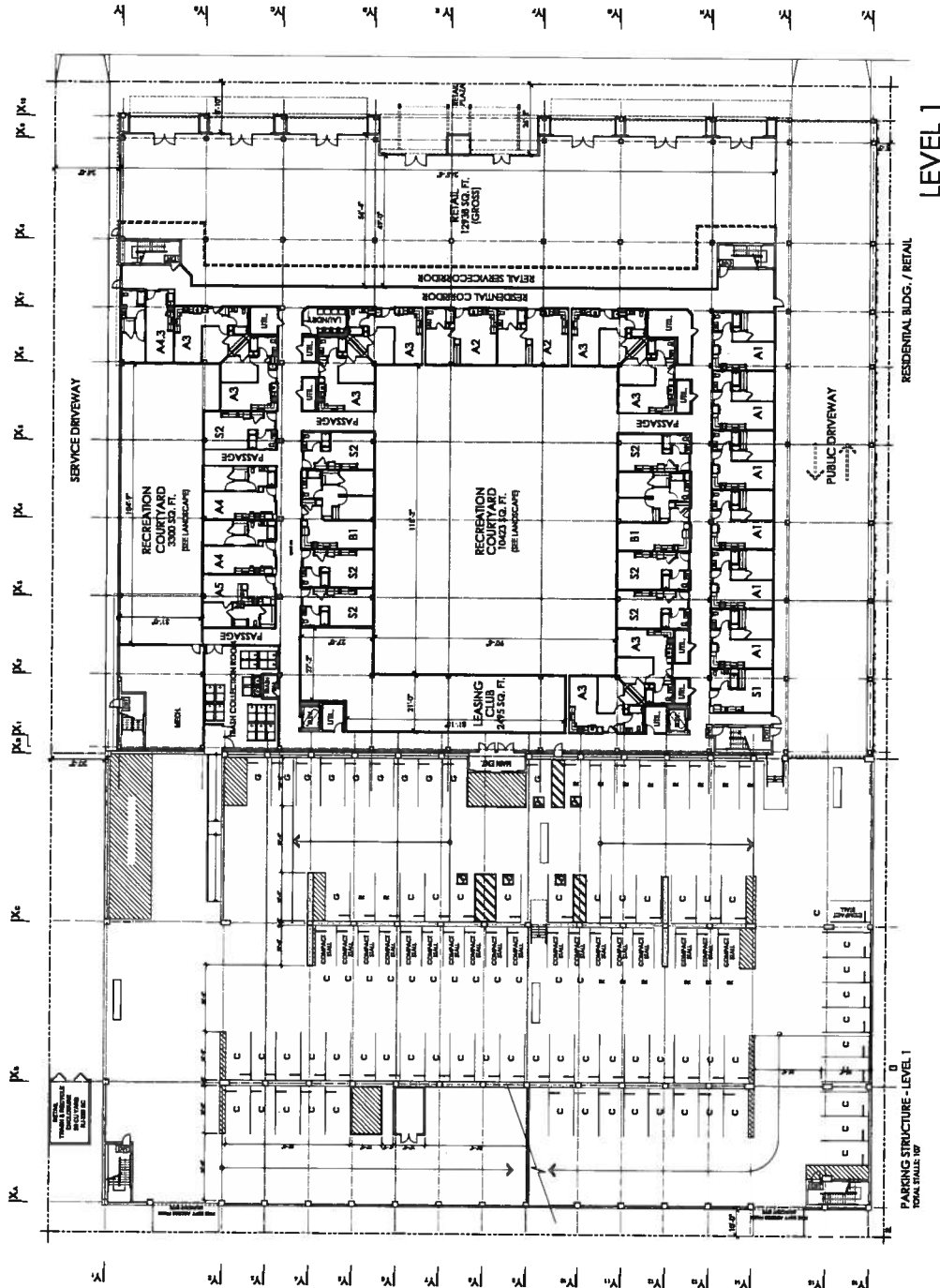
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KEY
 R = RESIDENT PARKING
 G = GUEST PARKING
 C = RETAIL PARKING
 SEE TABULATION SHEET A-1.0
 FOR PARKING CALCULATION

LEVEL 1

NOTE: REFER TO LANDSCAPE PLANS FOR MORE INFORMATION

CONCEPTUAL BUILDING PLAN



GARDEN BROOK SENIOR VILLAGE - GARDEN GROVE, CA

A-2.0

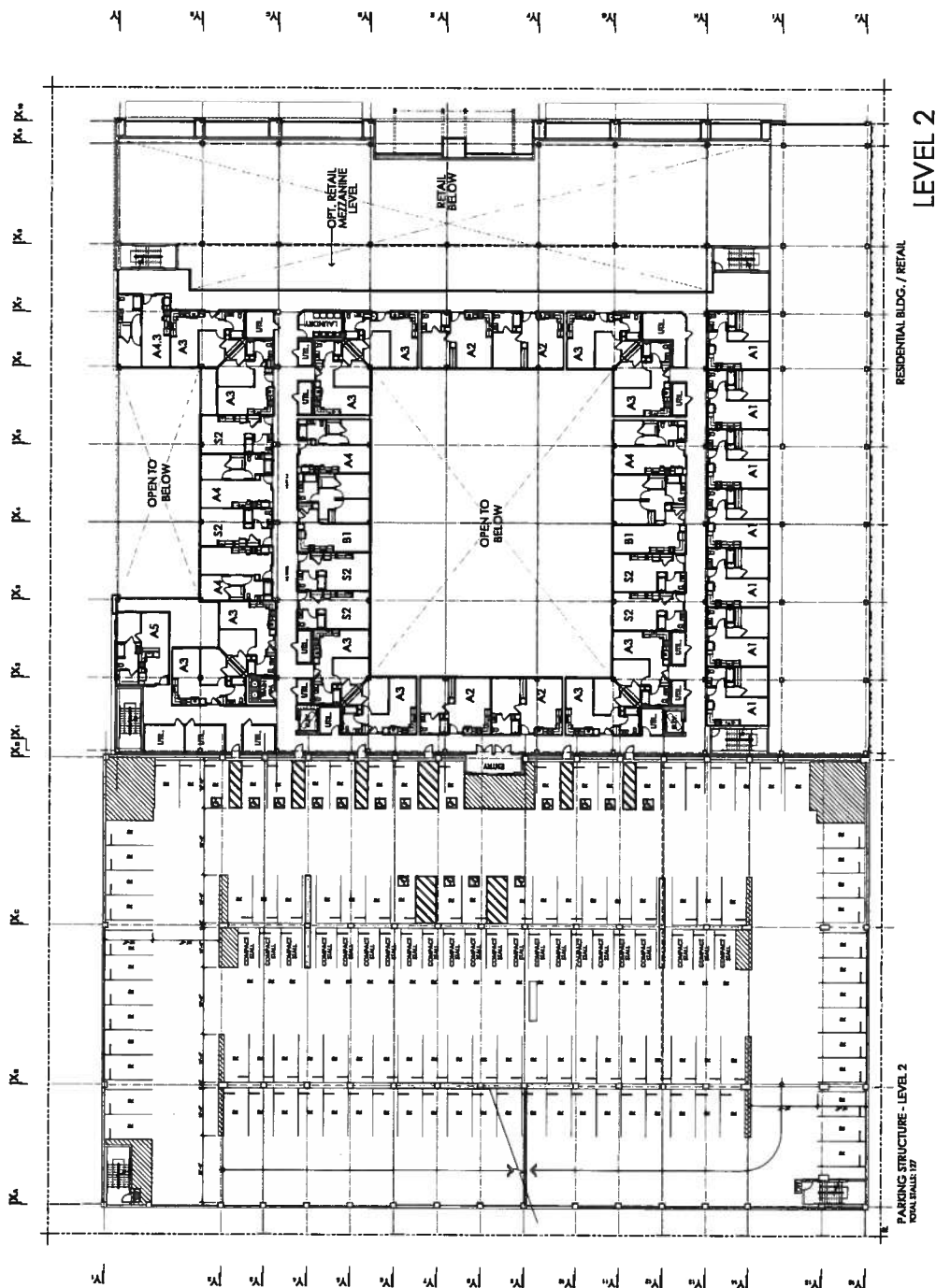


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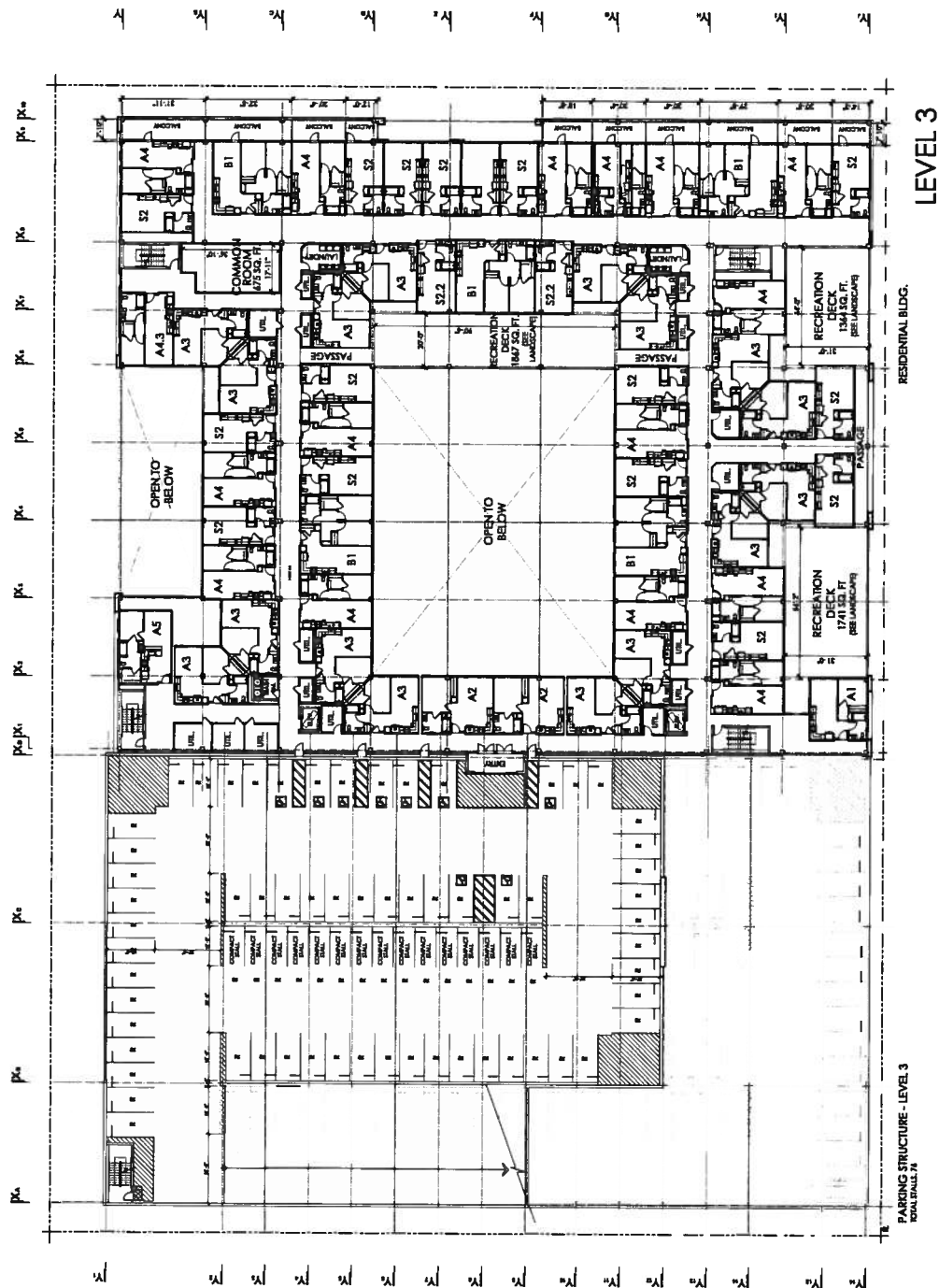


CONCEPTUAL BUILDING PLAN

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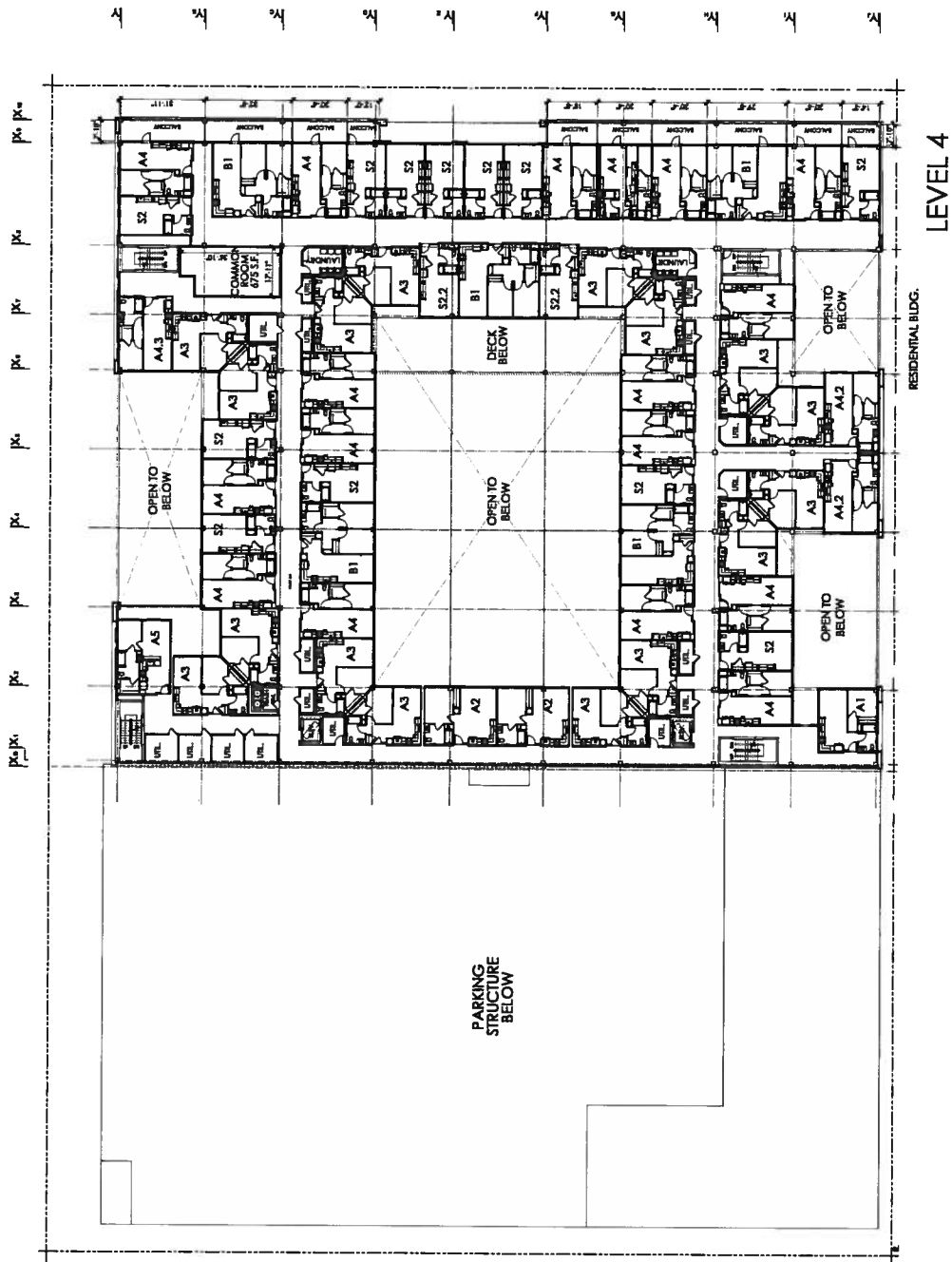


CONCEPTUAL BUILDING PLAN

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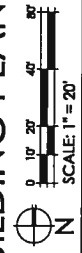
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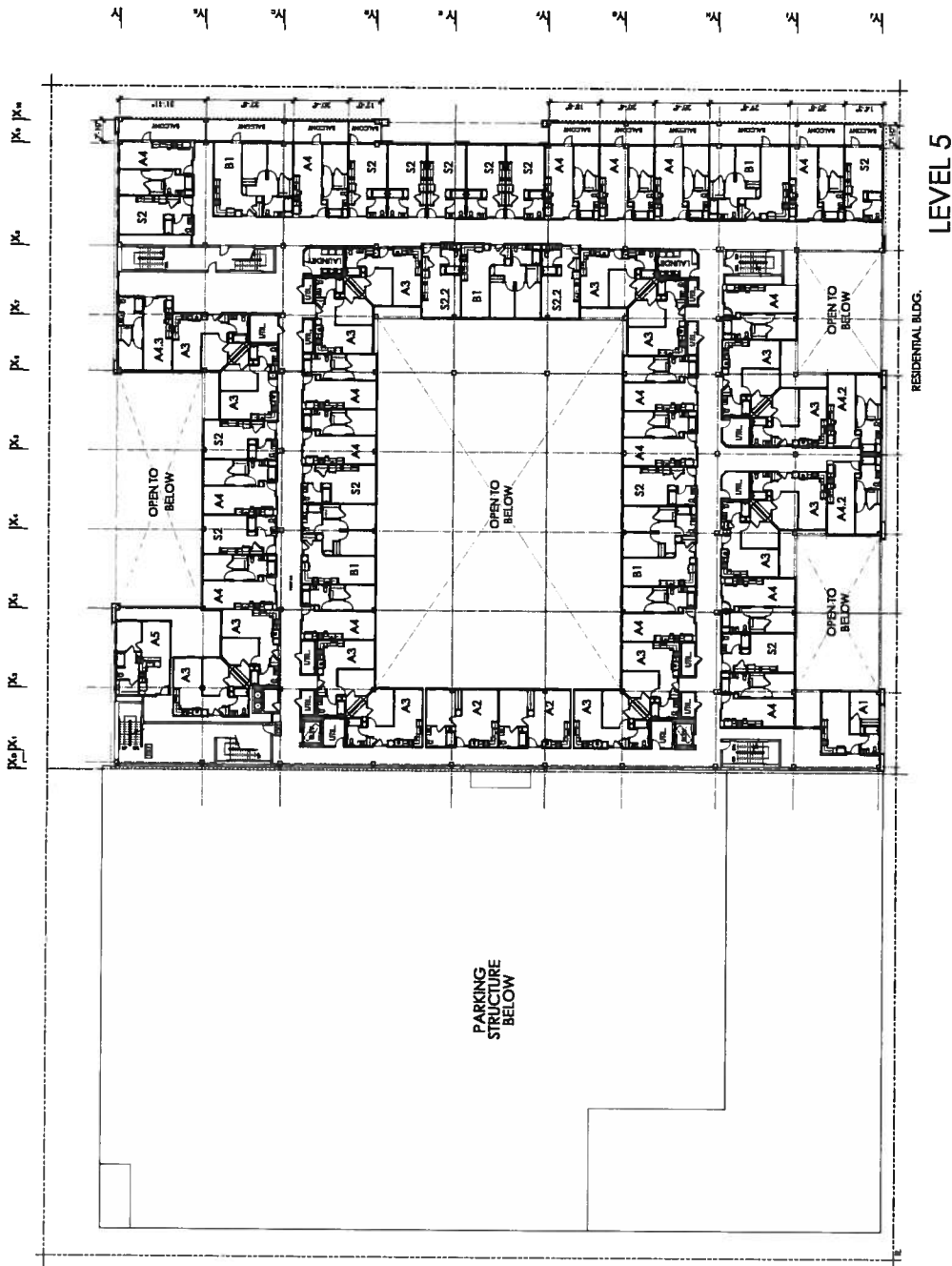
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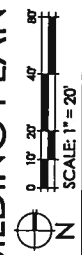


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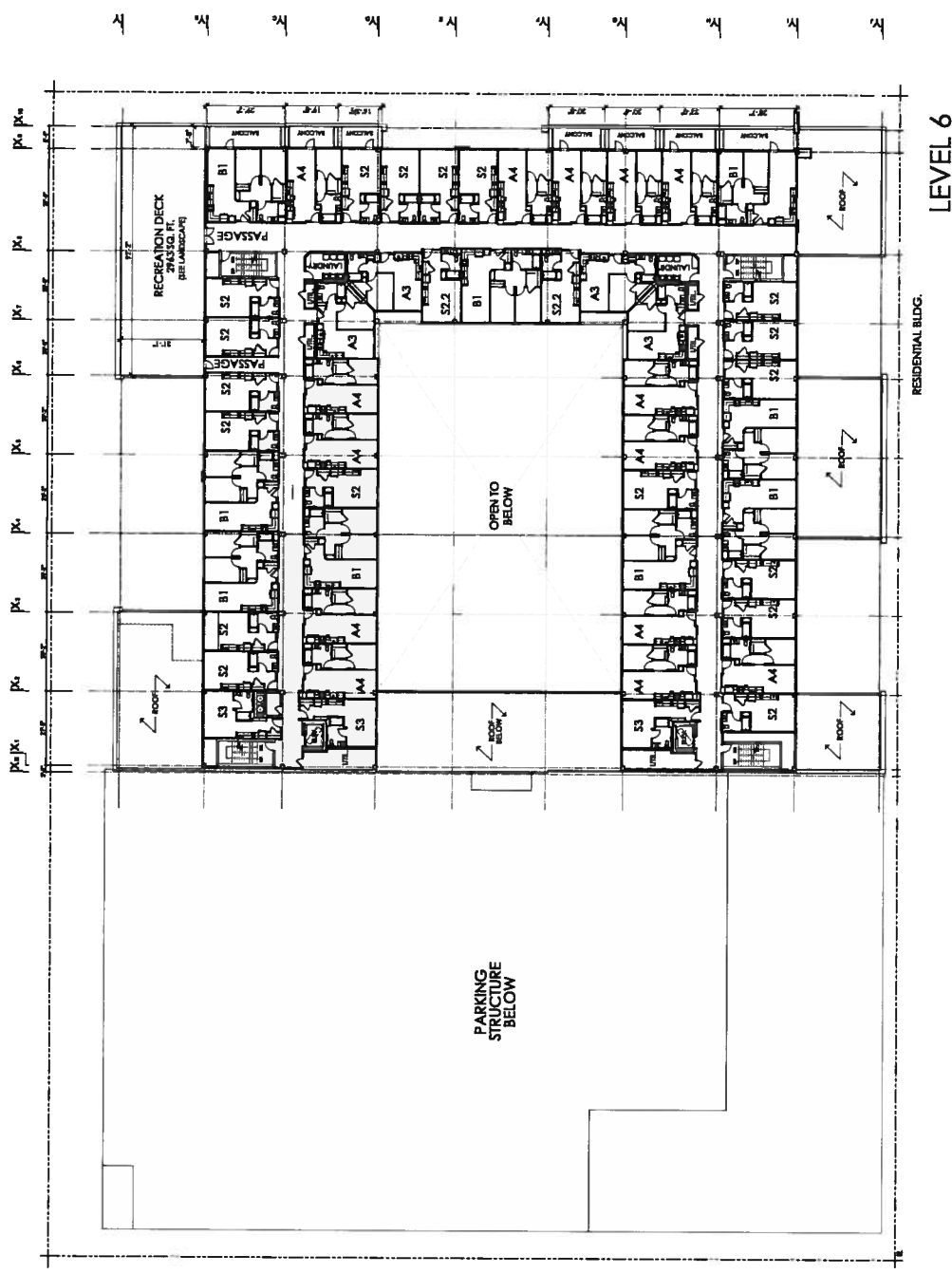


CONCEPTUAL BUILDING PLAN

GARDEN BROOK SENIOR VILLAGE - GARDEN GROVE, CA

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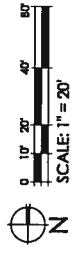


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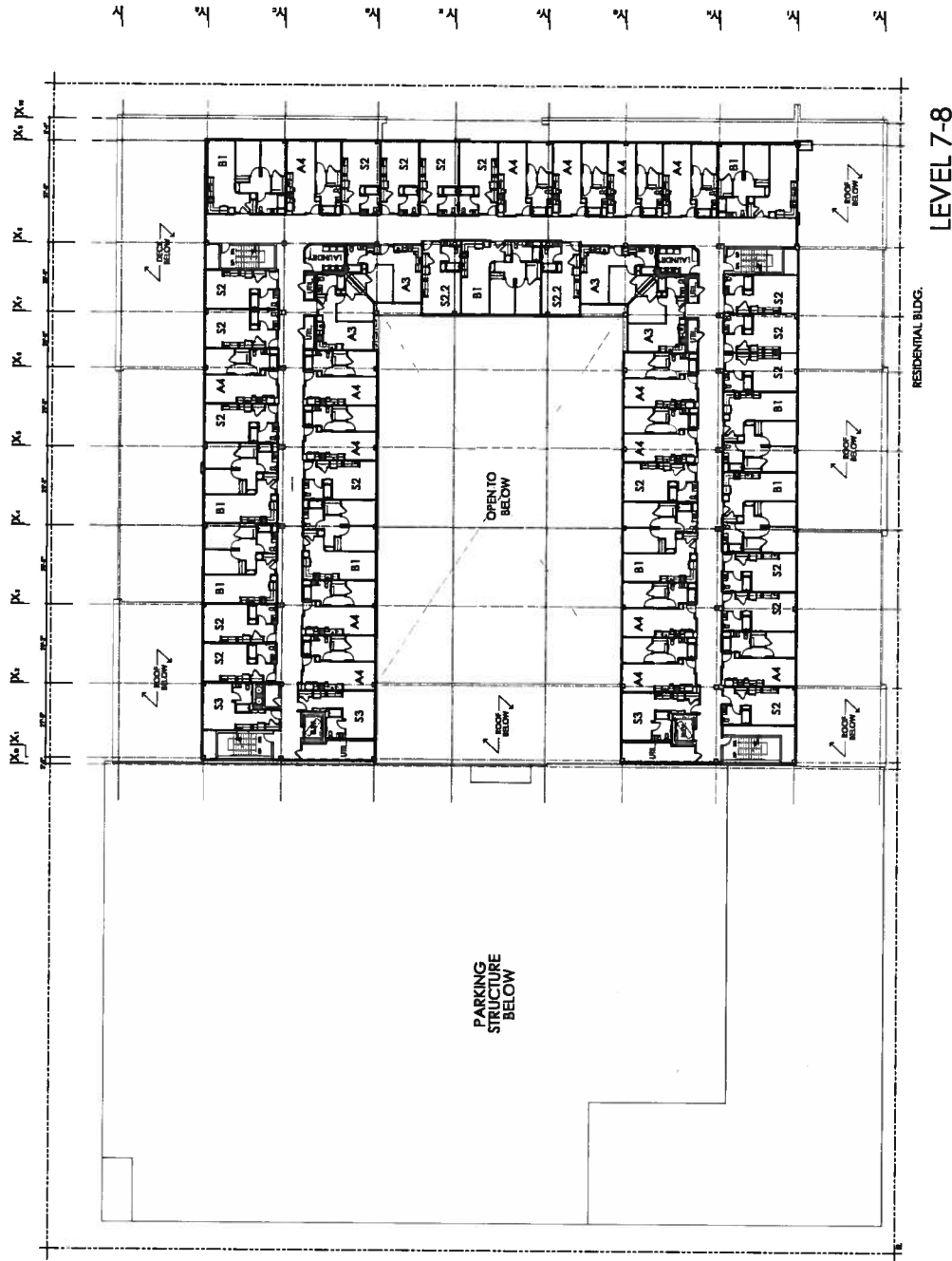


CONCEPTUAL BUILDING PLAN

GARDEN BROOK SENIOR VILLAGE - GARDEN GROVE, CA

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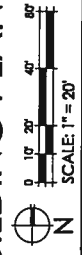


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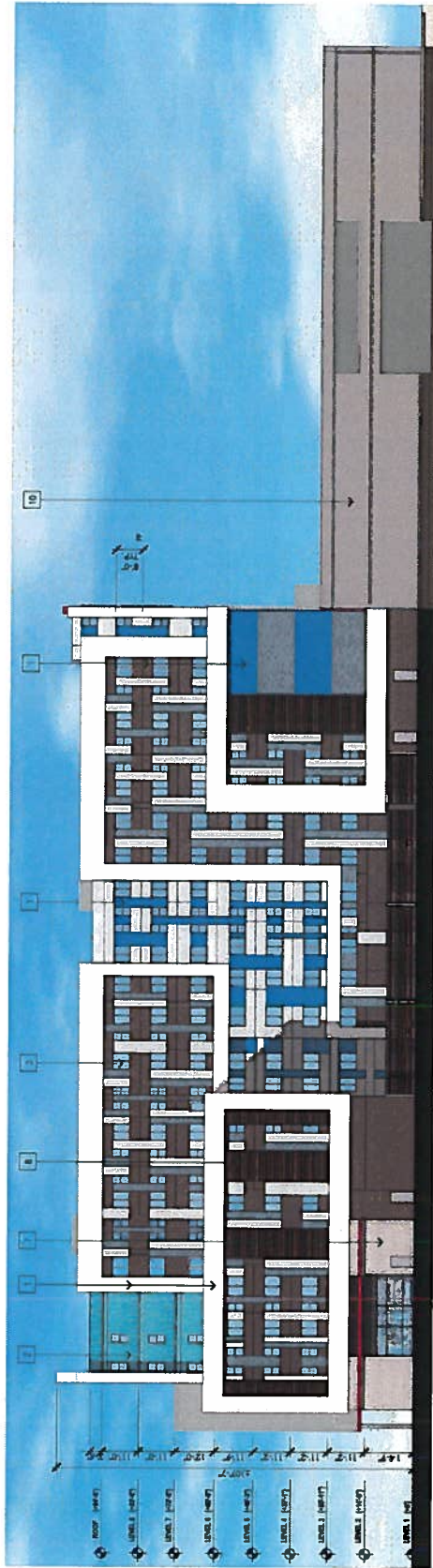


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CONCEPTUAL BUILDING PLAN

GARDEN BROOK SENIOR VILLAGE - GARDEN GROVE, CA

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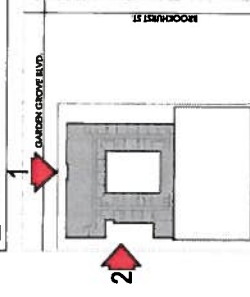


2. WEST ELEVATION



1. NORTH ELEVATION - GARDEN GROVE BLVD.

MATERIAL/COLOR LEGEND	
1	LIGHT SAND FINISH STUCCO 16/20
2	DECORATIVE METAL PANEL/CERAMIC TILE
3	VINYL WINDOWS
4	ALUMINUM STOREFRONT
5	PERFORATED METAL RAILING
6	ACRYLIC RAILING
7	CERAMIC TILE
8	HORIZONTAL METAL SLATS (WOOD GRAIN FINISH)
9	METAL TUBING (SCREEN)
10	PAINTED CONCRETE STRUCTURE



KEY MAP
N.T.S.

A-3.0



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16-322 03-07-18

GARDEN BROOK SENIOR VILLAGE - GARDEN GROVE, CA CONCEPTUAL ELEVATIONS

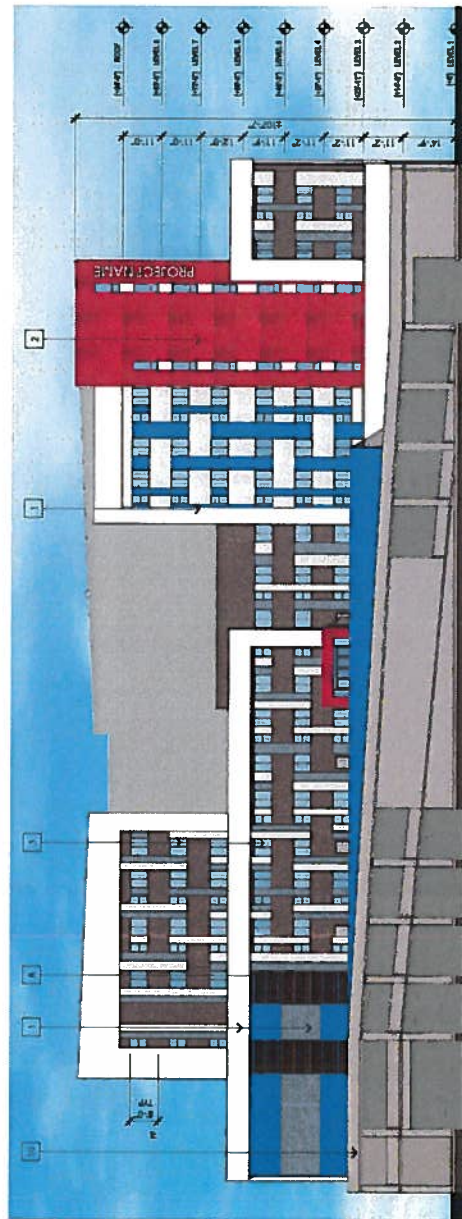
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ENCINO, CA 91436
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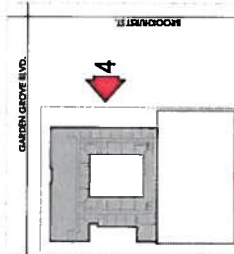
4. EAST ELEVATION



3. SOUTH ELEVATION

0' 8' 16' 32' 48'
SCALE: 1/16" = 1'-0"

MATERIAL/COLOR LEGEND	
1	LIGHT SAND FINISH STUCCO 16/20
2	DECORATIVE METAL PANEL/CERAMIC TILE
3	VINYL WINDOWS
4	ALUMINUM STOREFRONT
5	PERFORATED METAL RAILING
6	ACRYLIC RAILING
7	CERAMIC TILE
8	HORIZONTAL METAL SLATS (WOOD GRAIN FINISH)
9	METAL TUBING (SCREEN)
10	PAINTED CONCRETE STRUCTURE



3
KEY MAP
N.T.S.

A-3.1



JOB NO: 16-322
DATE: 03-07-18

GARDEN BROOK SENIOR VILLAGE - GARDEN GROVE, CA
CONCEPTUAL ELEVATIONS

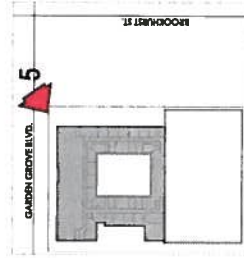
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5. VIEW ALONG GARDEN GROVE BLVD. - (LOOKING SOUTHWEST)



KEY MAP
N.T.S.

CONCEPTUAL PERSPECTIVE VIEW

JOB NO: 16-322
DATE: 03-07-18

GARDEN BROOK SENIOR VILLAGE - GARDEN GROVE, CA

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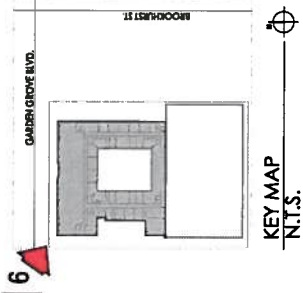
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6. VIEW ALONG GARDEN GROVE BLVD. - (LOOKING SOUTHEAST)



A-3.3



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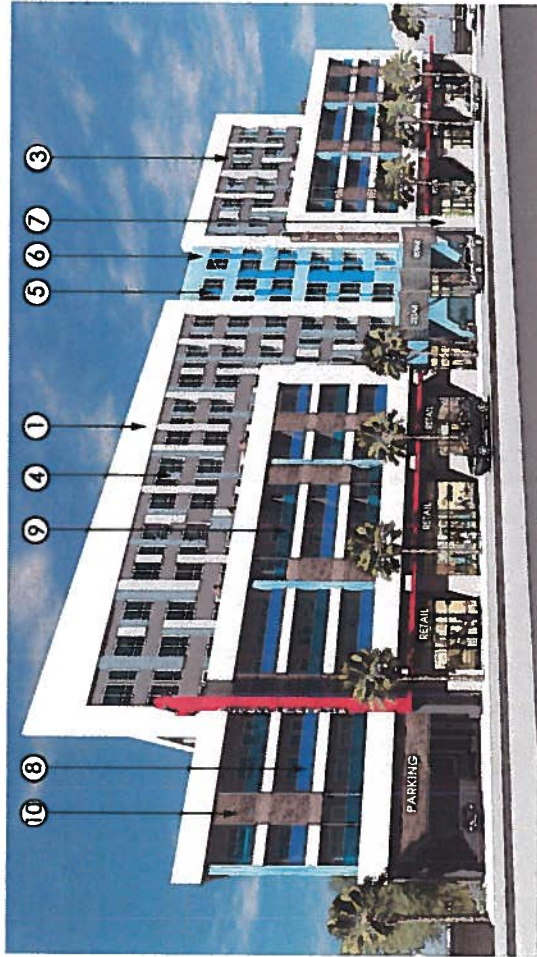
CONCEPTUAL PERSPECTIVE VIEW

JOB NO: 16-322
DATE: 03-07-18

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① 'PURE WHITE' SW 7005
Stucco (1/6/20)



③ 'PEPPERCORN' SW 7674
Stucco (1/6/20)



⑤ 'BLUEBLOOD' SW 6966
Stucco (20/30)



② 'MONORAIL SILVER' SW 7663
Stucco (1/6/20)



④ 'SMOKY BLUE' SW 7605
Stucco (1/6/20)



⑥ Decorative Metal Panels
or Ceramic Tile



⑧ Perforated metal Balcony Railing



⑩ Horizontal Screens



⑦ Ceramic Tile



⑨ Acrylic Panel Railing



⑪ Vertical Screens

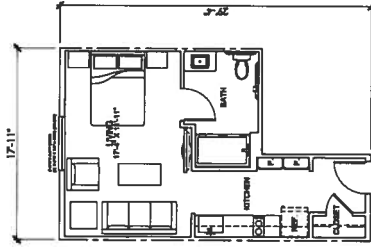
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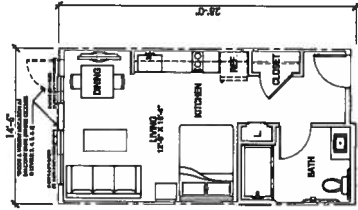
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DATE: 3-7-2018

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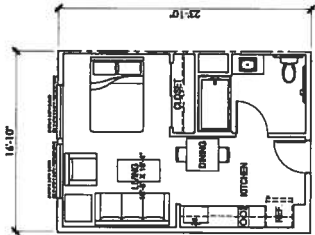
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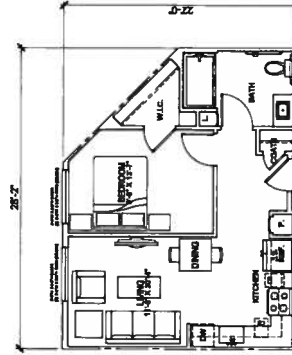
UNIT S3
STUDIO - 1 BATH
UNIT AREA: 424 SQ. FT.



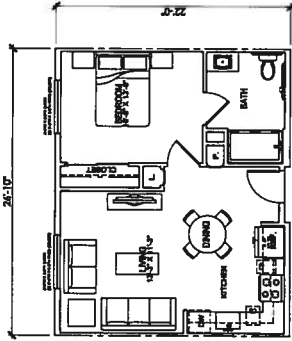
UNIT S2
STUDIO - 1 BATH
UNIT AREA: 403 SQ. FT.



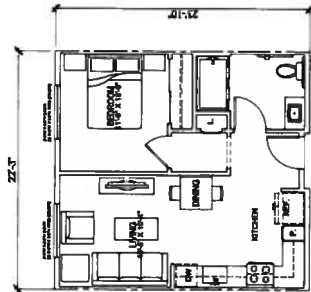
UNIT S1
STUDIO - 1 BATH
UNIT AREA: 401 SQ. FT.



UNIT A3
1 BEDROOM - 1 BATH
UNIT AREA: 559 SQ. FT.



UNIT A2
1 BEDROOM - 1 BATH
UNIT AREA: 568 SQ. FT.



UNIT A1
1 BEDROOM - 1 BATH
UNIT AREA: 528 SQ. FT.

CONCEPTUAL UNIT PLANS

GARDEN BROOK SENIOR VILLAGE - GARDEN GROVE, CA

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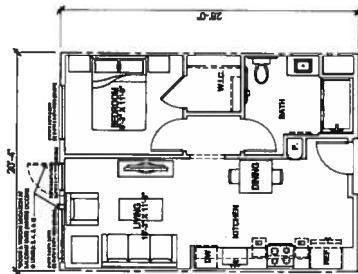
JOB NO: 14-322
DATE: 03-07-18

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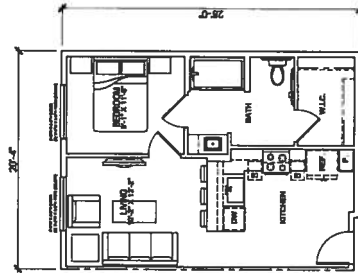
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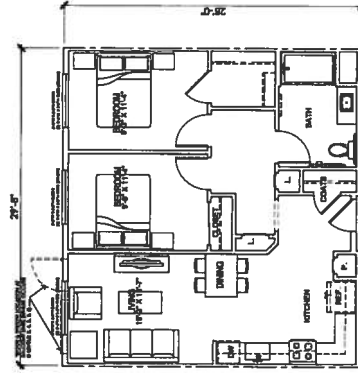
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UNIT A4
1 BEDROOM - 1 BATH
UNIT AREA: 567 SQ. FT.



UNIT A5
1 BEDROOM - 1 BATH
UNIT AREA: 567 SQ. FT.



UNIT B1
2 BEDROOM - 1 BATH
UNIT AREA: 828 SQ. FT.

CONCEPTUAL UNIT PLANS

GARDEN BROOK SENIOR VILLAGE - GARDEN GROVE, CA

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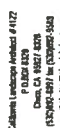
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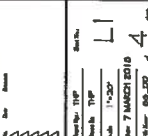
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SCALE: 3/16" = 1'-0"
0' 4' 8' 12' 16'
JOB NO: 14-322 DATE: 03-07-18

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AMG ASSOCIATES, LLC



	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46
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- A. FAIRING COLOR 'A'.
- B. FAIRING PATTERN 'B'.
- C. FAIRING PATTERN 'C'.
- D. 1/4" ALUMINUM SLATE PATTERN FAIRING OR STAMPED CONCRETE
- E. OUTDOOR TRELLIS WITH TWISTING FINING LEAVES & FLOW TABLE BEAMS BELOW
- F. 1/4" CENTER WITH LARGESIDE
- G. FOUNTAIN LOCATION
- H. SAMPLE BOARD COUNTS
- I. 48" HIGH RAISED PLANTER AT BEATING HEIGHT
- J. GROUND LEVEL PLANTER
- K. 'KEYSTONE' 1/4" & 1/2" BRUSH LOCATION TYP.
- L. 'KEYSTONE' 1/4" & 1/2" CHAINS LOCATION TYP.
- M. 1/4" & 1/2" BRUSH LOCATION TYP.
- N. ACCENT TREE LOCATION TYP.
- O. SHADE TREE LOCATION TYP.

[illegible]



THOMAS H. PHILPS
LANDSCAPE ARCHITECTURE
INC.

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(415) 497-2917 or (415) 497-5248
FAX: (415) 497-5248

GARDEN BROOK SENIOR VILLAGE - GARDEN GROVE CA

AMG ASSOCIATES, LLC

DATE: 11/11/10
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]



Scale: 1" = 10'	Scale: 1" = 10'
Sheet: 100	Sheet: 100
Job: 17-001	Job: 17-001
Date: 7 JANUARY 2010	Date: 7 JANUARY 2010
Revised: 08-2010	Revised: 08-2010
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PLANT LISTING	Plantings to be used	Size	Qty	Notes
11	Benjamina peruviana - Australian Melaleuca	24" box	X	
12	Banksia integrifolia - Lemon Scented Gum	24" box	X	
13	Phoradendron villosum - Pinyon Pine	15 gal	X	
14	Washingtonia robusta - Mexican Palm	15 gal	X	
15	Agave attenuata - Queen Palm	15 gal	X	
16	Agave attenuata - Queen Palm	15 gal	X	
17	Agave attenuata - Queen Palm	15 gal	X	
18	Agave attenuata - Queen Palm	15 gal	X	
19	Agave attenuata - Queen Palm	15 gal	X	
20	Agave attenuata - Queen Palm	15 gal	X	
21	Agave attenuata - Queen Palm	15 gal	X	
22	Agave attenuata - Queen Palm	15 gal	X	
23	Agave attenuata - Queen Palm	15 gal	X	
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94	Agave attenuata - Queen Palm	15 gal	X	
95	Agave attenuata - Queen Palm	15 gal	X	
96	Agave attenuata - Queen Palm	15 gal	X	
97	Agave attenuata - Queen Palm	15 gal	X	
98	Agave attenuata - Queen Palm	15 gal	X	
99	Agave attenuata - Queen Palm	15 gal	X	
100	Agave attenuata - Queen Palm	15 gal	X	

GROUND COVERS	Size	Material	Notes
61	1	L	Low-growing, drought-tolerant, native to California
62	1	L	Low-growing, drought-tolerant, native to California
63	1	L	Low-growing, drought-tolerant, native to California
64	1	L	Low-growing, drought-tolerant, native to California
65	1	L	Low-growing, drought-tolerant, native to California
66	1	L	Low-growing, drought-tolerant, native to California
67	1	L	Low-growing, drought-tolerant, native to California
68	1	L	Low-growing, drought-tolerant, native to California
69	1	L	Low-growing, drought-tolerant, native to California
70	1	L	Low-growing, drought-tolerant, native to California
71	1	L	Low-growing, drought-tolerant, native to California
72	1	L	Low-growing, drought-tolerant, native to California
73	1	L	Low-growing, drought-tolerant, native to California
74	1	L	Low-growing, drought-tolerant, native to California
75	1	L	Low-growing, drought-tolerant, native to California
76	1	L	Low-growing, drought-tolerant, native to California
77	1	L	Low-growing, drought-tolerant, native to California
78	1	L	Low-growing, drought-tolerant, native to California
79	1	L	Low-growing, drought-tolerant, native to California
80	1	L	Low-growing, drought-tolerant, native to California
81	1	L	Low-growing, drought-tolerant, native to California
82	1	L	Low-growing, drought-tolerant, native to California
83	1	L	Low-growing, drought-tolerant, native to California
84	1	L	Low-growing, drought-tolerant, native to California
85	1	L	Low-growing, drought-tolerant, native to California
86	1	L	Low-growing, drought-tolerant, native to California
87	1	L	Low-growing, drought-tolerant, native to California
88	1	L	Low-growing, drought-tolerant, native to California
89	1	L	Low-growing, drought-tolerant, native to California
90	1	L	Low-growing, drought-tolerant, native to California
91	1	L	Low-growing, drought-tolerant, native to California
92	1	L	Low-growing, drought-tolerant, native to California
93	1	L	Low-growing, drought-tolerant, native to California
94	1	L	Low-growing, drought-tolerant, native to California
95	1	L	Low-growing, drought-tolerant, native to California
96	1	L	Low-growing, drought-tolerant, native to California
97	1	L	Low-growing, drought-tolerant, native to California
98	1	L	Low-growing, drought-tolerant, native to California
99	1	L	Low-growing, drought-tolerant, native to California
100	1	L	Low-growing, drought-tolerant, native to California

* * * * *

CONTRACTOR TO VERIFY ALL CONDITIONS FROM PLAN. PLANT LEGEND IS FOR REFERENCE ONLY.

** PER MDCOLS N Species Evaluation List-2014, Region 9 South Central, Sweet Garden Zone 22

GENERAL NOTES:

A. PLANTING PATTERN: PLANTING PATTERN

B. PLANTING PATTERN: PLANTING PATTERN

C. PLANTING PATTERN: PLANTING PATTERN

D. PLANTING PATTERN: PLANTING PATTERN

E. PLANTING PATTERN: PLANTING PATTERN

F. PLANTING PATTERN: PLANTING PATTERN

G. PLANTING PATTERN: PLANTING PATTERN

H. PLANTING PATTERN: PLANTING PATTERN

I. PLANTING PATTERN: PLANTING PATTERN

J. PLANTING PATTERN: PLANTING PATTERN

K. PLANTING PATTERN: PLANTING PATTERN

L. PLANTING PATTERN: PLANTING PATTERN

M. PLANTING PATTERN: PLANTING PATTERN

N. PLANTING PATTERN: PLANTING PATTERN

O. PLANTING PATTERN: PLANTING PATTERN

P. PLANTING PATTERN: PLANTING PATTERN

Q. PLANTING PATTERN: PLANTING PATTERN

R. PLANTING PATTERN: PLANTING PATTERN

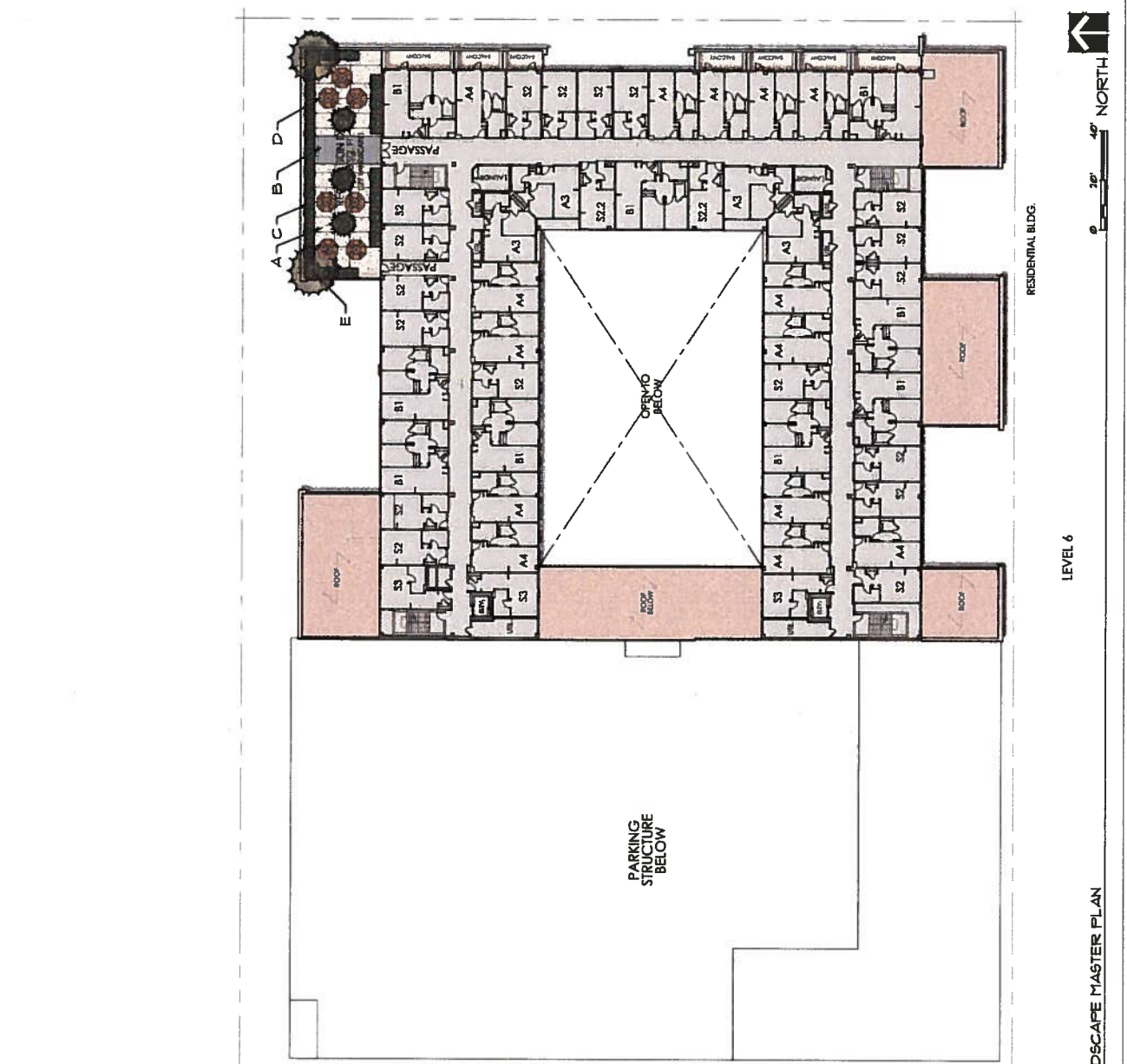
S. PLANTING PATTERN: PLANTING PATTERN

T. PLANTING PATTERN: PLANTING PATTERN

U. PLANTING PATTERN: PLANTING PATTERN

V. PLANTING PATTERN: PLANTING PATTERN

W. PLANTING PATTERN: PLANTING PATTERN



recording REQUESTED BY AND
WHEN RECORDED RETURN TO:

City of Garden Grove
11222 Acacia Parkway
Garden Grove, California 92840
Attention: City Clerk

APN: 098-070-72 & 098-070-73

This document is recorded at the request and for the benefit of the City of Garden Grove and exempt from payment of a recording fee pursuant to Government Code Sections 6103 and 27383.

**DENSITY BONUS HOUSING AGREEMENT
(10080 Garden Grove Blvd.)**

[THIS AGREEMENT CONTAINS SUBORDINATION REQUIREMENTS TO PRESERVE PRIORITY OF
LAND USE AND REGULATORY COVENANTS]

This **DENSITY BONUS HOUSING AGREEMENT** ("Agreement"), dated for identification purposes only as of _____, 2018 ("Date of Agreement"), is entered into by and between the **CITY OF GARDEN GROVE**, a California municipal corporation ("City"), and Emlen W. Hoag Foundation, a California nonprofit corporation and AMG & Associates, LLC, a California limited liability company (Hoag Foundation and AMG & Associates are hereinafter referred to as "Developer").

RECITALS

A. The Emlen W. Hoag Foundation is the owner and AMG & Associates, LLC is the lessor of approximately 3.09 acres of real property in the City, generally located at 10080 Garden Grove Blvd., Garden Grove, California, as more particularly described in the Legal Description attached hereto as Exhibit A and incorporated herein ("Site").

B. Developer submitted an application to City for approval of a site plan to repurpose an existing 8-story, unfinished, steel structure and construct a mixed use development consisting of a 394-unit affordable senior housing project with 12,938 square feet of commercial retail space on the Site, inclusive of a 35% density bonus and certain concessions and incentives and a transfer of development rights from a 2-acre adjacent property ("Project").

C. In response to Developer's application, pursuant to Garden Grove Planning Commission Resolution No. 5915-18, the City approved Site Plan No. SP-048-2018 for the Project, subject to certain "Conditions of Approval," which were accepted by Developer, as evidenced by Developer's execution of a "Notice of Agreement with Conditions of Approval and Discretionary Permit Approval" and recordation of such notice in the Official Records of Orange County on _____, 2018 as Instrument No. _____.

D. The Conditions of Approval provide for City's granting of a density bonus and other concessions and incentives to the Project pursuant to California Government Code Section 65915, *et seq.*, and Garden Grove Municipal Code Section 9.12.030.070 (collectively, "Density Bonus Law"),

in exchange for Developer's agreement to restrict all of the Housing Units at the Site to rental to and occupancy by Lower Income Households at an Affordable Rent (as those terms are defined below).

F. In connection with the density bonus and concessions and incentives granted to the Project, the Density Bonus Law and the Conditions of Approval require Developer to enter into this Agreement with City to implement Developer's affordable housing obligations at the Project. Pursuant to the Density Bonus Law and the Conditions of Approval, this Agreement must be executed and recorded against the Site in the Official Records of Orange County, California prior to City's issuance of building permits for the Project.

G. Developer and City desire to enter into this Agreement to provide for Developer's rental of the Housing Units at the Site to Lower Income Households at an Affordable Rent, as required by the Density Bonus Law, and the Conditions of Approval Agreement, in accordance with the terms, conditions, and restrictions set forth below in this Agreement.

H. This Agreement shall be recorded, prior to the issuance of building permits for the Project, in the Official Records of Orange County, California, as senior, non-subordinate covenants and as an encumbrance running with the land for the full Term (defined below) of this Agreement. In no event shall this Agreement be made junior or subordinate to any deed of trust or other documents providing financing for the construction or operation of the Project, or any other lien or encumbrance whatsoever for the entire Term of this Agreement. Nor shall this Agreement be made junior or subordinate to any extension, amendment, or modification of any lien or encumbrance recorded against the Site prior to the date hereof.

I. The foregoing Recitals are true and correct and constitute a substantive part of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the City and Developer agree as follows:

Section 1. Definitions.

(i) Affordable Rent. Affordable Rent means an affordable rent for Lower Income Households, as defined in California Health and Safety Code Section 50053. For Lower Income Households whose gross incomes exceed the maximum income for very low income households (as defined in Health and Safety Code Section 50105), Affordable Rent means the product of thirty (30) percent times sixty (60) percent of the Area Median Income for Orange County adjusted for family size appropriate to the unit. "Adjusted for family size appropriate to the unit" has the same meaning as in Health and Safety Code Section 50052.5(h).

For purposes of this Agreement, "Affordable Rent" means the total of monthly payments for (a) use and occupancy of each Affordable Unit and land and facilities associated therewith, (b) any separately charged fees or service charges assessed by Developer which are required of all tenants, other than security deposits, (c) a reasonable allowance for an adequate level of service of utilities not included in (a) or (b) above, including garbage collection, sewer, water, electricity, gas and other heating, cooking and refrigeration fuels, but not including telephone, internet, television or digital access services, and (d) possessory interest, taxes or other fees or charges assessed for use of the land and real property facilities associated therewith by a public or private entity other than Developer. In

the event that all utility charges are paid by the landlord rather than the tenant, no utility allowance shall be deducted from the rent.

(ii) Affordable Units. Affordable Units means the Housing Units at the Project which are required to be made available for, rented to, and occupied by Lower Income Households paying an Affordable Rent, as set forth in more detail below.

(iii) Agreement. Agreement means this Density Bonus Housing Agreement between City and Developer.

(iv) Area Median Income. Area Median Income means the median income as determined and published annually for each county in California by the California Department of Housing and Community Development.

(v) City. City means the City of Garden Grove, a California municipal corporation.

(vi) Conditions of Approval. Conditions of Approval means the conditions imposed by the City in connection with the approval of Developer's Site Plan No. SP-048-2018 with the approval of Planning Commission Resolution No. 5915 as referenced in that certain "Notice of Agreement with Conditions of Approval and Discretionary Permit Approval" recorded in the Official Records of Orange County on _____, 2018 as Instrument No. _____.

(vii) Date of Agreement. Date of Agreement means the date set forth in the first paragraph of this Agreement.

(viii) Density Bonus Law. Density Bonus Law means California Government Code Section 65915, *et seq.*, and Garden Grove Municipal Code Section 9.12.030.070. In the event of a conflict between State and City law, Government Code Section 65915 *et seq.* shall control.

(ix) Developer. Developer means the Emlen W. Hoag Foundation, a California nonprofit corporation as property owner, and AMG & Associates, LLC, a California limited liability company as lessor, and all of their successors and assigns.

(x) Housing Units. Housing Units means each of the 394 total apartment units to be constructed by Developer at the Site. The Housing Units range in size from 400 to 820 square feet, and are a mix of efficiency to 2-bedroom units.

(xi) Lower Income Household. Lower Income Household has the meaning set forth in California Health and Safety Code Section 50079.5.

(xii) Project. Project means the mixed use complex to be constructed by Developer on the Site, which shall consist of an 8-story structure with 394 senior Housing Units, 12,938 square feet of commercial retail space and associated parking, all in accordance with Site Plan No. SP-048-2018, the Conditions of Approval, and this Agreement.

(xiii) Schedule of Performance. Schedule of Performance means the Schedule of Performance attached hereto as Exhibit B and incorporated herein.

(xiv) Site. Site means that certain approximately 3.09 acres of real property in the City, generally located at 10080 Garden Grove Blvd., Garden Grove, California, as more particularly described in the Legal Description attached hereto as Exhibit A and incorporated herein.

(xv) Term. Term means the term of effectiveness of this Agreement, which shall continue for 55 years from the date the final certificate of occupancy is issued for the Project.

Section 2. Density Bonus and Development Concessions and Incentives. As set forth in the Conditions of Approval and the Density Bonus Law, Developer petitioned for and was granted the following concessions and incentives as part of the approval of Developer's Site Plan No. SP-031-2016 for the Project:

(i) Density Bonus. The Garden Grove Municipal Code permits a maximum density of 130 residential units for the Site. By reserving the Housing Units for Lower Income Households, the Density Bonus Law, a transfer of development rights from 2 acres of adjacent property, and the Conditions of Approval permit the Developer to develop the Site with an additional density of 35% for a total of 394 Housing Units.

(ii) Minimum Unit Size Waiver. Garden Grove Municipal Code Section 9.12.040.020(E) requires that dwelling units have a minimum size of 500 square feet for studios, 750 square feet for 1-bedroom and 900 square feet for 2-bedrooms. Site Plan SP-048-2018 approves unit sizes of 400-424 square feet for studios, 528-567 square feet for 1-bedroom, and 820 square feet for 2-bedroom units.

(iii) Open Space Waiver. Garden Grove Municipal Code Section 9.12.040.050(K) requires multi-family residential development to provide 300 square feet of open space per unit or 118,200 square feet for the Site. Site Plan No. SP-031-2016 approves a reduction this requirement to 31,844 square feet of open space divided among several recreation areas and three community rooms.

(iv) Residential Compact Parking Spaces Waiver. Garden Grove Municipal Code Section 9.12.040.190 does not permit residential parking spaces to be compact. Site Plan No. SP-048-2018 approves 16% of the residential parking spaces to be compact spaces.

Section 3. No Further Incentives or Waivers. Developer acknowledges and agrees that the waivers and incentives set forth in Section 2 above fully satisfy any duty City may have under the Garden Grove Municipal Code, the Density Bonus Law, or any other law or regulation applicable to the Project, to provide any development incentive or to waive any building, zoning, or other requirement. By this Agreement, Developer releases any and all claims Developer may have against City in any way relating to or arising from City's obligation to waive requirements of or provide development incentives pursuant to any state, federal, or local law, rule, or regulation applicable to the Project.

Section 4. Affordable Units. Developer hereby agrees to make available, restrict occupancy to, and rent the Housing Units at the Project to Lower Income Households at an Affordable Rent. The unit size of the Affordable Units shall range in size from 400 to 820 square feet. In accordance with Garden Grove Municipal Code Section 9.12.030.070(G)(4), all Affordable Units shall be of similar design and appearance of the total Project.

(a) A person or family (i.e., a “tenant household”) who qualifies as a Lower Income Household at the time he/she/it first occupies an Affordable Unit shall be deemed to continue to be so qualified until such time as a recertification of such tenant household’s income in accordance with Section 14 below demonstrates that such tenant household no longer qualifies as a Lower Income Household. Moreover, a unit previously occupied by a Lower Income Household and then vacated shall be considered occupied by such Lower Income Household for a temporary period until reoccupied, at which time the character of the unit shall be re-determined. In no event shall such temporary period exceed thirty-one (31) days.

(b) At such time as a tenant household occupying an Affordable Unit ceases to qualify as a Lower Income Household, the unit occupied by such tenant household shall cease to be an Affordable Unit. Developer shall replace each such Affordable Unit by designating the next available unit and any necessary units thereafter as an Affordable Unit. For purposes of this Agreement, such designated unit will be considered an Affordable Unit if it is held vacant and available for occupancy by a Lower Income Household and, upon occupancy, the income eligibility of the tenant household as a Lower Income Household is verified and the tenant household pays an Affordable Rent.

(c) In the event a tenant household occupying an Affordable Unit initially qualifies as a Lower Income Household but the income of such tenant household increases, such increase shall not be deemed to result in a violation of the restrictions of this Agreement concerning limitations upon income of occupants, provided that the occupancy by such household is for a reasonable time of not to exceed one year (measured from the time the income of the household ceases to qualify as a Lower Income Household), at which time the Housing Unit shall cease to be an Affordable Unit and the provisions of the immediately preceding paragraph shall apply.

Section 5. Use of the Site. All uses conducted on the Site, including, without limitation, all activities undertaken by the Developer pursuant to this Agreement shall conform to all applicable provisions of the Garden Grove Municipal Code and other applicable federal, state, and local laws, rules, and regulations. The Project shall at all times during the term of this Agreement be used as an apartment complex and none of the Housing Units in the Project shall at any time be utilized on a transient basis, nor shall the Site or any portion thereof ever be used as a hotel, motel, dormitory, fraternity or sorority house, rooming house, hospital, nursing home, sanitarium or rest home, short-term or vacation rental, or be converted to condominium ownership. All of the community facilities and any social programs provided to the Project’s residents shall be available at all times on an equal, non-discriminatory basis to residents of all Housing Units at the Project.

Section 6. Duration of Affordability Requirements. The Affordable Units shall be subject to the requirements of this Agreement throughout the entire Term of this Agreement.

Section 7. Schedule of Performance. The Affordable Units shall be constructed and completed concurrently with the non-restricted Housing Units in the Project. Construction of the Project shall be completed in accordance with the Schedule of Performance attached hereto as Exhibit B and incorporated herein.

Section 8. Occupancy Limits. The maximum occupancy for each of the Housing Units shall not exceed two persons per bedroom, plus one, as set forth in the Conditions of Approval.

Section 9. Maintenance. Developer shall maintain or cause to be maintained the interior and exterior of the Project and the Site in a decent, safe and sanitary manner, and in accordance with

the standard of maintenance of first class multifamily rental apartment complexes within Orange County. If at any time Developer fails to maintain the Project or the Site in accordance with this Agreement and such condition is not corrected within five days after written notice from City with respect to graffiti, debris, and waste material, or thirty days after written notice from City with respect to general maintenance, landscaping and building improvements, then City, in addition to whatever remedy it may have at law or at equity, shall have the right to enter upon the applicable portion of the Project or the Site and perform all acts and work necessary to protect, maintain, and preserve the Project and the Site, and to attach a lien upon the Site, or to assess the Site, in the amount of the expenditures arising from such acts and work of protection, maintenance, and preservation by City and/or costs of such cure, including a reasonable administrative charge, which amount shall be promptly paid by Developer to City upon demand.

Section 10. Marketing Program. Each Affordable Unit shall be leased to Lower Income Households selected by Developer who meet all of the requirements provided herein. Within the time set forth in the Schedule of Performance, Developer shall prepare and obtain City's approval, which approval shall not be unreasonably withheld, of a marketing program for the leasing of the Housing Units at the Project ("Marketing Program"). The leasing of the Housing Units shall thereafter be marketed in accordance with the Marketing Program as the same may be amended from time to time with City's prior written approval, which approval shall not unreasonably be withheld. Developer shall provide City with periodic reports with respect to the leasing of the Housing Units in accordance with Sections 14 and 15.

Section 11. Management Plan. Within the time set forth in the Schedule of Performance, Developer shall submit for the reasonable approval of City a "Management Plan" which sets forth in detail Developer's property management duties, a tenant selection process in accordance with this Agreement, a security system and crime prevention program, the procedures for the collection of rent, the procedures for eviction of tenants, the rules and regulations of the Site and manner of enforcement, a standard lease form, an operating budget, the identity of the professional property management company to be contracted with to provide property management services at the Site ("Property Manager"), and other matters relevant to the management of the Site. The Management Plan shall require Developer to adhere to a fair lease and grievance procedure. The management of the Site shall be in compliance with the Management Plan as approved by City.

If City determines that the performance of the Property Manager is deficient based upon the standards set forth in the approved Management Plan and in this Agreement, City shall provide notice to Developer of such deficiencies and Developer shall use its best efforts to correct such deficiencies. In the event that such deficiencies have not been cured within the time set forth in Section 19 hereof, City shall have the right to require Developer to immediately remove and replace the Property Manager with another property manager or property management company which is reasonably acceptable to the City Manager, which is not related to or affiliated with Developer, and which has not less than five (5) years' experience in property management, including significant experience managing housing facilities of the size, quality and scope of the Project.

Section 12. Selection of Tenants. Developer shall be responsible for the selection of tenants for the Housing Units in compliance with lawful and reasonable criteria and the requirements of this Agreement. To the extent permitted by law, a reasonable preference in the leasing of the Housing Units shall be given to prospective tenants on the Garden Grove Housing Authority's Section 8 Housing Vouchers waiting list and Affordable Housing waiting list, and to prospective tenants that live or work in the City.

Prior to the rental or lease of an Affordable Unit to a tenant(s), Developer shall require the tenant(s) to execute a written lease and to complete a Tenant Income Verification Form (in substantially the form attached hereto as Exhibit C) certifying that the tenant(s) occupying the Affordable Unit is/are a Lower Income Household and otherwise meet(s) the eligibility requirements established for the Affordable Unit. Developer shall verify the income of the tenant(s) as set forth in Section 14 below.

Section 13. Provisions regarding Section 8 Vouchers. Developer shall accept as tenants on the same basis as all other prospective tenants, persons who are recipients of federal certificates for rent subsidies pursuant to the existing program under Section 8 of the United States Housing Act of 1937, or its successor; provided, the rental agreement (or lease agreement as applicable) between Developer, as landlord, and the tenant shall expressly provide that monthly rent charged shall be the Affordable Rent required hereunder for the Housing Unit (not fair market rent) and that the rent collected directly from such tenant shall be not more than 30% of the tenant's actual gross income pursuant to the applicable federal certificate program regulations (i.e., the rent charged to such tenant under the rental agreement shall be Affordable Rent chargeable hereunder and not fair market rent for the area, as would otherwise be permitted under the applicable federal certificate program). Thus, the subsidy payment to Developer under any federal certificate program shall not exceed the difference between 30% of the tenant's actual gross income and Affordable Rent chargeable for the applicable Housing Unit hereunder. If and to the extent any restrictions in this Agreement conflict with the provisions of Section 8 of the United States Housing Act of 1937 or any rules or regulations promulgated thereunder, the provisions of Section 8 of the United States Housing Act of 1937 and all implementing rules and regulations thereto shall control. Developer shall not apply selection criteria to Section 8 certificate holders which are more burdensome than criteria applied to any other prospective tenants.

Section 14. Income Verification and Certification. Following the initial lease-up of the Project, and annually thereafter throughout the Term of this Agreement, Developer shall submit to City, at Developer's expense, a summary of the income, household size and rent payable by each of the tenants of the Affordable Units. At City's request, Developer shall provide to City completed income computation and certification forms, in substantially the form of the Tenant Income Verification Form attached hereto as Exhibit C or such other form as may reasonably be requested by City, for any Lower Income Households renting the Affordable Units at the Project. Developer shall obtain, or shall cause to be obtained by the Property Manager, a certification from each household leasing an Affordable Unit demonstrating that such household meets the applicable income requirements and eligibility requirements established for a Lower Income Household renting such Affordable Unit. Developer shall verify, or shall cause the Property Manager to verify, the income certification of the Lower Income Household.

Section 15. Monitoring and Recordkeeping. Throughout the Term of this Agreement, Developer shall annually complete and submit to City a Certification of Continuing Program Compliance in the form provided by City. Representatives of City shall be entitled to enter the Site, upon at least thirty-six (36) hours' notice, to monitor compliance with this Agreement, and shall be entitled, at City's sole cost and expense, to inspect the records of the Project and to conduct an independent audit or inspection of such records at a location within the City that is reasonably acceptable to the City Manager. Developer agrees to cooperate with City in making the Site and the records of the Project available for such inspection or audit. Developer agrees to maintain each record of the Project for no less than 5 years after creation of each such record.

Section 16. Indemnity. Developer shall, at its expense, defend (with counsel acceptable to City and subject to approval by Developer), indemnify, and hold harmless City, and their officers, agents, employees and representatives from any and all losses, liabilities, claims, lawsuits, causes of action, judgments, settlements, court costs, attorneys' fees, expert witness fees, and other legal expenses, costs of evidence of title, costs of evidence of value, and other damages of whatsoever nature arising out of or in connection with Developer's failure to perform Developer's obligations under this Agreement, Developer's ownership or operation of the Site, or the development of the Project, except for such liability arising from the gross negligence or willful misconduct of City.

Section 17. Agreement to be Recorded; Covenants Run with the Land; Priority. This Agreement shall be recorded, prior to the issuance of building permits for the Project, in the Official Records of Orange County, California, as senior, non-subordinate covenants and as an encumbrance running with the land for the full Term of this Agreement. In no event shall this Agreement be made junior or subordinate to any deed of trust or other documents providing financing for the construction or operation of the Project, or any other lien or encumbrance whatsoever for the entire Term of this Agreement. Nor shall this Agreement be made junior or subordinate to any extension, amendment, or modification of any lien or encumbrance recorded against the Site prior to the date hereof. Prior to recordation of this Agreement, Developer shall provide City with evidence satisfactory to the City that all deeds of trust, liens, encumbrances, or other documents recorded against the Site since April 24, 2018, if any, have been or will be subordinated to this Agreement, at Developer's sole cost and expense.

Section 18. Mortgage Protection. No breach or default under this Agreement shall defeat, terminate, extinguish, render invalid or otherwise affect the lien of any junior mortgage or deed of trust encumbering the Site, the Project, or any part thereof or interest therein.

Section 19. Default. An event of default occurs under this Agreement when: (a) there is a breach of any condition, covenant or promise set forth herein; (b) written notice thereof has been given to the defaulting party; and (c) such breach has not been cured within thirty (30) days after such notice was given to the defaulting party or, if such breach cannot reasonably be cured within such thirty (30) day period, the defaulting party fails to commence to cure the breach and/or fails thereafter to diligently proceed to complete such cure. A waiver by either party of any such breach shall not be construed as a waiver of any succeeding breach of the same or other condition, covenant or promise.

Section 20. Remedies. The occurrence of an event of default hereunder shall give the non-defaulting party the right to proceed with any and all remedies available at law or equity. Such remedies may include an action for damages, an action or proceeding for specific performance, and/or an action or proceeding for injunctive relief. Such actions or proceedings may require the defaulting party to pay damages, to perform its obligations and covenants under this Agreement, and to enjoin or cease and desist from acts which may be unlawful or in violation of the provisions of this Agreement.

Section 21. Additional Remedies for Certain Defaults; Remedy For Excessive Rent Charge.

(a) It shall constitute a default for the Developer to charge or accept for any Affordable Unit rent amounts in excess of the Affordable Rent. In the event that the Developer charges or receives such higher rental amounts, in addition to any other legal or equitable remedy that the City shall have for such default, the Developer shall be required to pay to the City an amount equal to the difference between the Affordable Rent that should have been charged and the amount of the rent received from the tenant, plus interest compounded at the maximum rate allowable for judgments.

(b) It shall also constitute a default for the Developer to fail to rent any of the required Affordable Units to a Lower Income Household, or to knowingly (or without investigation as required herein) initially rent any Affordable Unit to a tenant who is not a Lower Income Household. In the event the Developer violates this provision, in addition to any other remedy at law or equity that the City shall have for such default, the Developer, for each separate violation, shall be required to pay to the City an amount equal to the total rent the Developer received from such ineligible tenant, plus interest compounded at the maximum rate allowable for judgments.

Section 22. Attorneys' Fees and Costs. In addition to any other remedies provided hereunder or available pursuant to law, if either party to this Agreement commences an action against the other party to this Agreement arising out of or in connection with this Agreement, the prevailing party shall be entitled to recover reasonable attorneys' fees, expert witness fees, costs of investigation, and costs of suit from the losing party.

Section 23. Rights and Remedies Cumulative. The rights and remedies of the parties are cumulative, and the exercise by either party of one or more of its rights or remedies shall not preclude the exercise by it, at the same or different times, of any other rights or remedies for the same default or any other default by the other party.

Section 24. Time of Essence. Time is expressly made of the essence with respect to the performance by City and Developer of each and every obligation and condition of this Agreement.

Section 25. Third Party Beneficiaries. No persons or entities other than the parties and their successors and assigns shall have any right of action under this Agreement.

Section 26. City Approvals and Actions. City shall maintain authority of this Agreement and the authority to implement this Agreement through City Manager (or his duly authorized representative). City Manager (or his designee) shall have the authority to make approvals, issue interpretations, waive provisions, make and execute further agreements and/or enter into amendments of this Agreement on behalf of City so long as such actions do not materially or substantially change the uses or development permitted on the Site, or materially or substantially add to the costs incurred or to be incurred by City as specified herein, and such interpretations, waivers and/or amendments may include extensions of time to perform. All other material and/or substantive interpretations, waivers, or amendments shall require the consideration, action and written consent of the City.

Section 27. Successor and Assigns. This Agreement shall run with the land, and all of the terms, conditions, restrictions, and covenants contained in this Agreement shall be binding upon Developer, City, their permitted successors and assigns, and all successors in interest to all or any portion of the Site or the Project. Whenever the terms "Developer" or "City" are used in this Agreement, such terms shall include any other successors and assigns as herein provided. Not later than 30 days prior to a transfer of any interest in the Site or the Project or any interest in Developer, Developer shall provide written notice to the City of such transfer.

Section 28. Notices. Any approval, disapproval, demand, document or other notice which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by reputable document delivery service such as Federal Express that provides a receipt showing date and time of delivery, (iii) mailing in the United States first-class mail, postage prepaid, or (iv) by email, with confirmation of receipt to the intended recipient,

addressed to the address of the party as set forth below, or at any other address as that party may later designate by notice:

If to the City: City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840
Attention: Community & Econ. Development Dir.

If to the Developer: AMG & Associates, LLC
c/o Alexis Gevorgian
16633 Ventura Blvd., Suite 101
Encino, CA 91436
Attention: Amanda Locke
Email: alocke@amgland.com

Section 29. Amendment. Any alteration, change or modification of or to this Agreement, in order to become effective, shall be made in writing and in each instance signed on behalf of each party. Each alteration, change, or modification to this Agreement shall be recorded against the Site in the Official Records of Orange County, California.

Section 30. Legal Advice. Each party represents and warrants to the other the following: they have carefully read this Agreement, and in signing this Agreement, they do so with full knowledge of any right which they may have; they have received independent legal advice from their respective legal counsel as to the matters set forth in this Agreement, or have knowingly chosen not to consult legal counsel as to the matters set forth in this Agreement, and they have freely signed this Agreement without any reliance upon any agreement, promise, statement or representation by or on behalf of the other party, or their respective agents, employees or attorneys, except as specifically set forth in this Agreement, and without duress or coercion, whether economic or otherwise.

Section 31. Project as a Private Undertaking. It is specifically understood and agreed by and between the parties hereto that the development of the Project is a private development, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. No partnership, joint venture or other association of any kind is formed by this Agreement. The only relationship between City and Developer is that of a government entity regulating the development of private property and the owner of such property.

Section 32. Exhibits. This Agreement includes the following exhibits, each of which is attached hereto and incorporated herein by this reference:

- (i) Exhibit A: Legal Description of Site
- (ii) Exhibit B: Schedule of Performance
- (iii) Exhibit C: Tenant Income Verification Form

[Signatures appear on following page.]

IN WITNESS WHEREOF, City and Developer have executed this Density Bonus Housing Agreement as of the date first set forth above.

AMG & ASSOCIATES, LLC:
a California limited liability company

By: _____
Its: Managing Member

By: _____
Its: Manager

By: _____
Name: _____
Its: _____

By: _____
Name: _____
Its: _____

EMLLEN W. HOAG FOUNDATION
a California nonprofit corporation

By: _____
Name: _____
Its: _____

By: _____
Name: _____
Its: _____

CITY OF GARDEN GROVE,
a California municipal corporation

City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A
LEGAL DESCRIPTION OF SITE

EXHIBIT B

SCHEDULE OF PERFORMANCE

	Action Item	Status
1.	Approval and Execution of Agreement. City shall approve and execute the Agreement.	Within 30 days ¹ of submittal of signed Agreement by Developer.
2.	Record Agreement. City shall cause the Agreement to be recorded against the Site.	Within 10 days of City approval and execution of Agreement and receipt of evidence of subordination of existing liens and encumbrances pursuant to Section 17 of Agreement.
3.	Construction Drawings. Developer shall submit construction drawings for the Project to City for plan check.	Completed.
4.	Revision to Construction Drawings. Developer shall revise and resubmit construction drawings to address reasons for conditional approval or disapproval by City.	Completed.
5.	Building Permits. Developer shall obtain all required building permits for the Project.	Within 30 days of approval and execution of Agreement by City
6.	Management Plan and Marketing Program. Developer shall submit its proposed Management Plan and Marketing Program to City for review and approval.	Within 90 days of approval and execution of Agreement by City.
7.	Approval of Management Plan and Marketing Program. City shall review and approve, conditionally approve, or disapprove Developer's proposed Management Plan and Marketing Program.	Within 30 days of receipt of a complete submittal from Developer.
8.	Revision to Management Plan and Marketing Program. Developer shall revise the Management Plan and/or Marketing Program to address reasons for conditional approval or disapproval by City.	Within 30 days of conditional approval or disapproval by City.

¹ All days are calendar days unless otherwise noted.

	Action Item	Status
9.	Approval of Revised Management Plan and Marketing Program. City shall review and approve or disapprove revised Management Plan and Marketing Program.	Within 30 days of receipt of revised Management Plan and Marketing Program from Developer.
10.	Commencement of Construction. Developer shall commence the construction of the Project.	Within 30 days of approval and execution of Agreement by City
11.	Progress Reports. During the construction of the Project, Developer shall prepare and submit to City monthly written progress reports.	Commencing 30 days after start of construction and continuing until completion of construction, but only after execution of Agreement by City.
12.	Completion of Construction. Developer shall complete the construction of the Project.	On or before _____
13.	Off-Site Improvements. Developer shall complete all off-site improvements required in connection with the construction of the Project.	On or before _____

EXHIBIT C

TENANT INCOME VERIFICATION FORM

Part I -- General Information

1. Project Location: 9691 Bixby Avenue, Garden Grove, California
2. Landlord's Name: _____

Part II -- Unit Information

- | | | | | | | | |
|----|----------------|----|-----------------------|----|-----------------|----|------------------------|
| 3. | Unit
Number | 4. | Number of
Bedrooms | 5. | Monthly
Rent | 6. | Number of
Occupants |
| | _____ | | _____ | | \$_____ | | _____ |

Part III -- Affidavit of Tenant

7. I, _____, and I, _____, as applicants for rental of an apartment unit at the above described location, do hereby represent and warrant that **(my/our) gross household income (anticipated total annual income from all household members over age 18) does not exceed the maximum income set forth for a lower income household in Orange County, adjusted for a household size appropriate to the Apartment Unit**, as published from time to time by the State Department of Housing and Community Development in the California Code of Regulations. (I/We) understand that the current maximum household income for a lower income household occupying a [two-bedroom/three-bedroom/four-bedroom] unit in Orange County is \$_____. The following computation includes all household income (I/we) anticipate receiving for the 12-month period beginning on the date (I/we) execute a rental agreement for an apartment unit or the date on which (I/we) will initially occupy such unit, whichever is earlier.

Tenant Initials

8. Tenants qualifying above must complete the following:

Monthly Gross Household Income (All Sources of Income of All Household Members Over Age 18 Must be Listed. Use Separate Sheet of Paper if Necessary.)
--

Source	Head of Household	Co-Tenant #1	Monthly Total
Name			
Gross amount, before payroll deductions, of wages, salaries, overtime pay, commissions, fees, tips and bonuses			
Interest and/or dividends			
Net income from business or from rental property			
Social security, annuities, insurance policies, pension/retirement funds, disability or death benefits received periodically			
Payment in lieu of earnings, such as unemployment and disability compensation, worker's compensation and severance pay			
Alimony, child support, other periodic allowances			
Public assistance, welfare payments			
Regular pay, special pay and allowances of members of Armed Forces			
Other			

Total: _____

Total x 12 _____ = Gross Annual Household Income

Note: The following items are **not** considered income: casual, sporadic or irregular gifts; amounts specifically for or in reimbursement of medical expenses; lump sum payments such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses; educational scholarships paid directly to the student or educational institution; government benefits to a veteran for education; special pay to a serviceman head of family away from home and under hostile fire; foster child care payments; value of coupon allotments for purpose of food under Food Stamp Act of 1964 which is in excess of amount actually charged the eligible household; relocation payments under federal, state, or local relocation law; payments received pursuant to participation in the following programs: VISTA, Service Learning Programs, and Special Volunteer Programs, SCORE, ACE, Retired Senior Volunteer Program, Foster Grandparent Program, Older American Community Services Program, and National Volunteer Program to Assist Small Business Experience.

9. This affidavit is made with the knowledge that it will be relied upon by the Landlord to determine gross household income for eligibility and (I/we) warrant that all information set forth in this document is true, correct and complete and based upon information (I/we) deem reliable and that the statement contained in paragraph 1 and the information contained in paragraph 2 of this Part III is reasonable and based upon such investigation as the undersigned deemed necessary.
10. (I/We) will assist the Landlord in obtaining any information or documents required to verify the statements made in this Part III and have attached hereto copies of (my/our) federal income tax return(s) for the most recent tax year in which a return was filed (past two years federal income tax returns for self-employed persons).
5. (I/We) acknowledge that (I/we) have been advised that the making of any misrepresentation or misstatement in this affidavit will constitute a material breach of (my/our) agreement with the Landlord to rent the unit and will additionally enable the Landlord and/or the City of Garden Grove to initiate and pursue all applicable legal and equitable remedies with respect to the unit and to me/us.

(I/We) do hereby swear under penalty of perjury that the foregoing statements are true and correct.

Date

Tenant

Date

Tenant

INCOME VERIFICATION
(for employed persons)

The undersigned employee has applied for a rental unit located in a project subject to a Density Bonus Housing Agreement approved by the City of Garden Grove providing for rental of units to lower income households. Every income statement of a prospective tenant must be stringently verified. Please indicate below the employee's current annual income from wages, overtime, bonuses, commissions or any other form of compensation received on a regular basis.

Annual wages _____

Overtime _____

Bonuses _____

Commissions _____

Total current income _____

I hereby certify that the statements above are true and complete to the best of my knowledge.

Business Name: _____

Signature

Date

Title

Employee: I hereby grant you permission to disclose my income to _____ in order that they may determine my income eligibility for rental of an apartment located in their project which has been financed under a density bonus housing project of the City of Garden Grove.

Signature

Date

Please send to:

INCOME VERIFICATION
(for selfemployed persons)

I hereby attach copies of my individual federal and state income tax returns for the immediately preceding calendar year and certify that the information shown in such income tax returns is true and complete to the best of my knowledge.

Signature

Date

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	William E. Murray
Dept.:	City Manager	Dept.:	Public Works
Subject:	Approval of an amendment to the agreement with Republic Waste Services of Southern California LLC, dba Garden Grove Disposal for a mandatory organic waste program and rate implementation. <i>(Joint Action Item with the Garden Grove Sanitary District Board.)</i>		
	Date:	4/24/2018	

OBJECTIVE

To obtain approval by the Garden Grove City Council and the Garden Grove Sanitary District Board of an amendment to the agreement with Republic Services Waste Services of Southern California LLC, dba Garden Grove Disposal to be in compliance with the State Mandatory Commercial Organic Program and rates implementation.

BACKGROUND

As part of the State's goal to achieve 75% waste diversion statewide by 2025, the State adopted a mandatory commercial organic recycling program for local jurisdictions to implement as part of the Governor's Assembly Bill AB 1826 Chesbro (Chapter 727, Statutes of 2014). This new law was designed to help improve air quality by reducing greenhouse gas emissions that are produced in landfills. Beginning in 2016, the law requires certain businesses in California, with limited exceptions, to recycle organic materials. Organic material is defined as food waste, green waste (landscape debris and trimmings), and non-hazardous wood waste. Organics recycling requires that your business separate your organic materials from other refuse materials. Multi-family residential dwellings are not required to have a food waste diversion program.

The implementation schedule for businesses to enact an organics recycling program is as follows:

Description	Implementation Date
Tier 1: Businesses that generate 8 cubic yards or more of organic waste per week	April 1, 2016
Tier 2: Businesses that generate 4 cubic yards or more of organic waste per week	January 1, 2017
Tier 3: Businesses that generate 4 cubic yards or more of trash per week	January 1, 2019
Tier 4: Businesses that generate 2 cubic yards or more of trash per week*	January 1, 2020

*If the State of California, by the year 2020, has not reached its goal to reduce organic disposal by 50% of the base year (2014), the mandated organic recycling requirement will be expanded to cover businesses that generate 2 cubic yards or more of trash per week.

Under this new law, businesses must apply good faith efforts by implementing one of the following:

- Subscribe to the new Food Scrap recycling service
- Self-haul your food scraps to a composting facility, and/ or
- Donate edible food to a food bank

SB 605 (Lara, Chapter 523, Statutes of 2014) directed California Air Resources Board to develop a comprehensive short-lived climate pollutants (SLCPs) strategy, in coordination with other state agencies and local air quality management and air pollution districts to reduce emissions of SLCPs. SB 1383 (Lara, Chapter 395, Statutes of 2016) directed the Board to approve and begin implementing the plan by January 1, 2018, and set statewide 2030 emission reduction targets for methane, HFCs, and anthropogenic black carbon.

As it pertains to CalRecycle, SB 1383 targets have been established to achieve a 50 percent reduction in the level of statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The law grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target of no less than 20 percent of currently disposed edible food to be recovered for human consumption by 2025. If the statewide diversion goal is not met, local jurisdictions may be required to impose penalties and collect fees to recover costs incurred from non-recycling organic waste generators in order to in comply with the State regulations.

DISCUSSION

Republic Services, doing business as Garden Grove Disposal, has been the Garden Grove Sanitary District's (District) solid waste collection and disposal provider since 1989. On July 1, 2010, this franchise service agreement was amended and the City was added as a party to the Agreement. In response to AB 1826, Republic Services has developed a source separated food scrap collection program. Program strategies are to have the materials collected, and processed into a renewable source of fuel and/or energy through a process known as anaerobic digestion.

To ensure the rates proposed for this new program are fair and reasonable, the District in January 2017, contracted with HF&H Consultants to perform a formal rate review process on Republic Services' proposed recycling organic rates, and to negotiate on behalf of the District with the hauler. Other Republic Services' contracted agencies such as the cities of Fullerton, Brea, Yorba Linda and Placentia also underwent a rate review facilitated by HF&H at the same time as our District. This collaborative effort made the rate negotiations consistent among all participating agencies.

HF&H has thoroughly assessed program containers, collection vehicles, collection equipment, organics processing, public education and outreach, reporting, advertising, labor, principal, and interest payments proposed by Republic Services. Based on their cost analysis, final negotiations were successfully reached with Republic Services in January 2018. This resulted in commercial rate payers receiving the most cost effective rates with a program that meets State compliance.

The proposed rate adjustment would increase commercial rates on July 1, 2018, and January 1, 2019, by increments of 1.825%, or a total increase of 3.65%. These rates are based on Republic's estimated participation levels with a rebalancing mechanism being set to take place in 2022 (unless the organics tonnage threshold is achieved earlier), for the purpose of adjusting rates to match actual program costs. Program implementation will become effective July 2018.

FINANCIAL IMPACT

There is no impact to the General Fund.

RECOMMENDATION

It is recommended that the City Council:

- Approve the amendment to the 2010 Agreement with Republic Waste Services of Southern California LLC, dba Garden Grove Disposal for organic waste handling services;
- Authorize the City Manager to execute the agreement on behalf of the City, and make minor modifications as appropriate thereto.

It is recommended that the Sanitary District Board:

- Approve the amendment to the 2010 Agreement with Republic Waste Services of Southern California LLC, dba Garden Grove Disposal for organic waste handling services;
- Authorize the General Manager to execute the agreement on behalf of the Sanitary District, and make minor modifications as appropriate thereto.

By: A.J. Holmon III, Streets/Environmental Manager

ATTACHMENTS:

Description	Upload Date	Type	File Name
Amendment	4/2/2018	Backup Material	GGSD_AMENDMENT_3_TO_SOLID_WASTE_FRANCHISE_AGREEMENT_RE_ORGANIC_WASTE.FINAL.docx

**AMENDMENT NO. 3 TO AGREEMENT AMONG CITY OF GARDEN GROVE,
GARDEN GROVE SANITARY DISTRICT AND REPUBLIC WASTE SERVICES OF
SOUTHERN CALIFORNIA, LLC dba GARDEN GROVE DISPOSAL
FOR SOLID WASTE HANDLING SERVICES
(ORGANIC WASTE)**

This Amendment No. 3 (“Amendment”) to the Agreement for Solid Waste Handling Services is entered into to be effective as of the 24th day of April, 2018, by and among the City of Garden Grove, the Garden Grove Sanitary District, a subsidiary special district formed and existing pursuant to the Sanitary District Act of 1923, California Health and Safety Code Section 6400 et seq., and Republic Waste Services of Southern California, LLC (“Republic”), a Delaware Limited Liability Company dba Garden Grove Disposal. The City and District are hereby collectively referred to as “City.” The City, District and Republic are hereby collectively referred to as the “Parties.”

R E C I T A L S:

A. Effective July 1, 2010, the Parties hereto entered into the Agreement Between City of Garden Grove, Garden Grove Sanitary District and Republic Services of Southern California, LLC dba Garden Grove Disposal for Solid Waste Handling Services (“Agreement”).

B. Pursuant to Section 8.3.4 of the Agreement, Republic is required to design and present a program to the City to comply with any new requirement imposed upon the City or Republic by CalRecycle, or any Federal, State or Local law or regulation, and the Parties are required to meet and confer in good faith to determine a fair and reasonable adjustment to the maximum rates set forth in the Agreement for the implementation of any new source separated program for the collection of any waste material not already covered under the Agreement.

C. In 2014, the State of California enacted AB 1826, requiring the implementation of mandatory commercial organics recycling beginning in 2016, which services require a new source separated program that is not currently contemplated in the Agreement.

D. Pursuant to Recital E of the Agreement, incorporated into the Agreement by reference per Section 1 thereto, the Parties intend that Republic, and not the City, shall be solely responsible for establishing and collecting all charges for Solid Waste Handling Services provided by Republic pursuant to the Agreement.

C O V E N A N T S:

NOW, THEREFORE, for and in consideration of the terms and conditions of this Amendment, the Parties hereby agree as follows:

SECTION 1. Section 2 (Definitions) of the Agreement is hereby amended to include the following definitions:

AB 1826

“AB 1826” means the Organic Waste and Recycling Act of 2014 (Chapter 27, Statutes of 2014 modifying AB 939, the California Integrated Waste Management Act of 1989, Division 30 of the California Public Resources Code (commencing with Section 40000 et seq.), as amended, supplemented, superseded, and replaced from time to time.

Food Waste

“Food Waste” means all kitchen and table food scraps; animal or vegetable waste that is generated during or results from the storage, preparation, cooking or handling of food stuffs; discarded paper that is contaminated with Food Waste; fruit waste, grain waste, dairy waste, meat, and fish waste, which has been source separated from other Solid Waste. Food Waste is a subset of Organic Waste.

Organic Waste

“Organic Waste” means Food Waste, Green Waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper that is mixed in with food waste.

Organic Waste Processing Facility

“Organic Waste Processing Facility” means a permitted facility where Organic Waste is sorted, mulched or separated for the purposes of Recycling, reuse or composting.

SECTION 2. Section 8.3 of the Agreement is hereby amended to add the following provisions:

8.3.6 Organic Waste Recycling Program for Commercial Premises and Multi-Family Dwelling Customers

(a) Republic shall implement and be responsible for ensuring that the source separated Organic Waste Recycling program meets the requirements of AB 1826. If AB 1826 is subsequently amended and if such amendment requires a modification of the Organic Waste Recycling program in a manner not anticipated by this Agreement, then City and Republic shall meet and confer regarding such modifications as provided in Section 8.3.4 of the Agreement.

(b) Republic shall be responsible to ensure that all Organic Waste is processed using methods that are approved by CalRecycle for Diversion credit.

(c) Republic shall offer Organic Waste Recycling services to all Commercial Premises and Multi-Family Dwellings and City Facilities.

(d) Republic shall offer Organic Waste Recycling services based on the Container size and service frequency as contained in the Rate Schedule in Exhibit 1. The services offered shall include a two-cubic yard bin and a 65-gallon cart, collected one to

three times per week. If CalRecycle determines that mandatory commercial Organic Waste service shall be provided to Customers on or after January 1, 2020 that subscribe to two-cubic yards or more of solid waste service per week, then Republic will also offer a 35-gallon cart at the rate identified in Exhibit 1 for Customers who generate a small amount of Organic Waste.

(e) The method(s) for contacting customers as described in this Amendment, unless otherwise specified, shall be accomplished through means which may include direct mail, email, telephone calls, site visits and/or other methods in Republic's discretion, provided that such methods meet the regulatory requirements of CalRecycle.

(f) In the event Republic encounters a contaminated Organic Waste Container, Republic shall document the contaminated Container using a driver on-board system, forward the message to dispatch and retain photos of the incident. Republic shall advise the Customer that Republic will return the following business day to provide Collection service for the contaminated Container. Republic shall contact and provide education materials to the Customer on appropriate items to be placed in the Organic Waste Container. For each instance of a contaminated Organic Waste Container, Customer shall be charged the fee identified in Exhibit 1.

(g) Republic shall identify and target Commercial Premises that create large amounts of Organic Waste, such as hotels, business parks, and Multi-family Dwelling Customers with significant landscaping waste disposed of in non-recyclable material container(s). Republic shall also target Commercial Premises Customers that have food service operations such as restaurants, grocery stores, hospitals, corporate cafes, bakeries, etc. If necessary or if requested by CalRecycle, Republic shall conduct visual waste audits of Commercial Premises and Multi-Family Dwellings to evaluate the Organic Waste service requirements and service level needs. Republic shall provide access to training materials to train Customer employees such as servers, food preparers, hospitality and maintenance staff, taking into consideration employee turnover, and shift changes. If necessary or if requested by CalRecycle, on an annual basis, Republic shall conduct Customer surveys and onsite waste assessments of Commercial Premises and Multi-Family Dwelling Customers subject to the requirements of AB 1826 that do not receive Republic provided Organic Waste Recycling, utilize an in-house program, donate edible foods to a charitable organization or Recycle using a third party vendor. Republic shall provide copies of waste assessments performed each quarter until January 2020 or later if requested by CalRecycle or City and shall submit copies of all waste assessments as part of the annual report to the City in accordance with Section 23.2 of the Agreement [as amended pursuant to Section 3 of this Amendment]. In the event a Customer that meets the requirements in AB 1826 refuses Republic's Organic Waste Recycling service and does not report to Republic that they achieve Organic Waste Recycling via in-house, food donations, or through a third party Recycling program that meets the requirement under applicable laws, Republic shall provide to the City information including Customer's name, address and contact information on a City approved template for inclusion with State reporting.

(h) Republic, with City support, shall contact and provide outreach to participating Commercial Premises and Multi-Family Dwelling Customers as follows:

- (i) Initial Direct Mailing Outreach to be performed by Republic
 - Upon approval of an Organics Waste collection program, Republic will prepare a multi-lingual letter regarding the requirements of AB 1826 for City approval. Upon receipt of City approval the letter is to be printed using the City's electronic letterhead and mailed or delivered by Republic to all Commercial Premises and Multi-Family Dwelling Customers, informing Customers of the Republic-provided Organic Waste Recycling Program and the requirements for compliance with AB 1826. The letter shall note that participation is mandatory under State law for customers that meet the participation thresholds under AB 1826.
- (ii) Initial Direct Mailing of Compliance Outreach to be performed by Republic
 - Republic will prepare a letter for City approval and send to all non-compliant Customers detailing their non-compliance and annual reporting requirements to CalRecycle. The letter is to be printed using the City's electronic letterhead. Republic will contact all non-compliant Customers identified using the Republic's database. Republic will provide the City a list of all non-compliant Customers, including but not limited to, contact person, service and billing addresses, phone number, email, account notes and any information relating to the previous refusal of Organic Waste Recycling program services to report to CalRecycle.
- (iii) Annual Outreach to be performed by Republic
 - Republic shall contact all Customers that fall under the requirements of AB 1826, but that do not have a CalRecycle approved program in place, and are not in compliance with the requirements set forth in AB 1826.
- (iv) Ongoing Outreach to be performed by Republic
 - Provide Organic Waste Recycling information to all Commercial Premises and Multi-family Dwelling Customers including step by step process; guidelines for new employee training; do's and don'ts of separation; signage examples; source reduction suggestions; links to online City programs/resources; Good Samaritan Law definition; information on environmentally preferable purchasing policies; and resource list of sustainability programs and toolkits from trade organizations like the National Restaurant Association and US Composting Council Curb to Compost Toolkit and/or government agencies like the EPA toolkit for Reducing Food Waste and Packaging and FTC Guidelines on compostable and degradable claims.
 - Provide samples of indoor and outdoor Container options and signage.

- Contact or provide information to help identify Customer’s “startup team” to implement the program and provide long term support.
- If necessary or if requested by Customers, conduct, comprehensive, in-house, multi-lingual trainings with kitchen and janitorial staff at no additional charge.
- Follow-up and monitor to ensure successful participation, which shall include visual audits and additional training when necessary.
- Create solutions for the identified challenges and waste stream specifics.
- Connect Customers with food donation programs where applicable (Senate Bill 1383 requires recovery of twenty percent (20%) of edible food for human consumption that is currently landfilled by 2025).
- Republic shall produce, keep current, and provide information to the public on AB 1826 and identification of Commercial Premises and Multi-Family Dwelling Customers affected by the legislation.
- The information for the Republic provided Organic Waste Recycling program shall be promoted through Republic’s website, mailers, brochures, billing inserts, email content, social media, and online announcements.

SECTION 3. Section 23.2 (Quarterly Reports) of the Agreement is amended to read as follows:

23.2 Quarterly Reports

23.2.1 Minimum Requirement

At a minimum, Republic shall report the following to City on a quarterly basis: the information required in the monthly reports; the complaint summary for the quarter summarized by nature of complaints; copies of promotional and public education materials sent during the quarter; description of Republic outreach activities conducted the previous quarter; and such other information or reports that the City may reasonably request or require. Republic shall, upon demand by City, provide true and accurate copies of landfill disposal (tipping) receipts and similar such documents in order to enable City to verify Republic's quarterly reports.

23.2.2 Quarterly Commercial Premises and Multi-Family Dwellings Organic Waste Recycling Program Reporting Requirements

Republic shall provide the following to the City on a quarterly basis (until January 2020), and annually thereafter, in a format approved by the City:

- The total number of Commercial Premises and Multi-Family Dwelling Customers serviced by the Republic that meet the thresholds of AB 1826.
- The number of these Customers that:
 - Subscribe to the Republic provided Organic Waste Recycling program;
 - Recycle Organic Waste via an in-house program;
 - Donate edible food to charitable organizations;
 - Use a third-party vendor for Organic Waste Recycling; and,
 - Are without a known Organic Waste Recycling program.
- A listing of all contact, surveys and onsite waste assessments performed for customers that are required under State law, but that refuse organics service and copies of onsite waste assessments.
- Contact information for Commercial Premises and Multi-Family Dwellings Customers (as available in the Republic's data base) that do not currently have an Organic Waste Recycling program.
- All documentation provided shall include detailed support.

SECTION 4. Section 24 (Compensation) of the Agreement is hereby amended to add the following provisions:

24.9 Organic Waste Recycling Compensation Adjustment

(A) Republic shall provide Organic Waste Recycling services at rates it sets, charges to, and collects from Customers, which rates are listed in Exhibit A, subject to a rate adjustment to the existing Commercial Solid Waste handling services rates of 3.4 % to be phased-in with two equal increments of 1.7% each as follows: beginning July 1, 2018, Republic will implement a one-time rate increase of 1.7% for Commercial rates in addition to the annual rate adjustment per Section 24 of the Agreement. Republic will subsequently implement an adjustment of 1.7% to Commercial rates on January 1, 2019 in addition to the annual rate adjustment per Section 24 of the Agreement. The sector-wide increase will also be adjusted to include application of the City's Franchise Fee.

(B) The parties acknowledge that effective July 1, 2019 and annually thereafter, Commercial rates will be adjusted for changes in the Organics Waste disposal/processing fee per ton based on the formula in Exhibit 2 hereto - Organic Waste Processing Component Adjustment, except that such formula will not be applied in any year that the Rate Adjustment Rebalancing Formula is applied in accordance with Section 24.9(C) and 24.9(D) below.

(C) Effective July 1, 2022, the Organic Waste Collection rate increases previously implemented will be adjusted based on the Rate Adjustment Rebalancing Formula in Exhibit 3 hereto to reflect the actual level of participation in the program. Republic will provide for City review all data and documentation requested by the City supporting the number of units (tons, hours, container count) and related calculations in Exhibit 3. Such data shall include any allocation methods used to allocate tons or hours to the City from shared organics collection routes in other cities.

(D) If the actual number of tons for the Organic Waste collected under this program in calendar year 2019 exceeds the tonnage threshold of 4,148 tons, then the rebalancing calculation may be performed effective July 1, 2020 upon Republic's written notice to City, if received by the City prior to February 1, 2020, and will be performed again effective July 1, 2021 and July 1, 2022. The rebalancing procedure will not be performed again after July 1, 2022.

(E) The processing cost per ton to be used in Exhibit 2 and Exhibit 3 is based on the tipping fee at the third party's CORE Organic Waste Processing Facility in the City of Orange. If Republic develops its own Organic Waste Processing Facility and proposes to use it for processing Organic Waste generated in the City, and provided that Republic's facility is competitive with market rates, City and Republic shall meet and confer in good faith to determine a fair and reasonable adjustment to the maximum rates set forth on Exhibit A based on the processing cost per ton that reflects the proposed facility's costs, and a method of adjusting the processing cost per ton.

SECTION 5. The "Approved Republic Rate Schedule" in Exhibit A of the Agreement is amended to include the refuse/organics collection rates shown in Exhibit 1.

SECTION 6. Exhibit 2, Organics Waste Processing Component Adjustment, is added to the Agreement.

SECTION 7. Exhibit 3, Rebalancing Mechanism, is added to the Agreement.

SECTION 8. Exhibit 4, Documentation of the Rebalancing Adjustment Factor, is added to the Agreement.

SECTION 9. Except as expressly set forth herein, nothing in this Amendment shall affect or modify any other of the provisions of the Agreement.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties have executed this Amendment as of the date first above written.

CITY OF GARDEN GROVE

By: _____
Scott C. Stiles, City Manager

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

GARDEN GROVE SANITARY DISTRICT

By: _____
Scott C. Stiles, General Manager

ATTEST:

Secretary

APPROVED AS TO FORM:

General Counsel

REPUBLIC WASTE SERVICES OF
SOUTHERN CALIFORNIA, LLC dba
GARDEN GROVE DISPOSAL

(Corporate Seal)

By: _____

Printed Name

Its: President

By: _____

Printed Name

Its: Secretary

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	John Montanez
Dept.:	City Manager	Dept.:	Community Services
Subject:	Adoption of a Resolution revising the fee for Block Party Permits. (<i>Action Item</i>)		
		Date:	4/24/2018

OBJECTIVE

A request for the City Council to adopt a Resolution approving a revised fee for block party permits.

BACKGROUND

Staff has analyzed and calculated the actual and direct costs to the City to process and monitor a block party permitted event. The current cost for the permit is \$50. This existing permit fee does not include the cost for public safety to monitor block parties. Starting in 2018, there will be one dedicated staff from both the Police and Fire departments assigned to monitor all block parties on 4th of July. Therefore, the costs for these permits have changed, and it is necessary to implement an additional fee of \$86.50 to cover the increased costs, for a total revised fee of \$136.50.

DISCUSSION

Staff is requesting that City Council adopt the attached Resolution to revise the fee for block party permits from the current fee of \$50, to a revised fee of \$136.50. The proposed fee is based on the actual costs of providing the services for such permits. The revised fee will become effective immediately upon adoption by the City Council.

FINANCIAL IMPACT

Adoption of the Resolution revising the fee for block party permits will have no financial impact to the City's General Fund.

RECOMMENDATION

It is recommended that the City Council:

- Adopt the attached Resolution revising the fee for block party permits.

By: Janet Pelayo, Manager

ATTACHMENTS:

Description	Upload Date	Type	File Name
CC Resolution	4/18/2018	Resolution	4-24-18_CC_4th_of_July_Block_Parties_- _2018_Resolution_to_amend_City_User_Fees_Rev1_(6).docx

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
REVISING THE FEE FOR BLOCK PARTY PERMITS

WHEREAS, State law authorizes a city to adopt and implement fees, rates, and charges for municipal services, provided that such fees, rates, and charges do not exceed the estimated reasonable cost of providing such services;

WHEREAS, the actual and direct costs to the City to process and monitor a block party permitted event has been calculated and analyzed, and because the costs of such services have changed, a revised fee implementing an additional \$86.50 to the current fee, for a total revised fee of \$136.50;

WHEREAS, the revised fee is based on the actual or estimated reasonable cost of providing the services, including labor, materials, and overhead, and do not exceed such costs; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Garden Grove does hereby revises the block party permit fee at \$136.50, which revised fee shall become effective immediately upon adoption of this Resolution.

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 revised 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.

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Charles Kalil
Dept.:	City Manager	Dept.:	Information Technology
Subject:	Update on the solution to NovusAGENDA voting system issues.	Date:	4/24/2018

OBJECTIVE

To provide an update to the City Council on addressing stability issues with the NovusAGENDA voting system used during City Council meetings.

BACKGROUND

During the past several City Council meetings, Council Members and staff have noticed performance and stability issues with the NovusAGENDA voting system. Initially, there were brief but obvious delays before the vote entry screen and results would display. During the April 10th City Council meeting, the voting system simply did not work. Throughout the meeting, whenever a vote was called, the vote entry screen would not display on the computers. Council Member Bui requested IT staff to look into the issue and report back.

DISCUSSION

IT staff has determined that the best course of action would be to build a voting system in-house and bypass the NovusAGENDA voting system altogether. Development of the new system has been completed and testing has commenced. The new system is expected to be fully functional at the May 8th City Council meeting.

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Scott C. Stiles From: Maria Stipe
Dept.: City Manager Dept.: City Manager
Subject: Discussion on a Resolution Date: 4/24/2018
designating the portion of
Garden Grove west of
Western Avenue as the West
Grove District. (*Action Item*)

Per the request and motion of Mayor Pro Tem Beard at the April 10th meeting, the City Council approved an agenda item to discuss and consider a Resolution designating the western portion of the City as the West Grove District. A draft Resolution is attached for review and discussion.

ATTACHMENTS:

Description	Upload Date	Type	File Name
Draft Resolution	4/19/2018	Resolution	Draft_West_Grove_Resolution.4.24.18.pdf

DRAFT

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
DESIGNATING THE PORTION OF GARDEN GROVE WEST OF WESTERN
AVENUE AS THE WEST GROVE DISTRICT

- WHEREAS, Since the formation and incorporation of the City of Garden Grove on June 18, 1956, residents living in the western portion of the city have long demonstrated a profound sense of community pride so distinct, that they identify the area as "West Grove" with the affinity and the character of a small, family-oriented, hardworking, middle-class, "All American" hometown; and
- WHEREAS, In 2016, the Garden Grove City Council officially established City Council District 1, with an elected representative designated to serve the residents of West Grove, as well as businesses located in one of the most prominent industrial and manufacturing sectors of the city; and
- WHEREAS, West Grove is proud of its heritage and as a community continues to support and participate in such long-standing American traditions and activities as 4th of July block parties; bicycle parades; holiday neighborhood festivities; Little League parades; pushcart derby; charitable fundraising; school sporting events, activities, and the PTA; summer concerts in the park; the Boys and Girls Club; Boy and Girl Scouts; church services; and other family-oriented activities; and
- WHEREAS, Past and present West Grove residents have made distinguished contributions to society in fields such as business, education, science, public office, charitable/humanitarian work, entertainment, sports, and military service. Notables include two Miss California title holders; Congressional Medal of Honor recipient Tibor Rubin; Olympic gold medalist Amanda Freed; and oldest living MLB player Chuck Stevens; and
- WHEREAS, In the 1980's, the City of Garden Grove installed two monument signs designating a half-mile stretch along Valley View Street, from north of the Garden Grove SR-22 Freeway, to south of the Garden Grove/Cypress border, as the "Valley View Commercial Corridor," and in 1990, installed an Amber Alert digital street sign off of the 22 Freeway—the first in a California city—creating an entrance to the commercial district and a sense of pride for West Grove; and
- WHEREAS, Garden Grove continues to proudly acknowledge the west Garden Grove neighborhoods as a significant, recognized, distinct, and dynamic hometown community worthy of being named the West Grove District. Further, with such a designation, this will invite future families, residents, visitors, businesses, and commercial investors to participate, share and experience new opportunities in an established community filled with hometown values and richness.
- NOW, THEREFORE, BE IT RESOLVED, that the Garden Grove City Council does hereby venerably designate the western portion of Garden Grove as the West Grove District, and with such a designation, making it an official Honorary Garden Grove Landmark.