

APPLICATION CHECKLIST AND CASE PROGRESS LOG

Case Identification No. SP-275-00 Case Planner Kosalinh Ung
 Related Case File Nos. GPA-1-00(A), PUD-136-00, V-270-00, SV-111-00
Pm-200-158
 Date Filed 3/24 Application Det. Complete Hearing Date 5/3 Hearing Body PC

* * * * *

Applicant <u>Kaufman & Broad</u>	Property Owner <u>K & P Partnership</u>
Address <u>320 Golden Shore Suite 200</u>	Address <u>1211 N. Broadway</u>
City <u>Long Beach, CA 90802</u>	City <u>Santa Ana, CA 92705</u>
Phone <u>(562) 256-2024</u>	Phone <u>(714) 834-9200</u>
Rep: <u>Patrick Simons</u>	<u>714-318-7374 cel phone.</u>

* * * * *

Site Address <u>CG Blvd</u>	Assessor Parcel No(s) <u>23157418</u>
Site Location <u>NWC CG & Sungrave</u>	General Plan <u>MX</u>
Flood Zone <u>A99</u>	Current Zone <u>HC-S-P-OP</u>
Map & Panel No. <u> </u>	Proposed Zone <u>RB</u>

Processing Information

	<u>DATE</u>		<u>DATE</u>
Application Submitted	<u>3/24</u>	Site Inspection	<u> </u>
Application Correction Notice	<u> </u>	Resumes Dist.	<u> </u>
Application Acceptance Letter	<u> </u>	Legals Faxed to Paper	<u> </u>
Fees Sent to Cashier	<u>3/29</u>	Mailed Legals Sent Out	<u> </u>
P.C.C. Technical Review	<u>4/4</u>	Final Staff Report	<u> </u>
P.C.C. Environmental Review	<u>4/4</u>	Staff Report Delivered	<u> </u>
Prepare Mailing List	<u> </u>		
Final Legal Notice	<u> </u>		

Identification No. _____

Hearing Date _____

**DEVELOPMENT SERVICES DEPARTMENT
PUBLIC HEARING NOTICE WORKSHEET**

Subject Site: (See Attached Map-Red Circles)

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

1. Total Subject Site _____

300 Foot Radius (See Attached Map-Yellow Circles)

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Total to be notified (1+2) _____

Total parcels on map _____

Total parcels on printout _____

_____	_____	_____
Date	Planning Supervisor	Date

2. Total 300' Radius _____

* () indicates total number of parcels in range

Attachments (in order) Parcel Map - Computer Printout - Returned Mailings

MINUTE EXCERPTS

GARDEN GROVE PLANNING COMMISSION

**PUBLIC
HEARING:**

NEGATIVE DECLARATION
GENERAL PLAN AMENDMENT NO. GPA-1-00(A)
PLANNED UNIT DEVELOPMENT NO. PUD-136-00
SITE PLAN NO. SP-275-00
TENTATIVE PARCEL MAP NO. PM-00-158
VARIANCE NO. V-270-00
STREET VACATION NO. SV-111-00
DEVELOPMENT AGREEMENT

APPLICANT:

KAUFMAN & BROAD

LOCATION:

NORTHWEST CORNER OF SUNGROVE STREET AND GARDEN GROVE
BOULEVARD AT 12811 GARDEN GROVE BOULEVARD

DATE:

MAY 3, 2000

REQUEST:

A request to change the General plan designation from MU (Mixed Use) to CR (Community Residential) and the zoning designation from OP/HCSP (Office Professional of the Harbor Corridor Specific Plan) to PUD (Planned Unit Development); Variance approval to deviate from the minimum lot size required for residential Planned Unit Development; Site Plan approval for the construction of a 93-unit senior apartment complex, Street Vacation to vacate a portion of Sungrove Street, Tentative Parcel Map for lot consolidation, and the approval of a Development Agreement. The site is approximately 1.67 acres in size.

Staff report was reviewed recommending approval of the Site Plan, Tentative Parcel Map, and Variance, as well as giving a recommendation of approval to City Council for the General Plan Amendment, Planned Unit Development, Street Vacation and Development Agreement. Staff noted that a neighborhood meeting was conducted in order to inform the residents of the proposed project.

Commissioner Hutchinson questioned whether there is a height restriction in this area, and if the project exceeds this restriction. Staff noted that there is a height restriction of 35 feet and that the project is proposing a 44 foot tall building.

Commissioner Tran questioned the progress of the traffic study for the area. Staff noted that a consultant will be working on the traffic study, and that there are no final determinations.

Mr. Craig Farmer, a representative for the applicant, approached the Commission. He expressed his enthusiasm for the project commenting that this project is an opportunity to bring quality affordable housing to senior citizens. He complimented City staff and

noted their assistance with the project. He stated that Kaufman and Broad has developed 8,000 multifamily housing projects with 43% as senior housing. He indicated that the property will be maintained professionally, and offer a community center that can be used for programs for the seniors as well as renting out to the public. He noted that Kaufman & Broad intends to be long-term property owners, and the financing will have a regulatory agreement which will ensure that this project stays affordable housing for low income level seniors.

Chairman Butterfield questioned whether they have read and agree with the conditions of approval including the revisions to the conditions. Mr. Farmer expressed his agreement.

Commissioner Hutchinson asked if Kaufman & Broad has considered acquiring the adjacent property to the project site, thereby making a street vacation unnecessary. He also commented that the parking for the project appears inadequate for the two bedroom units. Mr. Farmer indicated that they have been unable to acquire adjacent property.

Commissioner Barry inquired of Mr. Farmer whether Kaufman & Broad has any other projects similar to this proposed development. Mr. Farmer stated that there is a senior housing project in Orange on Tustin Avenue, and provided photographs to the Commission.

Mr. Patrick Simons, project developer for Kaufman & Broad, approached the Commission. He explained the proposed design and stated that 18 units will have two bedrooms and 75 will have one bedroom. He estimated that the price range will be from \$350 to \$850 per month. He stated that the parking is one to one which they have found adequate for a senior housing development, and that the parking will be security gated, with the majority of guest parking located outside the gated area.

Vice Chairman Freze inquired into the programs they intend to have for the seniors, how it will be coordinated, and what type of kitchen facilities will be in the community center.

Mr. Farmer indicated that there will be a manager on-site as well as a senior activities coordinator employed to develop activities for the senior residents such as swimming, bingo, and field trips. He stated that the community center will not have a full service kitchen, but there will be access to a microwave and sink.

Chairman Butterfield opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. George Callans, representing the property owner, approached the Commission. He expressed his view that this project will benefit the community and fill a need by providing senior housing.

Mr. Kris Karkar approached the Commission and expressed his support for the project. He noted that this proposed project will replace a car wash and drive-thru dairy, and feels it will be an improvement and a benefit.

Ms. Kathleen Green, of 12812 Timber Road, approached the Commission. She stated that the street vacation on Sungrove will be a great inconvenience to the residents on Sungrove Street, and will eliminate a direct route to Harbor Boulevard. She commented that installing a traffic signal at Aspenwood and Haster will not reduce the traffic flow and will create more congestion.

Ms. Sherry Williams, of 12702 Choisser Road, approached the Commission. She expressed concern about transients utilizing the proposed walkway off Sungrove Street.

Ms. April Gentry, of 12802 Timber Road, approached the Commission. She expressed her view that she did not like the idea of closing Sungrove Street, as it will be very inconvenient and unsafe exiting Aspenwood onto Haster Street.

Ms. Helen Fore, of 12521 Twinleaf Lane, approached the Commission and stated her objection to closing Sungrove Street. She expressed concern about the traffic exiting Aspenwood onto Haster Street.

Mr. Jim Humphries approached the Commission and expressed his disagreement with closing Sungrove Street, noting that he will be greatly inconvenienced when he makes his regular trips to the hospital for visits and medication.

Ms. Lila Shannon, of 12841 Forest, approached the Commission. She commented that it was unfair, especially for the long term residents of the area, to close off Sungrove Street.

Ms. Carla Perez, of 12791 Sungrove Street, approached the Commission. She expressed her disagreement with the Sunrove Street closure, and commented that the project is nice but should be on a smaller scale.

Ms. Susan Long, of 12781 Aspenwood, approached the Commission. She commented that closing off Sungrove Street and building a housing project will create a serious traffic problem on Haster Street. She commented that pulling out onto Haster Street from Aspenwood is very unsafe.

Mr. Keith Hively approached the Commission and expressed his view that closing Sun Grove Street will create a serious inconvenience, and does not think that closing the street is good for the residents.

Ms. Irene Jujetsky (sic) approached the Commission. She explained that she and her daughter need pedestrian access through the proposed project as they rely on public transportation and their stop is on Harbor Boulevard.

Mr. Craig Farmer approached the Commission and expressed the willingness of Kaufman & Broad to address the concerns of the residents. He noted that a Senior Housing project is very low intensity, and does not create traffic congestion.

Vice Chairman Barry inquired whether the project could be moved further west so that a street vacation would be unnecessary.

Mr. Farmer stated that moving the project further west would be based upon the wants and needs of the property owner. He expressed concern that it was financially unfeasible to cut back on the number of units. He commented that they would like to retain the community center, as it provides a "life-style" to the senior residents.

Commissioner Tran asked how many units would remain in the project without a street closure. Mr. Farmer estimated that it would be 70 units.

Commissioner Tran questioned whether a traffic impact study was done around the surrounding area. Mr. Farmer stated that a study is in the process currently and is not sure when it will be ready.

Commissioner Tran inquired of staff if there was any preliminary information from the traffic study. Staff indicated information would be forthcoming.

There being no further comments, the public portion of the hearing was closed.

Vice Chairman Barry suggested that this item be continued until more information on the traffic study is available.

Commissioner Hutchinson commented that he liked the project but felt that a street closure would create serious traffic problems for the residents and suggested the developer create alternatives.

Commissioner Tran expressed his support of the concept of senior housing, but that a street vacation was a drastic measure. He stated that he would like more substantial information in which to base a decision.

Commissioner Oh commented that the residents don't appear to be against the project, but are against the street vacation.

Commissioner Freze commented that he likes the project. He noted that the residents have valid concerns with the proposal of a street vacation, and suggested that the developer be given more time to create an alternative design and possibly acquire more property to the west.

Vice Chairman Barry expressed agreement and commented that she liked the project but that a street closure is not a good plan.

Chairman Butterfield stated that she is in favor of the project, but suggested that the developer look into acquiring the property to the west. She asked that the public hearing be reopened in order to question the applicant further. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BUTTERFIELD, BARRY, FREZE, HUTCHINSON, JONES, OH, TRAN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

Mr. Craig Farmer approached the Commission. He asked that the request be continued in order to rework the project in an attempt to accommodate the residents traffic and safety concerns.

There being no further comments, the public portion of the hearing was closed.

Commissioner Hutchinson moved to continue the request to the next Planning Commission meeting scheduled for May 17, 2000, seconded by Commissioner Freze. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BUTTERFIELD, BARRY, FREZE, HUTCHINSON, JONES, OH, TRAN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	George L. Tindall	From:	Matthew Fertal	
Dept:	City Manager	Dept:	Community Development	
Subject:	CONSIDERATION OF A TIME EXTENSION FOR A DEVELOPMENT AGREEMENT FOR 82 SENIOR APARTMENT UNITS LOCATED AT 12811 GARDEN GROVE BOULEVARD		Date:	June 12, 2001

OBJECTIVE

The purpose of this report is to consider a time extension for a Development Agreement with the property owner, K & P Partnership, for approved Site Plan No. SP-275-00 and Variance No. V-270-00, for a 82-unit senior apartment project. The site is located at 12811 Garden Grove Boulevard.

BACKGROUND

On June 7, 2000, the Planning Commission considered and approved Site Plan No. SP-275-00 and Variance No. V-270-00, and recommended that the City Council approve Planned Unit Development No. PUD-136-00, General Plan Amendment No. GPA-1-00(A), and the Development Agreement. The Planning Commission's action allowed the site to be improved with an 82-unit senior apartment development. The site is approximately 1.31 acres in size.

On July 11, 2000, the City Council approved Ordinance No. 2530, thereby approving the Development Agreement between the developer and the City.

DISCUSSION

The developer, Simpson Housing Solution, LLC. (formerly known as Kaufman & Broad Multi-Housing Group), is requesting that the Development Agreement be extended to July 11, 2002, in order to secure State tax credits to fund the project.

Staff has reviewed the one-year time extension request and finds that the developer is not proposing any changes to the original approved project. The conditions of approval for this project still apply. Staff has no additional changes or modifications to the proposed development or conditions of approval; and the proposal is still consistent with existing developments in the immediate vicinity.

Time Extension for a
Development Agreement for
82 Senior Apartment Development
June 12, 2001
Page 2

FINANCIAL IMPACTS

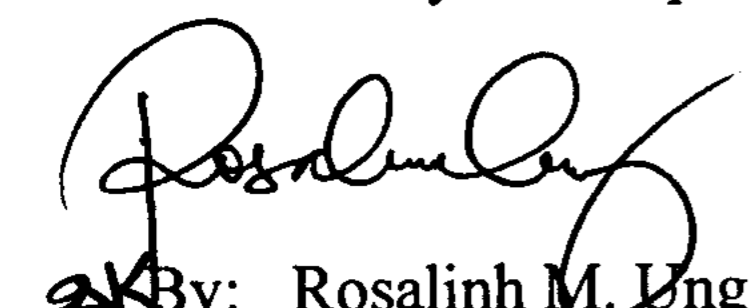
None.

RECOMMENDATION

It is recommended that the City Council hold a public hearing and:

- Approve the time extension for the Development Agreement for Site Plan No. SP-275-00 and Variance No. V-270-00.

MATTHEW FERTAL, Director
Community Development



By: Rosalinh M. Ung
Urban Planner

Attachments: Ordinance No. 2530
Approved Development Agreement
Applicant's Time Extension Request Letter
Reduced Plans
Draft Ordinance

h\planning\linh\pud136cm.doc

ORDINANCE NO. 2530

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN K & P PARTNERSHIP AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF GARDEN GROVE BOULEVARD AND SUNGROVE STREET, AT 12811 GARDEN GROVE BOULEVARD, PARCEL NO. 231-574-18

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1:

A Development Agreement is hereby adopted for Site Plan No. SP-275-00 and Variance No. V-270-00 for property located on the northwest corner of Garden Grove Boulevard and Sungrove Street, at 12811 Garden Grove Boulevard. A copy of the Development Agreement is on file in the City Clerk's Office.

SECTION 2:

This ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of Councilmembers voting for and against the same in a newspaper adjudicated and circulated in the City of Garden Grove.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the 11th day of July, 2000.

ATTEST:

/s/ BRUCE A. BROADWATER
MAYOR

/s/ RUTH E. SMITH
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, RUTH E. SMITH, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on June 27, 2000, with a vote as follows:

AYES: COUNCILMEMBERS: (5) CHUNG, DALTON, LEYES, ROSEN, BROADWATER
NOES: COUNCILMEMBERS: (0) NONE
ABSENT: COUNCILMEMBERS: (0) NONE

and was passed on July 11, 2000, by the following vote:

AYES: COUNCILMEMBERS: (5) CHUNG, DALTON, LEYES, ROSEN, BROADWATER
NOES: COUNCILMEMBERS: (0) NONE
ABSENT: COUNCILMEMBERS: (0) NONE

/s/ RUTH E. SMITH
CITY CLERK

RECEIVED
CITY OF GARDEN GROVE
CITY CLERK'S OFFICE

AUG 21 12 09 PM '00

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Recorded in Official Records, County of Orange
Gary Granville, Clerk-Recorder

City Clerk's Office)
City of Garden Grove)
11222 Acacia Parkway)
Garden Grove, CA 92840)
)
)

NO FEE
20000424984 10:02am 08/15/00
110 3 A12 26
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(Space above for Recorder.)

This document is exempt for payment
of a recording fee pursuant to
Government Code Section 6103.

Dated: July 11, 2000

DEVELOPMENT AGREEMENT
(GPA-1-00(A), V-270-00, PUD-136-00, & SP-275-00)

(K & P Partnership)

THIS AGREEMENT is made this 11th day of July, 2000 by the CITY OF GARDEN GROVE, a municipal corporation ("CITY") and K & P Partnership, ("PROPERTY OWNER")

RECITALS

The following recitals are a substantive part of this Agreement:

1. CITY and PROPERTY OWNER desire to enter into this DEVELOPMENT AGREEMENT for the construction of 82 senior apartment units located on the northwest corner of Garden Grove Boulevard and Sungrove Street, at 12811 Garden Grove Boulevard, Parcel No. 231-574-18.
2. The CITY'S Planning Commission approved Site Plan No. SP-275-00, and Variance No. V-270-00, on June 7, 2000, conditioned that the PROPERTY OWNER enter into a Development Agreement.
3. The CITY and PROPERTY OWNER desire to enter into this DEVELOPMENT AGREEMENT for the construction of 82 senior apartments located on the

northwest corner of Garden Grove Boulevard and Sungrove Street, at 12811 Garden Grove Boulevard.

4. The PROJECT is a development requiring certain discretionary approvals by the CITY before it may be constructed.
5. Government Code Section 65864 et seq. provided the authority for CITY to enter into binding development agreements with a PROPERTY OWNER having a legal and equitable interest in real property.
6. Government Code Section 65915 et seq. allowed CITY to provide a density bonus and incentives to PROPERTY OWNER for the production of lower income housing units within the development if PROPERTY OWNER meets the certain requirements.
7. The CITY is committed to the redevelopment and revitalization of the area surrounding the property. The proposed project furthers the goals of the revitalization efforts of the CITY.

AGREEMENT

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Duration. This Agreement shall expire four (4) years from its effective date.
2. Permitted Uses. The following use is permitted at the PROJECT: Eighty-two (82) senior apartment units, located on a 1.31 acre site.
3. Density/Intensity. The density or intensity of this project is as follows: Eighty-two (82) senior apartment units, located on a 1.31 acre site, and approximately 63 units per acre.
4. Maximum Height and Building Size. The maximum height and building size are as follows: The maximum building height for the four-story senior apartment shall be approximately 46 feet in height; and the total building area is approximately 17,372 square feet, as indicated on the site plan and elevations.
5. Reservation or Dedication. The reservation of easements or dedication of property to the City to allow the construction of the proposed residential development, as shown on and/or conditioned in the approved Planned Unit Development No. PUD-136-00, Site Plan No. SP-275-00, Variance No. V-270-00, and GPA-1-00(A).

6. Improvements. The improvements described in Resolution No. 5118 shall be constructed prior to the occupancy of the proposed development.
7. Scope of Project. The Project shall consist of 82 senior apartment units, located on a 1.31 acre site.
8. Resolution/Material Terms. All conditions of approval, as per Resolution No. 5118, attached hereto and incorporated herein as Exhibit "1," are material terms of this Agreement. Breach of any condition of approval shall be deemed to be a breach of this Development Agreement.
9. Reimbursement. PROPERTY OWNER shall pay CITY as follows:
 - 9.1 Amount. Seven hundred and fifty dollars (\$750) per unit.
 - 9.2 Not to Exceed. Payment under this Agreement shall not exceed \$61,500.
10. Records of Expenses. PROPERTY OWNER shall keep records in which complete and correct entries will be made of construction costs. These records will be available to CITY.
11. City Agreement. CITY agrees that the sum of sixty-one thousand five hundred dollars (\$61,500) will reimburse CITY for the cost of certain CITY services required by the proposed development that are not otherwise being reimbursed to CITY.
12. Payment Due Date. The reimbursement amount shall be due and payable prior to the issuance of a building permit for the PROJECT or one year from the date of approval of this Agreement by the City Council, whichever shall occur first.
13. Termination Provisions. This Agreement may be terminated upon the happening of any of the following events:
 - A. Failure of PROPERTY OWNER to perform any of the provisions of this Agreement, or
 - B. Mutual agreement of the parties.
14. Periodic Review. CITY shall review PROPERTY OWNER'S performance every twelve (12) months at the anniversary of the adoption of this Agreement. PROPERTY OWNER shall demonstrate good faith compliance with the terms of this Agreement. If as a result of the review CITY finds and determines, based upon substantial evidence, that PROPERTY OWNER has not complied in good faith with terms or conditions of this Agreement, CITY may terminate the

Agreement. This review shall be conducted by the Director of the Community Development Department.

16. City Discretion. CITY retains its right and discretion, under all applicable Codes, to approve or disapprove any item related to this PROJECT which it has not specifically agreed to via this Agreement. PROPERTY OWNER acknowledges that it shall comply with all CITY requirements for applications and permits of any nature and that this Agreement does not relieve PROPERTY OWNER of the necessity of filing appropriate applications and permits.

17. Improvement Schedule. The following improvements shall be constructed by the stated dates:

All repairs and improvements to the public right-of-way required in Planning Commission Resolution No. 5118 shall be completed prior to the issuance of any certificates of occupancy or release of any public utilities.

18. Property Owner Breach. Failure of PROPERTY OWNER to construct improvements as specified, or to pay amounts specified in a timely fashion, shall result in the withholding of building permits, any other permit or certificate of occupancy until the breach is remedied to satisfaction of CITY.

19. Non-Liability of Officials and Employees of the City. No official or employee of CITY shall be personally liable to PROPERTY OWNER in the event of any default or breach by CITY, or for any amount which will become due to PROPERTY OWNER, or any obligation under the terms of this Agreement.

20. Notices. All notices shall be personally delivered or mailed to the below listed address, or to such other address as may be designated by written notice. These addresses shall be used for delivery of service of process.

A. Address of PROPERTY OWNER is as follows:
K & P Partnership
1211 N. Broadway
Santa Ana, CA 92705

B. Address of CITY is as follows:
City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840

21. Property Owner's Proposal. The Project shall include PROPERTY OWNER's proposal, as modified by Planning Commission and City Council, which shall be

incorporated herein by this reference. In the event of any inconsistency between terms of the proposal and this Agreement, this Agreement shall govern.

22. Licenses, Permits, Fees, and Assessments. At its sole expense, PROPERTY OWNER shall obtain all licenses, permits, and approvals as may be required by this Agreement, or by the nature of the PROJECT.
23. Time of Essence. Time is of the essence in the performance of this Agreement.
24. Successor's Interest. The provisions of this Agreement shall be binding upon and insure to successors in interest of the parties and shall be specifically binding upon any future lessees or other owners of an interest in PROJECT.
25. Authority to Execute. The persons executing this Agreement on behalf of the parties warrant that they are duly authorized to execute this Agreement and that by executing this Agreement, the parties are formally bound.
26. Indemnification. PROPERTY OWNER agrees to protect, defend, and hold harmless CITY and their elective or appointive boards, officers, agents, and employees from any and all claims, liabilities, expenses or damages of any nature, including attorneys' fees, for injury or death of any person, or damage to property, or interference with use of property, arising out of, or in any way connected with performance of the Agreement by PROPERTY OWNER, PROPERTY OWNER'S agents, officers or employees, subcontractors hired by PROPERTY OWNER.
27. Modification. This Agreement constitutes the entire agreement between the parties and supersedes any previous agreements, oral or written. This Agreement may be modified only by subsequent mutual written agreement executed by CITY and PROPERTY OWNER.
28. Affordable Units. (a) PROPERTY OWNER agrees to make available, restrict occupancy to, and lease not less than seventeen (17) units of the total of eighty-two (82) units on the property to Low Income Households at an Affordable Rent, (collectively, the "Affordable Units"), as defined in Section 50079.5 of the Health and Safety Code, and all amendments thereto.

(b) The Affordable Units shall be distributed as follow: three (3) units for two-bedroom and fourteen(14) units for one bedroom units.

(c) The Affordable Units shall be equal to all other units in all respects, including but not limited to, appliances, air conditioning units, lighting, and all other amenities and features constituting each housing unit.

For purposes of the Agreement, "Low Income Households" shall mean those households with incomes that do not exceed the qualifying limit in the California Health and Safety Code Sections 50050 et seq. and all amendments thereto.

29. Duration. The time period to ensure continued affordability shall be at least thirty (30) years.
30. Events of Default. The following shall constitute an "Event of Default" by PROPERTY OWNER under this Agreement: there shall be a material breach of any condition, covenant, warranty, promise or representation contained in this Agreement and such breach shall continue for a period of thirty (30) days after written notice thereof to the defaulting party without the defaulting party curing such breach, or if such breach cannot reasonably be cured within such thirty (30) day period, commencing the cure of such breach within such thirty (30) day period and thereafter diligently proceeding to cure such breach; provided, however, that if a different period or notice requirement is specified for any particular breach under any other paragraph of this Agreement, the specific provision shall control.
31. Remedies. The occurrence of any Event of Default shall give the nondefaulting party the right to proceed with any and all remedies set forth in this Agreement, including an action for damages, an action or proceeding at law or in equity to require the defaulting party to perform its obligations and covenants under this Agreement or to enjoin acts or things which may be unlawful or in violation of the provisions of this Agreement, and the right to terminate this Agreement.
32. Force Majeure. Subject to the party's compliance with the notice requirements as set forth below, performance by either party hereunder shall be deemed to be in default, and all performance and other dates specified in this Agreement shall be extended, where delays or default are due to causes beyond the control and without the fault of the party claiming an extension of time to perform, which may include, without limitation, the following: war, insurrection, strikes, lockouts, riots, floods, earthquakes, fires, assaults, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation, unusually severe weather, inability to secure necessary labor, material or tools, acts or omissions of the other party, or acts or failures to act of any public or governmental entity (except that the City's acts or failure to act shall not excuse performance of the City hereunder). An extension of the time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within thirty (30) days of the commencement of the cause.

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

Date: 7-24-00

"CITY"
CITY OF GARDEN GROVE

BY [Signature]
Mayor

ATTEST:

[Signature]
CITY CLERK
DATE: 7-25-00

"PROPERTY OWNER"
K & P Partnership

BY [Signature]
Its: KRIS KAKKAR
Date: 6-8-2000
(Signature must be notarized.)

APPROVED AS TO FORM:

[Signature]
Garden Grove City Attorney

Date: 4/7/00

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

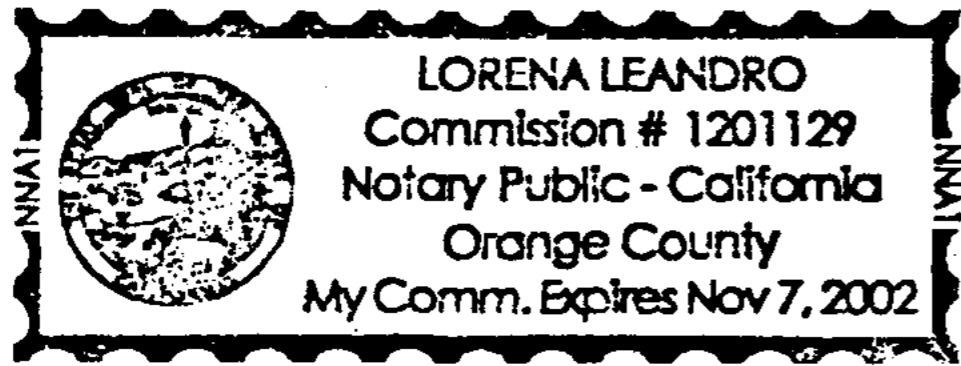
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Orange } ss.

On 6/8/2000, before me, Lorena Leandro Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Kris Kakkar
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Lorena Leandro
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Development Agreement

Document Date: 6/8/2000 Number of Pages: 8 pages

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: Kris Kakkar

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: K & P Partnerships

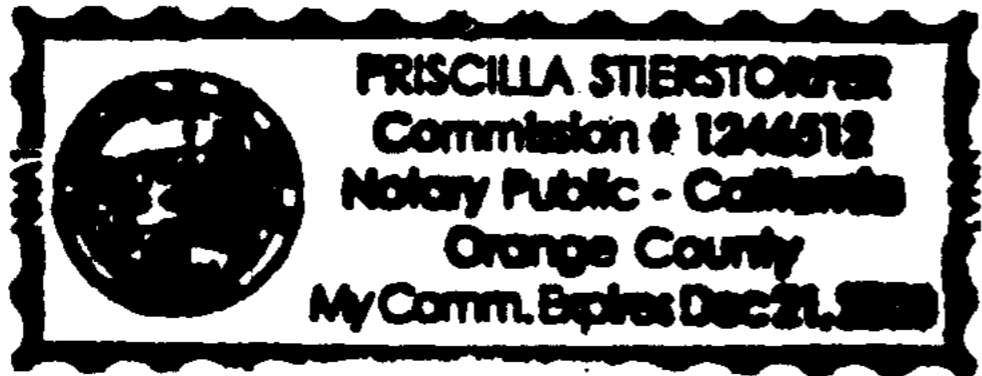
RIGHT THUMBPRINT OF SIGNER

Top of thumb here

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Orange } ss.

On July 24, 2000, before me, Priscilla Stierstorfer, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Bruce A. Broadwater,
Name(s) of Signer(s)



personally known to me
 proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Priscilla Stierstorfer
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here

STATE OF CALIFORNIA

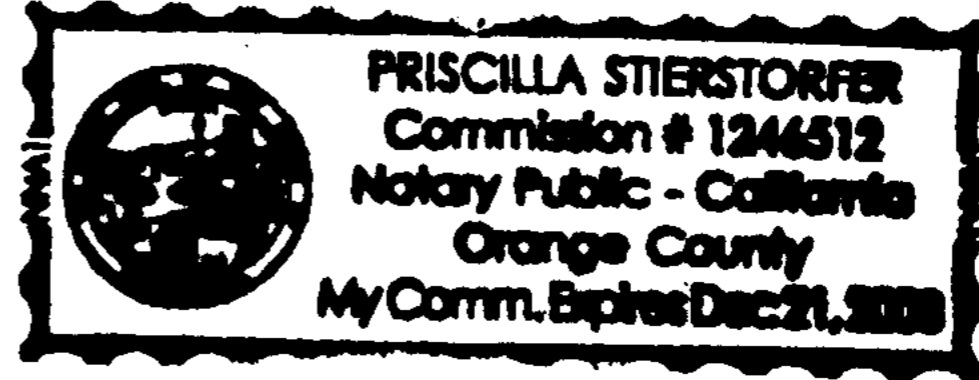
COUNTY OF Orange

)
)ss.
)

On July 24, 2000 before me, Priscilla Stierstorfer, personally appeared Bruce A. Broadwater, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Priscilla Stierstorfer



(This area for official notarial Seal)

#####

GOVERNMENT CODE 27361.7

I certify under penalty of perjury that the Notary Seal on the document to which this statement is attached reads as follows:

NAME OF THE NOTARY: Priscilla Stierstorfer

DATE COMMISSION EXPIRES: 12-21-03

COUNTY WHERE BOND IS FILED: ORANGE

COMMISSION NUMBER: 1246512

MANUFACTURER/VENDOR NUMBER: _____

PLACE OF EXECUTION: GARDEN GROVE DATE: 7-24-00

SIGNATURE: Priscilla Stierstorfer

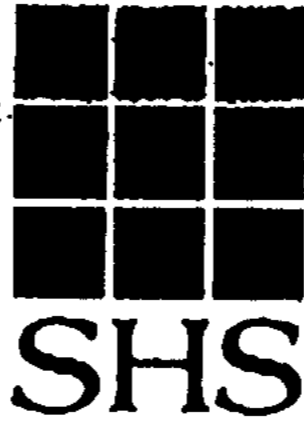
#####

I certify under penalty of perjury and the laws of the State of California that the legible portion of this document to which this statement is attached reads as follows:

Place of Execution Garden Grove

Date July 24, 2000

Signature: Priscilla Stierstorfer



May 4, 2001

Mr. Matthew Fertal
Community Development Director
CITY OF GARDEN GROVE
11222 Acacia Parkway
P.O. Box 3070
Garden Grove, CA 92842

RE: **Sungrove Senior Apartments – NWC Garden Grove Blvd. / Sungrove Street
Planning Commission Resolution No. 5118**

Dear Mr. Fertal:

Simpson Housing Solutions, LLC (formerly Kaufman and Broad Multi-Housing Group, Inc.) is the applicant for SP-275-00 and V-270-00 concerning the proposed Sungrove Senior Apartments. The site plan and variance were approved by the Planning Commission on June 7, 2000 as reflected by Resolution No. 5118.

As you are aware, in order for the proposed project to be feasible, an allocation of IRS Section 42 tax credits from the State of California is necessary as the main source of project funding. In June of 2000, an application requesting an allocation of tax credits was filed with the State. The application was favorably received by the staff of the California Tax Credit Allocation Committee ("CTCAC"), and staff recommended approval of funding for the Sungrove project. However, at the subsequent Board of Directors meeting, the staff recommendation was overturned, and the funding slotted for the Sungrove project was allocated to another project located in San Juan Capistrano. During the time period since that decision was made, Simpson Housing made several appeals to the State in the hope that the decision could be reversed but in the end we have been unsuccessful.

Our next step is to submit a new application to CTCAC by June 15th of this year. Based on our self-scoring analysis, we are very confident that a new application should rank highly enough to receive an allocation of tax credits in 2001. With that allocation of credits in hand, we would expect to be in a position to pull building permits and start construction by the beginning of next year.

However, pursuant to Resolution No. 5118, the site plan and variance approvals will expire on June 7, 2001, prior to the date the application for funding will be submitted to

SIMPSON HOUSING SOLUTIONS, LLC
320 Golden Shore • Suite 200 • Long Beach, CA 90802-4217 • 562-256-2000 • Fax 562-256-2001
www.simpsonsolutions.com

Matthew Feral
05/04/01
Page 2 of 2

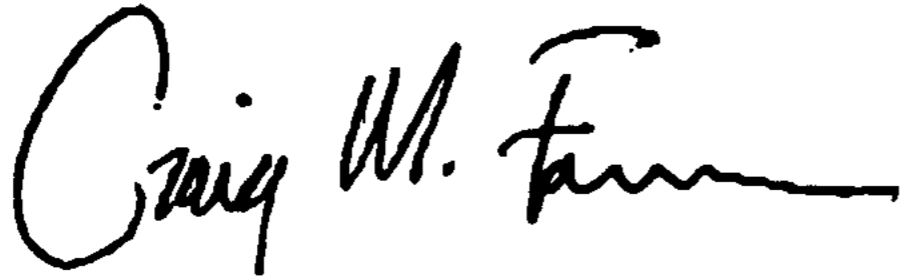
CTCAC. Because project entitlements are a necessity for the tax credit application, it is imperative that the entitlements be extended to accommodate the new application schedule.

In light of the new schedule, Simpson Housing Solutions, LLC hereby respectfully requests an extension of SP-275-00 and V-270-00 (and if needed, GPA-1-00(A), PUD-136-00, and A-211-00 associated with PC Resolution 5117) for a period of one additional year. This extension will allow us to submit the necessary documentation to the State of California for consideration of tax credit funding.

Thank you for your assistance and cooperation, and should you have any questions, comments or concerns please don't hesitate to contact me at 562-256-2037.

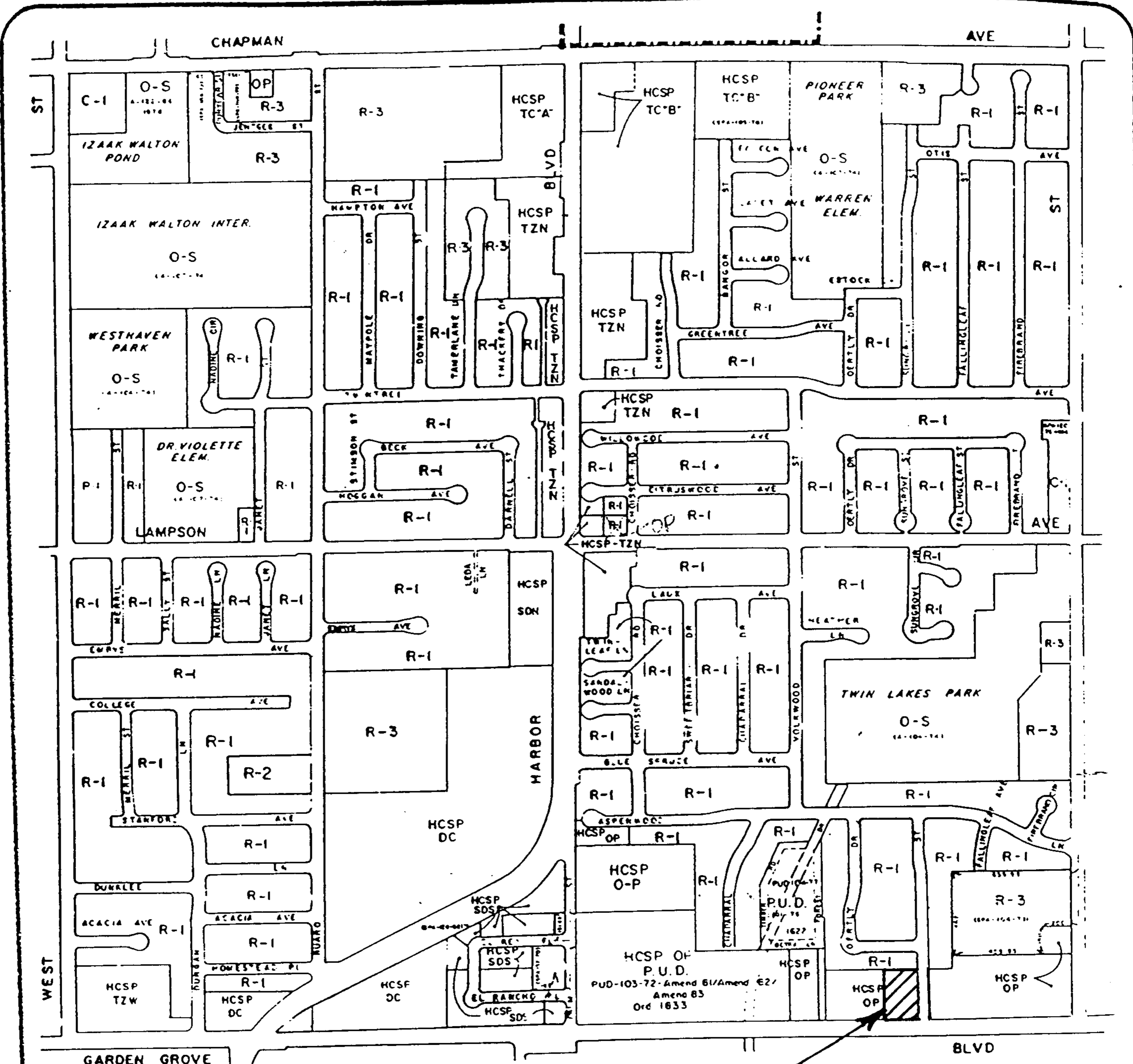
Respectfully,

SIMPSON HOUSING SOLUTIONS, LLC



**Craig Farmer
Vice President, Development**

VICINITY MAP



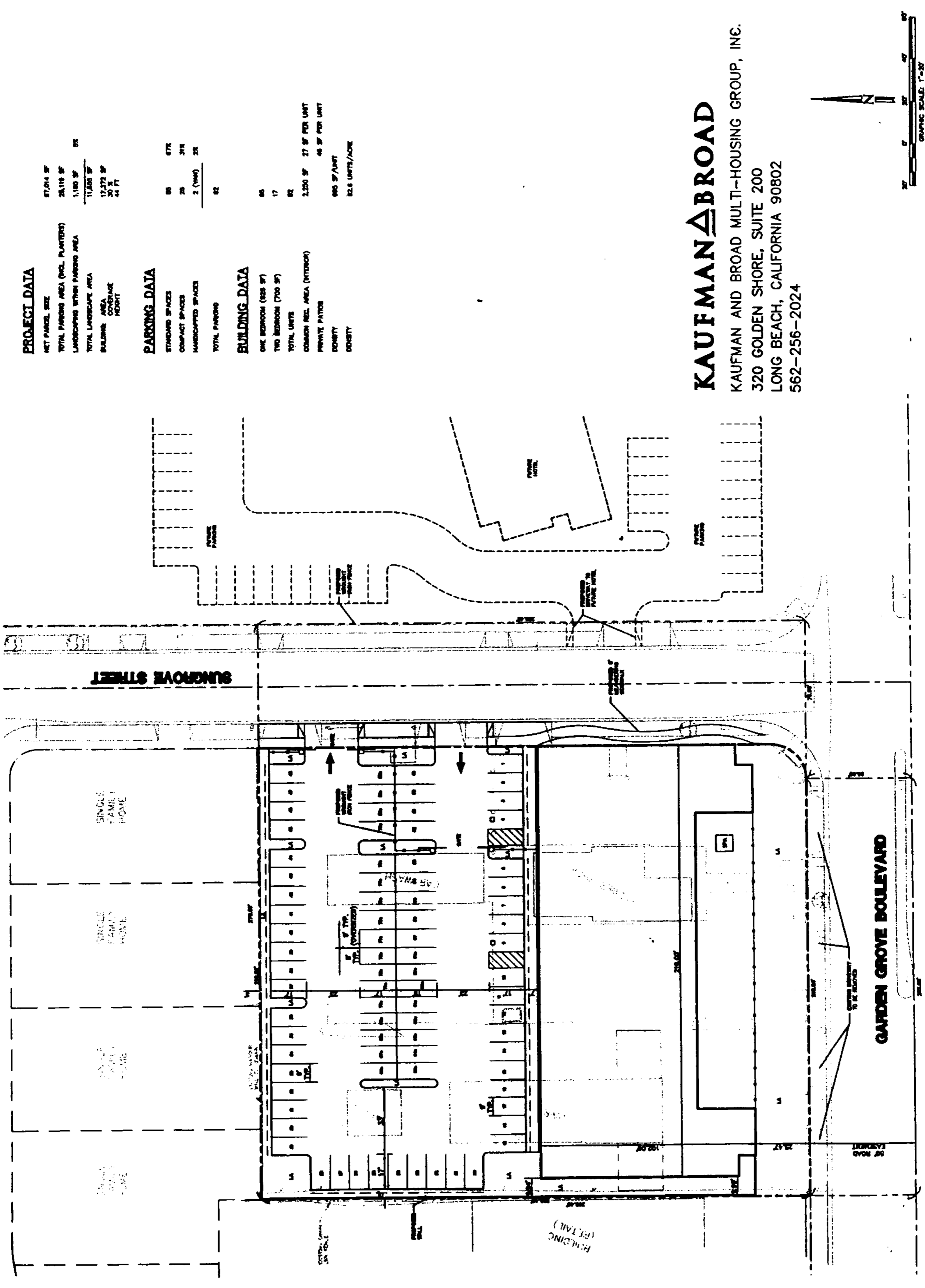
SUBJECT SITE
 PUD-136-00, SP-275-00, V-270-00
 ♦ GPA-1-00(A)

DATE	05/15/20
DESIGNED BY	DRG
PROJECT FILE NUMBER	
PROJECT NO.	98-008
SHEET NUMBER	1
TOTAL SHEETS	1
SHEET TITLE	

SUNGROVE SENIOR APARTMENTS
GARDEN GROVE BLVD.
GARDEN GROVE, CALIFORNIA
 PLANNING NAME
PLOT PL/

NO.	REVISION

DRG
 Development Research Consultants, Inc.
 1000 E. FIRST STREET, SUITE 200
 SANTA ANA, CA 92705 (714) 962-8890



PROJECT DATA

NET PARCEL SIZE 87,894 SF
 TOTAL PARKING AREA (INCL. PLANTERS) 28,119 SF
 LANDSCAPING WITHIN PARKING AREA 1,180 SF
 TOTAL LANDSCAPE AREA 11,800 SF
 BUILDING AREA 12,272 SF
 COVERAGE 30 %
 HEIGHT 24 FT

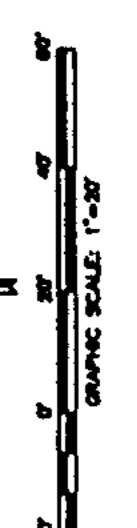
PARKING DATA

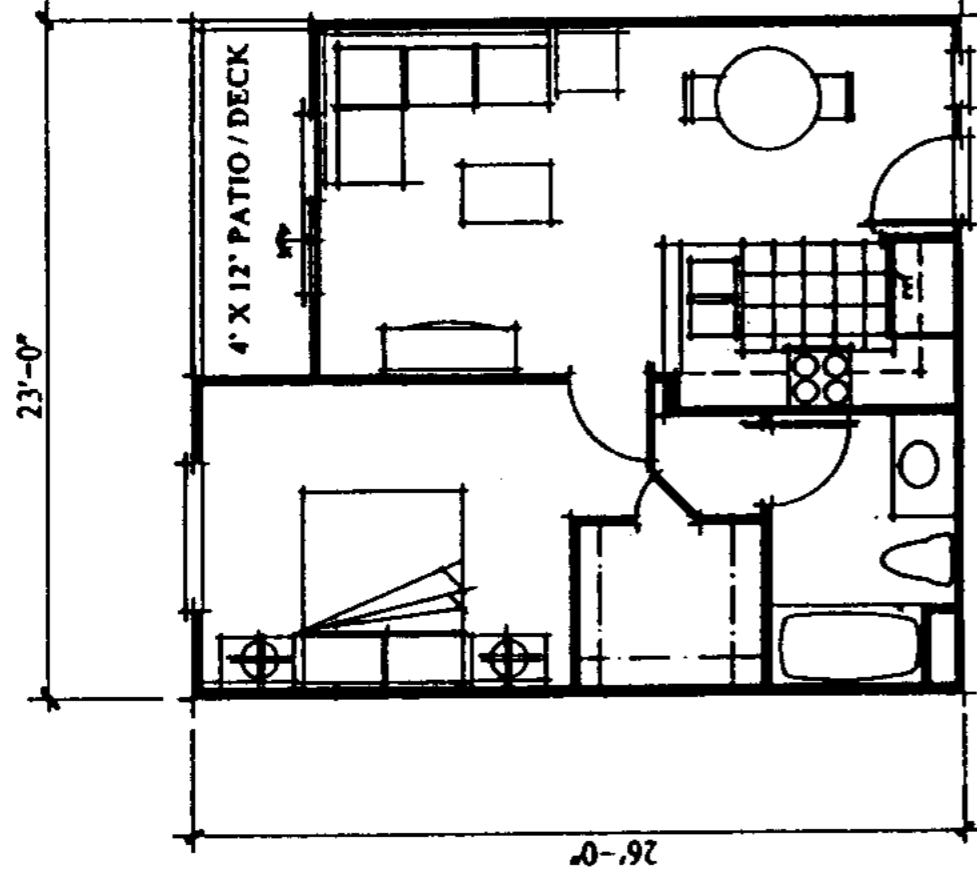
STANDARD SPACES 85
 COMPACT SPACES 28
 HANDICAPPED SPACES 2 (VANS) 2E
 TOTAL PARKING 82

BUILDING DATA

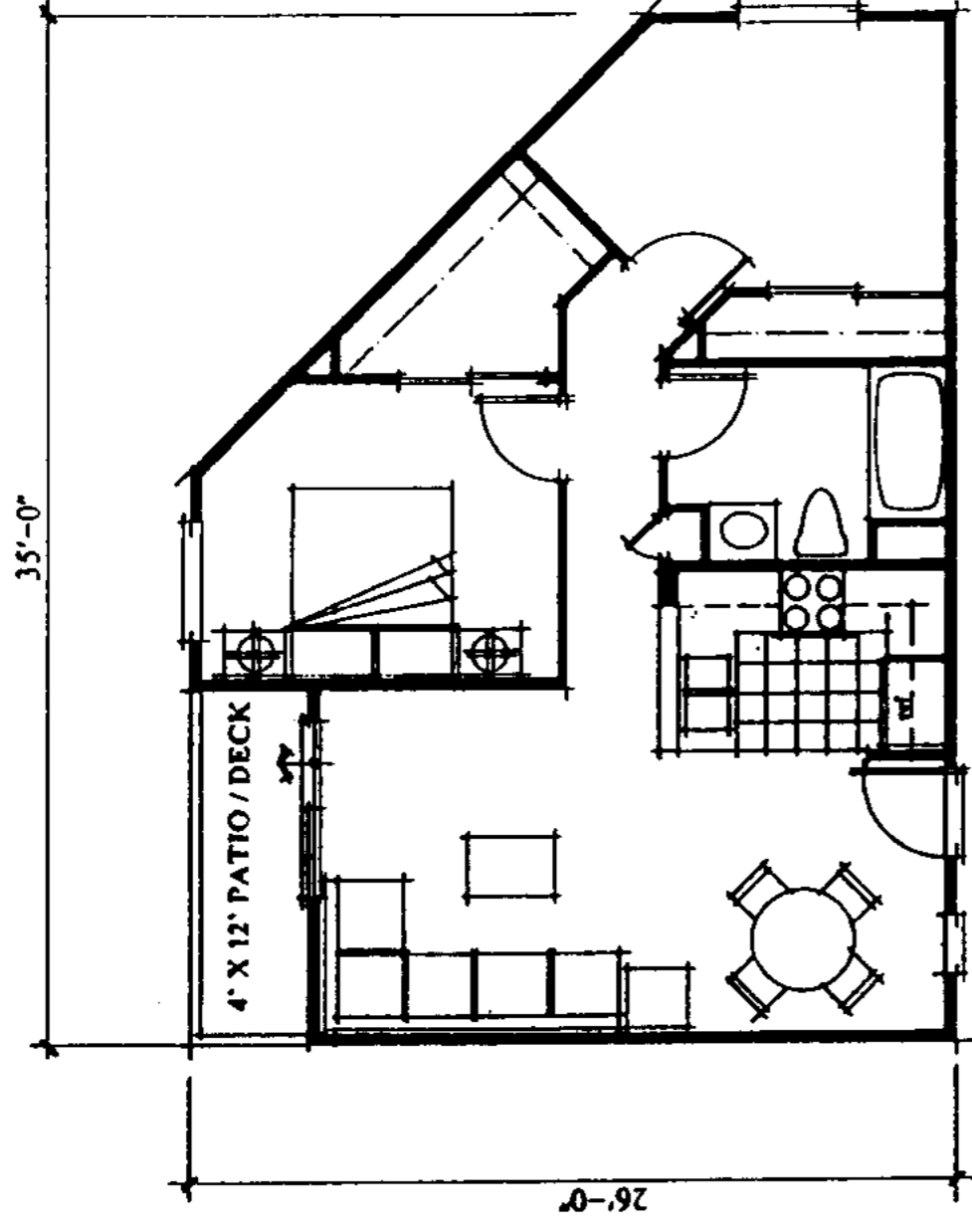
ONE BEDROOM (800 SF) 85
 TWO BEDROOM (700 SF) 17
 TOTAL UNITS 82
 COMMON REG. AREA (INTERIOR) 2,250 SF 27 SF PER UNIT
 PRIVATE PATIOS 680 SF/UNIT 48 SF PER UNIT
 DENSITY 82.8 UNITS/ACRE

KAUFMAN & BROAD
 KAUFMAN AND BROAD MULTI-HOUSING GROUP, INC.
 320 GOLDEN SHORE, SUITE 200
 LONG BEACH, CALIFORNIA 90802
 562-256-2024





UNIT ONE
ONE BEDROOM 525 SF



UNIT TWO
TWO BEDROOM 700 SF

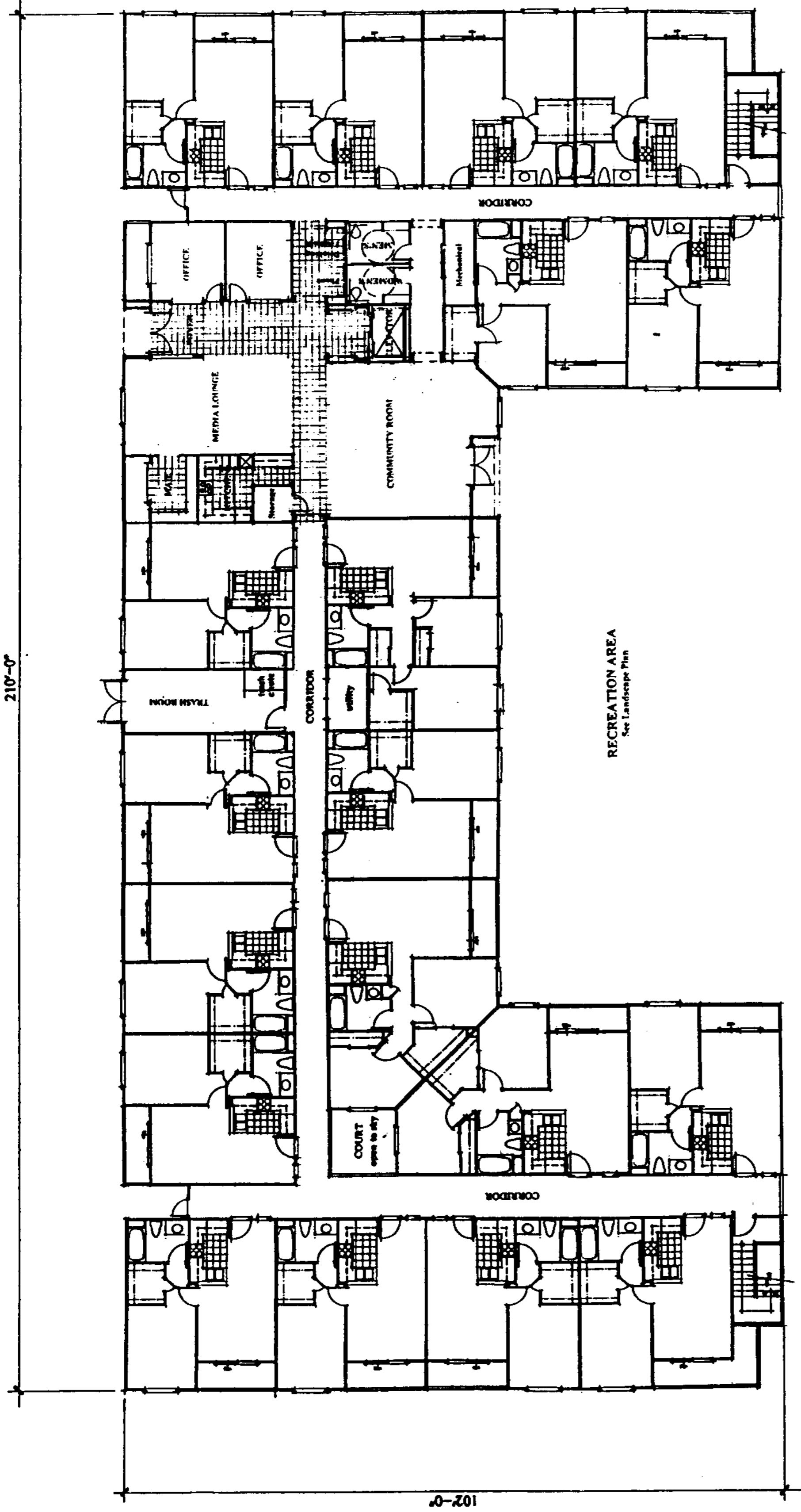
**Kaufman and Broad
Multi-Housing Group**

**Garden Grove Senior Apartments
Garden Grove
California**



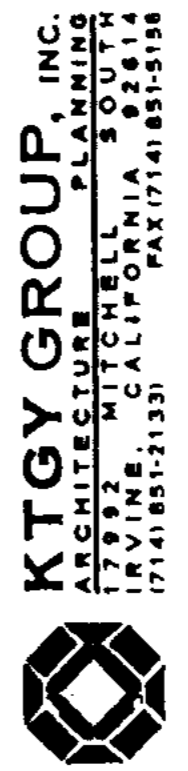
KTGY GROUP, INC.
ARCHITECTURE PLANNING
17992 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
(714) 851-2133 FAX (714) 851-5156

May 10, 2000



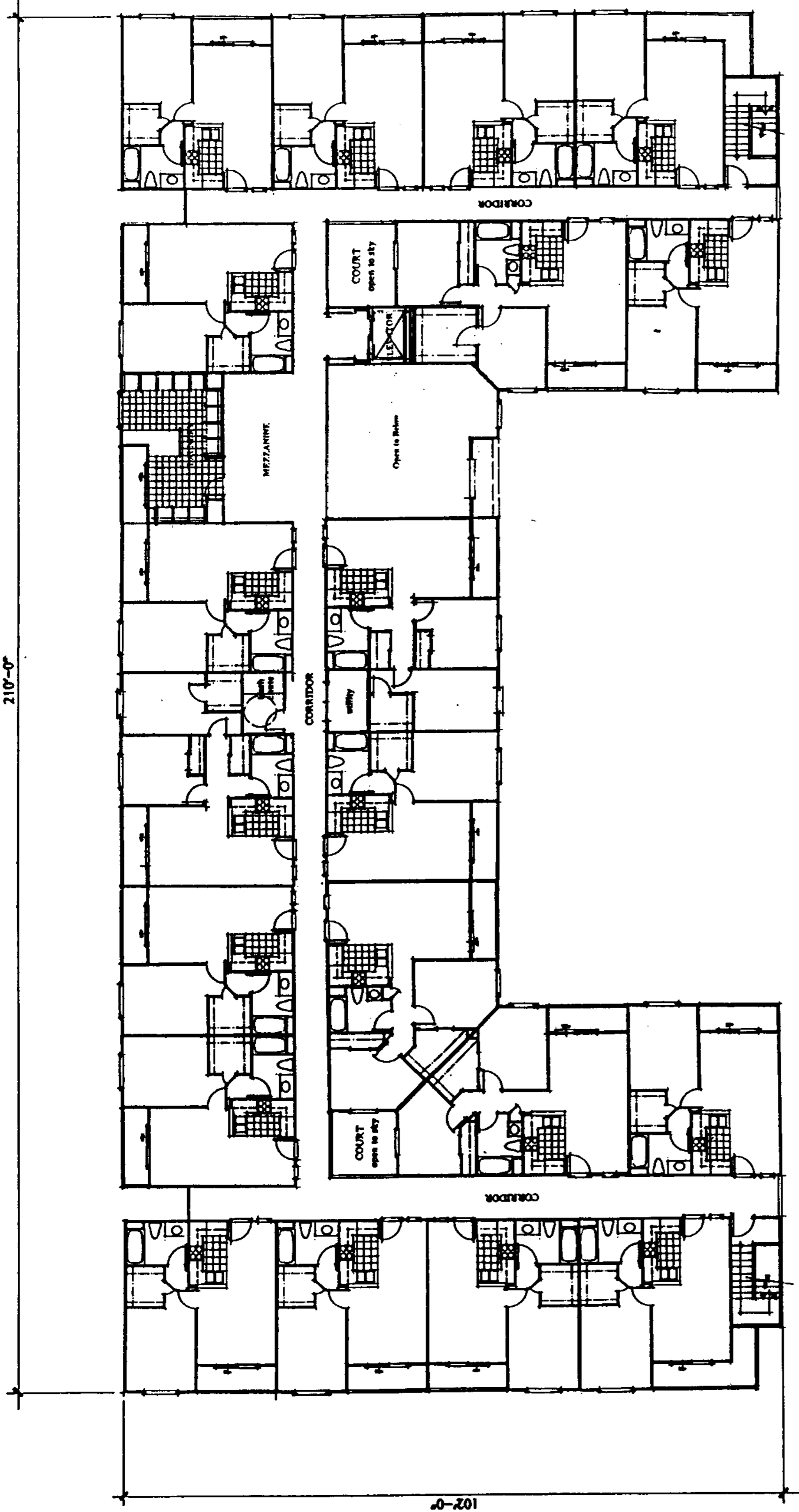
1ST FLOOR BUILDING PLAN

Garden Grove Senior Apartments
 Garden Grove
 California



KTGY GROUP, INC.
 ARCHITECTURE PLANNING
 17992 MITCHELL SOUTH
 IRVINE, CALIFORNIA 92614
 (714) 851-2133 FAX (714) 851-5158

**Kaufman and Broad
 Multi-Housing Group**



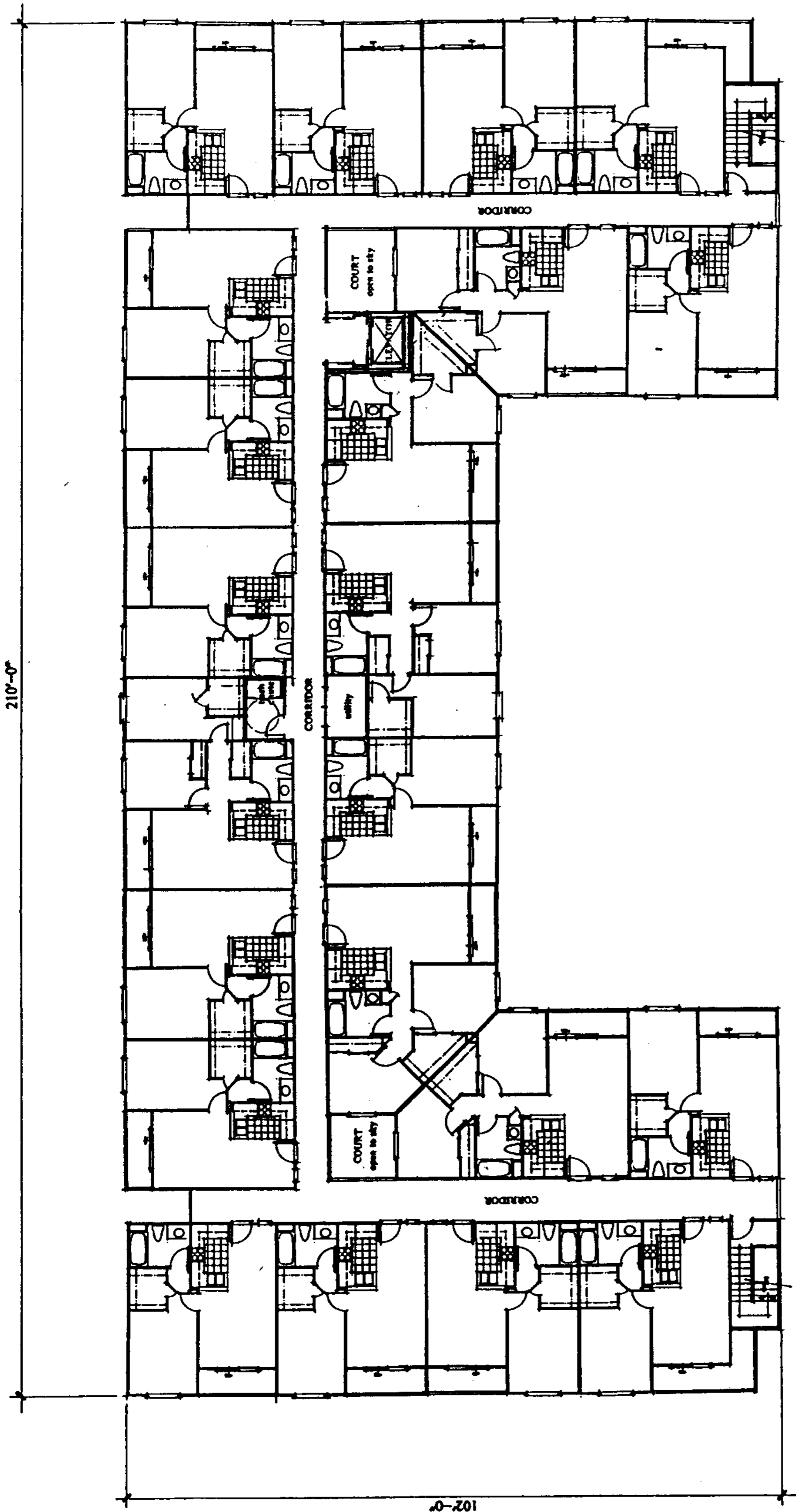
2nd FLOOR BUILDING PLAN

Garden Grove Senior Apartments
 Garden Grove
 California

Kaufman and Broad
 Multi-Housing Group



KTGY GROUP, INC.
 ARCHITECTURE PLANNING
 17992 MITCHELL SOUTH
 IRVINE, CALIFORNIA 92614
 (714) 851-2133 FAX (714) 851-5156
 May 10, 2000



**3RD FLOOR BUILDING PLAN
4TH FLOOR SIMILAR**

Garden Grove Senior Apartments
Garden Grove
California

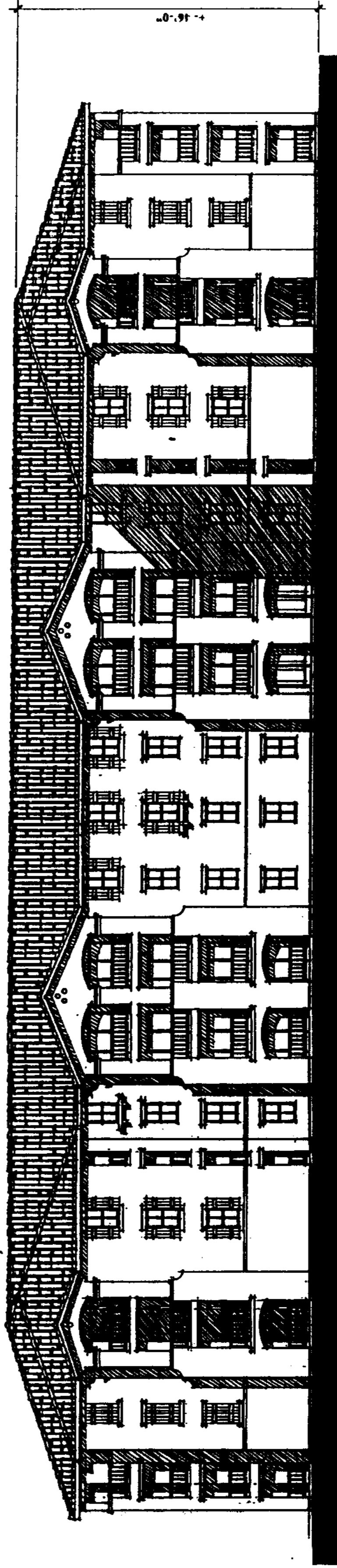
Kaufman and Broad
Multi-Housing Group



KTGY GROUP, INC.
ARCHITECTURE PLANNING
17992 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
(714) 851-2133 FAX (714) 851-5156
May 10, 2000

EXTERIOR FINISHES

- ROOF MATERIAL: CONCRETE TILE
- WALL MATERIAL: LIGHT SAND FINISH (STI CO)
- ARCHITECTURAL DECORATIVE WROUGHT IRON
- WOOD SHUTTERS
- DECORATIVE CABLE END PIPE VENTS



GARDEN GROVE ELEVATION

**Kaufman and Broad
Multi-Housing Group**

**Garden Grove Senior Apartments
Garden Grove
California**



KTGY GROUP, INC.
ARCHITECTURE & PLANNING
37893 HIGHWAY 99, SUITE 100
IRVINE, CALIFORNIA 92614
(714) 851-2133 FAX (714) 851-5156

MAY 10, 2000



KAUFMAN ARCHITECTURE

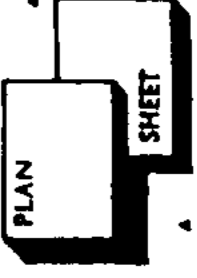
ARCHITECTURE

GARDEN GROVE APARTMENTS

KAUFMAN AND BRY MULTI-HOUSING CO.

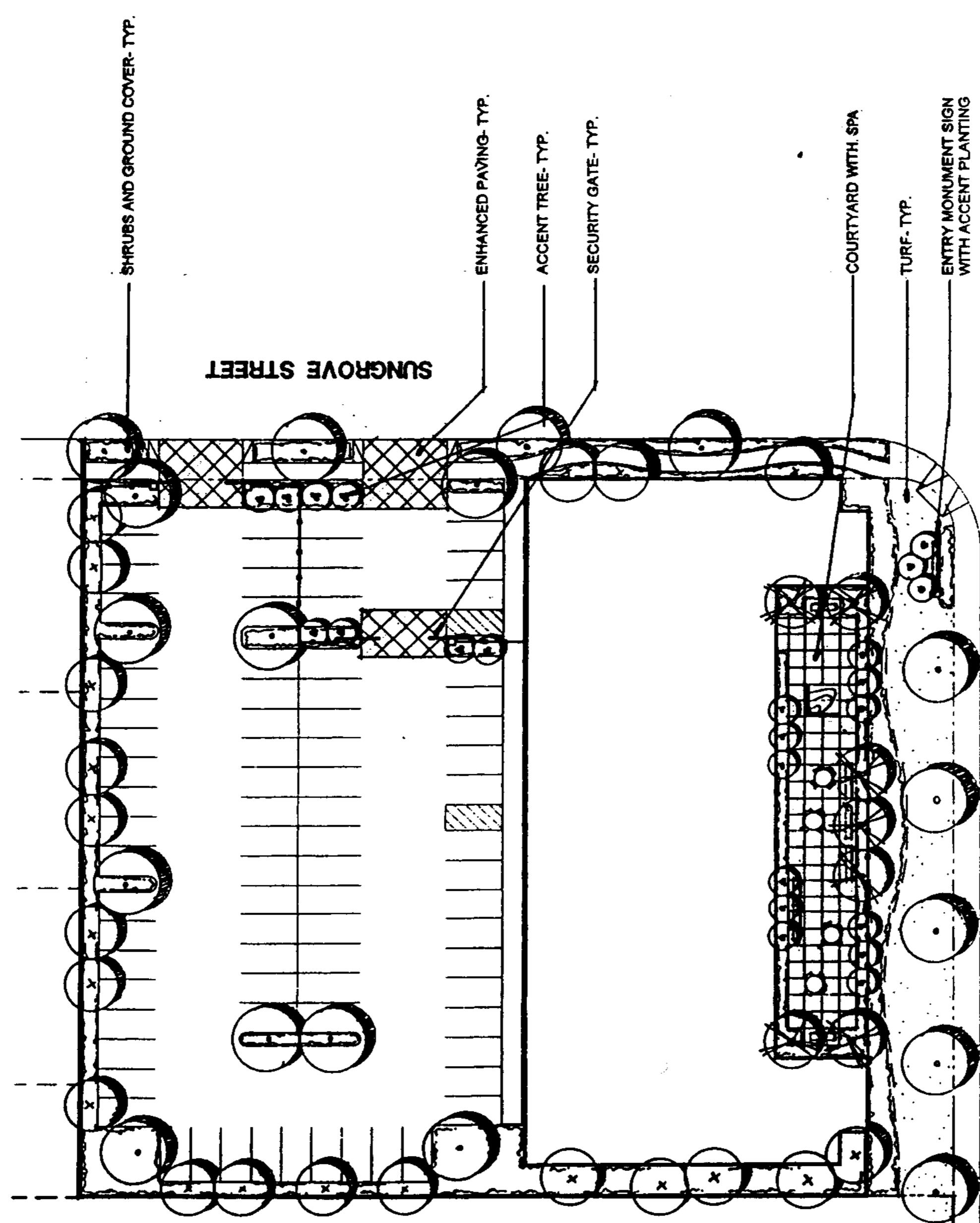
DATE MAY 15, 2000

REVISIONS



PLANTING LEGEND

BOTANICAL NAME	COMMON NAME	SIZE
ROSE GATE TREE		
BAYWOOD ASH		15 GAL
STREET OLM		24" BOX
STYCAMORE		24" BOX
MONRELL PINE		24" BOX
COAST REDWOOD		24" BOX
WASHINGTON THORN		15 GAL
WESTERN WHITE PINE		15 GAL
PURE LILAC PLUM		15 GAL
SCALLONIA		15 GAL
TEXAS PRUET		15 GAL
DWARF HEAVENLY BAMBOO		15 GAL
HEAVELY BAMBOO		15 GAL
PROTEA		15 GAL
PROLIFERATED PITTOSPORUM		15 GAL
MAUI MONROE		15 GAL
STAR JASMINE		15 GAL
LAURUSTINUS		15 GAL
MOUNTAIN LILAC		15 GAL
ROCK COTONEASTER		15 GAL
GRAPE VY		15 GAL
SPRING SPALLIER		15 GAL
CHRISSE WESTERN		15 GAL
LILY OF THE WILE		15 GAL
DAYLEY		15 GAL
TRAILING GAZANIA		PLATS
MANIPULY TURF		PLATS



GARDEN GROVE BOULEVARD



SCALE 1" = 20'

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
ADOPTING A ONE-YEAR TIME EXTENSION FOR A DEVELOPMENT
AGREEMENT BETWEEN K & P PARTNERSHIP AND THE CITY OF GARDEN
GROVE FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF
GARDEN GROVE BOULEVARD AND SUNGROVE STREET, AT 12811
GARDEN GROVE BOULEVARD, PARCEL NO. 231-574-18

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS
FOLLOWS:

SECTION 1:

A time extension to July 11, 2002, for the Development Agreement for Site Plan No. SP-275-00 and Variance No. V-270-00, is hereby adopted for property located on the northwest corner of Garden Grove Boulevard and Sungrove Street, at 12811 Garden Grove Boulevard. A copy of the Development Agreement is on file in the City Clerk's Office.

SECTION 2:

This ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of Councilmembers voting for and against the same in a newspaper adjudicated and circulated in the City of Garden Grove.

**CITY COUNCIL REQUESTS
FOR INFORMATION**

DATE: June 15, 2001

SUBJECT: Development Agreement with Simpson Housing Solutions, LLC

The City Council had a request from Simpson Housing Solutions, LLC to extend the time of their development agreement. The letter from Simpson, the staff report and what was presented to the City Council was extremely confusing and has led to a number of questions. The City Council has asked us to respond as soon as possible on the issues raised by this item.

We have set up a meeting on Monday, June 18, between yourself, Glen Krieger, John Shaw, and me to discuss development agreements in general and this issue in particular. I would like the response to be included in the June 21 weekly memo.

INITIAL RESPONSE

FINAL RESPONSE

TO: Matt Fertal cc: John Shaw

DISTRIBUTION: Catherine Standiford, File

REVIEWED BY:

REQUEST COMPLETE:

Deputy City Manager

City Manager



City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: George L. Tindall
From: Matthew Fertal

Dept: City Manager
Dept: Community Development

Subject: **DEVELOPMENT AGREEMENT
WITH SIMPSON HOUSING
SOLUTIONS, LLC**
Date: December 18, 2001

This memo confirms actions taken to resolve the issues raised by City Council regarding the request by Simpson Housing Solutions, LLC to extend their development agreement for an 82 unit senior apartment project located at the southwest corner of Garden Grove Boulevard and Sungrove Street.

At the June 12, 2001, City Council meeting, Council raised several questions concerning the extension of the development agreement including property ownership, expiration of project entitlements, the extension period, and whether the request should be handled by a second development agreement. Following discussions with the City Attorney's Office, a second development agreement was drawn which addressed the issues raised by City Council. At their meeting on June 26, 2001, the City Council approved the agreement.

In addressing the questions raised by City Council, Simpson Housing Solutions submitted verification to staff of their contractual relationship with K & P Partnership for purchase of the property, and their authorization to process all entitlements including agreements for the development of the property. In accordance with the direction of Council, staff modified the duration of the second agreement to three (3) years which reflected that one year has already passed from the original four (4) years provided under the original agreement.

The project has since received approval of tax credit funding by the State, and construction plans are in plan check. Demolition permits have also been issued to remove existing improvements.

MATTHEW FERTAL,
Assistant City Manager



h:planning/glen/simpson1.mem

GARDEN GROVE AFFORDABLE HOUSING INVESTORS, L.P.

320 Golden Shore, Ste. 200
Long Beach, CA 90802
562-256-2000

May 7, 2003

Mr. Dan Candelaria, P.E.
Public Works Department
City of Garden Grove
11222 Acacia Parkway
P.O. Box 3070
Garden Grove, California 92842

Re: Sungrove Civil Plan Revisions; Letter of Explanation

Dear Mr. Candelaria:

Pursuant to our meeting on April 29, 2003, this letter provides an explanation of civil plans submitted by Simpson Housing Solutions, LLC ("SHS"), the developer of the Sungrove Senior Apartments, which reflect changes to the Sungrove Street block wall. As a result of the proposed changes, this letter also acknowledges our agreement to amend the maintenance agreement between Garden Grove Affordable Housing Investors and the City of Garden Grove ("GGAHI").

Explanation of Sungrove Block Wall Encroachment

The initial civil plans submitted proposed landscaping that sloped from the building edge to the City walkway. It was later determined that flat landscaping would accommodate more adequate drainage from the building. The plans were subsequently revised by our civil engineers, Development Resources Consultants, to eliminate the slope, but created the need to design a CMU block retaining wall to conceal the exposed portion of the building's footing. Upon inspection of the footing, it was determined that construction of the retaining wall, as detailed in the civil plans, will result in approximately one (1) to four (4) inches of encroachment within the City's right-of-way.

Amendment to Maintenance Agreement

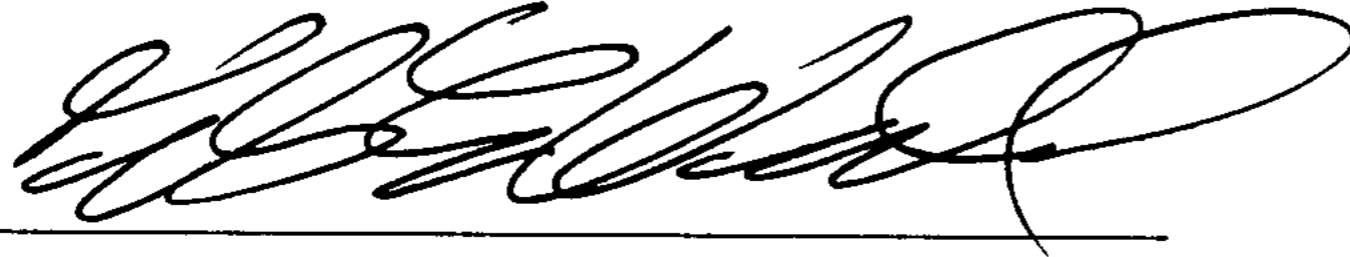
Garden Grove Affordable Housing Investors, L.P. accepts full responsibility for maintaining the CMU retaining block wall and all areas of encroachment within City's right-of-way. We agree to keep the wall clean and free of graffiti. A maintenance agreement (the "Agreement") will be drafted and executed between GGAHI and the City of Garden Grove. The Agreement will spell out GGAHI's responsibility for maintaining City property along Sungrove Street as well as the CMU retaining block wall and all areas of encroachment on City property.

Sincerely,

GARDEN GROVE AFFORDABLE HOUSING INVESTORS, L.P.

By: Foundation for Affordable Housing, Inc.
Its: General Partner

By:

A handwritten signature in black ink, appearing to read 'Thomas Willard', is written over a horizontal line.

Thomas Willard

Its: President

Cc: Rosalinh M. Ung, Planning Department
City of Garden Grove

Craig Farmer, Vice President
Simpson Housing Solutions, LLC



CITY OF GARDEN GROVE

Bruce A. Broadwater
Mayor

Mark Rosen
Mayor Pro Tem

William J. Dalton
Councilman

Mark Leyes
Councilman

Van T. Tran
Councilman

GARDEN GROVE

(714) 741-5040

August 21, 2001

K & P Partnership
1211 N. Broadway
Santa Ana, CA 92705

Enclosed for your file is a copy of the recorded Development Agreement by and between the City of Garden Grove and K & P Partnership for property located at 12811 Garden Grove Blvd.

The Agreement was approved by the City Council on June 26, 2001.

Sincerely,

Ruth E. Smith
City Clerk

Enclosure

c: Controller
Community Development/Planning

RECEIVED
CITY OF GARDEN GROVE
CITY CLERK'S OFFICE

Aug 20 5 49 PM '01

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

City Clerk's Office)
City of Garden Grove)
11222 Acacia Parkway)
Garden Grove, CA 92840)
)
)

Recorded in Official Records, County of Orange
Gary Granville, Clerk-Recorder

NO FEE

20010542677 01:24pm 08/08/01

112 11 A12 25

0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.00

(Space above for Recorder.)

This document is exempt for payment
of a recording fee pursuant to
Government Code Section 6103.

K
25 P
NK

Dated: July 16, 2001

DEVELOPMENT AGREEMENT
(GPA-1-00(A), V-270-00, PUD-136-00, & SP-275-00)

(K & P Partnership)

THIS AGREEMENT is made this 11th day of July, 2001 by the CITY OF GARDEN GROVE, a municipal corporation ("CITY") and K & P Partnership, ("PROPERTY OWNER")

RECITALS

The following recitals are a substantive part of this Agreement:

1. CITY and PROPERTY OWNER desire to enter into this DEVELOPMENT AGREEMENT for the construction of 82 senior apartment units located on the northwest corner of Garden Grove Boulevard and Sungrove Street, at 12811 Garden Grove Boulevard, Parcel No. 231-574-18.
2. The CITY'S Planning Commission approved Site Plan No. SP-275-00, and Variance No. V-270-00, on June 7, 2000, conditioned that the PROPERTY OWNER enter into a Development Agreement.
3. The CITY and PROPERTY OWNER desire to enter into this DEVELOPMENT AGREEMENT for the construction of 82 senior apartments located on the

northwest corner of Garden Grove Boulevard and Sungrove Street, at 12811 Garden Grove Boulevard.

4. The PROJECT is a development requiring certain discretionary approvals by the CITY before it may be constructed.
5. Government Code Section 65864 et seq. provided the authority for CITY to enter into binding development agreements with a PROPERTY OWNER having a legal and equitable interest in real property.
6. Government Code Section 65915 et seq. allowed CITY to provide a density bonus and incentives to PROPERTY OWNER for the production of lower income housing units within the development if PROPERTY OWNER meets the certain requirements.
7. The CITY is committed to the redevelopment and revitalization of the area surrounding the property. The proposed project furthers the goals of the revitalization efforts of the CITY.

AGREEMENT

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Duration. This Agreement shall expire three (3) years from its effective date.
2. Permitted Uses. The following use is permitted at the PROJECT: Eighty-two (82) senior apartment units, located on a 1.31 acre site.
3. Density/Intensity. The density or intensity of this project is as follows: Eighty-two (82) senior apartment units, located on a 1.31 acre site, and approximately 63 units per acre.
4. Maximum Height and Building Size. The maximum height and building size are as follows: The maximum building height for the four-story senior apartment shall be approximately 46 feet in height; and the total building area is approximately 17,372 square feet, as indicated on the site plan and elevations.
5. Reservation or Dedication. The reservation of easements or dedication of property to the City to allow the construction of the proposed residential development, as shown on and/or conditioned in the approved Planned Unit Development No. PUD-136-00, Site Plan No. SP-275-00, Variance No. V-270-00, and GPA-1-00(A).

6. Improvements. The improvements described in Resolution No. 5118 shall be constructed prior to the occupancy of the proposed development.
7. Scope of Project. The Project shall consist of 82 senior apartment units, located on a 1.31 acre site.
8. Resolution/Material Terms. All conditions of approval, as per Resolution No. 5118, attached hereto and incorporated herein as Exhibit "1," are material terms of this Agreement. Breach of any condition of approval shall be deemed to be a breach of this Development Agreement.
9. Reimbursement. PROPERTY OWNER shall pay CITY as follows:
 - 9.1 Amount. Seven hundred and fifty dollars (\$750) per unit.
 - 9.2 Not to Exceed. Payment under this Agreement shall not exceed \$61,500.
10. Records of Expenses. PROPERTY OWNER shall keep records in which complete and correct entries will be made of construction costs. These records will be available to CITY.
11. City Agreement. CITY agrees that the sum of sixty-one thousand five hundred dollars (\$61,500) will reimburse CITY for the cost of certain CITY services required by the proposed development that are not otherwise being reimbursed to CITY.
12. Payment Due Date. The reimbursement amount shall be due and payable prior to the issuance of a building permit for the PROJECT or one year from the date of approval of this Agreement by the City Council, whichever shall occur first.
13. Termination Provisions. This Agreement may be terminated upon the happening of any of the following events:
 - A. Failure of PROPERTY OWNER to perform any of the provisions of this Agreement, or
 - B. Mutual agreement of the parties.
14. Periodic Review. CITY shall review PROPERTY OWNER'S performance every twelve (12) months at the anniversary of the adoption of this Agreement. PROPERTY OWNER shall demonstrate good faith compliance with the terms of this Agreement. If as a result of the review CITY finds and determines, based upon substantial evidence, that PROPERTY OWNER has not complied in good faith with terms or conditions of this Agreement, CITY may terminate the

Agreement. This review shall be conducted by the Director of the Community Development Department.

16. City Discretion. CITY retains its right and discretion, under all applicable Codes, to approve or disapprove any item related to this PROJECT which it has not specifically agreed to via this Agreement. PROPERTY OWNER acknowledges that it shall comply with all CITY requirements for applications and permits of any nature and that this Agreement does not relieve PROPERTY OWNER of the necessity of filing appropriate applications and permits.

17. Improvement Schedule. The following improvements shall be constructed by the stated dates:

All repairs and improvements to the public right-of-way required in Planning Commission Resolution No. 5118 shall be completed prior to the issuance of any certificates of occupancy or release of any public utilities.

18. Property Owner Breach. Failure of PROPERTY OWNER to construct improvements as specified, or to pay amounts specified in a timely fashion, shall result in the withholding of building permits, any other permit or certificate of occupancy until the breach is remedied to satisfaction of CITY.

19. Non-Liability of Officials and Employees of the City. No official or employee of CITY shall be personally liable to PROPERTY OWNER in the event of any default or breach by CITY, or for any amount which will become due to PROPERTY OWNER, or any obligation under the terms of this Agreement.

20. Notices. All notices shall be personally delivered or mailed to the below listed address, or to such other address as may be designated by written notice. These addresses shall be used for delivery of service of process.

A. Address of PROPERTY OWNER is as follows:

K & P Partnership
1211 N. Broadway
Santa Ana, CA 92705

B. Address of CITY is as follows:

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

21. Property Owner's Proposal. The Project shall include PROPERTY OWNER's proposal, as modified by Planning Commission and City Council, which shall be

incorporated herein by this reference. In the event of any inconsistency between terms of the proposal and this Agreement, this Agreement shall govern.

22. Licenses, Permits, Fees, and Assessments. At its sole expense, PROPERTY OWNER shall obtain all licenses, permits, and approvals as may be required by this Agreement, or by the nature of the PROJECT.
23. Time of Essence. Time is of the essence in the performance of this Agreement.
24. Successor's Interest. The provisions of this Agreement shall be binding upon and insure to successors in interest of the parties and shall be specifically binding upon any future lessees or other owners of an interest in PROJECT.
25. Authority to Execute. The persons executing this Agreement on behalf of the parties warrant that they are duly authorized to execute this Agreement and that by executing this Agreement, the parties are formally bound.
26. Indemnification. PROPERTY OWNER agrees to protect, defend, and hold harmless CITY and their elective or appointive boards, officers, agents, and employees from any and all claims, liabilities, expenses or damages of any nature, including attorneys' fees, for injury or death of any person, or damage to property, or interference with use of property, arising out of, or in any way connected with performance of the Agreement by PROPERTY OWNER, PROPERTY OWNER'S agents, officers or employees, subcontractors hired by PROPERTY OWNER.
27. Modification. This Agreement constitutes the entire agreement between the parties and supersedes any previous agreements, oral or written. This Agreement may be modified only by subsequent mutual written agreement executed by CITY and PROPERTY OWNER.
28. Affordable Units. (a) PROPERTY OWNER agrees to make available, restrict occupancy to, and lease not less than seventeen (17) units of the total of eighty-two (82) units on the property to Low Income Households at an Affordable Rent, (collectively, the "Affordable Units"), as defined in Section 50079.5 of the Health and Safety Code, and all amendments thereto.

(b) The Affordable Units shall be distributed as follow: three (3) units for two-bedroom and fourteen(14) units for one bedroom units.

(c) The Affordable Units shall be equal to all other units in all respects, including but not limited to, appliances, air conditioning units, lighting, and all other amenities and features constituting each housing unit.


For purposes of the Agreement, "Low Income Households" shall mean those households with incomes that do not exceed the qualifying limit in the California Health and Safety Code Sections 50050 et seq. and all amendments thereto.

29. Duration. The time period to ensure continued affordability shall be at least thirty (30) years.
30. Events of Default. The following shall constitute an "Event of Default" by PROPERTY OWNER under this Agreement: there shall be a material breach of any condition, covenant, warranty, promise or representation contained in this Agreement and such breach shall continue for a period of thirty (30) days after written notice thereof to the defaulting party without the defaulting party curing such breach, or if such breach cannot reasonably be cured within such thirty (30) day period, commencing the cure of such breach within such thirty (30) day period and thereafter diligently proceeding to cure such breach; provided, however, that if a different period or notice requirement is specified for any particular breach under any other paragraph of this Agreement, the specific provision shall control.
31. Remedies. The occurrence of any Event of Default shall give the nondefaulting party the right to proceed with any and all remedies set forth in this Agreement, including an action for damages, an action or proceeding at law or in equity to require the defaulting party to perform its obligations and covenants under this Agreement or to enjoin acts or things which may be unlawful or in violation of the provisions of this Agreement, and the right to terminate this Agreement.
32. Force Majeure. Subject to the party's compliance with the notice requirements as set forth below, performance by either party hereunder shall be deemed to be in default, and all performance and other dates specified in this Agreement shall be extended, where delays or default are due to causes beyond the control and without the fault of the party claiming an extension of time to perform, which may include, without limitation, the following: war, insurrection, strikes, lockouts, riots, floods, earthquakes, fires, assaults, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation, unusually severe weather, inability to secure necessary labor, material or tools, acts or omissions of the other party, or acts or failures to act of any public or governmental entity (except that the City's acts or failure to act shall not excuse performance of the City hereunder). An extension of the time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within thirty (30) days of the commencement of the cause.

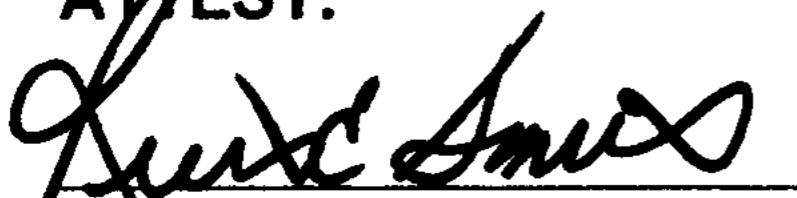
IN WITNESS WHEREOF, these parties have executed this Agreement on the day and year shown below.

Date: 7-11-01


"CITY"
CITY OF GARDEN GROVE

BY 
Mayor

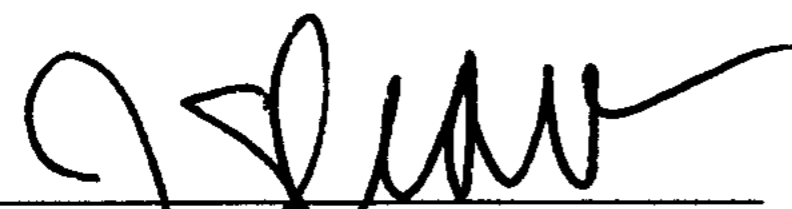
ATTEST:


CITY CLERK
DATE: 7-11-01

"PROPERTY OWNER"
K & P Partnership

BY 
Its: General Partner
Date: JULY 1, 2001
(Signature must be notarized.)

APPROVED AS TO FORM:


Garden Grove City Attorney
Date: 7/9/01

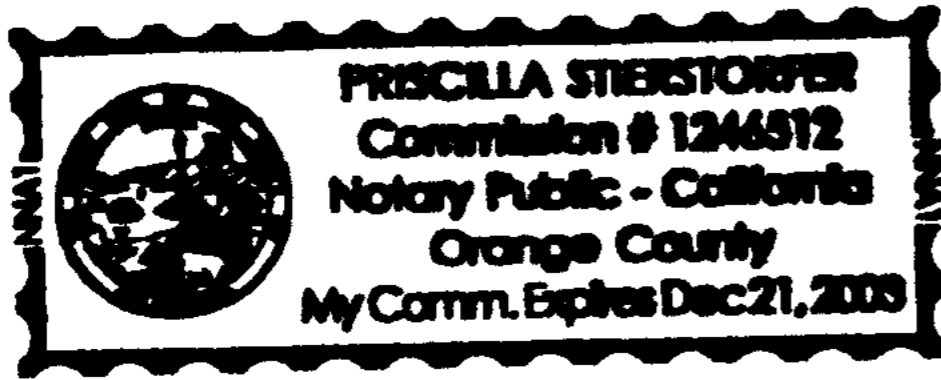
If PROPERTY OWNER is a corporation, a Corporate Resolution and/or Corporate Seal is required. If a partnership, Statement of Partnership must be submitted to CITY.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Orange } ss.

On July 11, 2001, before me, Priscilla Stierstorfer,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Bruce A. Broadwater,
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Priscilla Stierstorfer
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

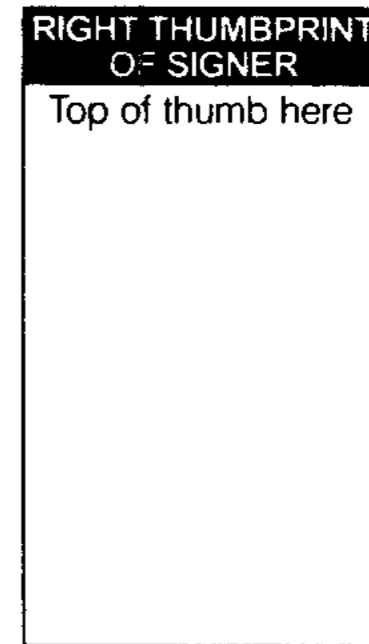
Title or Type of Document: Development Agreement
Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

- Signer's Name: _____
- Individual
 - Corporate Officer — Title(s): _____
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____

Signer Is Representing: _____



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

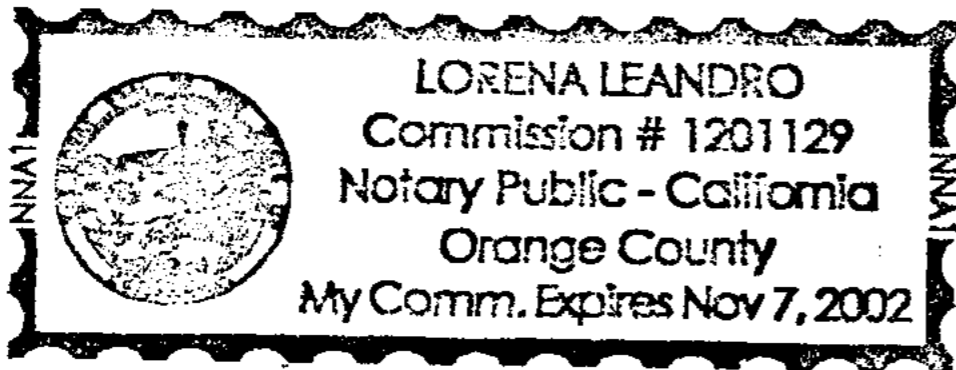
County of Orange } SS.

On 7/9/2001, before me, Lorena Leandro,
Date Name and Title of Officer (e.g. "Jane Doe, Notary Public")

personally appeared Kris Kakkar,
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.

Lorena Leandro
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Development Agreement

Document Date: 7/2/2001 Number of Pages: _____

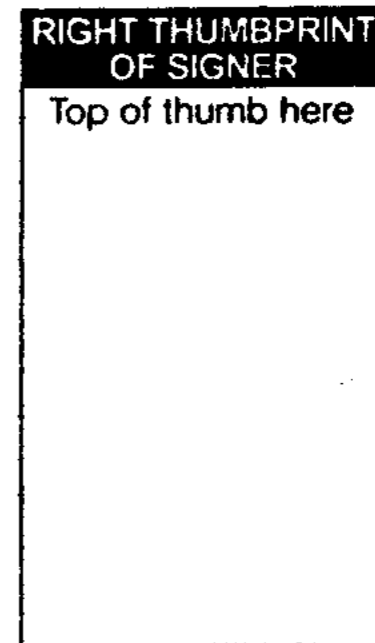
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: Kris Kakkar

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: Himself



RESOLUTION NO. 5118

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING SITE PLAN NO. SP-275-00 AND VARIANCE NO. V-270-00 FOR LAND LOCATED ON THE NORTHWEST CORNER OF GARDEN GROVE BOULEVARD AND SUNGROVE STREET, AT 12811 GARDEN GROVE BOULEVARD, PARCEL NO. 231-574-18

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on June 7, 2000, hereby adopt a Negative Declaration, find a de minimis impact on fish and wildlife resources, and approve Site Plan No. SP-275-00 and Variance No. V-270-00.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-275-00 and Variance No. V-270-00, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Kaufman & Broad Multi-Housing Group, Inc.
2. The applicant requests approval of a Site Plan to construct 82 senior apartment units and a Variance to deviate from the minimum required three acre lot size for a residential Planned Unit Development.
3. The proposed project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove has prepared a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act. Further, the Planning Commission finds a de minimis impact in relation to fish and game.
4. The property has a General Plan Land Use designation of MU (Mixed Use) and is zoned OP/HCSP (Office Professional of the Harbor Corridor Specific Plan).
5. Existing Land Use, Zoning, and General Plan designation of property in the vicinity of the subject site have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to legal notices, public hearings were held on May 3 and June 7, 2000, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meetings of May 3 and June 7, 2000, and

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

FACTS:

The site is currently improved with several older commercial structures. These structures will be demolished prior to the construction of the project.

In response to the concerns expressed at the May 3, 2000, Planning Commission meeting, the applicant has withdrawn the proposed Street Vacation and Tentative Parcel Map applications.

The site is approximately 1.31 acres in size and the minimum site requirement for Planned Unit Development Residential zoning is 3 acres.

The density permitted in the CR designation ranges from 42.1 to 60 units per acre. The proposed density for the project is 62.6 or 63 units per acre. The applicant is requesting to increase the maximum permitted density of the project through the granting of a density bonus, in order to accommodate the proposed development.

The Site Plan and Variance are being processed in conjunction with a Zone Change request to rezone the property to Residential Planned Unit Development (PUD-136-00), and General Plan Amendment (GPA-1-00(A) to amend the land use designation from Mixed Use to Community Residential.

FINDINGS AND REASONS:

Site Plan:

1. The site plan with the proposed changes complies with the spirit and intent of the provisions, conditions, and requirements of this chapter and other applicable ordinances are complied with.

The project with the proposed changes complies with the spirit and intent of the provisions, conditions and requirements of the Garden Grove Municipal Code and other applicable ordinances. With the recommended conditions of approval, the project meets or exceeds the minimum requirements for a project of this size, with the exception of the lot size for a residential PUD for which a Variance has been requested.

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.

Through the recommended conditions of approval, the project will not adversely affect essential on-site facilities such as traffic circulation and points of vehicular and pedestrian access. The site provides proper ingress and egress and sufficient off-street parking for the proposed residential use.

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

The proposed development has been reviewed by the various City departments to insure that adequate public facilities are provided.

4. The proposed development will not adversely impact the Public Works Department's ability to perform its required function.

The site plan has been reviewed by the Public Works Department. Issues raised by the proposed development have been addressed in the project design and the conditions of approval.

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

With the proposed site improvements, the project will be compatible with the physical, and functional quality of the neighboring uses and desirable community characteristics. The proposed architectural style is compatible with the architecture of the development within the general area. The architectural design creates a positive visual impact in this surrounding area. Furthermore, with the recommended conditions of approval, the project will improve and enhance the site and the surrounding properties.

6. 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.

Through the proposed site design and recommended conditions of approval, the planning and design of buildings and building placement, and the provision of an adequate amount of private and public open space, the project will attain an attractive environment for the occupants of the property.

Variance:

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

The proposed General Plan designation of the subject property allows senior apartment development at a higher density. Because the City has not yet adopted a new zoning classification and development standards for senior development at a higher density, the PUD is an interim mechanism to provide a zoning criteria for this project. The limited size of the site prevents the applicant from meeting all of the required development standards. In addition, the acquisition of additional land to meet the three acre lot size for PUD's is not feasible. The surrounding properties are currently improved with office professional, commercial, and residential developments.

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 Variance is necessary in order for the property to develop with the same property rights that exist for other residential developments located in the City. The applicant's request is justifiable due to the limited size of the property and the need for a Variance in order to meet the requirements contained in Title 9 for higher density residential development for senior citizens.

3. 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.

The project will be required to comply with all applicable building and safety codes and regulations to ensure that there is not an adverse impact on public health, safety, or welfare. Furthermore, the request has been reviewed by the Community Development, Fire and Police Departments in order to ensure compliance with all applicable code provisions with the exception of this Variance request.

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

The project complies with all applicable development standards except for minimum PUD project size for which a Variance has been requested. The proposed General Plan designation for the property is Community Residential (CR). This designation allows senior housing and related uses. The proposed

project is a senior apartment complex. Therefore, the approval of the project will further the goals of City's General Plan.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Site Plan No. SP-275-00 and Variance No. V-270-00 possess characteristics that would indicate justification for the request in accordance with Municipal Code Section 9.24.030 (Land Use Actions).
2. 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 shall apply to Site Plan No. SP-275-00 and Variance No. V-270-00.

CONDITIONS OF APPROVAL:

- A. All below-listed conditions of approval are required to be recorded. Recordation of said conditions is the responsibility of the applicant, and proof of such recordation is required prior to issuance of building permits. 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.
- B. Approval of this Site Plan 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.
- C. Minor modifications may be approved by the Community Development Department. If other than minor changes are made in the proposed development, a new Site Plan shall be filed, which reflects the revisions made.
- D. The approved Site Plan is an integral part of the decision approving this Land Use action. There shall be no change in the design of the Site Plan (including elevations) or any other modifications to the Site Plan without the approval of the Community Development Department. Any change in the approved Site Plan which has the effect of expanding or intensifying the project shall require a new Site Plan.

- E. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the City's Planning Division. Except for parking lot lights, lighting shall be restricted to decorative type wall-mounted lights, or preferably, a ground lighting system. On-street lighting shall be provided during the hours of darkness at a minimum of one footcandle of light on the street and sidewalk.
- F. Utilities and mechanical equipment:
1. All new on- and off-site utilities shall be installed underground.
 2. All above-ground utility equipment (e.g., electrical, gas, telephone, cable TV) shall not be located in either the front/street setbacks or the front parking area and shall be screened to the satisfaction of the Community Development Department.
 3. 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 Development Department prior to issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
 4. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
 5. No exterior piping, plumbing, or mechanical duct work shall be permitted on any exterior facade and/or visible from any public right-of-way or adjoining property.
- G. All provisions of the Public Works Department, Engineering Division, shall be complied with. This includes, but is not limited to, the following:
1. All existing and new utilities shall be placed underground in the public right-of-way and on-site.
 2. All on-site improvements shall be removed prior to start of new construction.
 3. Driveway approaches shall be constructed per City Standard Plan B-120. A separate street permit is required for work performed within the public right-of-way.

4. Bonds shall be posted to secure all work within the public right-of-way.
5. The existing driveway approaches shall be removed and replaced with standard curb and gutter and sidewalk.
6. Street improvement, grading and utility plans shall be required. Plans shall be prepared by a registered Civil Engineer. The grading plan shall show colored enhanced concrete treatment or brick pavers at the driveway entrances to the development. The applicant shall be responsible for the cost of the main entry paving. The type and style of the entry paving shall be subject to approval by the Community Development Department.
7. Any new or required block walls and/or retaining walls and trash enclosures 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) A seven-foot high split-face block wall shall be constructed along the north property line.
 - b) A six-foot high split-face block wall shall be provided along west property line.
 - c) The applicant shall contact the property owner(s) to the north of the site to obtain approval to modify the existing wall to the required height. In the event that the applicant cannot obtain approval from the property owner(s) to the north of the site, the applicant shall construct the new wall with a decorative cap to be placed between the new and existing walls.
 - d) Color and material of the block walls and columns shall be approved by the Planning Services Division.
 - e) Any proposed wall/fence located within the twenty (20) foot front yard setback area shall be limited to thirty-six (36) inches in height. Pilasters or columns may extend an additional six (6) inches above the allowed height.
8. In accordance with the 1972 Clean Water Act and NPDES requirements, the applicant shall be required to submit a long term, post construction, Water Quality Management Plan (WQMP). The WQMP shall include

provisions for the installation and maintenance of appropriate structural facilities and identify all non-structural Best Management Practices (BMPs) to be implemented with the project. The Plan shall be submitted to and approved by the Public Works and Community Development Departments prior to the issuance of a grading or building permit, whichever occurs first. The project shall also be subject to all conditions in the latest edition of the Drainage Area Management plan (DAMP) and appendices.

9. A geotechnical study prepared by a registered geotechnical engineer shall be 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, basement and septic facilities. Should contaminants be found at the site, Environmental Clearance shall be required. The report shall make recommendations for pavement design based on a Traffic Index to be supplied by the City Traffic Engineer.
 10. The property owner shall repave Garden Grove Boulevard (half street width) across the property frontage and the full width of Sungrove Street, south of El Rey Place to Garden Grove Boulevard, in a manner meeting the approval of the City Engineer.
 11. Arrangements for inspection of areas outside of the building footprint, within the project limits, shall be initiated by the property owner. Public Works Engineering staff will not routinely provide inspection services for areas outside of public right-of-way. A standard grading certification letter is available on file at the City to facilitate this private inspection process.
 12. Provide hydrology with a scaled map and calculations and hydraulic calculations to size storm drains per Orange County PF&RD Standards. Parkway culverts shall be constructed per PF&RD Standard Plan 1309 (Type B).
 13. The design and final location of the trash chute, the number of trash bins and trash pick-up frequency shall be reviewed and approved by Taorimina Industries, and the Public Works and Community Development Departments. The trash chute shall be maintained in a neat and sanitary manner. Access doors shall be kept closed and secured except during trash disposal or pickup.
- H. All provisions of the Public Works Department Traffic Engineering Division shall be complied with. This includes, but is not limited to, the following:

1. All entrances to the property shall be posted with a sign indicating that unauthorized vehicles will be removed at the owner's expense. The signs shall be of the size, type, and location specified in the California Vehicle Code and Garden Grove Municipal Code Standard Plan B-308.
 2. Development shall be subject to the Traffic Mitigation Ordinance and fees. Traffic mitigation fees shall be paid prior to the issuance of building permits for the development.
 3. A minimum of 82 on-site parking spaces shall be provided and maintained at all times. All parking stalls shall be per City standards, and hairpin striped.
 4. The two proposed security gates shall provide a minimum of 25 feet clearance for fire access.
 5. The final design of the entrances on Sungrove Street shall be reviewed and approved by the Community Development and Public Works Departments.
 6. The property owner shall design and construct a median along the frontage of the project on Garden Grove Boulevard from Sungrove Street to Partridge Street, in conformance with the approved design plans. The City shall credit the property owner from traffic mitigation fees that proportion of the median cost from the west property line to Partridge Street. The property owner shall construct the median from Sungrove Street to Haster Street from City provided plans. Cost for this construction shall be paid by the Garden Grove Agency for Community Development.
- I. All provisions of the Garden Grove Fire Department shall be met. This includes, but is not limited to, the following:
1. One on-site fire hydrant shall be provided. Location shall be determined by Fire Department. All on-site fire hydrants shall be operable prior to delivery of combustible material. Access roads shall be maintained during all phases of construction.
 2. Automatic fire sprinklers shall be provided in all buildings, regardless of fire separation walls, with a "gross" floor area of 6,000 square feet or more, or 55 feet above grade or containing three or more stories, or as required by CBC Chapter 9.

3. Fire sprinkler system(s) and all control valves, including exterior, shall be supervised to an approved central station prior to Fire Department final.
 4. Fire sprinkler system shall be designed to utilize not more than 90 percent of the available water supply as indicated by a submittal graph as required by NFPA Standard #13.
 5. Fire extinguishers shall be provided, locations and ratings shall be determined by Fire inspectors.
 6. Occupancies 4 story or more shall provide a Class 1 standpipe system.
 7. A manual fire alarm system in accordance with the California Fire Code, Article 10 and the California Electrical Code shall be provided.
 8. Signage requirements for the Emergency Planning and Information Plan as required in C.C.R Title 19, Section 3.09, shall be required.
 9. Required fire lanes shall be posted and marked in accordance with Garden Grove Fire Department Fire Protection Specifications and Requirements.
 10. Fire apparatus access gates(s) shall be openable with a Fire Department knock box key. All driveways shall maintain a minimum of 25 feet clearance.
- J. All provisions of the Garden Grove Public Works Department, Water Services Division, shall be met. This includes, but is not limited to, the following:
1. New water service installations shall be at the property owner's expense. Installation shall be by City forces upon payment of applicable fees, unless otherwise noted. Fire services and larger water services (3 inches and larger) shall be installed by the property owner's contractor with Class A or C-34 license, per City Water Standards and inspected by a Public Work inspector.
 2. Water meters shall be located within the City Right-of-Way.
 3. A backflow prevention device shall be required on water laterals. Installation to be per City Standards and shall be inspected by a cross connection specialist after installation. Device shall be tested immediately after installation and once a year by a certified backflow device tester and

the results shall be submitted to the Public Works Water Services Division.

4. Owners shall dedicate all rights to underground water without the right to subsurface entry.
5. Any water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
6. City shall determine if existing water service(s) is/are usable and meets current City Standards. Any meter and service located within new driveway(s) shall be relocated at owner's expense.
7. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
8. Fire service shall have above ground backflow device with a double check valve assembly. Device shall be tested immediately after installation and once a year. A certified backflow device test with results shall be submitted to Public Works Water Services Division. Device shall be on private property and shall be the responsibility of the property owner. The above ground assembly shall be screened from public view as required by the Planning Services Division. Fire service shall be connected to the 12 inch water main in Garden Grove Boulevard.
9. The property owner shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 6 inch minimum diameter, with extra strength VCP with wedgelock joints.
10. The property owner's contractor shall abandon the existing sewer lateral 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. A new sewer line shall be connected to Sungrove Street.
11. A properly sized grease trap shall be installed on the sewer lateral and maintained by the property owner. The grease trap shall be installed downstream of the last sewer connection.
12. The property owner shall provide an assessment of the impact of the new development on the existing sewer system at Garden Grove Boulevard and Harbor Boulevard. If the existing capacity is not adequate, the property owner shall be responsible to provide adequate sewer facilities.

- K. All provisions of the Building Services Division shall be met. Additionally, the building plans, site plans and all construction shall comply with the current editions of the U.M.C., U.B.C., U.P.C., N.E.C., as amended by the City of Garden Grove and State of California for handicap access, energy conservation and sound transmission control requirements for residential occupancy.
- L. The applicant shall submit a complete detailed landscape plan governing the entire landscaped areas on the subject site, including the courtyard areas and the parkway area along Sungrove Street, which reflects the approved landscape plans, with any necessary modifications, as submitted under the Site Plan application. Said plan shall include type, size, location and quantity of all plant material. It shall include irrigation plans and staking and planting specifications. The landscape plan shall comply with the City's Landscaping Ordinance (Municipal Code Section 9.16.140) and is also subject to the following:
1. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaped areas. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
 2. The landscaping plan, shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. Trees shall be incorporated into the landscaped frontages of all streets, private and public, and into the common landscaped areas.
 3. The property owner is and shall be responsible for installation of all landscaping and irrigation on the property as shown on the landscaping plans.
 4. Trees planted within ten feet (10') of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontage adjacent to driveways shall be of the low height variety to ensure safe sight clearance.
 5. Prior to the issuance of building permits, final landscape and irrigation plans shall be submitted to the Community Development Department for review and approval. The plans shall be prepared in accordance with the City's Landscape Ordinance.
 6. Prior to the issuance of Certificates of Occupancy or final building inspection, all landscaping and irrigation shall be installed and approved.

7. All street trees along Garden Grove Boulevard and Sungrove Street shall be 24-in box in size for every 30 feet of street frontage. These trees may be grouped or clustered.
 8. Mounding and berming shall be incorporated into the Garden Grove street frontage. Such berming shall not exceed 36 inches above the highest adjacent curb.
 9. The landscape areas along Garden Grove Boulevard and Sungrove Street shall incorporate landscape treatment such as color annuals, flowers, and shrubs.
 10. The property owner shall be responsible for the planting and maintenance of the parkway along Sungrove Street.
- M. Prior to issuance of any permits for the subject site, the site's perimeter shall be secured with a six-foot (6') high chain link fence. Access gates(s) are permitted. The fence shall be removed upon construction of permanent perimeter fencing and/or completion of the project.
- N. 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 County Noise Ordinance as adopted:
1. Monday through Saturday between 7 a.m. and 8 p.m.
 2. Sunday and Federal Holidays may work same hours but subject to noise restrictions as stipulated in Section 8.47.010 of the Municipal Code.
- O. The applicant shall enter into a binding Development Agreement with the City of Garden Grove. This includes the payment of a Development Impact Mitigation Payment in accordance with City Council Resolution.
- P. The applicant shall enter into a maintenance agreement with the City of Garden Grove to ensure proper maintenance and upkeep of the property.
- Q. The subject Site Plan and Variance shall expire one year after the effective date of this Resolution unless the Development Agreement has been recorded and fees paid.
- R. V-270-00 and SP-275-00 shall not be effective until GPA-1-00(A), PUD-136-00, and A-211-00 are in effect.

- S. The windows of the units with rear exterior elevations directly facing or siding to Garden Grove Boulevard shall have dual paned glass.
- T. Individual unit balcony areas shall not be used for storage.
- U. Mail boxes shall be provided and installed by the property owner. Design and location shall be approved by the local postmaster.
- V. The monument sign shall not exceed 4 feet in height measured from established on-site grade and 8 feet in length, and shall be located within the front landscape setback area on Garden Grove Boulevard.
- W. The monument sign shall bear only the senior apartment complex's name and site address.
- X. All signs require separate permit and shall be installed in accordance with the provisions of the sign ordinance and shall be approved by the Community Development Department.

ADOPTED this 7th day of June 2000.

/s/ LEE BUTTERFIELD
CHAIRMAN

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on June 7, 2000, by the following votes:

AYES: COMMISSIONERS: BUTTERFIELD, BARRY, FREZE, HUTCHINSON, JONES,
OH, TRAN

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

/s/ TERESA POMEROY
SECRETARY

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

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is June 28, 2000.

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: George Tindall
Dept.: City Manager
Subject: **CONSIDERATION OF A
RESOLUTION OF INTENTION FOR
STREET VACATION NO. SV-111-00
TO VACATE A PORTION OF
SUNGROVE STREET**

From: Matthew Fertal
Dept.: Community Development
Date: May 9, 2000

OBJECTIVE

The purpose of this report is to consider a Resolution of Intention to vacate a portion of Sungrove Street, generally located an approximately 120 feet south of Del Rey Place to Garden Grove Boulevard, in order to accommodate the development of a 93-unit senior apartment complex proposed to be located at the northwest corner of Garden Grove Boulevard and Sungrove Street.

BACKGROUND

The applicant, Kaufman and Broad Multi-Housing Group, Inc. proposes to vacate a portion of Sungrove Street, north of Garden Grove Boulevard, rezone an approximately 1.67-acres site from OP/HCSF (Office Professional of the Harbor Corridor Specific Plan) zone to the Planned Unit Development and amend the General Plan designation of the subject site from MU (Mixed Use) to CR (Community Residential) in order to facilitate the development of the site with a 93-unit senior apartment complex.

On April 13, 2000, the City staff hosted a neighborhood meeting with project representatives and City staff in attendance. The purpose of the meeting was to present the proposed senior apartment development, to discuss the Sungrove street vacation, and answer and concerns raised by the residents who live north of the subject site. Approximately 15 residents were in attendance at the meeting.

The Planning Commission will consider the applicant's request at their May 3, 2000, meeting.

DISCUSSION

In order to accommodate the proposed development, the applicant is requesting approval to vacate a portion of Sungrove Street, generally located an approximately 120 feet south of Del Rey Place to Garden Grove Boulevard.

To facilitate the requests and to comply with the Streets and Highways Code, the City Council is required to first adopt a Resolution of Intention. The Resolution of Intention states the time and place for the public hearing meeting to consider the vacation of a portion of Sungrove Street. As required, the date of the public hearing shall not be less than fifteen (15) days from the date of the adoption of the resolution of intention. The public hearing date for the City Council to consider the street vacations is tentatively scheduled for May 30, 2000.

FINANCIAL IMPACTS

None.

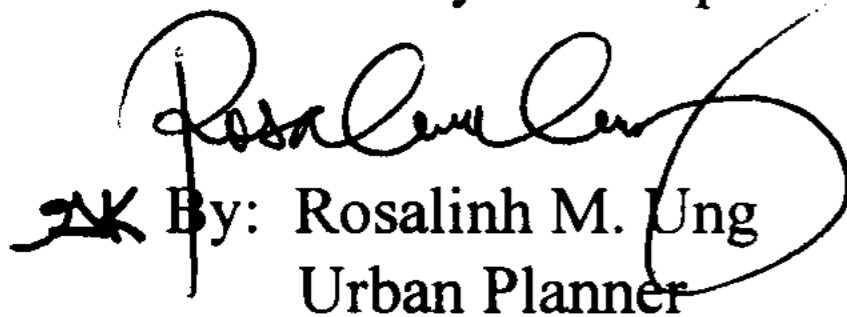
RECOMMENDATION

It is recommended that the City Council:

- Adopt a Resolution of Intention, scheduling Street Vacation No. SV-111-00 for a duly-advertised public hearing on May 30, 2000.

MATTHEW FERTAL, Director
Community Development




By: Rosalinh M. Ung
Urban Planner

Attachments: Draft Resolution of Intention

p:\department\julie\sv111.doc

RECOMMENDED FOR APPROVAL:


George L. Tindall
City Manager

RESOLUTION NO.

A RESOLUTION OF THE CITY OF COUNCIL OF THE CITY OF GARDEN GROVE DECLARING ITS INTENTION TO PROCEED WITH STREET VACATION NO. SV-111-00 TO VACATE A PORTION OF SUNGROVE STREET, GENERALLY LOCATED A APPROXIMATELY 120 FEET SOUTH OF EL REY PLACE TO GARDEN GROVE BOULEVARD, DESCRIBED IN EXHIBITS A AND B, ATTACHED, AND SCHEDULING A HEARING TO CONSIDER SAID STREET VACATION

WHEREAS, the applicant, Kaufman & Broad Multi-Housing Group, Inc. proposes to vacate a portion of Sungrove Street; and

WHEREAS, the City of Garden Grove has prepared a Negative Declaration of Environmental Impact, pursuant to the California Environmental Quality Act, and further found a de minimis impact in relation to fish and game; and

WHEREAS, maps specifically setting forth the proposed vacation is on file in the office of the City Clerk of the City of Garden Grove; and

WHEREAS, it is necessary that certain legal requirements be met in connection with the posting and publication of this resolution.

NOW, THEREFORE, BE IT RESOLVED:

That the City of Garden Grove does hereby declare its intention to vacate a portion of Sungrove Street, generally located a approximately 120 feet south of El Rey Place to Garden Grove Boulevard.

BE IT FURTHER RESOLVED, that the approved street vacation is shown on Exhibit A and are legally described in Exhibit B, attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the 30th day of May, 2000, at seven o'clock in the evening, in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California, are hereby fixed as the day, hour, and place when and where any and all persons interested in said vacation may appear and be heard.

BE IT FURTHER RESOLVED, the City Clerk shall publish this resolution, together with the names of the City Councilmembers voting for and against the same, as prescribed by law.

BE IT FURTHER RESOLVED, that the City Clerk shall post this Resolution of Intention conspicuously along the line of the property to be vacated by this resolution at least ten (10) days prior to the date set for the hearing. Copies of this Resolution of Intention shall be posted no more than three hundred (300) feet apart, but at least three (3) shall be posted.

STREET VACATION NO. SV-111-00
CASE NOS. SV-111-00, GPA-1-00(A), PUD-136-00,
V-270-00, SP-275-00 & PM-00-158



NO SCALE
CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
CAD SYSTEM
REF. SV-111-00
APRIL 2000



PROPOSED STREET VACATION

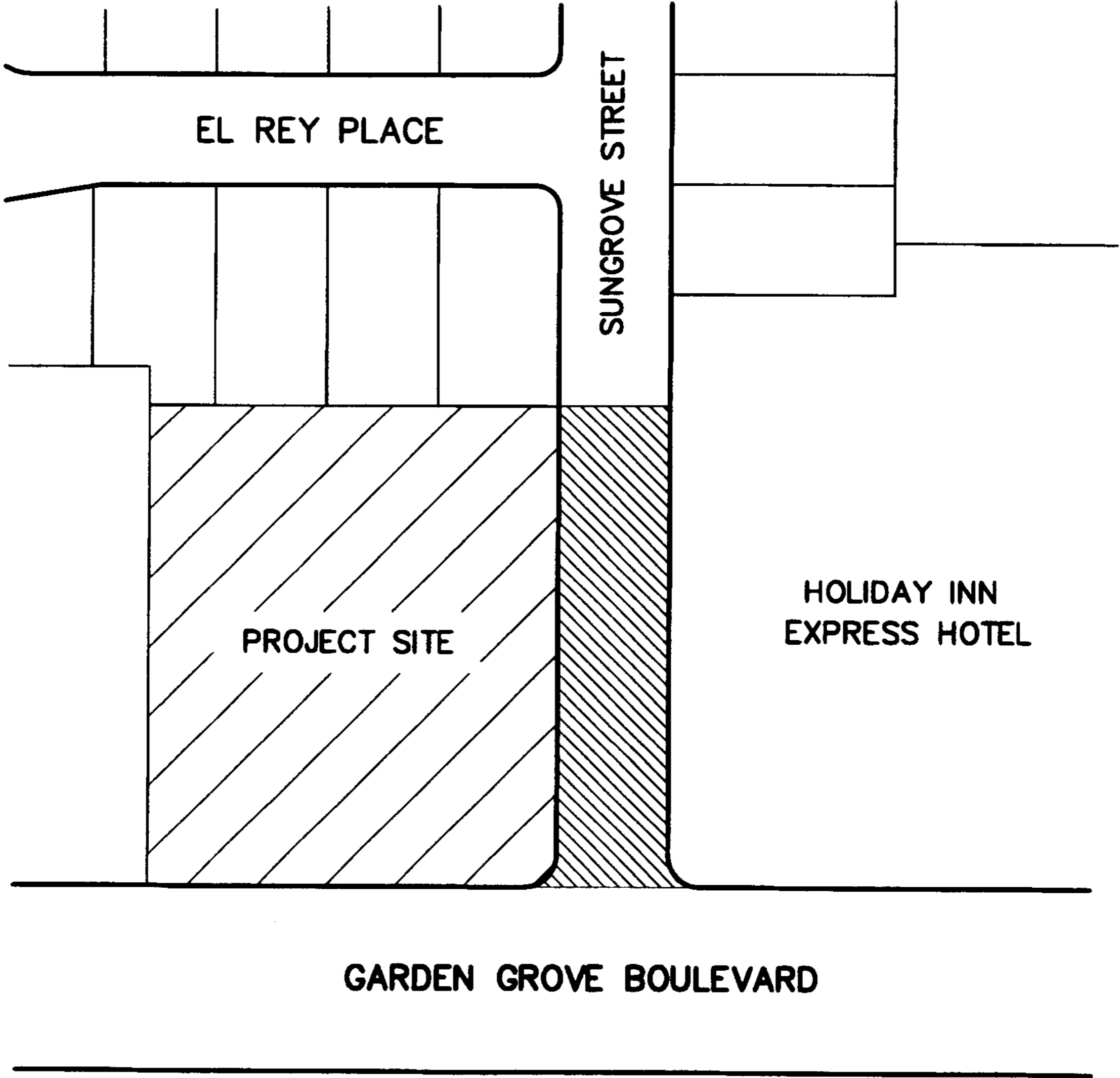
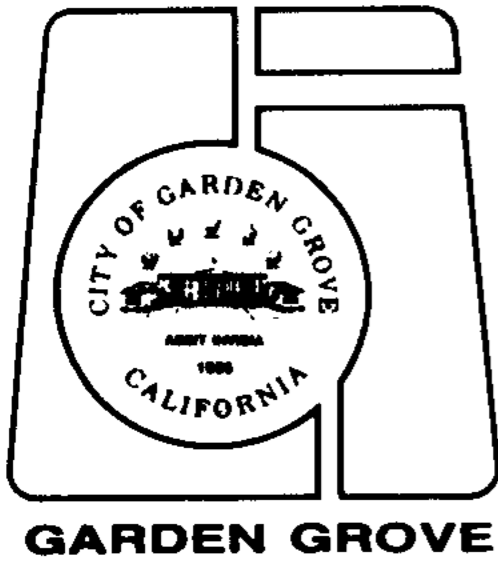


EXHIBIT B
LEGAL DESCRIPTION FOR STREET VACATION OF A PORTION OF
SUNGROVE STREET

That portion of Sungrove Street, 60.00 feet wide, as shown and dedicated on the map of Tract No. 3221, in the City of Garden Grove, recorded in Book 104, pages 39 and 40 of Miscellaneous Maps, in the office of the County Recorder of said County, which lies Southerly of the Easterly prolongation of the South line of Lot 15 of said Tract No. 3221 and Northerly of a line that is parallel and 50.00 feet Northerly, measured at right angles, from the centerline of Garden Grove Boulevard as said street is shown on the map of said Tract No. 3221.



CITY OF GARDEN GROVE, CALIFORNIA

11222 ACACIA PARKWAY, P.O. BOX 3070, GARDEN GROVE, CALIFORNIA 92842

Bruce A. Broadwater
Mayor

William J. Dalton
Mayor Pro Tem

Ho Chung
Councilman

Mark Leyes
Councilman

Mark Rosen
Councilman

(714) 741-5040

August 22, 2000


K & P Partnership
1211 N. Broadway
Santa Ana, CA 92705

Enclosed for your files is a copy of the Development Agreement by and between the City of Garden Grove and K & P Partnership for property located on the northwest corner of Garden Grove Boulevard and Sungrove Street at 12811 Garden Grove Boulevard.

The Agreement was approved by the City Council on July 11, 2000.

Sincerely,

Ruth E. Smith
City Clerk


By: Priscilla Stierstorfer
Deputy City Clerk

Enclosure

c: Controller
~~Community Development~~

RECEIVED
CITY OF GARDEN GROVE
CITY CLERK'S OFFICE

Aug 21 12 09 PM '00

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:

Recorded in Official Records, County of Orange
Gary Granville, Clerk-Recorder

City Clerk's Office)
City of Garden Grove)
11222 Acacia Parkway)
Garden Grove, CA 92840)
)
)

NO FEE

20000424984 10:02am 08/15/00

110 3 A12 26

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(Space above for Recorder.)

This document is exempt for payment
of a recording fee pursuant to
Government Code Section 6103.

Dated: July 11, 2000

DEVELOPMENT AGREEMENT
(GPA-1-00(A), V-270-00, PUD-136-00, & SP-275-00)

(K & P Partnership)

THIS AGREEMENT is made this 11th day of July, 2000 by the CITY OF GARDEN GROVE, a municipal corporation ("CITY") and K & P Partnership, ("PROPERTY OWNER")

RECITALS

The following recitals are a substantive part of this Agreement:

1. CITY and PROPERTY OWNER desire to enter into this DEVELOPMENT AGREEMENT for the construction of 82 senior apartment units located on the northwest corner of Garden Grove Boulevard and Sungrove Street, at 12811 Garden Grove Boulevard, Parcel No. 231-574-18.
2. The CITY'S Planning Commission approved Site Plan No. SP-275-00, and Variance No. V-270-00, on June 7, 2000, conditioned that the PROPERTY OWNER enter into a Development Agreement.
3. The CITY and PROPERTY OWNER desire to enter into this DEVELOPMENT AGREEMENT for the construction of 82 senior apartments located on the

northwest corner of Garden Grove Boulevard and Sungrove Street, at 12811 Garden Grove Boulevard.

4. The PROJECT is a development requiring certain discretionary approvals by the CITY before it may be constructed.
5. Government Code Section 65864 et seq. provided the authority for CITY to enter into binding development agreements with a PROPERTY OWNER having a legal and equitable interest in real property.
6. Government Code Section 65915 et seq. allowed CITY to provide a density bonus and incentives to PROPERTY OWNER for the production of lower income housing units within the development if PROPERTY OWNER meets the certain requirements.
7. The CITY is committed to the redevelopment and revitalization of the area surrounding the property. The proposed project furthers the goals of the revitalization efforts of the CITY.

AGREEMENT

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Duration. This Agreement shall expire four (4) years from its effective date.
2. Permitted Uses. The following use is permitted at the PROJECT: Eighty-two (82) senior apartment units, located on a 1.31 acre site.
3. Density/Intensity. The density or intensity of this project is as follows: Eighty-two (82) senior apartment units, located on a 1.31 acre site, and approximately 63 units per acre.
4. Maximum Height and Building Size. The maximum height and building size are as follows: The maximum building height for the four-story senior apartment shall be approximately 46 feet in height; and the total building area is approximately 17,372 square feet, as indicated on the site plan and elevations.
5. Reservation or Dedication. The reservation of easements or dedication of property to the City to allow the construction of the proposed residential development, as shown on and/or conditioned in the approved Planned Unit Development No. PUD-136-00, Site Plan No. SP-275-00, Variance No. V-270-00, and GPA-1-00(A).

6. Improvements. The improvements described in Resolution No. 5118 shall be constructed prior to the occupancy of the proposed development.
7. Scope of Project. The Project shall consist of 82 senior apartment units, located on a 1.31 acre site.
8. Resolution/Material Terms. All conditions of approval, as per Resolution No. 5118, attached hereto and incorporated herein as Exhibit "1," are material terms of this Agreement. Breach of any condition of approval shall be deemed to be a breach of this Development Agreement.
9. Reimbursement. PROPERTY OWNER shall pay CITY as follows:
 - 9.1 Amount. Seven hundred and fifty dollars (\$750) per unit.
 - 9.2 Not to Exceed. Payment under this Agreement shall not exceed \$61,500.
10. Records of Expenses. PROPERTY OWNER shall keep records in which complete and correct entries will be made of construction costs. These records will be available to CITY.
11. City Agreement. CITY agrees that the sum of sixty-one thousand five hundred dollars (\$61,500) will reimburse CITY for the cost of certain CITY services required by the proposed development that are not otherwise being reimbursed to CITY.
12. Payment Due Date. The reimbursement amount shall be due and payable prior to the issuance of a building permit for the PROJECT or one year from the date of approval of this Agreement by the City Council, whichever shall occur first.
13. Termination Provisions. This Agreement may be terminated upon the happening of any of the following events:
 - A. Failure of PROPERTY OWNER to perform any of the provisions of this Agreement, or
 - B. Mutual agreement of the parties.
14. Periodic Review. CITY shall review PROPERTY OWNER'S performance every twelve (12) months at the anniversary of the adoption of this Agreement. PROPERTY OWNER shall demonstrate good faith compliance with the terms of this Agreement. If as a result of the review CITY finds and determines, based upon substantial evidence, that PROPERTY OWNER has not complied in good faith with terms or conditions of this Agreement, CITY may terminate the

Agreement. This review shall be conducted by the Director of the Community Development Department.

16. City Discretion. CITY retains its right and discretion, under all applicable Codes, to approve or disapprove any item related to this PROJECT which it has not specifically agreed to via this Agreement. PROPERTY OWNER acknowledges that it shall comply with all CITY requirements for applications and permits of any nature and that this Agreement does not relieve PROPERTY OWNER of the necessity of filing appropriate applications and permits.

17. Improvement Schedule. The following improvements shall be constructed by the stated dates:

All repairs and improvements to the public right-of-way required in Planning Commission Resolution No. 5118 shall be completed prior to the issuance of any certificates of occupancy or release of any public utilities.

18. Property Owner Breach. Failure of PROPERTY OWNER to construct improvements as specified, or to pay amounts specified in a timely fashion, shall result in the withholding of building permits, any other permit or certificate of occupancy until the breach is remedied to satisfaction of CITY.

19. Non-Liability of Officials and Employees of the City. No official or employee of CITY shall be personally liable to PROPERTY OWNER in the event of any default or breach by CITY, or for any amount which will become due to PROPERTY OWNER, or any obligation under the terms of this Agreement.

20. Notices. All notices shall be personally delivered or mailed to the below listed address, or to such other address as may be designated by written notice. These addresses shall be used for delivery of service of process.

A. Address of PROPERTY OWNER is as follows:
K & P Partnership
1211 N. Broadway
Santa Ana, CA 92705

B. Address of CITY is as follows:
City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840

21. Property Owner's Proposal. The Project shall include PROPERTY OWNER's proposal, as modified by Planning Commission and City Council, which shall be

incorporated herein by this reference. In the event of any inconsistency between terms of the proposal and this Agreement, this Agreement shall govern.

22. Licenses, Permits, Fees, and Assessments. At its sole expense, PROPERTY OWNER shall obtain all licenses, permits, and approvals as may be required by this Agreement, or by the nature of the PROJECT.
23. Time of Essence. Time is of the essence in the performance of this Agreement.
24. Successor's Interest. The provisions of this Agreement shall be binding upon and insure to successors in interest of the parties and shall be specifically binding upon any future lessees or other owners of an interest in PROJECT.
25. Authority to Execute. The persons executing this Agreement on behalf of the parties warrant that they are duly authorized to execute this Agreement and that by executing this Agreement, the parties are formally bound.
26. Indemnification. PROPERTY OWNER agrees to protect, defend, and hold harmless CITY and their elective or appointive boards, officers, agents, and employees from any and all claims, liabilities, expenses or damages of any nature, including attorneys' fees, for injury or death of any person, or damage to property, or interference with use of property, arising out of, or in any way connected with performance of the Agreement by PROPERTY OWNER, PROPERTY OWNER'S agents, officers or employees, subcontractors hired by PROPERTY OWNER.
27. Modification. This Agreement constitutes the entire agreement between the parties and supersedes any previous agreements, oral or written. This Agreement may be modified only by subsequent mutual written agreement executed by CITY and PROPERTY OWNER.
28. Affordable Units. (a) PROPERTY OWNER agrees to make available, restrict occupancy to, and lease not less than seventeen (17) units of the total of eighty-two (82) units on the property to Low Income Households at an Affordable Rent, (collectively, the "Affordable Units"), as defined in Section 50079.5 of the Health and Safety Code, and all amendments thereto.

(b) The Affordable Units shall be distributed as follow: three (3) units for two-bedroom and fourteen(14) units for one bedroom units.

(c) The Affordable Units shall be equal to all other units in all respects, including but not limited to, appliances, air conditioning units, lighting, and all other amenities and features constituting each housing unit.

For purposes of the Agreement, "Low Income Households" shall mean those households with incomes that do not exceed the qualifying limit in the California Health and Safety Code Sections 50050 et seq. and all amendments thereto.

29. Duration. The time period to ensure continued affordability shall be at least thirty (30) years.
30. Events of Default. The following shall constitute an "Event of Default" by PROPERTY OWNER under this Agreement: there shall be a material breach of any condition, covenant, warranty, promise or representation contained in this Agreement and such breach shall continue for a period of thirty (30) days after written notice thereof to the defaulting party without the defaulting party curing such breach, or if such breach cannot reasonably be cured within such thirty (30) day period, commencing the cure of such breach within such thirty (30) day period and thereafter diligently proceeding to cure such breach; provided, however, that if a different period or notice requirement is specified for any particular breach under any other paragraph of this Agreement, the specific provision shall control.
31. Remedies. The occurrence of any Event of Default shall give the nondefaulting party the right to proceed with any and all remedies set forth in this Agreement, including an action for damages, an action or proceeding at law or in equity to require the defaulting party to perform its obligations and covenants under this Agreement or to enjoin acts or things which may be unlawful or in violation of the provisions of this Agreement, and the right to terminate this Agreement.
32. Force Majeure. Subject to the party's compliance with the notice requirements as set forth below, performance by either party hereunder shall be deemed to be in default, and all performance and other dates specified in this Agreement shall be extended, where delays or default are due to causes beyond the control and without the fault of the party claiming an extension of time to perform, which may include, without limitation, the following: war, insurrection, strikes, lockouts, riots, floods, earthquakes, fires, assaults, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation, unusually severe weather, inability to secure necessary labor, material or tools, acts or omissions of the other party, or acts or failures to act of any public or governmental entity (except that the City's acts or failure to act shall not excuse performance of the City hereunder). An extension of the time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within thirty (30) days of the commencement of the cause.

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

Date: 7-24-00

"CITY"
CITY OF GARDEN GROVE

BY [Signature]
Mayor

ATTEST:

[Signature]
CITY CLERK
DATE: 7-25-00

"PROPERTY OWNER"
K & P Partnership

BY [Signature]
Its: KRIS KAKKAR
Date: 6-8-2000
(Signature must be notarized.)

APPROVED AS TO FORM:

[Signature]
Garden Grove City Attorney

Date: 6/7/00

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

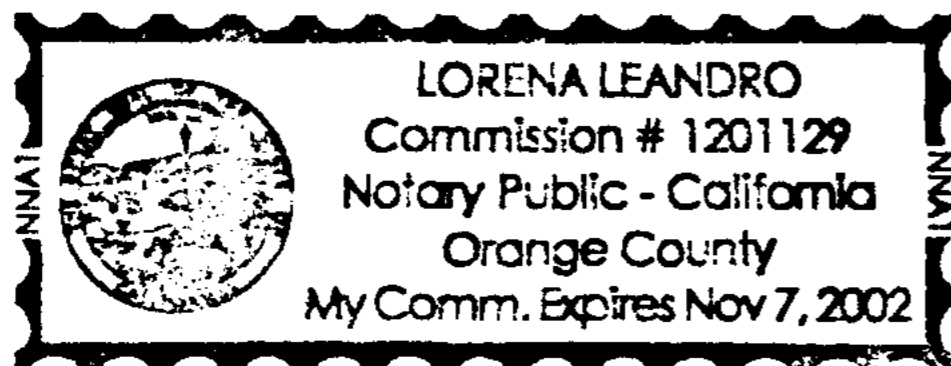
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Orange } ss.

On 6/8/2000, before me, Lorena Leandro Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Kris Kakkar
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal Above

WITNESS my hand and official seal.
Lorena Leandro
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Development Agreement

Document Date: 6/8/2000 Number of Pages: 8 pages

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: Kris Kakkar

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: K & P Partnership

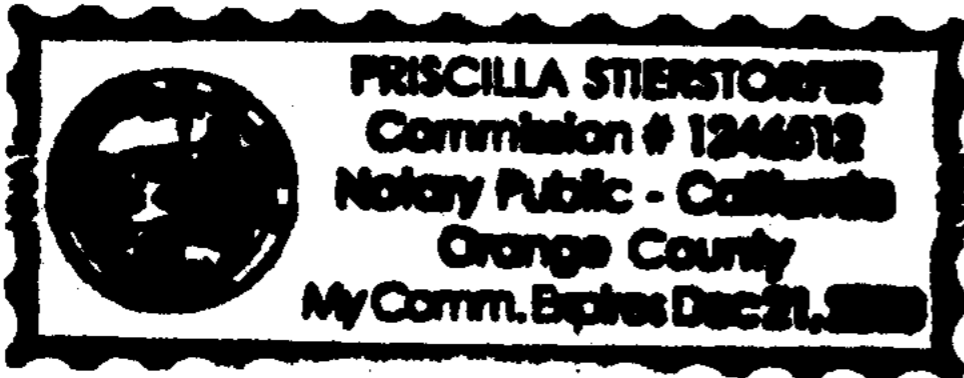
RIGHT THUMBPRINT OF SIGNER

Top of thumb here

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Orange } ss.

On July 24, 2000, before me, Priscilla Stierstorfer, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Bruce A. Broadwater
Name(s) of Signer(s)



personally known to me
 proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Priscilla Stierstorfer
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

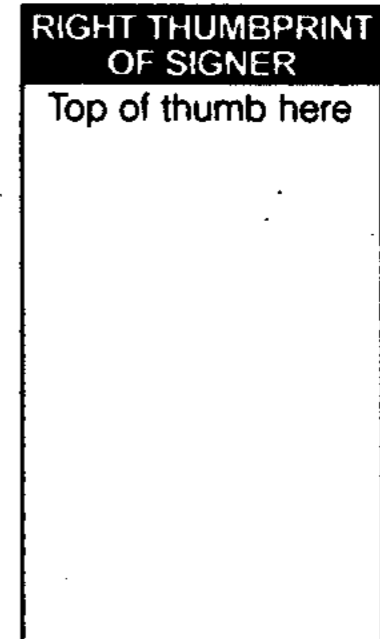
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



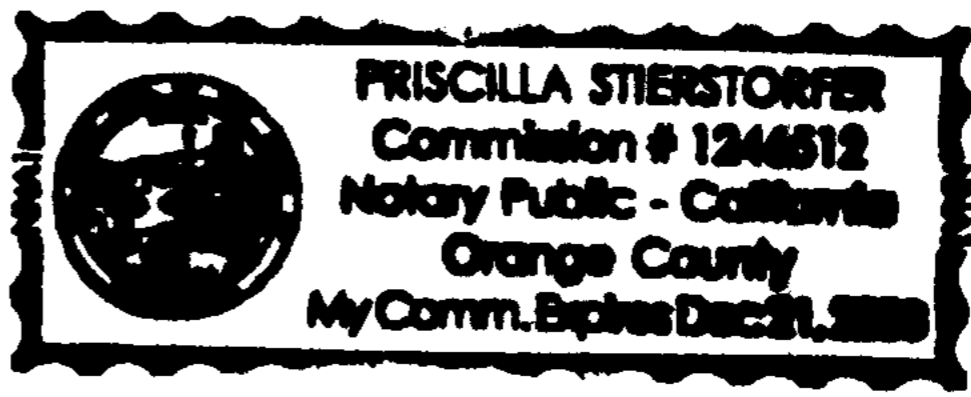
STATE OF CALIFORNIA
COUNTY OF Orange

}
}ss.
}

On July 24, 2000 before me, Priscilla Stierstorfer, personally appeared Bruce A. Broadwater, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Priscilla Stierstorfer



(This area for official notarial Seal)

GOVERNMENT CODE 27361.7

I certify under penalty of perjury that the Notary Seal on the document to which this statement is attached reads as follows:

NAME OF THE NOTARY: Priscilla Stierstorfer
DATE COMMISSION EXPIRES: 12-21-03
COUNTY WHERE BOND IS FILED: ORANGE
COMMISSION NUMBER: 1246512
MANUFACTURER/VENDOR NUMBER: _____
PLACE OF EXECUTION: GARDEN GROVE DATE: 7-24-00
SIGNATURE: Priscilla Stierstorfer

#####

I certify under penalty of perjury and the laws of the State of California that the legible portion of this document to which this statement is attached reads as follows:

Place of Execution Garden Grove Date July 24, 2000
Signature: Priscilla Stierstorfer

RESOLUTION NO. 5118

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING SITE PLAN NO. SP-275-00 AND VARIANCE NO. V-270-00 FOR LAND LOCATED ON THE NORTHWEST CORNER OF GARDEN GROVE BOULEVARD AND SUNGROVE STREET, AT 12811 GARDEN GROVE BOULEVARD, PARCEL NO. 231-574-18

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on June 7, 2000, hereby adopt a Negative Declaration, find a de minimis impact on fish and wildlife resources, and approve Site Plan No. SP-275-00 and Variance No. V-270-00.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-275-00 and Variance No. V-270-00, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Kaufman & Broad Multi-Housing Group, Inc.
2. The applicant requests approval of a Site Plan to construct 82 senior apartment units and a Variance to deviate from the minimum required three acre lot size for a residential Planned Unit Development.
3. The proposed project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove has prepared a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act. Further, the Planning Commission finds a de minimis impact in relation to fish and game.
4. The property has a General Plan Land Use designation of MU (Mixed Use) and is zoned OP/HCSPP (Office Professional of the Harbor Corridor Specific Plan).
5. Existing Land Use, Zoning, and General Plan designation of property in the vicinity of the subject site have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to legal notices, public hearings were held on May 3 and June 7, 2000, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meetings of May 3 and June 7, 2000, and

m7 MK OK
Allen ~~JK~~



May 4, 2001

Mr. Matthew Fertal
Community Development Director
CITY OF GARDEN GROVE
11222 Acacia Parkway
P.O. Box 3070
Garden Grove, CA 92842

RE: Sungrove Senior Apartments – NWC Garden Grove Blvd. / Sungrove Street
Planning Commission Resolution No. 5118

Dear Mr. Fertal:

Simpson Housing Solutions, LLC (formerly Kaufman and Broad Multi-Housing Group, Inc.) is the applicant for SP-275-00 and V-270-00 concerning the proposed Sungrove Senior Apartments. The site plan and variance were approved by the Planning Commission on June 7, 2000 as reflected by Resolution No. 5118.

As you are aware, in order for the proposed project to be feasible, an allocation of IRS Section 42 tax credits from the State of California is necessary as the main source of project funding. In June of 2000, an application requesting an allocation of tax credits was filed with the State. The application was favorably received by the staff of the California Tax Credit Allocation Committee ("CTCAC"), and staff recommended approval of funding for the Sungrove project. However, at the subsequent Board of Directors meeting, the staff recommendation was overturned, and the funding slotted for the Sungrove project was allocated to another project located in San Juan Capistrano. During the time period since that decision was made, Simpson Housing made several appeals to the State in the hope that the decision could be reversed but in the end we have been unsuccessful.

Our next step is to submit a new application to CTCAC by June 15th of this year. Based on our self-scoring analysis, we are very confident that a new application should rank highly enough to receive an allocation of tax credits in 2001. With that allocation of credits in hand, we would expect to be in a position to pull building permits and start construction by the beginning of next year.

However, pursuant to Resolution No. 5118, the site plan and variance approvals will expire on June 7, 2001, prior to the date the application for funding will be submitted to

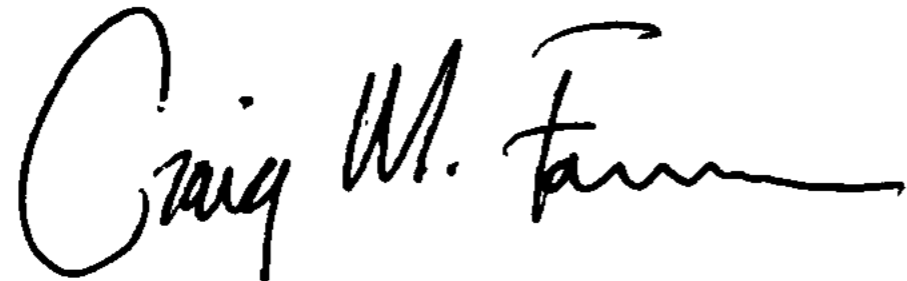
CTCAC. Because project entitlements are a necessity for the tax credit application, it is imperative that the entitlements be extended to accommodate the new application schedule.

In light of the new schedule, Simpson Housing Solutions, LLC hereby respectfully requests an extension of SP-275-00 and V-270-00 (and if needed, GPA-1-00(A), PUD-136-00, and A-211-00 associated with PC Resolution 5117) for a period of one additional year. This extension will allow us to submit the necessary documentation to the State of California for consideration of tax credit funding.

Thank you for your assistance and cooperation, and should you have any questions, comments or concerns please don't hesitate to contact me at 562-256-2037.

Respectfully,

SIMPSON HOUSING SOLUTIONS, LLC

A handwritten signature in black ink that reads "Craig M. Farmer". The signature is written in a cursive style with a long, sweeping underline.

Craig Farmer
Vice President, Development

ORDINANCE NO. 2530

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A DEVELOPMENT AGREEMENT BETWEEN K & P PARTNERSHIP AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF GARDEN GROVE BOULEVARD AND SUNGROVE STREET, AT 12811 GARDEN GROVE BOULEVARD, PARCEL NO. 231-574-18

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1:

A Development Agreement is hereby adopted for Site Plan No. SP-275-00 and Variance No. V-270-00 for property located on the northwest corner of Garden Grove Boulevard and Sungrove Street, at 12811 Garden Grove Boulevard. A copy of the Development Agreement is on file in the City Clerk's Office.

SECTION 2:

This ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of Councilmembers voting for and against the same in a newspaper adjudicated and circulated in the City of Garden Grove.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the 11th day of July, 2000.

ATTEST:

/s/ BRUCE A. BROADWATER
MAYOR

/s/ RUTH E. SMITH
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, RUTH E. SMITH, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on June 27, 2000, with a vote as follows:

AYES: COUNCILMEMBERS: (5) CHUNG, DALTON, LEYES, ROSEN, BROADWATER
NOES: COUNCILMEMBERS: (0) NONE
ABSENT: COUNCILMEMBERS: (0) NONE

and was passed on July 11, 2000, by the following vote:

AYES: COUNCILMEMBERS: (5) CHUNG, DALTON LEYES, ROSEN, BROADWATER
NOES: COUNCILMEMBERS: (0) NONE
ABSENT: COUNCILMEMBERS: (0) NONE

/s/ RUTH E. SMITH
CITY CLERK

ORDINANCE NO. 2529

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-136-00, FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF GARDEN GROVE BOULEVARD AND SUNGROVE STREET, AT 12811 GARDEN GROVE BOULEVARD, PARCEL NO. 231-574-18

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

WHEREAS, the case, initiated by Kaufman & Broad Multi-Housing Group, Inc. proposes to rezone an approximately 1.31-acre site from the OP/HCS (Office Professional/Harbor Corridor Specific Plan) zone to the Planned Unit Development zone in order to facilitate the development of the site with 82 senior apartment units; and

WHEREAS, pursuant to Resolution Nos. 5117 & 5118, the Planning Commission, at a public hearing held on June 7, 2000, recommended approval of Planned Unit Development No. PUD-136-00 and General Plan Amendment No. GPA-1-00(A) and a Development Agreement and approved the associated entitlements for this project (Site Plan No. SP-275-00 and Variance No. V-270-00); and

WHEREAS, the Planning Commission adopted a Negative Declaration of Environmental Impact, pursuant to the California Environmental Quality Act, and further found a de minimis impact in relation to fish and game; and

WHEREAS, the City Council gave due and careful consideration to the matter; and

WHEREAS, pursuant to a legal notice, a public hearing was held by the City Council on June 27, 2000, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter

NOW, THEREFORE, BE IT RESOLVED:

- 1. Planned Unit Development No. PUD-136-00 is hereby approved pursuant to the facts and reasons stated in Planning Commission Resolution No. 5117, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference with the same force and effect as if set forth in full.**
- 2. Planned Unit Development No. PUD-136-00 possesses characteristics that would indicate justification of the request in accordance with the Municipal Code Section 9.12.020, and is therefore adopted and the property shown on the map attached hereto is rezoned to the Planned Unit Development No. PUD-136-00 zone as shown thereon. Zone Map Part C-11 is amended accordingly.**

3. This ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of Council members voting for and against the same in a newspaper adjudicated and circulated in the City of Garden Grove.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the 11th day of July, 2000.

ATTEST:

/s/ BRUCE A. BROADWATER
MAYOR

/s/ RUTH E. SMITH
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS:
CITY OF GARDEN GROVE)

I, RUTH E. SMITH, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on June 27, 2000, with a vote as follows:

AYES: COUNCILMEMBERS: (5) CHUNG, DALTON, LEYES, ROSEN, BROADWATER
NOES: COUNCILMEMBERS: (0) NONE
ABSENT: COUNCILMEMBERS: (0) NONE

and was passed on July 11, 2000, by the following vote:

AYES: COUNCILMEMBERS: (5) CHUNG, DALTON LEYES, ROSEN, BROADWATER
NOES: COUNCILMEMBERS: (0) NONE
ABSENT: COUNCILMEMBERS: (0) NONE

/s/ RUTH E. SMITH
CITY CLERK

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	George L. Tindall	From:	Matthew Fertal	
Dept:	City Manager	Dept:	Community Development	
Subject:	SIMPSON HOUSING SOLUTIONS (K&P PARTNERSHIP) 82 SENIOR APARTMENT UNIT PROJECT APPROVAL OF ORDINANCE AND DEVELOPMENT AGREEMENT		Date:	June 26, 2001

OBJECTIVE

The purpose of this report is to request that the City Council adopt the attached ordinance approving a 12 month time extension for the Development Agreement and for the Site Plan and Variance for the project and approve the attached Development Agreement as a result of the City Council's action on this item on June 12, 2001.

BACKGROUND

On June 12, 2001, the City Council moved to approve the staff recommendation to introduce by first reading the attached Ordinance for this project. The motion to introduce the Ordinance passed by simple majority vote. The City Council action of June 12 was intended to extend the 12 month time period for payment of the development fee required of the Developer under Section 12 of the Development Agreement.

Staff, in consultation with the City Attorney, recommends that the City Council's final action on this matter include approval of a revised Development Agreement which reflects the action of the City Council on June 12.

Accordingly, the attached revised Development Agreement provides for a new start date on Page One of the Agreement. The term of the Agreement shall now be three years to reflect the fact that one year of the Agreement has transpired. The Developer has executed this revised agreement.

FINANCIAL IMPACT

There is no financial impact, other than the fact that the timing of the payment of the development fee shall be extended for a 12 month period.

RECOMMENDATION

It is recommended that the City Council:

- Adopt the attached Ordinance providing for a twelve month extension for the development fee payment and for the Site Plan and Variance,
- approve the attached Development Agreement,
- and authorize the City Manager and Secretary to execute the Agreement.

MATTHEW FERTAL, Director
Community Development



Attachment: Development Agreement
Ordinance

RECORDING REQUESTED BY)
AND WHEN RECORDED MAIL TO:)

City Clerk's Office)
City of Garden Grove)
11222 Acacia Parkway)
Garden Grove, CA 92840)
)
)

(Space above for Recorder.)

This document is exempt for payment
of a recording fee pursuant to
Government Code Section 6103.

Dated: _____

DEVELOPMENT AGREEMENT
(GPA-1-00(A), V-270-00, PUD-136-00, & SP-275-00)

(K & P Partnership)

THIS AGREEMENT is made this _____ day of _____, 2001 by the CITY OF GARDEN GROVE, a municipal corporation ("CITY") and K & P Partnership, ("PROPERTY OWNER")

RECITALS

The following recitals are a substantive part of this Agreement:

1. CITY and PROPERTY OWNER desire to enter into this DEVELOPMENT AGREEMENT for the construction of 82 senior apartment units located on the northwest corner of Garden Grove Boulevard and Sungrove Street, at 12811 Garden Grove Boulevard, Parcel No. 231-574-18.
2. The CITY'S Planning Commission approved Site Plan No. SP-275-00, and Variance No. V-270-00, on June 7, 2000, conditioned that the PROPERTY OWNER enter into a Development Agreement.
3. The CITY and PROPERTY OWNER desire to enter into this DEVELOPMENT AGREEMENT for the construction of 82 senior apartments located on the

northwest corner of Garden Grove Boulevard and Sungrove Street, at 12811 Garden Grove Boulevard.

4. The PROJECT is a development requiring certain discretionary approvals by the CITY before it may be constructed.
5. Government Code Section 65864 et seq. provided the authority for CITY to enter into binding development agreements with a PROPERTY OWNER having a legal and equitable interest in real property.
6. Government Code Section 65915 et seq. allowed CITY to provide a density bonus and incentives to PROPERTY OWNER for the production of lower income housing units within the development if PROPERTY OWNER meets the certain requirements.
7. The CITY is committed to the redevelopment and revitalization of the area surrounding the property. The proposed project furthers the goals of the revitalization efforts of the CITY.

AGREEMENT

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Duration. This Agreement shall expire three (3) years from its effective date. The effective date of this agreement shall be July 11, 2002.
2. Permitted Uses. The following use is permitted at the PROJECT: Eighty-two (82) senior apartment units, located on a 1.31 acre site.
3. Density/Intensity. The density or intensity of this project is as follows: Eighty-two (82) senior apartment units, located on a 1.31 acre site, and approximately 63 units per acre.
4. Maximum Height and Building Size. The maximum height and building size are as follows: The maximum building height for the four-story senior apartment shall be approximately 46 feet in height; and the total building area is approximately 17,372 square feet, as indicated on the site plan and elevations.
5. Reservation or Dedication. The reservation of easements or dedication of property to the City to allow the construction of the proposed residential development, as shown on and/or conditioned in the approved Planned Unit Development No. PUD-136-00, Site Plan No. SP-275-00, Variance No. V-270-00, and GPA-1-00(A).

6. Improvements. The improvements described in Resolution No. 5118 shall be constructed prior to the occupancy of the proposed development.
7. Scope of Project. The Project shall consist of 82 senior apartment units, located on a 1.31 acre site.
8. Resolution/Material Terms. All conditions of approval, as per Resolution No. 5118, attached hereto and incorporated herein as Exhibit "1," are material terms of this Agreement. Breach of any condition of approval shall be deemed to be a breach of this Development Agreement.
9. Reimbursement. PROPERTY OWNER shall pay CITY as follows:
 - 9.1 Amount. Seven hundred and fifty dollars (\$750) per unit.
 - 9.2 Not to Exceed. Payment under this Agreement shall not exceed \$61,500.
10. Records of Expenses. PROPERTY OWNER shall keep records in which complete and correct entries will be made of construction costs. These records will be available to CITY.
11. City Agreement. CITY agrees that the sum of sixty-one thousand five hundred dollars (\$61,500) will reimburse CITY for the cost of certain CITY services required by the proposed development that are not otherwise being reimbursed to CITY.
12. Payment Due Date. The reimbursement amount shall be due and payable prior to the issuance of a building permit for the PROJECT or one year from the date of approval of this Agreement by the City Council, whichever shall occur first.
13. Termination Provisions. This Agreement may be terminated upon the happening of any of the following events:
 - A. Failure of PROPERTY OWNER to perform any of the provisions of this Agreement, or
 - B. Mutual agreement of the parties.
14. Periodic Review. CITY shall review PROPERTY OWNER'S performance every twelve (12) months at the anniversary of the adoption of this Agreement. PROPERTY OWNER shall demonstrate good faith compliance with the terms of this Agreement. If as a result of the review CITY finds and determines, based upon substantial evidence, that PROPERTY OWNER has not complied in good faith with terms or conditions of this Agreement, CITY may terminate the

Agreement. This review shall be conducted by the Director of the Community Development Department.

16. City Discretion. CITY retains its right and discretion, under all applicable Codes, to approve or disapprove any item related to this PROJECT which it has not specifically agreed to via this Agreement. PROPERTY OWNER acknowledges that it shall comply with all CITY requirements for applications and permits of any nature and that this Agreement does not relieve PROPERTY OWNER of the necessity of filing appropriate applications and permits.

17. Improvement Schedule. The following improvements shall be constructed by the stated dates:

All repairs and improvements to the public right-of-way required in Planning Commission Resolution No. 5118 shall be completed prior to the issuance of any certificates of occupancy or release of any public utilities.

18. Property Owner Breach. Failure of PROPERTY OWNER to construct improvements as specified, or to pay amounts specified in a timely fashion, shall result in the withholding of building permits, any other permit or certificate of occupancy until the breach is remedied to satisfaction of CITY.

19. Non-Liability of Officials and Employees of the City. No official or employee of CITY shall be personally liable to PROPERTY OWNER in the event of any default or breach by CITY, or for any amount which will become due to PROPERTY OWNER, or any obligation under the terms of this Agreement.

20. Notices. All notices shall be personally delivered or mailed to the below listed address, or to such other address as may be designated by written notice. These addresses shall be used for delivery of service of process.

A. Address of PROPERTY OWNER is as follows:
K & P Partnership
1211 N. Broadway
Santa Ana, CA 92705

B. Address of CITY is as follows:
City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840

21. Property Owner's Proposal. The Project shall include PROPERTY OWNER's proposal, as modified by Planning Commission and City Council, which shall be

incorporated herein by this reference. In the event of any inconsistency between terms of the proposal and this Agreement, this Agreement shall govern.

22. Licenses, Permits, Fees, and Assessments. At its sole expense, PROPERTY OWNER shall obtain all licenses, permits, and approvals as may be required by this Agreement, or by the nature of the PROJECT.
23. Time of Essence. Time is of the essence in the performance of this Agreement.
24. Successor's Interest. The provisions of this Agreement shall be binding upon and insure to successors in interest of the parties and shall be specifically binding upon any future lessees or other owners of an interest in PROJECT.
25. Authority to Execute. The persons executing this Agreement on behalf of the parties warrant that they are duly authorized to execute this Agreement and that by executing this Agreement, the parties are formally bound.
26. Indemnification. PROPERTY OWNER agrees to protect, defend, and hold harmless CITY and their elective or appointive boards, officers, agents, and employees from any and all claims, liabilities, expenses or damages of any nature, including attorneys' fees, for injury or death of any person, or damage to property, or interference with use of property, arising out of, or in any way connected with performance of the Agreement by PROPERTY OWNER, PROPERTY OWNER'S agents, officers or employees, subcontractors hired by PROPERTY OWNER.
27. Modification. This Agreement constitutes the entire agreement between the parties and supersedes any previous agreements, oral or written. This Agreement may be modified only by subsequent mutual written agreement executed by CITY and PROPERTY OWNER.
28. Affordable Units. (a) PROPERTY OWNER agrees to make available, restrict occupancy to, and lease not less than seventeen (17) units of the total of eighty-two (82) units on the property to Low Income Households at an Affordable Rent, (collectively, the "Affordable Units"), as defined in Section 50079.5 of the Health and Safety Code, and all amendments thereto.

(b) The Affordable Units shall be distributed as follow: three (3) units for two-bedroom and fourteen(14) units for one bedroom units.

(c) The Affordable Units shall be equal to all other units in all respects, including but not limited to, appliances, air conditioning units, lighting, and all other amenities and features constituting each housing unit.

For purposes of the Agreement, "Low Income Households" shall mean those households with incomes that do not exceed the qualifying limit in the California Health and Safety Code Sections 50050 et seq. and all amendments thereto.

29. Duration. The time period to ensure continued affordability shall be at least thirty (30) years.
30. Events of Default. The following shall constitute an "Event of Default" by PROPERTY OWNER under this Agreement: there shall be a material breach of any condition, covenant, warranty, promise or representation contained in this Agreement and such breach shall continue for a period of thirty (30) days after written notice thereof to the defaulting party without the defaulting party curing such breach, or if such breach cannot reasonably be cured within such thirty (30) day period, commencing the cure of such breach within such thirty (30) day period and thereafter diligently proceeding to cure such breach; provided, however, that if a different period or notice requirement is specified for any particular breach under any other paragraph of this Agreement, the specific provision shall control.
31. Remedies. The occurrence of any Event of Default shall give the nondefaulting party the right to proceed with any and all remedies set forth in this Agreement, including an action for damages, an action or proceeding at law or in equity to require the defaulting party to perform its obligations and covenants under this Agreement or to enjoin acts or things which may be unlawful or in violation of the provisions of this Agreement, and the right to terminate this Agreement.
32. Force Majeure. Subject to the party's compliance with the notice requirements as set forth below, performance by either party hereunder shall be deemed to be in default, and all performance and other dates specified in this Agreement shall be extended, where delays or default are due to causes beyond the control and without the fault of the party claiming an extension of time to perform, which may include, without limitation, the following: war, insurrection, strikes, lockouts, riots, floods, earthquakes, fires, assaults, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation, unusually severe weather, inability to secure necessary labor, material or tools, acts or omissions of the other party, or acts or failures to act of any public or governmental entity (except that the City's acts or failure to act shall not excuse performance of the City hereunder). An extension of the time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within thirty (30) days of the commencement of the cause.

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

Date: _____

**“CITY”
CITY OF GARDEN GROVE**

BY _____

ATTEST:

CITY CLERK
DATE: _____

**“PROPERTY OWNER”
K & P Partnership**

BY _____

Its: _____

Date: _____

(Signature must be notarized.)

APPROVED AS TO FORM:

Garden Grove City Attorney

Date: _____

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

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
ADOPTING A ONE-YEAR TIME EXTENSION FOR A DEVELOPMENT
AGREEMENT BETWEEN K & P PARTNERSHIP AND THE CITY OF GARDEN
GROVE FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF
GARDEN GROVE BOULEVARD AND SUNGROVE STREET, AT 12811
GARDEN GROVE BOULEVARD, PARCEL NO. 231-574-18

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS
FOLLOWS:

SECTION 1:

A time extension to July 11, 2002, for the Development Agreement for Site Plan No. SP-275-00 and Variance No. V-270-00, is hereby adopted for property located on the northwest corner of Garden Grove Boulevard and Sungrove Street, at 12811 Garden Grove Boulevard. A copy of the Development Agreement is on file in the City Clerk's Office.

SECTION 2:

This ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of Councilmembers voting for and against the same in a newspaper adjudicated and circulated in the City of Garden Grove.

RECORDING REQUESTED BY)
AND WHEN RECORDED MAIL TO:)

City Clerk's Office)
City of Garden Grove)
11222 Acacia Parkway)
Garden Grove, CA 92840)
)
)

(Space above for Recorder.)

This document is exempt for payment
of a recording fee pursuant to
Government Code Section 6103.

Dated: _____

DEVELOPMENT AGREEMENT

(GPA-1-00(A), V-270-00, PM-00-158, SV-111-00, PUD-136-00, & SP-275-00)

(K & P Partnership)

THIS AGREEMENT is made this _____ day of _____, 2000 by the CITY OF GARDEN GROVE, a municipal corporation ("CITY") and K & P Partnership, ("PROPERTY OWNER")

RECITALS

The following recitals are a substantive part of this Agreement:

1. CITY and PROPERTY OWNER desire to enter into this DEVELOPMENT AGREEMENT for the construction of 93 senior apartment units located on the northwest corner of Garden Grove Boulevard and Sungrove Street, at 12811 Garden Grove Boulevard, Parcel No. 231-574-18.
2. The CITY'S Planning Commission approved Site Plan No. SP-275-00, Variance No. V-270-00, and Tentative Parcel Map No. PM-00-158, on May 3, 2000, conditioned that the PROPERTY OWNER enter into a Development Agreement.
3. The CITY and PROPERTY OWNER desire to enter into this DEVELOPMENT AGREEMENT for the construction of 93 senior apartments located on the

northwest corner of Garden Grove Boulevard and Sungrove Street, at 12811 Garden Grove Boulevard.

4. The PROJECT is a development requiring certain discretionary approvals by the CITY before it may be constructed.
5. Government Code Section 65864 et seq. provided the authority for CITY to enter into binding development agreements with a PROPERTY OWNER having a legal and equitable interest in real property.

AGREEMENT

THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **DURATION.** This Agreement shall expire four (4) years from its effective date.
2. **Permitted Uses.** The following use is permitted at the PROJECT: Ninety-three (93) senior apartment units, located on a 1.67 acre site.
3. **Density/Intensity.** The density or intensity of this project is as follows: Ninety-three (93) senior apartment units, located on a 1.67 acre site, and approximately 55.8 units per acre.
4. **Maximum Height and Building Size.** The maximum height and building size are as follows: The maximum building height for the four-story senior apartment shall be approximately 44 feet in height; and the total building area is approximately 19,300 square feet, as indicated on the site plan and elevations.
5. **Reservation or Dedication.** The reservation of easements or dedication of property to the City to allow the construction of the proposed residential development as shown on and/or conditioned in the approved Planned Unit Development No. PUD-136-00, Site Plan No. SP-275-00, Variance No. V-270-00, GPA-1-00(A), and Tentative Parcel Map No. PM-00-158
6. **Improvements.** The improvements described in Resolution No. 5118 shall be constructed prior to the occupancy of the proposed development.
7. **Scope of Project.** The Project shall consist of 93 senior apartment units, located on a 1.67 acre site.
8. **Resolution/Material Terms.** All conditions of approval as per Resolution No 5118 attached hereto and incorporated herein as Exhibit "1," are material terms of this Agreement. Breach of any condition of approval shall be deemed to be a breach of this Development Agreement.

9. Reimbursement. PROPERTY OWNER shall pay CITY as follows:
 - 9.1 Amount. Seven hundred and fifty dollars (\$750) per unit.
 - 9.2 Not to Exceed. Payment under this Agreement shall not exceed \$69,750.
10. Records of Expenses. PROPERTY OWNER shall keep records in which complete and correct entries will be made of construction costs. These records will be available to CITY.
11. City Agreement. CITY agrees that the sum of sixty-nine thousand seven hundred and fifty dollars will reimburse CITY for the cost of certain CITY services required by the proposed development that are not otherwise being reimbursed to CITY.
12. Payment Due Date. The reimbursement amount shall be due and payable prior to the issuance of a building permit for the PROJECT or one year from the date of approval of this Agreement by the City Council, whichever shall occur first.
13. Termination Provisions. This Agreement may be terminated upon the happening of any of the following events:
 - A. Failure of PROPERTY OWNER to perform any of the provisions of this Agreement, or
 - B. Mutual agreement of the parties.
14. Periodic Review. CITY shall review PROPERTY OWNER'S performance every twelve (12) months at the anniversary of the adoption of this Agreement. PROPERTY OWNER shall demonstrate good faith compliance with the terms of this Agreement. If as a result of the review CITY finds and determines, based upon substantial evidence, that PROPERTY OWNER has not complied in good faith with terms or conditions of this Agreement, CITY may terminate the Agreement. This review shall be conducted by the Director of the Community Development Department.
16. City Discretion. CITY retains its right and discretion, under all applicable Codes, to approve or disapprove any item related to this PROJECT which it has not specifically agreed to via this Agreement. PROPERTY OWNER acknowledges that it shall comply with all CITY requirements for applications and permits of any nature and that this Agreement does not relieve PROPERTY OWNER of the necessity of filing appropriate applications and permits.
17. Improvement Schedule. The following improvements shall be constructed by the stated dates:

All repairs and improvements to the public right-of-way required in Planning Commission Resolution No. 5118 shall be completed prior to the issuance of any certificates of occupancy or release of any public utilities.

18. Property Owner Breach. Failure of PROPERTY OWNER to construct improvements as specified, or to pay amounts specified in a timely fashion, shall result in the withholding of building permits, any other permit or certificate of occupancy until the breach is remedied to satisfaction of CITY.
19. Non-Liability of Officials and Employees of the City. No official or employee of CITY shall be personally liable to PROPERTY OWNER in the event of any default or breach by CITY, or for any amount which will become due to PROPERTY OWNER, or any obligation under the terms of this Agreement.
20. Notices. All notices shall be personally delivered or mailed to the below listed address, or to such other address as may be designated by written notice. These addresses shall be used for delivery of service of process.
 - A. Address of PROPERTY OWNER is as follows:
K & B Partnership
1211 N. Broadway
Santa Ana, CA 92705
 - B. Address of CITY is as follows:
City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840
21. Property Owner's Proposal. The Project shall include PROPERTY OWNER's proposal, as modified by Planning Commission and City Council, which shall be incorporated herein by this reference. In the event of any inconsistency between terms of the proposal and this Agreement, this Agreement shall govern.
22. Licenses, Permits, Fees, and Assessments. At its sole expense, PROPERTY OWNER shall obtain all licenses, permits, and approvals as may be required by this Agreement, or by the nature of the PROJECT.
23. Time of Essence. Time is of the essence in the performance of this Agreement.
24. Successor's Interest. The provisions of this Agreement shall be binding upon and insure to successors in interest of the parties and shall be specifically binding upon any future lessees or other owners of an interest in PROJECT.

Date: _____

**“CITY”
CITY OF GARDEN GROVE**

BY _____

ATTEST:

CITY CLERK
DATE: _____

**“PROPERTY OWNER”
K & P Partnership**

BY _____
Its: _____
Date: _____
(Signature must be notarized.)

APPROVED AS TO FORM:

Garden Grove City Attorney

Date: _____

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

MINUTE EXCERPTS

GARDEN GROVE PLANNING COMMISSION

CONTINUED

PUBLIC

HEARING:

NEGATIVE DECLARATION

GENERAL PLAN AMENDMENT NO. GPA-1-00(A)

PLANNED UNIT DEVELOPMENT NO. PUD-136-00

SITE PLAN NO. SP-275-00

VARIANCE NO. V-270-00

DEVELOPMENT AGREEMENT

APPLICANT:

KAUFMAN & BROAD

LOCATION:

NORTHWEST CORNER OF SUNGROVE STREET AND GARDEN GROVE BOULEVARD AT 12811 GARDEN GROVE BOULEVARD

DATE:

JUNE 7, 2000

REQUEST:

A request to change the General Plan designation from MU (Mixed Use) to CR (Community Residential) and the zoning designation from OP/HCSPP (Office Professional of the Harbor Corridor Specific Plan) to PUD (Planned Unit Development); Variance approval to deviate from the minimum lot size required for residential planned unit development; Site Plan approval for the construction of a 82-unit senior apartment complex, and the approval of a Development Agreement. The site is approximately 1.31 acres in size.

Staff report was reviewed recommending approval of the Site Plan and Variance, as well as giving a recommendation of approval to City Council for the General Plan Amendment, Planned Unit Development, and Development Agreement.

Vice Chairman Barry questioned whether the project is within the appropriate density per city code.

Staff responded that the developer has requested a density bonus of five percent.

Commissioner Freze questioned whether a fence will be installed around the project site for construction, and if this fence will impede traffic or pedestrians.

Staff responded that the fence will be out of the public right-of-way.

Chairman Butterfield opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Craig Farmer, representative for Kaufman & Broad, approached the Commission. He thanked the Commission and commented that they have been working closely with staff

and the property owner in order to satisfy the City and the neighbors adjacent to the project. He commented that even with the reduction in the number of units from the original proposal, they are still able to meet their goal in providing a good living environment. He offered to answer any questions from the Commission.

Commissioner Tran questioned whether the redesign of the project caused the units to be reduced in size.

Mr. Farmer stated that the units are the same size as originally proposed but that the total number of units have been reduced.

Commissioner Hutchinson expressed his gratitude to Kaufman & Broad for creating a new design and accommodating the needs of the residents.

Mr. Raul Ramirez approached the Commission and stated that he is in favor of the project and feels that it will improve the area.

There being no further comments, the public portion of the hearing was closed.

Vice Chairman Barry commented that the project is wonderful and thanked the developer for coming back with a new design.

Commissioner Freze congratulated the developer for creating a new design without the need for a street closure that would have highly inconvenienced the residents who need access to Sungrove Street.

Commissioner Butterfield stated they are pleased that the developer cooperated with the neighbors and came back with a new design.

Commissioner Jones moved to approve the Negative Declaration, Site Plan No. SP-275-00, Variance No. V-270-00, and recommended approval to City Council for the General Plan Amendment No. GPA-1-00(A), Planned Unit Development No. PUD-136-00 and the Development Agreement, seconded by Commissioner Oh, pursuant to the facts and reasons contained in Resolution Nos. 5117 and 5118, and authorized the Chairman to execute the Resolutions. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BUTTERFIELD, BARRY, FREZE, HUTCHINSON, JONES, OH, TRAN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

MODE = MEMORY TRANSMISSION

START=MAY-10 16:43

END=MAY-10 16:44

FILE NO.= 237

NO.	COM	ABBR/NTWK	STATION NAME/ TELEPHONE NO.	PAGES	PRG.NO.	PROGRAM NAME
001	OK		95608513	002/002		

***** - ***** - *****

CITY OF GARDEN GROVE

11222 Acacia Parkway
P.O. Box 3070
Garden Grove, CA 92842

Fax Number (714) 741-5578

PLEASE DELIVER THE FOLLOWING MATERIAL AS SOON AS POSSIBLE

TO: Gary Ibanez

FROM: Rosalinh Ung PHONE: 714-741-5314

SUBJECT: Turning radius for trash pickup & fire

FAX NUMBER SENT TO: 560-8513 NUMBER OF PAGES: 2
(INCLUDING COVER PAGE)

CONFIDENTIAL: YES NO URGENT REPLY REQUESTED: YES NO

COMMENTS: Please review the diagram. The
truck driving pattern encroaches into parking
space Nos. 14-16, 22-26, & planter area.
possible solution: reduce the width of compact
parking stalls to 7 1/2 or 8 ft.
Please call George Allen or Jim Deyo
@ 741-5190

PLEASE NOTIFY AUTHOR IMMEDIATELY IF NOT RECEIVED PROPERLY

OPERATOR: _____ DATE SENT: _____ TIME SENT: _____

MINUTE EXCERPTS

GARDEN GROVE PLANNING COMMISSION

PUBLIC
HEARING:

NEGATIVE DECLARATION
GENERAL PLAN AMENDMENT NO. GPA-1-00(A)
PLANNED UNIT DEVELOPMENT NO. PUD-136-00
SITE PLAN NO. SP-275-00
TENTATIVE PARCEL MAP NO. PM-00-158
VARIANCE NO. V-270-00
STREET VACATION NO. SV-111-00
DEVELOPMENT AGREEMENT

APPLICANT:

KAUFMAN & BROAD

LOCATION:

NORTHWEST CORNER OF SUNGROVE STREET AND GARDEN GROVE
BOULEVARD AT 12811 GARDEN GROVE BOULEVARD

DATE:

MAY 17, 2000

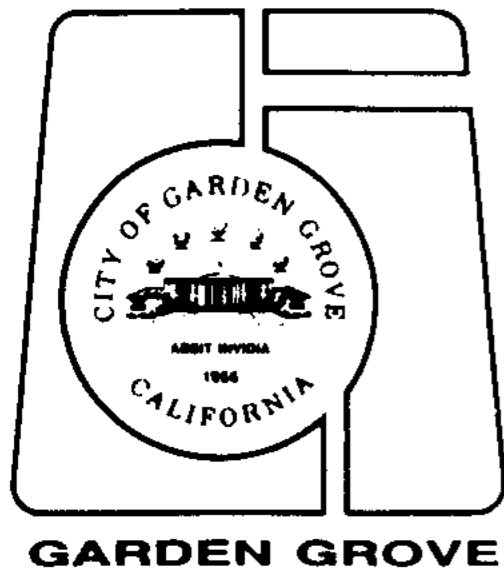
REQUEST:

A request to change the General Plan designation from MU (Mixed Use) to CR (Community Residential) and the zoning designation from OP/HCSPP (Office Professional of the Harbor Corridor Specific Plan) to PUD (Planned Unit Development); Variance approval to deviate from the minimum lot size required for residential Planned Unit Development; Site Plan approval for the construction of a 93-unit senior apartment complex, Street Vacation to vacate a portion of Sungrove Street, Tentative Parcel Map for lot consolidation, and the approval of a Development Agreement. The site is approximately 1.67 acres in size.

Staff announced that Kaufman & Broad have requested that this item be continued to the June 7, 2000 Planning Commission meeting.

Vice Chairman Barry moved to continue this item to June 7, 2000, seconded by Commissioner Jones. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BUTTERFIELD, BARRY, FREZE, JONES, TRAN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	HUTCHINSON, OH



CITY OF GARDEN GROVE

Bruce A. Broadwater
Mayor

William J. Dalton
Mayor Pro Tem

Ho Chung
Councilman

Mark Leyes
Councilman

Mark Rosen
Councilman

(714) 741-5312

June 8, 2000

Kaufman & Broad
320 Golden Shore Suite 200
Long Beach, CA 90802

REFERENCE: General Plan Amendment No. GPA-1-00(A), Planned Unit Development
No. PUD-136-00, Site Plan No. SP-275-00, and Variance No. V-270-00

Your request as referenced above has been provisionally approved. The final granting is contingent upon your complying with all of the conditions of approval listed in the enclosed Resolution.

Provided that you do comply with all conditions of approval and no appeals of the Planning Commission's decision are filed with the City Clerk, the earliest effective date will be June 29, 2000.

Sincerely,

Glen Krieger

Glen Krieger
Planning Services Manager

Enclosure

c: K & P Partnership

RESOLUTION NO. 5117

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND RECOMMENDING APPROVAL OF PLANNED UNIT DEVELOPMENT NO. PUD-136-00, GENERAL PLAN AMENDMENT NO. GPA-1-00(A), AND A DEVELOPMENT AGREEMENT, FOR LAND LOCATED ON THE NORTHWEST CORNER OF GARDEN GROVE BOULEVARD AND SUNGROVE STREET, AT 12811 GARDEN GROVE BOULEVARD, PARCEL NO. 231-574-18

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on June 7, 2000, hereby adopt a Negative Declaration, find a de minimis impact on fish and wildlife resources, and recommend approval of General Plan Amendment No. GPA-1-00(A), Planned Unit Development No. PUD-136-00, and a Development Agreement.

BE IT FURTHER RESOLVED in the matter of General Plan Amendment No. GPA-1-00(A), Planned Unit Development No. PUD-136-00, and a Development Agreement, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Kaufman & Broad Multi-Housing Group, Inc.
2. The applicant requests that the City rezone the site from OP/HCSP to the Planned Unit Development (PUD-136-00) zone, amend the General Plan designation from MU (Mixed Use) to CR (Community Residential), and enter into a Development Agreement in order to develop a 1.31 acre site with an 82-unit, senior apartment development.
3. The proposed project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove has prepared a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act. Further, the Planning Commission finds a de minimis impact in relation to fish and game.
4. The property has a General Plan Land Use designation of MU (Mixed Use), and is currently zoned OP/HCSP (Office Professional of the Harbor Corridor Specific Plan).
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to legal notices, public hearings were held on May 3 and June 7, 2000, and all interested persons were given an opportunity to be heard.

8. The Planning Commission gave due and careful consideration to the matter during its meeting of May 3 and June 7, 2000; and

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 9.12.020 and 9.24.030, are as follows:

FACTS:

The site is currently improved with several older commercial structures. These structures will be demolished prior to the construction of the project.

In response to the concerns expressed at the May 3, 2000, Planning Commission meeting, the applicant has withdrawn the proposed vacation of Sungrove Street and the Tentative Parcel Map for lot consolidation.

The proposed General Plan Amendment from MU to CR would allow a density of up to 60 units per acres.

The density permitted in the CR designation ranges from 42.1 to 60 units per acre. The proposed density for the project is 62.6 or 63 units per acre.

The applicant is requesting to increase the maximum permitted density of the project through the granting of a density bonus, in order to accommodate the proposed development.

Section 65915 of the California Government Code requires local government to provide a density bonus and incentives to projects which provide lower income housing units within the development subject to meeting certain requirements.

Amendment (A-211-00) to Title 9 of the Municipal Code will permit the granting of a density bonus up to a maximum of forty (40) percent, over the otherwise maximum allowable residential density for senior housing projects permitted under the applicable zoning and land use designation of the General Plan.

The project is seeking a density bonus of five (5) percent. This proposed density bonus ordinance will allow the density of the proposed residential project.

To meet this criteria, the applicant proposes to provide seventeen (17) units for low income seniors for the period of at least thirty (30) years. This meets the requirements set forth in Section 65915(b) of the Government Code, and Amendment No. A-211-00.

The development has a total of 82 units, which consists of 81 senior apartment units and one manager's unit.

The developer is authorized to enter into a Development Agreement in compliance with Government Code Section 65864.

FINDINGS AND REASONS:

Planned Unit Development

1. The location of the senior apartment complex, architectural design, and proposed use is 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 design of the proposed development, with the proposed changes, will ensure a reasonable degree of compatibility by proposing higher density, four-story, senior apartment adjacent to the existing medical related uses and commercial developments, and maintaining a sufficient distance from existing single family residences.

2. The plan will produce a stable and desirable environment and will not cause undue traffic congestion on surrounding or access streets.

The design of the project with the proposed changes complies with the spirit and intent of the Garden Grove Municipal Code for residential development. The plan has been reviewed by the City's Traffic Engineering Section and all appropriate conditions of approval and mitigation measures have been incorporated to minimize any adverse impacts on surrounding streets.

3. Provision is made for both public and private open spaces.

The project with the proposed changes has been designed in accordance with City Code provisions for providing an adequate landscape setbacks, open space, and well-designed courtyard areas as required by residential development standards for senior citizens.

4. 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 landscape setbacks and open spaces and will be required to be adhered to for the life of the project.

5. The quality of the project achieved through the Planned Unit Development zoning is greater than could be achieved through traditional zoning.

The project, with the proposed changes, incorporates an innovative design and meets City Code standards for parking, vehicle access and circulation, open space, and landscaping. The design of the project, as well as adherence to these Code requirements, will insure that the overall quality of the project will be comparable to projects that could be achieved through Title 9 and other Municipal Code provisions.

General Plan Amendment:

1. The amendment is internally consistent with the goals, objectives and elements of the City's adopted General Plan by providing suitable and appropriate development of an underutilized commercial property within the City; revitalizing older commercial uses and properties, and allowing adjacent land uses that are compatible with one another. By changing the Land Use designation from MU (Mixed Use) to CR (Community Residential), the proposed senior apartment development on Garden Grove Boulevard will be compatible with CR land use designation and the associated Zone Change to PUD (Planned Unit Development). As Garden Grove Boulevard has mixed uses of commercial and residential developments, the CR land use designation allows a higher density for variety of uses for senior housing, convalescent homes, congregate housing, and institutional quarters.

Additionally, the Land Use Element encourages mixed use development by providing incentives for senior citizen residential development to satisfy regional housing needs. With the proposed General Plan designation and the granting of density bonus of five percent, the subject site would be allowed to develop with a higher density as proposed by the applicant.

2. The Amendment will promote the public interest, health, safety, and welfare for existing as well as future uses on the affected property. No uses will be rendered nonconforming as a result of the change in the General Plan designation, as CR would allow uses that are exclusively for senior related housing.
3. The subject site is suitable for the requested land use designation, compatible with surrounding land use, and consistent with the General Plan as it complies with the development standards, except for the requested Variance from the minimum PUD size for residential development.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

In addition to the foregoing, the 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. Planned Unit Development No. PUD-136-00, General Plan Amendment No. GPA-1-00(A), and the Development Agreement possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.12.020 (Planned Unit Development) and 9.24.030 (General Plan Amendment), Government Code Section 65915 et. seq., provision for Density Bonus, and with Government Code Section 65864 et. seq., provisions for Development Agreements.
2. The implementation provisions for Planned Unit Development No. PUD-136-00 are found under Planning Commission Resolution No. 5118 for Site Plan No. SP-275-00 and Variance No. V-270-00.

ADOPTED this 7th day of June 2000.

/s/ LEE BUTTERFIELD
CHAIRMAN

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on June 7, 2000, by the following votes:

AYES: COMMISSIONERS: BUTTERFIELD, BARRY, FREZE, HUTCHINSON, JONES,
OH, TRAN

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

/s/ TERESA POMEROY
SECRETARY

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

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is June 28, 2000.

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

FACTS:

The site is currently improved with several older commercial structures. These structures will be demolished prior to the construction of the project.

In response to the concerns expressed at the May 3, 2000, Planning Commission meeting, the applicant has withdrawn the proposed Street Vacation and Tentative Parcel Map applications.

The site is approximately 1.31 acres in size and the minimum site requirement for Planned Unit Development Residential zoning is 3 acres.

The density permitted in the CR designation ranges from 42.1 to 60 units per acre. The proposed density for the project is 62.6 or 63 units per acre. The applicant is requesting to increase the maximum permitted density of the project through the granting of a density bonus, in order to accommodate the proposed development.

The Site Plan and Variance are being processed in conjunction with a Zone Change request to rezone the property to Residential Planned Unit Development (PUD-136-00), and General Plan Amendment (GPA-1-00(A) to amend the land use designation from Mixed Use to Community Residential.

FINDINGS AND REASONS:

Site Plan:

1. The site plan with the proposed changes complies with the spirit and intent of the provisions, conditions, and requirements of this chapter and other applicable ordinances are complied with.

The project with the proposed changes complies with the spirit and intent of the provisions, conditions and requirements of the Garden Grove Municipal Code and other applicable ordinances. With the recommended conditions of approval, the project meets or exceeds the minimum requirements for a project of this size, with the exception of the lot size for a residential PUD for which a Variance has been requested.

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.

Through the recommended conditions of approval, the project will not adversely affect essential on-site facilities such as traffic circulation and points of vehicular and pedestrian access. The site provides proper ingress and egress and sufficient off-street parking for the proposed residential use.

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

The proposed development has been reviewed by the various City departments to insure that adequate public facilities are provided.

4. The proposed development will not adversely impact the Public Works Department's ability to perform its required function.

The site plan has been reviewed by the Public Works Department. Issues raised by the proposed development have been addressed in the project design and the conditions of approval.

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

With the proposed site improvements, the project will be compatible with the physical, and functional quality of the neighboring uses and desirable community characteristics. The proposed architectural style is compatible with the architecture of the development within the general area. The architectural design creates a positive visual impact in this surrounding area. Furthermore, with the recommended conditions of approval, the project will improve and enhance the site and the surrounding properties.

6. 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.

Through the proposed site design and recommended conditions of approval, the planning and design of buildings and building placement, and the provision of an adequate amount of private and public open space, the project will attain an attractive environment for the occupants of the property.

Variance:

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

The proposed General Plan designation of the subject property allows senior apartment development at a higher density. Because the City has not yet adopted a new zoning classification and development standards for senior development at a higher density, the PUD is an interim mechanism to provide a zoning criteria for this project. The limited size of the site prevents the applicant from meeting all of the required development standards. In addition, the acquisition of additional land to meet the three acre lot size for PUD's is not feasible. The surrounding properties are currently improved with office professional, commercial, and residential developments.

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 Variance is necessary in order for the property to develop with the same property rights that exist for other residential developments located in the City. The applicant's request is justifiable due to the limited size of the property and the need for a Variance in order to meet the requirements contained in Title 9 for higher density residential development for senior citizens.

3. 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.

The project will be required to comply with all applicable building and safety codes and regulations to ensure that there is not an adverse impact on public health, safety, or welfare. Furthermore, the request has been reviewed by the Community Development, Fire and Police Departments in order to ensure compliance with all applicable code provisions with the exception of this Variance request.

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

The project complies with all applicable development standards except for minimum PUD project size for which a Variance has been requested. The proposed General Plan designation for the property is Community Residential (CR). This designation allows senior housing and related uses. The proposed

project is a senior apartment complex. Therefore, the approval of the project will further the goals of City's General Plan.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Site Plan No. SP-275-00 and Variance No. V-270-00 possess characteristics that would indicate justification for the request in accordance with Municipal Code Section 9.24.030 (Land Use Actions).
2. 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 shall apply to Site Plan No. SP-275-00 and Variance No. V-270-00.

CONDITIONS OF APPROVAL:

- A. All below-listed conditions of approval are required to be recorded. Recordation of said conditions is the responsibility of the applicant, and proof of such recordation is required prior to issuance of building permits. 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.
- B. Approval of this Site Plan 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.
- C. Minor modifications may be approved by the Community Development Department. If other than minor changes are made in the proposed development, a new Site Plan shall be filed, which reflects the revisions made.
- D. The approved Site Plan is an integral part of the decision approving this Land Use action. There shall be no change in the design of the Site Plan (including elevations) or any other modifications to the Site Plan without the approval of the Community Development Department. Any change in the approved Site Plan which has the effect of expanding or intensifying the project shall require a new Site Plan.

- E. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the City's Planning Division. Except for parking lot lights, lighting shall be restricted to decorative type wall-mounted lights, or preferably, a ground lighting system. On-street lighting shall be provided during the hours of darkness at a minimum of one footcandle of light on the street and sidewalk.

- F. Utilities and mechanical equipment:
 - 1. All new on- and off-site utilities shall be installed underground.
 - 2. All above-ground utility equipment (e.g., electrical, gas, telephone, cable TV) shall not be located in either the front/street setbacks or the front parking area and shall be screened to the satisfaction of the Community Development Department.
 - 3. 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 Development Department prior to issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
 - 4. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
 - 5. No exterior piping, plumbing, or mechanical duct work shall be permitted on any exterior facade and/or visible from any public right-of-way or adjoining property.

- G. All provisions of the Public Works Department, Engineering Division, shall be complied with. This includes, but is not limited to, the following:
 - 1. All existing and new utilities shall be placed underground in the public right-of-way and on-site.
 - 2. All on-site improvements shall be removed prior to start of new construction.
 - 3. Driveway approaches shall be constructed per City Standard Plan B-120. A separate street permit is required for work performed within the public right-of-way.

4. Bonds shall be posted to secure all work within the public right-of-way.
5. The existing driveway approaches shall be removed and replaced with standard curb and gutter and sidewalk.
6. Street improvement, grading and utility plans shall be required. Plans shall be prepared by a registered Civil Engineer. The grading plan shall show colored enhanced concrete treatment or brick pavers at the driveway entrances to the development. The applicant shall be responsible for the cost of the main entry paving. The type and style of the entry paving shall be subject to approval by the Community Development Department.
7. Any new or required block walls and/or retaining walls and trash enclosures 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) A seven-foot high split-face block wall shall be constructed along the north property line.
 - b) A six-foot high split-face block wall shall be provided along west property line.
 - c) The applicant shall contact the property owner(s) to the north of the site to obtain approval to modify the existing wall to the required height. In the event that the applicant cannot obtain approval from the property owner(s) to the north of the site, the applicant shall construct the new wall with a decorative cap to be placed between the new and existing walls.
 - d) Color and material of the block walls and columns shall be approved by the Planning Services Division.
 - e) Any proposed wall/fence located within the twenty (20) foot front yard setback area shall be limited to thirty-six (36) inches in height. Pilasters or columns may extend an additional six (6) inches above the allowed height.
8. In accordance with the 1972 Clean Water Act and NPDES requirements, the applicant shall be required to submit a long term, post construction, Water Quality Management Plan (WQMP). The WQMP shall include

provisions for the installation and maintenance of appropriate structural facilities and identify all non-structural Best Management Practices (BMPs) to be implemented with the project. The Plan shall be submitted to and approved by the Public Works and Community Development Departments prior to the issuance of a grading or building permit, whichever occurs first. The project shall also be subject to all conditions in the latest edition of the Drainage Area Management plan (DAMP) and appendices.

9. A geotechnical study prepared by a registered geotechnical engineer shall be 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, basement and septic facilities. Should contaminants be found at the site, Environmental Clearance shall be required. The report shall make recommendations for pavement design based on a Traffic Index to be supplied by the City Traffic Engineer.
 10. The property owner shall repave Garden Grove Boulevard (half street width) across the property frontage and the full width of Sungrove Street, south of El Rey Place to Garden Grove Boulevard, in a manner meeting the approval of the City Engineer.
 11. Arrangements for inspection of areas outside of the building footprint, within the project limits, shall be initiated by the property owner. Public Works Engineering staff will not routinely provide inspection services for areas outside of public right-of-way. A standard grading certification letter is available on file at the City to facilitate this private inspection process.
 12. Provide hydrology with a scaled map and calculations and hydraulic calculations to size storm drains per Orange County PF&RD Standards. Parkway culverts shall be constructed per PF&RD Standard Plan 1309 (Type B).
 13. The design and final location of the trash chute, the number of trash bins and trash pick-up frequency shall be reviewed and approved by Taorimina Industries, and the Public Works and Community Development Departments. The trash chute shall be maintained in a neat and sanitary manner. Access doors shall be kept closed and secured except during trash disposal or pickup.
- H. All provisions of the Public Works Department Traffic Engineering Division shall be complied with. This includes, but is not limited to, the following:

1. All entrances to the property shall be posted with a sign indicating that unauthorized vehicles will be removed at the owner's expense. The signs shall be of the size, type, and location specified in the California Vehicle Code and Garden Grove Municipal Code Standard Plan B-308.
 2. Development shall be subject to the Traffic Mitigation Ordinance and fees. Traffic mitigation fees shall be paid prior to the issuance of building permits for the development.
 3. A minimum of 82 on-site parking spaces shall be provided and maintained at all times. All parking stalls shall be per City standards, and hairpin striped.
 4. The two proposed security gates shall provide a minimum of 25 feet clearance for fire access.
 5. The final design of the entrances on Sungrove Street shall be reviewed and approved by the Community Development and Public Works Departments.
 6. The property owner shall design and construct a median along the frontage of the project on Garden Grove Boulevard from Sungrove Street to Partridge Street, in conformance with the approved design plans. The City shall credit the property owner from traffic mitigation fees that proportion of the median cost from the west property line to Partridge Street. The property owner shall construct the median from Sungrove Street to Haster Street from City provided plans. Cost for this construction shall be paid by the Garden Grove Agency for Community Development.
- I. All provisions of the Garden Grove Fire Department shall be met. This includes, but is not limited to, the following:
1. One on-site fire hydrant shall be provided. Location shall be determined by Fire Department. All on-site fire hydrants shall be operable prior to delivery of combustible material. Access roads shall be maintained during all phases of construction.
 2. Automatic fire sprinklers shall be provided in all buildings, regardless of fire separation walls, with a "gross" floor area of 6,000 square feet or more, or 55 feet above grade or containing three or more stories, or as required by CBC Chapter 9.

3. Fire sprinkler system(s) and all control valves, including exterior, shall be supervised to an approved central station prior to Fire Department final.
 4. Fire sprinkler system shall be designed to utilize not more than 90 percent of the available water supply as indicated by a submittal graph as required by NFPA Standard #13.
 5. Fire extinguishers shall be provided, locations and ratings shall be determined by Fire inspectors.
 6. Occupancies 4 story or more shall provide a Class 1 standpipe system.
 7. A manual fire alarm system in accordance with the California Fire Code, Article 10 and the California Electrical Code shall be provided.
 8. Signage requirements for the Emergency Planning and Information Plan as required in C.C.R Title 19, Section 3.09, shall be required.
 9. Required fire lanes shall be posted and marked in accordance with Garden Grove Fire Department Fire Protection Specifications and Requirements.
 10. Fire apparatus access gates(s) shall be openable with a Fire Department knock box key. All driveways shall maintain a minimum of 25 feet clearance.
- J. All provisions of the Garden Grove Public Works Department, Water Services Division, shall be met. This includes, but is not limited to, the following:
1. New water service installations shall be at the property owner's expense. Installation shall be by City forces upon payment of applicable fees, unless otherwise noted. Fire services and larger water services (3 inches and larger) shall be installed by the property owner's contractor with Class A or C-34 license, per City Water Standards and inspected by a Public Work inspector.
 2. Water meters shall be located within the City Right-of-Way.
 3. A backflow prevention device shall be required on water laterals. Installation to be per City Standards and shall be inspected by a cross connection specialist after installation. Device shall be tested immediately after installation and once a year by a certified backflow device tester and

the results shall be submitted to the Public Works Water Services Division.

4. Owners shall dedicate all rights to underground water without the right to subsurface entry.
5. Any water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
6. City shall determine if existing water service(s) is/are usable and meets current City Standards. Any meter and service located within new driveway(s) shall be relocated at owner's expense.
7. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
8. Fire service shall have above ground backflow device with a double check valve assembly. Device shall be tested immediately after installation and once a year. A certified backflow device test with results shall be submitted to Public Works Water Services Division. Device shall be on private property and shall be the responsibility of the property owner. The above ground assembly shall be screened from public view as required by the Planning Services Division. Fire service shall be connected to the 12 inch water main in Garden Grove Boulevard.
9. The property owner shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 6 inch minimum diameter, with extra strength VCP with wedgelock joints.
10. The property owner's contractor shall abandon the existing sewer lateral 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. A new sewer line shall be connected to Sun Grove Street.
11. A properly sized grease trap shall be installed on the sewer lateral and maintained by the property owner. The grease trap shall be installed downstream of the last sewer connection.
12. The property owner shall provide an assessment of the impact of the new development on the existing sewer system at Garden Grove Boulevard and Harbor Boulevard. If the existing capacity is not adequate, the property owner shall be responsible to provide adequate sewer facilities.

- K. All provisions of the Building Services Division shall be met. Additionally, the building plans, site plans and all construction shall comply with the current editions of the U.M.C., U.B.C., U.P.C., N.E.C., as amended by the City of Garden Grove and State of California for handicap access, energy conservation and sound transmission control requirements for residential occupancy.
- L. The applicant shall submit a complete detailed landscape plan governing the entire landscaped areas on the subject site, including the courtyard areas and the parkway area along Sungrove Street, which reflects the approved landscape plans, with any necessary modifications, as submitted under the Site Plan application. Said plan shall include type, size, location and quantity of all plant material. It shall include irrigation plans and staking and planting specifications. The landscape plan shall comply with the City's Landscaping Ordinance (Municipal Code Section 9.16.140) and is also subject to the following:
1. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaped areas. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
 2. The landscaping plan, shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. Trees shall be incorporated into the landscaped frontages of all streets, private and public, and into the common landscaped areas.
 3. The property owner is and shall be responsible for installation of all landscaping and irrigation on the property as shown on the landscaping plans.
 4. Trees planted within ten feet (10') of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontage adjacent to driveways shall be of the low height variety to ensure safe sight clearance.
 5. Prior to the issuance of building permits, final landscape and irrigation plans shall be submitted to the Community Development Department for review and approval. The plans shall be prepared in accordance with the City's Landscape Ordinance.
 6. Prior to the issuance of Certificates of Occupancy or final building inspection, all landscaping and irrigation shall be installed and approved.

7. All street trees along Garden Grove Boulevard and Sungrove Street shall be 24-in box in size for every 30 feet of street frontage. These trees may be grouped or clustered.
 8. Mounding and berming shall be incorporated into the Garden Grove street frontage. Such berming shall not exceed 36 inches above the highest adjacent curb.
 9. The landscape areas along Garden Grove Boulevard and Sungrove Street shall incorporate landscape treatment such as color annuals, flowers, and shrubs.
 10. The property owner shall be responsible for the planting and maintenance of the parkway along Sungrove Street.
- M. Prior to issuance of any permits for the subject site, the site's perimeter shall be secured with a six-foot (6') high chain link fence. Access gates(s) are permitted. The fence shall be removed upon construction of permanent perimeter fencing and/or completion of the project.
- N. 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 County Noise Ordinance as adopted:
1. Monday through Saturday between 7 a.m. and 8 p.m.
 2. Sunday and Federal Holidays may work same hours but subject to noise restrictions as stipulated in Section 8.47.010 of the Municipal Code.
- O. The applicant shall enter into a binding Development Agreement with the City of Garden Grove. This includes the payment of a Development Impact Mitigation Payment in accordance with City Council Resolution.
- P. The applicant shall enter into a maintenance agreement with the City of Garden Grove to ensure proper maintenance and upkeep of the property.
- Q. The subject Site Plan and Variance shall expire one year after the effective date of this Resolution unless the Development Agreement has been recorded and fees paid.
- R. V-270-00 and SP-275-00 shall not be effective until GPA-1-00(A), PUD-136-00, and A-211-00 are in effect.

- S. The windows of the units with rear exterior elevations directly facing or siding to Garden Grove Boulevard shall have dual paned glass.
- T. Individual unit balcony areas shall not be used for storage.
- U. Mail boxes shall be provided and installed by the property owner. Design and location shall be approved by the local postmaster.
- V. The monument sign shall not exceed 4 feet in height measured from established on-site grade and 8 feet in length, and shall be located within the front landscape setback area on Garden Grove Boulevard.
- W. The monument sign shall bear only the senior apartment complex's name and site address.
- X. All signs require separate permit and shall be installed in accordance with the provisions of the sign ordinance and shall be approved by the Community Development Department.

ADOPTED this 7th day of June 2000.

/s/ LEE BUTTERFIELD
CHAIRMAN

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on June 7, 2000, by the following votes:

AYES: COMMISSIONERS: BUTTERFIELD, BARRY, FREZE, HUTCHINSON, JONES,
OH, TRAN

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

/s/ TERESA POMEROY
SECRETARY

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

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is June 28, 2000.

RESOLUTION NO. 5127

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING APPROVAL OF STREET VACATION NO. SV-111-00 FOR A PORTION OF SUNGROVE STREET, SOUTH OF DEL REY PLACE TO GARDEN GROVE BOULEVARD, MORE PARTICULARLY DESCRIBED IN EXHIBIT B ATTACHED HERETO AND MADE A PART THEREOF, AND DETERMINING THAT THE VACATION IS CONSISTENT WITH THE CITY'S GENERAL PLAN IN ACCORDANCE WITH GOVERNMENT CODE SECTION 65402

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on May 3, 2000, hereby recommends approval of Street Vacation No. SV-111-00.

BE IT FURTHER RESOLVED in the matter of Street Vacation No. SV-111-00, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Kaufman & Broad Multi-Housing Group, Inc.
2. The applicant requests that the City vacate a portion of Sungrove Street, generally located an approximately 120 feet south of Del Rey Place to Garden Grove Boulevard, in order to develop a 1.67 acre site with an 93-unit, senior apartment development.
3. The proposed project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove has prepared a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act. Further, the Planning Commission finds a de minimis impact in relation to fish and game.
4. The property has a General Plan Land Use designation of MU (Mixed Use), and is currently zoned OP/HCS (Office Professional of the Harbor Corridor Specific Plan).
5. The subject street to be vacated is shown on the attached Exhibit A and legally described in Exhibit B.
6. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
7. Report submitted by City staff was reviewed.
8. Pursuant to a legal notice, a public hearing was held on May 3, 2000, 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 May 3, 2000; and

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 9.12.020, are as follows:

FACTS:

The site is currently improved with several older commercial structures. These structures will be demolished prior to the construction of the project.

The site is approximately 1.67 net acres in area.

The proposed project density is 55.8 units per acre.

The proposed General Plan Amendment from MU to CR would allow a density of up to 60 units per acres.

The property owner has secured ownership of the commercial properties located on both sides of Sungrove Street.

A portion of Sungrove Street, generally located south of Del Rey Place to Garden Grove Boulevard is proposed to be vacated as part of this application.

A neighborhood meeting was conducted on April 13, 2000.

Government Code Section 65402 provides, in part, that the City shall not dispose of any real property in any City until the location, purpose, and extent of such disposition has been submitted to and reported upon as to conformity with the City's adopted General Plan.

FINDINGS AND REASONS:

Street Vacation:

1. Through proper review and notifications of the street vacation, the proposed action complies with the spirit and intent of the provisions and conditions of the Municipal Code and other applicable ordinances.
2. Through proper review and determination, the requirements of the California Environmental Quality Act have been satisfied. The Negative Declaration has been adopted.

3. A portion of Sungrove Street proposed for abandonment will be incorporated into the senior apartment complex. The existing public utilities are no longer necessary to maintain due to the design of the proposed residential development including building placement, points of entry, and traffic circulation.
4. The proposed action complies with the spirit and intent of the provisions, conditions and requirements of State Government Code Section 65402 in that it conforms with the goals and objectives of the City's General Plan.

The request is also consistent with Goal 4 of the Circulation and Infrastructure of the Garden Grove General Plan, which discourages intrusion of traffic into residential neighborhoods. By eliminating this portion of the public right-of-way, the intrusion of the traffic will be reduced.

5. The proposed action will not jeopardize, endanger or otherwise constitute a menace to public health, safety or general welfare.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

In addition to the foregoing, the 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. Street Vacation No. V-111-00 possesses characteristics that would indicate justification of the request for approval in accordance with the State of California Streets and Highway Code Section 8300, et seq., the Circulation Element of the Garden Grove General Plan, and the Garden Grove Municipal Code.

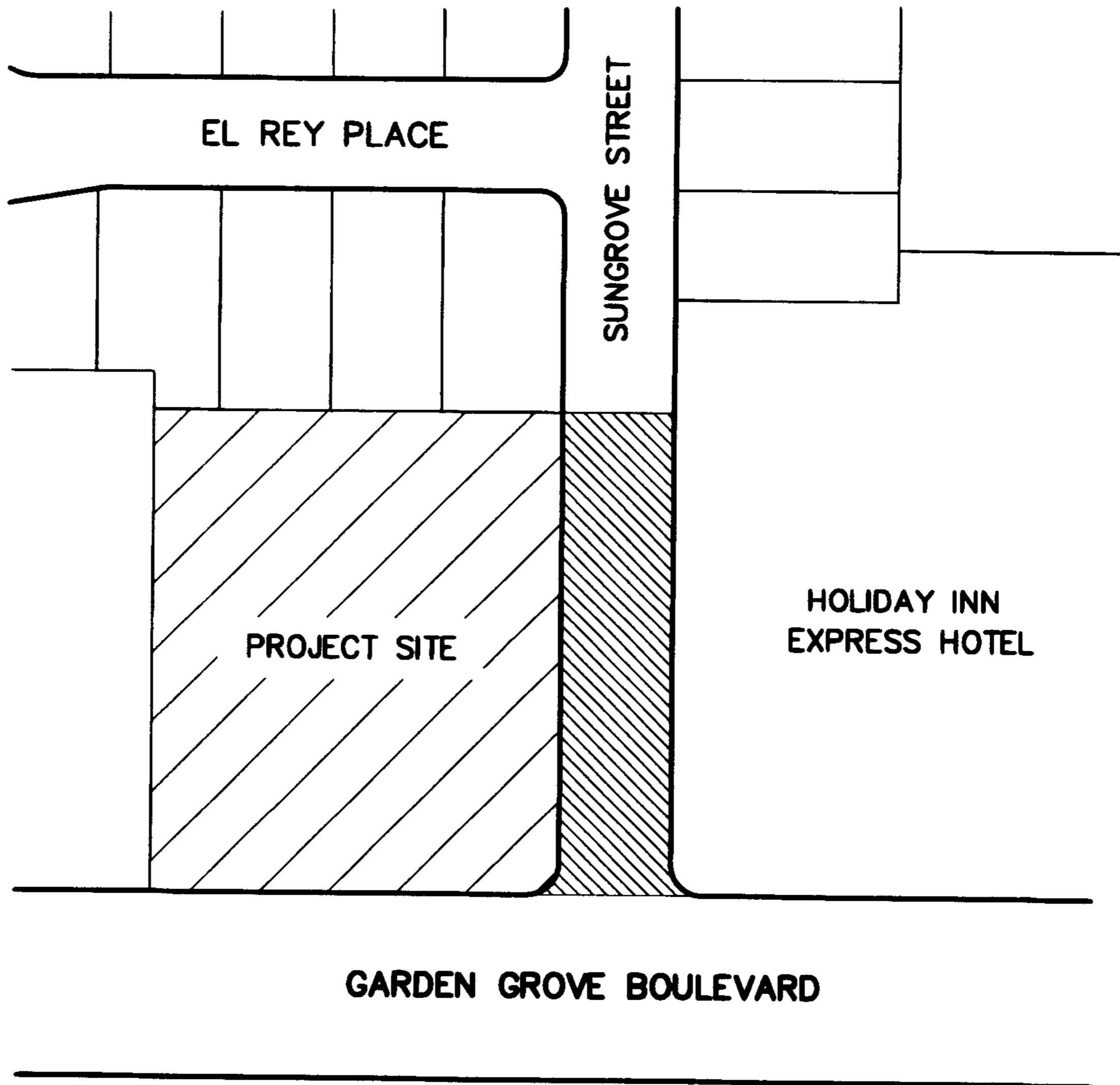
STREET VACATION NO. SV-111-00
CASE NOS. SV-111-00, GPA-1-00(A), PUD-136-00,
V-270-00, SP-275-00 & PM-00-158



NO SCALE
CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
CAD SYSTEM
REF. SV-111-00
APRIL 2000



PROPOSED STREET VACATION



ZONE MAP PART C-11
SV-111-00

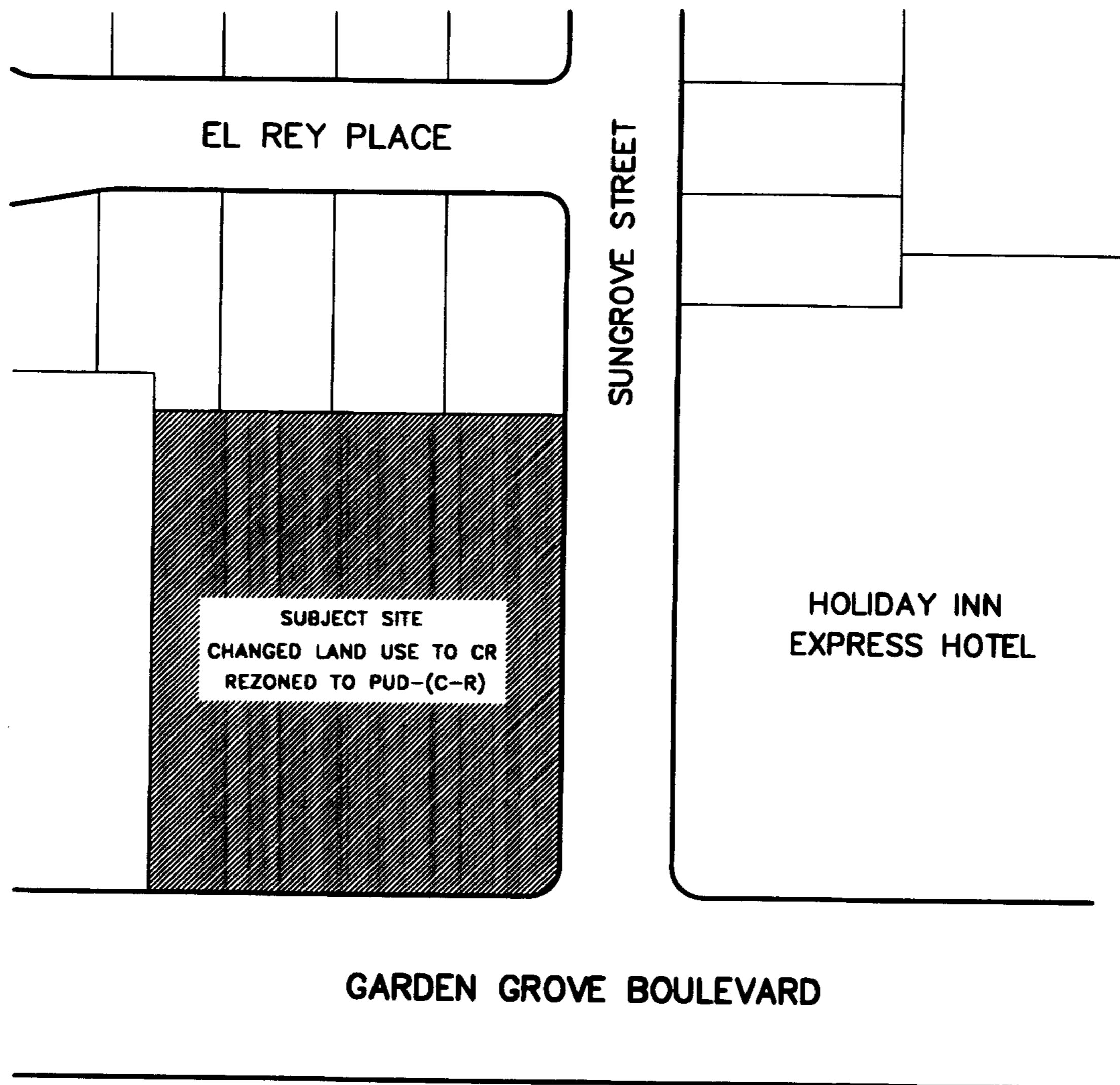
EXHIBIT B
LEGAL DESCRIPTION FOR STREET VACATION OF A PORTION OF
SUNGROVE STREET

That portion of Sungrove Street, 60.00 feet wide, as shown and dedicated on the map of Tract No. 3221, in the City of Garden Grove, recorded in Book 104, pages 39 and 40 of Miscellaneous Maps, in the office of the County Recorder of said County, which lies Southerly of the Easterly prolongation of the South line of Lot 15 of said Tract No. 3221 and Northerly of a line that is parallel and 50.00 feet Northerly, measured at right angles, from the centerline of Garden Grove Boulevard as said street is shown on the map of said Tract No. 3221.

**GENERAL PLAN AMENDMENT NO. GPA-1-00(A)
PLANNED UNIT DEVELOPMENT NO. PUD-136-00
PARCEL NO. 231-574-18
CASE NOS. GPA-1-00(A), PUD-136-00, V-270-00
SP-275-00, SV-111-00 & PM-00-158**



NO SCALE
CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
CAD SYSTEM
REF. GPA-1-GDA.DWG
APRIL 2000



**CHANGED LAND USE FROM MU TO CR (COMMUNITY RESIDENTIAL)
REZONED FROM HCSP-OP TO PUD-(C-R)
ZONE MAP PART C-11
GPA-1-00(A) AND PUD-136-00**

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

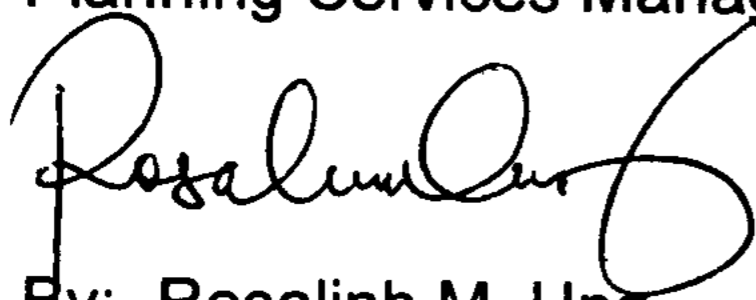
C.1

SUBJECT: PLANNED UNIT DEVELOPMENT NO. PUD-136-00, SITE PLAN NO. SP-275-00, VARIANCE NO. V-270-00, TENTATIVE PARCEL MAP NO. PM-00-158, STREET VACATION NO. SV-111-00, GENERAL PLAN AMENDMENT NO. GPA-1-00(A), AND DEVELOPMENT AGREEMENT (SENIOR APARTMENT DEVELOPMENT LOCATED AT THE NORTHWEST CORNER OF SUNGROVE STREET AND GARDEN GROVE BOULEVARD)

At the May 3, 2000, the Planning Commission continued the case to the May 17, 2000, meeting, in order for the applicant to address the concerns raised at the hearing including the removal of Sungrove Street as part the proposed project site.

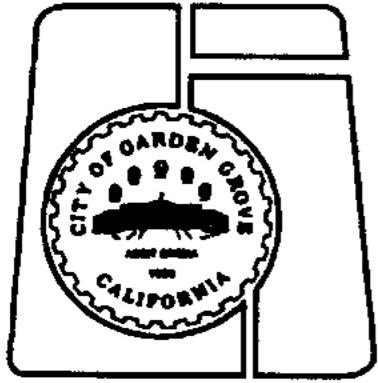
In order to allow the developer time to properly address the concerns raised by the Planning Commission and the nearby residents, the developer is requesting that the item be continued to the June 7, 2000, Planning Commission meeting.

GLEN KRIEGER 
Planning Services Manager



By: Rosalinh M. Ung
Urban Planner

P: Commission\ PUD136.doc



City of Garden Grove

**OFFICIAL NOTICE AFFECTS YOUR PROPERTY
PLEASE READ!**

«OWNER»
«ADDRLINE1»
«ADDRLINE2»
«ADDRLINE3»
|||

NOTICE OF CONTINUED PUBLIC HEARING

**THE FOLLOWING PUBLIC HEARING SCHEDULED FOR
MAY 17, 2000 WILL NOT BE HELD AND WILL BE READVERTISED**

SUBJECT: PLANNED UNIT DEVELOPMENT NO. PUD-136-00, SITE PLAN NO. SP-275-00, VARIANCE NO. V-270-00, TENTATIVE PARCEL MAP NO. PM-00-158, STREET VACATION NO. SV-111-00, GENERAL PLAN AMENDMENT NO. GPA-1-00(A), AND DEVELOPMENT AGREEMENT (SENIOR APARTMENT DEVELOPMENT LOCATED AT THE NORTHWEST CORNER OF SUNGROVE STREET AND GARDEN GROVE BOULEVARD)

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GLEN KRIEGER
Planning Services Manager

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: 12811 Garden Grove Blvd., NWC Garden Grove Blvd. & Sungrove St.
HEARING DATE: May 3, 2000	GENERAL PLAN: MU (Mixed Use)
CASE NOS.: Planned Unit Development No. PUD-136-00, Site Plan No. SP-275-00, Variance No. V-270-00, Tentative Parcel Map No. 00-158, Street Vacation No. SV-111- 00, General Plan Amendment No. GPA-1-00 (A), & Development Agreement	ZONE: OP/HCSP (Office Professional/Harbor Corridor Specific Plan)
APPLICANT: Kaufman & Broad Multi-Housing Group Inc.	
OWNER: K & P Partnership	CEQA DETERMINATION: Negative Declaration

REQUEST:

The applicant is requesting approval of a General Plan Amendment to change the land use designation from MU (Mixed Use) to CR (Community Residential); Planned Unit Development to change the zoning from OP/HCSP to PUD; Street Vacation to vacate a portion of Sungrove Street, south of El Rey Place to Garden Grove Boulevard; Tentative Parcel Map for lot consolidation; Site Plan to construct 93 senior apartment units; and Variance approval to deviate from the minimum lot size for residential planned unit development. A Development Agreement is also proposed.

CODE SECTIONS:

The following code sections apply to this project:

1. 9.12.020 Planned Unit Development
2. 9.24.030 Land Use Actions (General Plan Amendment, Site Plan and Variance)
3. 9.32.060 Tentative Maps
4. California Streets and Highways Code Section 8300 et seq. (Street Vacation)

PROJECT STATISTICS:

<u>PROJECT CRITERIA</u>	<u>ACTUAL</u>	<u>MEETS CODE</u>	<u>DOES NOT MEET CODE</u>	<u>VARIANCE REQUEST</u>	<u>CONDITION of APPROVAL</u>
<u>LOT SIZE:</u>	1.67 acres (net)		X	X	
<u>BUILDING HEIGHT:</u>	44' (4 story)	X			
<u>BUILDING SETBACKS:</u>					
North (to P.L.):	129'				
South (to P.L.):	20'				
East (to P.L.):	50'				
West (to P.L.):	10'				
<u>PARKING:</u>					
Standard:	61	X			
Compact:	30				
Handicapped	2				

TOTAL:	93				

<u>Building Type</u>	<u>Number of Bedrooms</u>	<u>S.F. per Unit</u>	<u>Total</u>
Unit 1	1 Bed, 1 Bath	525 SF	74
Unit 2	1 Bed, 1 Bath	700 SF	18
Manager Unit	2 Bed, 1 Bath		1

Total			93

BACKGROUND:

The property consists of 1.67 acres of land area and is located on the northwest corner of Garden Grove Boulevard and Sungrove Street. The site is adjacent to a single family residential development to the north, office professional uses to the south and west, and commercial and hotel developments to the east. The site is presently improved with several older commercial structures that house a flower shop, a dairy, and a coin-operated car wash. These structures will be demolished prior to the construction of the project.

DISCUSSION:

GENERAL PLAN AMENDMENT:

The property presently has a General Plan designation of MU (Mixed Use). The applicant is proposing, in order to implement the project, to change the General Plan designation from MU to CR (Community Residential). The City's General Plan contains a Community Residential designation which provides for the development of senior housing, convalescent homes, congregate housing, and institutional quarters. The density permitted in the CR designation ranges from 42.1 to 60 units per acre. The proposed density for the project is 55.8 units per acre.

The development has a total of 93 units, which consists of 92 senior apartment units and one manager unit. The proposed density is necessary in order for the applicant to provide units for low- and moderate-income seniors.

PLANNED UNIT DEVELOPMENT

A Planned Unit Development (PUD) is a zoning designation which establishes development standards and uses that are specific to a particular project. As Title 9 does not provide development standards for a new zoning classification of C-R (Community Residential) zone which permits higher density senior apartment development, the rezoning of the property to Planned Unit Development is necessary to accommodate the proposed residential project. The applicant is requesting approval of a variance to deviate from the minimum 3-acre size for a residential Planned Unit Development. If the Commission recommends approval of the rezone request, the PUD will be forwarded to the City Council for final action.

SITE PLAN:

The applicant proposes to construct 93 senior apartment units. The facility consists of ninety-two (92) senior apartment units with private decks and patios, one (1) manager's unit, an indoor recreational/community room, and laundry facilities on the 2nd, 3rd, and 4th floor. The facility also provides two (2) private courtyards with outdoor furniture.

The senior units will be available in two (2) different floor plans (Unit 1 and 2). Floor Plan 1 consists of 74 units; one bedroom and one bath. The floor area for Unit 1 will be 525 square feet. Floor Plan 2 consists of 18 units; two bedrooms and one bath. The manager's unit consists of two bedrooms and one bath.

Building Design

The building exterior is designed with a stucco finish and offset gable roofs using lightweight concrete roof tile. The overall architectural elevations are compatible with neighboring properties which consists of mid-rise hotels, medical office towers, retail commercial businesses, and single family residences.

Recreation & Landscaping:

The development provides three forms of recreation/open space area: private balconies, courtyard areas, and a community room. The units will be provided with an individual private patio or deck area for personal enjoyment.

The applicant proposes to provide a total of 16,970 square feet (23 percent of this site) of landscaping. This will give the development ample landscaping and open space in the apartment setting.

Parking, Circulation, and Refuse Storage:

A total of 93 open parking spaces will be provided for the facility with security access gates. The facility would provide a seven-foot high block wall along the north and west property lines. Entrances will be fenced. Drop-off and delivery will be done at the front office.

The facility's main vehicular access is from a private driveway off of Garden Grove Boulevard. Tenants will have access to a private parking area located on the north side of the building. This private parking area will be gated and only be available to the tenants. Guest parking will be provided along the private driveway and in front of the main entrance to the building.

The trash enclosure for the development will be located inside the building, on the first floor, at a centralized location. The second, third, and fourth floor will have a trash chute directly into the enclosure. Trash pick-up will be scheduled for four (4) time per week.

VARIANCE:

The applicant is requesting Variance approval from the minimum three acre lot size for a residential planned unit development. A summary of Staff's findings is as follows:

Exceptional Circumstances - Yes

The City's General Plan encourages the development of affordable senior apartments. Because the City does not yet have adopted development standards for C-R zone which was created exclusively for senior housing, convalescent homes, congregate housing, and institutional quarters, the PUD is an interim mechanism to provide a zoning criteria for this project. The limited size of the site prevents the applicant from meeting all of the required development standards typical created for apartment development. In addition, the acquisition of additional land to meet the three acre lot size for PUD's is not feasible. The surrounding properties are currently improved with medical related uses, commercial developments, and residential developments.

Substantial Property Right - Yes

The variance is necessary in order for the property to develop with the same property rights that exist for other residential developments located in the City. The applicant's request is justifiable due to the limited size of the property and the need for variances in order to meet the requirements of Title 9 for higher density senior apartment development.

Materially Detrimental - No

The project will be required to comply with all applicable building and safety codes and regulations to ensure that there is not an adverse impact on public health, safety, or welfare. Furthermore, the request has been reviewed by the Community Development, Fire and Police Departments in order to ensure compliance with all applicable code provisions with the exception of this variance request.

Adverse Effect on the General Plan - No

The project complies with all applicable development standards except for lot size for which a variance has been requested. The proposed General Plan designation of CR (Community Residential) permits senior apartment developments. This designation accommodates senior related uses at a higher density. The proposed project is a senior apartment complex. Therefore, the approval of the project will further the goals of City's General Plan.

STREET VACATION:

To accommodate the proposed development, the applicant would vacate a portion of Sungrove Street, generally located an approximately 120 feet south of Del Rey Place to Garden Grove Boulevard.

The property owner has secured ownership of the commercial properties located on the northeast and northwest corners of Garden Grove Boulevard and Sungrove Street.

A portion of Sungrove Street, generally located south of Del Rey Place to Garden Grove Boulevard, proposed to be vacated. The vacation of the street is necessary to allow the proposed development. Although a portion of Sungrove Street is proposed to be vacated by this application, the existing public streets will be sufficient to adequately serve the area. Additionally, the proposed vacation will not significantly impact emergency response to the existing residential area to the north of the project site.

Staff has reviewed the location, purpose, and extent of the vacation requests in relation to Title 9, the City's General Plan, and the State Streets and Highways Code, and finds the requests are in compliance.

Neighborhood Meeting:

Staff hosted a neighborhood meeting on April 13, 2000, with the project representatives in attendance. The purpose of the meeting was to present the proposed senior apartment development, to discuss the Sungrove street vacation, and answer residents concerns. Approximately 15 persons were in attendance at the meeting. Major concerns included:

- Traffic impact to the adjacent residential streets, particularly at the Haster Street and Aspenwood Lane
- Consideration of a traffic signal at Haster Street and Aspenwood Lane
- Drainage problem on Sungrove Street toward Garden Grove Boulevard
- Sufficient wall height along the project's north property line
- Visual impact to the nearby residents due to the height of the proposed building
- Fencing/landscaping treatment and maintenance at the turn-around on Sungrove Street

In response to the issues and concerns raised by the residents, City staff has agreed to the following:

- Conduct a neighborhood traffic signal study for the intersection of Haster Street and Aspenwood Lane. This study also includes a before and after license plate study of the affected residential neighborhood to determine the significance of “cut-through” traffic.
- Address the potential drainage problem on Sungrove Street toward Garden Grove Boulevard by requiring the property owner to provide a north/south drainage easement across the property to accommodate the necessary drainage improvements that will channel surface flows on Sungrove Street to Garden Grove Boulevard
- Require the wall height along the project’s north property line to be 7 feet measuring from the site’s establishment grade
- Require the property owner to provide a 7-foot wrought iron fencing and landscaping treatment that discourages trespassing along the north property line at Sungrove Street.

These conditions have been included in the project’s conditions of approval.

TENTATIVE PARCEL MAP:

The proposed development requires the filing of a Tentative Parcel Map for lot consolidation. As consolidated, the property consists of the existing single parcel and the vacated portion of Sungrove Street. The Planning Commission action on the tentative parcel map is final unless appealed to the City Council.

DEVELOPMENT AGREEMENT

The proposed development requires the property owner to enter into a Development Agreement with the City. The property owner will be guaranteed that they will be able to construct the proposed residential project within a four-year period and the City will receive a development impact payment not to exceed \$69,750. The Planning Commission’s recommendation on the Agreement will be forwarded to the City Council for final action.

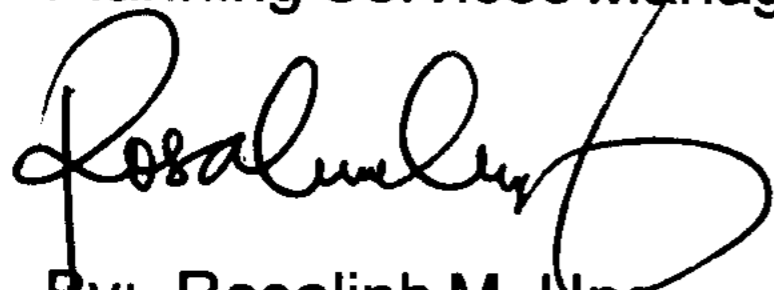
RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

1. Adopt a Negative Declaration;
2. Approve Site Plan No. SP-275-00, Variance No. V-270-00, and Tentative Parcel Map No. 00-158, subject to the recommended conditions of approval;

3. Determine that the street vacation request is in conformance with the City's General Plan and recommend approval of Street Vacation No. SV-111-00; and
4. Recommend approval of Planned Unit Development No. PUD-136-00, General Plan Amendment No. GPA-1-00(A), and the Development Agreement to the City Council.

GLEN KRIEGER 
Planning Services Manager



By: Rosalinh M. Ung
Urban Planner

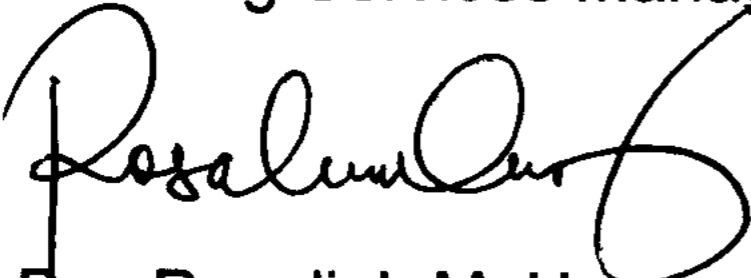
COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

SUBJECT: PLANNED UNIT DEVELOPMENT NO. PUD-136-00, SITE PLAN NO. SP-275-00, VARIANCE NO. V-270-00, TENTATIVE PARCEL MAP NO. PM-00-158, STREET VACATION NO. SV-111-00, GENERAL PLAN AMENDMENT NO. GPA-1-00(A), AND DEVELOPMENT AGREEMENT (SENIOR APARTMENT DEVELOPMENT LOCATED AT THE NORTHWEST CORNER OF SUNGROVE STREET AND GARDEN GROVE BOULEVARD)

At the May 3, 2000, the Planning Commission continued the case to the May 17, 2000, meeting, in order for the applicant to address the concerns raised at the hearing including the removal of Sungrove Street as part the proposed project site.

In order to allow the developer time to properly address the concerns raised by the Planning Commission and the nearby residents, the developer is requesting that the item be continued to the June 7, 2000, Planning Commission meeting.

GLEN KRIEGER 
Planning Services Manager



By: Rosalinh M. Ung
Urban Planner

Sungrove Closure

1. Janet Humphrey (NO) 564-4542
Aspenwood Lane
2. Lilly Olivas (YES)
Sungrove Street
3. Rosemary Cooper (NO) 971-3571
Aspenwood Lane
4. Elaine Cook (NO) 636-0129
Oertly Drive
5. Ron Corriveau (YES)
Sungrove Street
6. Mr. Long (NO)
Aspenwood
7. Robert (NO)
Sungrove/Aspenwood 537-2355
- ✓8. Kathleen Green (NO) 530-5226
Greenhouse Condominiums -Timber Lane
9. Bob Chambers (NO) (310) 767-5656
Fallingleaf, so. of Aspenwood
10. Julie Fitzpatrick (NO) 638-0833
12831 Horace Drive, #E
11. Sherry Williams (NO)
- April Gently (NO) - freeway access
12. Helen Fore
13. Jim ? - Emergency access
Sungrove + Aspenwood

- Lila Channon

- Carly Perez (Suncrook)

- Susan Janson

- Keith

pedestrian access

Item C.

May 3, 2000

Re. Sungrove Avenue closing

Dear Mayor/City Councilman:

I would like to express my concern about the closing of Sungrove Avenue, which is located southeast of my home. First of all, if it wasn't for the kindness and concern of one of our neighbors, Mrs. Sherry Williams we would not have known that these plans have already began. No one has given us any notice!

For your information, we purchased and lived at our home at 12562 Blue Spruce Avenue for approximately thirteen years this coming August. Our neighborhood is basically blocked-off by Harbor Blvd. (from the west), Lampson (from the north), Haster (from the east) and Garden Grove Blvd. (from the south). From the four major streets mentioned above, there is one street which allows incoming and outgoing traffic to our neighborhood namely, Blue Spruce Avenue (where my home is located at the corner of Choisser) from the west or Harbor Blvd.; Volkwood Avenue from the north or Lampson; Aspenwood Avenue from the east of Haster; and Sungrove Avenue from the south or Garden Grove Blvd. With these as given, I do not think it would take a rocket engineer to figure out the imbalance that would be created by closing one of the four access streets. My street alone at Blue Spruce Ave. and Choisser is quite busy during any given day, specially during commute hours. Building a high rise senior citizen apartment would mean more cars but with less access in/out of the neighborhood. Therefore, please see to it that the builders think of another way of providing a "parking" space for its tenants or better yet bring in another builder that would build new single family homes just like the ones on Trask or Euclid Avenue.

I wish to personally attend your meeting tonight to express my opinion on this matter but unfortunately because of short notice had already committed myself. I will however be open to future planning meetings and would like to be contacted or be on the mailing list. I will watch the delayed Council meeting on Channel 3 as well. Please help protect our neighborhood!

I will look forward to your response.

Thank you:



Art Estrada

12562 Blue Spruce Ave.
Garden Grove, CA 92840
(714) 836-2337 office or
(714) 971-4662 home

RESOLUTION NO. 5118

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING SITE PLAN NO. SP-275-00, VARIANCE NO. V-270-00, AND TENTATIVE PARCEL MAP NO. 00-158 FOR LAND LOCATED ON THE NORTHWEST CORNER OF GARDEN GROVE BOULEVARD AND SUNGROVE STREET, AT 12811 GARDEN GROVE BOULEVARD, PARCEL NO. 231-574-18

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on May 3, 2000, hereby adopt a Negative Declaration, find a de minimis impact on fish and wildlife resources, and approve Site Plan No. SP-275-00, Variance No. V-270-00, and Tentative Parcel Map No. 00-158

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-275-00, Variance No. V-270-00, and Tentative Parcel Map No. PM-00-158, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Kaufman & Broad Multi-Housing Group, Inc.
2. The applicant requests approval of a Site Plan to construct 93 senior apartment units along with a Tentative Parcel Map to consolidate the subject site and the vacated portion of Sungrove Street, and a Variance to deviate from the minimum required three acre lot size for a residential Planned Unit Development.
3. The proposed project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove has prepared a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act. Further, the Planning Commission finds a de minimis impact in relation to fish and game.
4. The property has a General Plan Land Use designation of MU (Mixed Use) and is zoned OP/HCSP (Office Professional of the Harbor Corridor Specific Plan).
5. Existing Land Use, Zoning, and General Plan designation of property in the vicinity of the subject site have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on May 3, 2000, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of May 3, 2000, and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Sections 9.24.030, and 9.32.060 are as follows:

FACTS:

The site is currently improved with several older commercial structures. These structures will be demolished prior to the construction of the project.

The site is approximately 1.67 net acres in size and the minimum site requirement for Planned Unit Development Residential zoning is 3 acres.

The proposed density for the project is 55.8 units per acre.

The Site Plan, Tentative Parcel Map, and Variance are being processed in conjunction with a Zone Change request to rezone the property to Residential Planned Unit Development (PUD-136-00), General Plan Amendment (GPA-1-00(A) to amend the land use designation from Mixed Use to Community Residential, and Street Vacation (SV-111-00) to vacate a portion of Sungrove Street, generally located approximately 120 feet south of Del Rey Place to Garden Grove Boulevard.

FINDINGS AND REASONS:

Site Plan:

1. The site plan complies with the spirit and intent of the provisions, conditions, and requirements of this chapter and other applicable ordinances are complied with.

The project complies with the spirit and intent of the provisions, conditions and requirements of the Garden Grove Municipal Code and other applicable ordinances. With the recommended conditions of approval, the project meets or exceeds the minimum requirements for a project of this size, with the exception of the lot size for a residential PUD for which a Variance has been requested.

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.

Through the recommended conditions of approval, the project will not adversely affect essential on-site facilities such as traffic circulation and points of vehicular and pedestrian access. The site provides proper ingress and egress and sufficient on-street parking for the proposed residential use.

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

The proposed development has been reviewed by the various City departments to insure that adequate public facilities are provided.

4. The proposed development will not adversely impact the Public Works Department's ability to perform its required function.

The site plan has been reviewed by the Public Works Department. Issues raised by the proposed development have been addressed in the project design and the conditions of approval.

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

With the proposed site improvements, the project will be compatible with the physical, and functional quality of the neighboring uses and desirable community characteristics. The proposed architectural style is compatible with the architecture of the mixed used development within the general area. The architectural design creates a positive visual impact in this surrounding area. Furthermore, with the recommended conditions of approval, the project will improve and enhance the site and the surrounding properties.

6. 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.

Through the proposed site design and recommended conditions of approval, the planning and design of buildings and building placement, and the provision of an adequate amount of private and public open space and the private street, the project will attain an attractive environment for the occupants of the property.

Tentative Parcel Map:

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

The proposed map will be consistent with the provisions of the General Plan which encourages the development of affordable multiple residential development for senior citizen to satisfy the regional housing need allocation for Garden Grove.

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

The design and improvements of the property are consistent with the proposed General Plan provisions for senior apartment development. Additionally, traditional zoning does not allow the higher density proposed by the applicant. The proposed PUD zoning designation will provide a quality housing product at this location.

3. The site is physically suitable for the proposed type of development.

The site is physically suitable for a senior apartment development and accommodates sufficient parking, open space, trash collection, and emergency access.

4. The requirements of the California Environmental Quality Act have been satisfied.

The requirements of the California Environmental Quality Act (CEQA) have been satisfied in the proposed Negative Declaration. Mitigation measures have been incorporated into the conditions of approval of the project.

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

Through the recommended conditions of approval and the proposed design, the site will be physically suitable for the proposed density of the development.

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

The conditions of approval for on- and off-site improvements are in compliance with applicable health and safety codes and will safeguard the public health.

7. The design of the subdivision and the proposed improvements will not conflict with easements of record or easements established by court judgment acquired by the public at large for access through or use of property within the subdivision.

The project has been designed to avoid development over easements or adverse impacts to the easements.

8. The design and improvement of the subdivision and proposed improvements are suitable for the use proposed and the project can be developed in substantial compliance with the applicable zoning designation.

Through the recommended conditions of approval, the subdivision and proposed improvements will be required to comply with all applicable codes and regulations.

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

The orientation of the senior apartment complex will provide, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

10. The design, density and configuration of the lot consolidation strikes a balance between the effect on the housing needs of the region and of public service needs, that the character of the lot consolidation is compatible with the design of the existing structures, and that the property size are substantially the same as lot sizes within the general area.

Through the design of the site plan and the conditions of approval, the design, density, and configuration of the property through lot consolidation strike a balance between the lot consolidation to provide adequate housing needs of the region, and the public service needs. The proposed residential planned unit development design will be compatible with the existing neighboring uses.

Variance:

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

The proposed General Plan designation of the subject property allows senior apartment development at a higher density. Because the City does not yet adopted a new zoning classification and development standards for senior apartment at a higher density, the PUD is an interim mechanism to provide a zoning criteria for this project. The limited size of the site prevents the applicant from meeting all of the required development standards. In addition, the acquisition of additional land to meet the three acre lot size for PUD's is not feasible. The surrounding properties are currently improved with office professional, commercial, and residential developments.

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 variance is necessary in order for the property to develop with the same property rights that exist for other residential developments located in the City. The applicant's request is justifiable due to the limited size of the property and the need for a variance in order to meet the requirements Title 9 for higher density residential development for senior citizens.

3. 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.

The project will be required to comply with all applicable building and safety codes and regulations to ensure that there is not an adverse impact on public health, safety, or welfare. Furthermore, the request has been reviewed by the Community Development, Fire and Police Departments in order to ensure compliance with all applicable code provisions with the exception of this variance request.

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

The project complies with all applicable development standards except for minimum PUD project size for which a variance has been requested. The proposed General Plan designation for the property is Community Residential (CR). This designation allows senior housing related uses. The proposed project is a senior apartment complex. Therefore, the approval of the project will further the goals of City's General Plan.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Site Plan No. SP-275-00, Variance No. V-270-00, and Tentative Parcel Map No. 00-158, possess characteristics that would indicate justification for the request in accordance with Municipal Code Section 9.32.060 (Tentative Maps), and 9.24.030 (Land Use Actions).
2. 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 shall apply to Site Plan No. SP-275-00, Variance No. V-270-00, and Tentative Parcel Map No. 00-158

CONDITIONS OF APPROVAL:

- A. All below-listed conditions of approval are required to be recorded. Recordation of said conditions is the responsibility of the applicant, and proof of such recordation is required prior to issuance of building permits. 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.
- B. Approval of this Site Plan, Variance, and Tentative Parcel Map shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
- C. Minor modifications may be approved by the Community Development Department. If other than minor changes are made in the proposed development, a new Site Plan shall be filed, which reflects the revisions made.
- D. The approved Site Plan is an integral part of the decision approving this Land Use action. There shall be no change in the design of the Site Plan (including elevations) or any other modifications to the Site Plan without the approval of the Community Development Department. Any change in the approved Site Plan which has the effect of expanding or intensifying the project shall require a new Site Plan.
- E. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the City's Planning Division. Except for street lights, lighting shall be restricted to decorative type wall-mounted lights, or preferably, a ground lighting system. On-street lighting shall be provided during the hours of darkness at a minimum of one footcandle of light on the street and sidewalk.
- F. Utilities and mechanical equipment:
 - 1. All new on- and off-site utilities shall be installed underground.
 - 2. All above-ground utility equipment (e.g., electrical, gas, telephone, cable TV) shall not be located in either the front/street setbacks or the front parking area and shall be screened to the satisfaction of the Community Development Department.

3. 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 Development Department prior to issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
 4. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
 5. No exterior piping, plumbing, or mechanical duct work shall be permitted on any exterior facade and/or visible from any public right-of-way or adjoining property.
- G. All provisions of the Public Works Department, Engineering Division, shall be complied with. This includes, but is not limited to, the following:
1. Parcel Map shall be recorded prior to the issuance of any building permits. Field survey required.
 2. TIES TO HORIZONTAL CONTROL: Prior to the recordation of the final map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and the Orange County Subdivision Manual, Subarticle 18. The surveyor/engineer shall submit record information to the City on Auto Cad Dwy format.
 3. DIGITAL SUBMISSION: Prior to the recordation of the final map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital graphics file of said map in a manner described in Section 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The surveyor/engineer shall submit record information to the City on Auto Cad Dwy format.
 4. Any required right-of-way necessary to construct adjacent street(s) to their ultimate width shall be dedicated to the City.
 5. All deficient improvements in the public right-of-way from the street center line to property line shall be constructed. Damaged improvements shall be replaced as required. Unused driveway approaches shall be removed.

6. All existing and new utilities shall be placed underground in the public right-of-way and on-site.
7. All on-site improvements shall be removed prior to start of new construction.
8. Driveway approaches shall be constructed per City Standard Plan B-120. Separate street permit is required for work performed within the public right-of-way.
9. Bonds shall be posted to secure all work within the public right-of-way.
10. The existing driveways shall be removed and replaced with standard curb and gutter and sidewalk.
11. Street improvement, grading and utility plans shall be required. Plan shall be prepared by a registered Civil Engineer. The grading plan shall show colored enhanced concrete treatment or brick pavers at the driveway entrance to the development (on Garden Grove Boulevard). The applicant shall be responsible for the cost of the main entry paving. The type and style of the entry paving shall be subject to approval by the Community Development Department.
12. Any new or required block walls and/or retaining walls and trash enclosures 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) A seven-foot high split-face block wall shall be constructed along the north property line, except for the portion across Sun Grove Street. At this portion, the property owner shall construct a 7-foot wrought iron fence in the design which discourages trespassing over the fence.
 - b) A six-foot split-face block wall shall be provided along west and east property lines.
 - c) The applicant shall contact the property owner(s) to the north of the site to obtain approval to modify the existing wall to the required height.

- d) In the event that the applicant can not obtain approval from the property owner(s) to the north of the site, the applicant shall construct the new walls with a decorative cap to be placed between the new and existing walls.
 - e) Color and material of the block walls and columns shall be approved by the Planning Services Division.
 - f) Any proposed wall/fence located within the twenty (20) foot front yard setback area shall be limited to thirty-six (36) inches in height. Pilasters or columns may extend an additional six (6) inches above the allowed height.
13. In accordance with the 1972 Clean Water Act and NPDES requirements, the applicant shall require to submit a long term, post construction, Water Quality Management Plan (WQMP). The WQMP shall include provisions for the installation and maintenance of appropriate structural facilities and conduct a non-structural Best Management Practices (BMPs). The Plan shall be submitted to and approved by the Public Works and Community Development Departments prior to the issuance of a grading or building permit, whichever occurs first. The project shall also be subject to all conditions in the latest edition of the Drainage Area Management plan (DAMP) and appendices.
14. A geotechnical study prepared by a registered geotechnical engineer shall be 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, basement and septic facilities. Should contaminants be found at the site, an Environmental Clearance shall be required. The report shall make recommendations for pavement design based on a Traffic Index to be supplied by the City Traffic Engineer.
15. Prior to the issuance of a grading permit, the property owner shall design a hammerhead turn-around within the existing public right-of-way in the form approved by the Traffic Engineer at the terminus of Sungrove Street, north of the project.
16. The property owner shall repave Garden Grove Boulevard (half street width) across the property frontage in a manner meeting the approval of the City Engineer.

17. Arrangements for inspection of areas outside of the building footprint, within the project limits, shall be initiated by the property owner. Public Works Engineering staff will not routinely provide inspection services for areas outside of public right-of-way. A standard grading certification letter is available on file at the City to facilitate this private inspection process.
 18. Provide hydrology with a scaled map and calculations and hydraulic calculations to size storm drains per Orange County PF&RD Standards. parkway culverts shall be constructed shall be per PF&RD Standard Plan 1309 (Type B). The drainage study needs to account for surface flows traveling southerly on Sungrove Street that will be obstructed with the proposed development.
 19. The design and final location of the trash chute and the number of trash bins shall be reviewed and approved by Taorimina Industries, and the Public Works and Community Development Departments. The trash chute shall be maintained in a neat and sanitary manner. Access doors shall be kept closed and secured except during trash disposal or pickup. Trash pickup shall be a minimum of four times a week.
 20. Prior to the parcel map recordation, the property owner shall provide a north/south drainage easement across the parcel to accommodate the necessary drainage improvements that will channel surface flows on Sungrove Street to Garden Grove Boulevard in a manner meeting the approval of the City Engineer.
 21. Prior to the parcel map recordation, the property owner shall provide an access easement for the adjoining parcel to the east to use the proposed common driveway. The easement shall cover the maintenance of the common driveway and driveway approach.
- H. All provisions of the Public Works Department Traffic Engineering Division shall be complied with. This includes, but is not limited to, the following:
1. All entrances to the property shall be posted with a sign indicating that unauthorized vehicles will be removed at the owner's expense. The signs shall be of the size, type, and location specified in the California Vehicle Code and Garden Grove Municipal Code.
 2. Development shall be subject to the Traffic Mitigation Ordinance and fees. Traffic mitigation fees shall be paid prior to the issuance of building permits for the development.

3. A minimum of 93 on-street parking spaces shall be provided and maintained at all times. All guest parking stalls shall be per City standards, and hairpin striped.
 4. The property owner shall maintain any utility easements on Sungrove Street as necessary.
 5. The two proposed security gates shall provide a minimum of 25 feet clearance for fire access.
 6. The final design of the main entrance on Garden Grove Boulevard shall be reviewed and approved by the Community Development and Public Works Departments.
 7. The property owner shall construct a median on Garden Grove Boulevard from Sungrove to Haster Street, in conformance with the approved design plans.
 8. The property owner shall install a "Not a Through Street" sign (W53R) at the southwest corner of Aspenwood Lane and Sungrove Street.
 9. The property owner shall install three "No Parking Anytime" signs (R26) in the hammerhead of Sungrove Street. Two signs shall be installed along the west and east side and the remaining one shall be installed along the south side of the hammerhead.
 10. A 9500 lumen street light on the south side of the hammerhead shall be installed.
- I. All provisions of the Garden Grove Fire Department shall be met. This includes, but is not limited to, the following:
1. Fire Department Knox entry system on entrance gate(s) shall be provided.
 2. One on-site fire hydrant shall be provided. Location shall be determined by Fire Department. All on-site fire hydrants shall be operable prior to delivery of combustible material. Access roads shall be maintained during all phases of construction.
 3. Automatic fire sprinklers shall be provided in all buildings, regardless of fire separation walls, with a "gross" floor area of 6,000 square feet or more, or 55 feet above grade or containing three or more stories, or as required by CBC Chapter 9.

4. Fire sprinklers system(s) and all control valves, including exterior, shall be supervised to an approved central station prior to Fire Department final.
 5. Fire sprinkler system shall be designed to utilize not more than 90 percent of the available water supply as indicated by a submittal graph as required by NFPA Standard #13.
 6. Fire extinguishers shall be provided, locations and ratings shall be determined by Fire inspectors.
 7. Occupancies 4 story or more shall provide a Class 1 standpipe system.
 8. A manual fire alarm system in accordance with the California Fire Code, Article 10 and the California Electrical Code shall be provided.
 9. Signage requirements for the Emergency Planning and Information Plan as required in C.C.R Title 19, Section 3.09, shall be required.
 10. Required fire lanes shall be posted and marked in accordance with Garden Grove Fire Department Fire Protection Specifications and Requirements.
 11. Fire apparatus access gates(s) shall be openable with a Fire Department knock box key. All driveways shall maintain a minimum of 25 feet clearance.
- J. All provisions of the Garden Grove Public Works Department, Water Services Division, shall be met. This includes, but is not limited to, the following:
1. New water service installations shall be at the property owner's expense. Installation shall be by City forces upon payment of applicable fees, unless otherwise noted. Fire services and larger water services (3 inches and large) shall be installed by the property owner's contractor with Class A or C-34 license, per City Water Standards and inspected by a Public Work inspector.
 2. Water meters shall be located within the City Right-of-Way.
 3. A backflow prevention device shall be required on water lateral. Installation to be per City Standards and shall be inspected by cross connection specialist after installation. Device shall be tested immediately after installation and once a year by a certified backflow device tester and

the results shall be submitted to the Public Works Water Services Division.

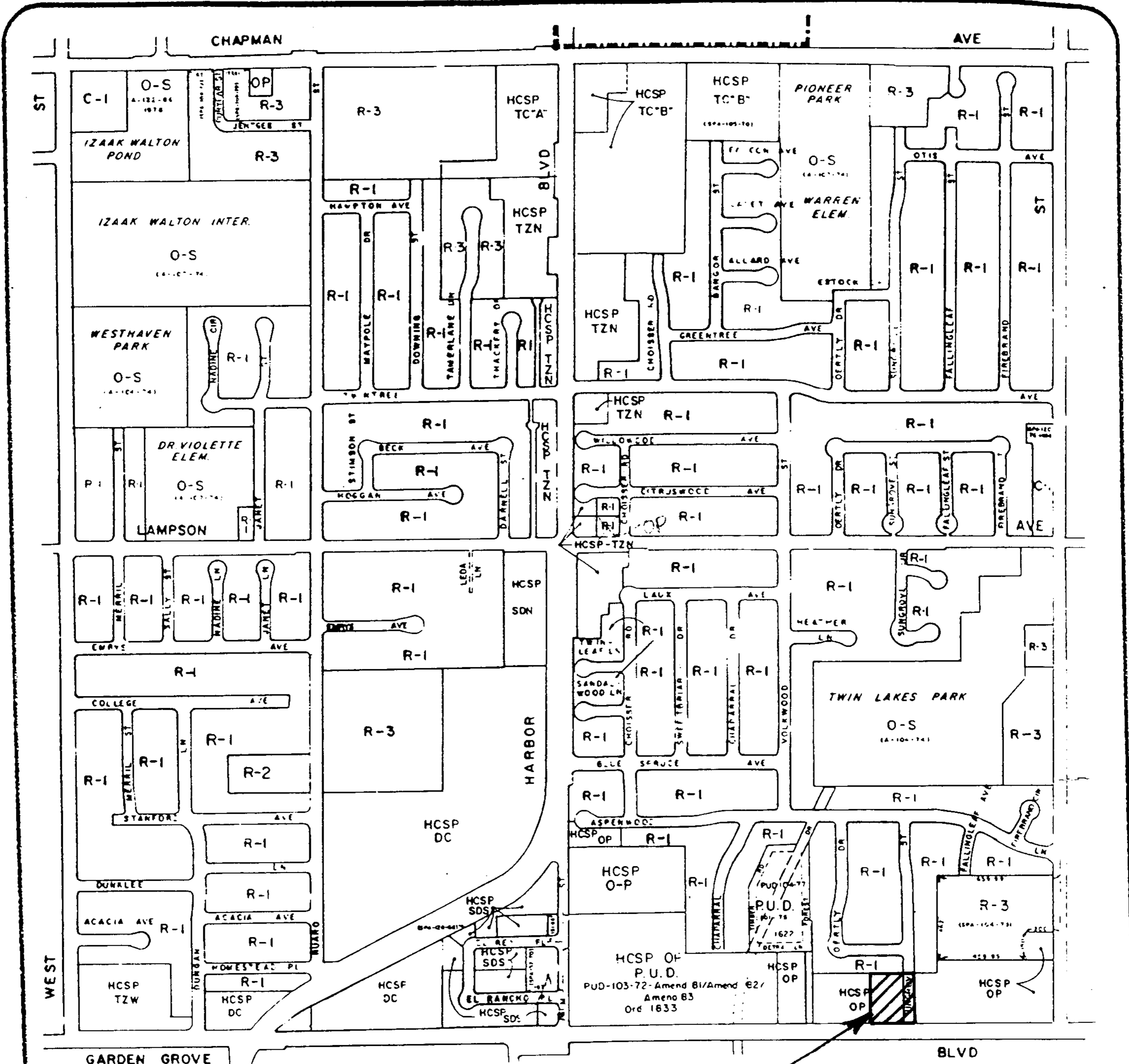
4. Owners shall dedicate all rights to underground water without the right to subsurface entry.
5. Any water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
6. City shall determine if existing water service(s) is/are usable and meets current City Standards. Any meter and service located within new driveway(s) shall be relocated at owner's expense.
7. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
8. Fire service shall have above ground backflow device with a double check valve assembly. Device shall be tested immediately after installation and once a year. A certified backflow device tester and the results shall be submitted to Public Works Water Services Division. Device shall be on private property and shall be the responsibility of the property owner. the above ground assembly shall be screened from public view as required by the Planning Services Division. Fire service shall be connected to 12 inch water main in Garden Grove Boulevard.
9. The property owner shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 6 inch minimum diameter, extra strength VCP with wedgelock joints.
10. The property owner's contractor shall abandon the existing sewer lateral 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. A new sewer line be connected to Sungrove Street.
11. A properly sized grease trap shall be installed on the sewer lateral and maintained by the property owner. The grease trap shall be installed downstream of the last sewer connection.
12. The property owner shall provide an assessment of the impact of the new development to the existing sewer system at Garden Grove Boulevard and Harbor Boulevard. If the existing capacity is not adequate, the property owner shall be responsible to provide adequate sewer facilities.

13. The property owner shall grant easements to the City of Garden Grove for water and sewer purposes for the existing or any proposed future water and sewer lines necessary for the City to provide water and sewer service as required by the City. The easement size and shape shall be as determined by the Utilities Division. The property owner's Civil Engineer shall prepare legal descriptions and drawings as approved by the City. Once approved and executed the City will record the easements. (These requirements may be addressed on the proposed Parcel Map.)
 14. The property owner shall reserve separate easements and operation/maintenance agreements, as approved by the City to allow sewer service from the adjacent parcel to the east to connect to the City Sewer Main. Maintenance and operation costs and liability shall be shared by the respective property owners.
- K. All provisions of the Building Services Division shall be met. Additionally, the building plans, site plans and all construction shall comply with the current editions of the U.M.C., U.B.C., U.P.C., N.E.C., as amended by the City of Garden Grove and State of California for handicap access, energy conservation and sound transmission control requirements for residential occupancy.
- L. The applicant shall submit a complete detailed landscape plan governing the entire landscaped areas on the subject site, including the courtyard areas, which reflects the approved landscape plans, with any necessary modifications, as submitted under the Site Plan application. Said plan shall include type, size, location and quantity of all plant material. It shall include irrigation plans and staking and planting specifications. The landscape plan shall comply with the City's Landscaping Ordinance (Municipal Code Section 9.16.140) and is also subject to the following:
1. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaped areas. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
 2. The landscaping plan, shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. Trees shall be incorporated into the landscaped frontages of all streets, private and public, and into the common landscaped areas.

3. The property owner is and shall be responsible for installation of all landscaping and irrigation on the property as shown on the landscaping plans.
 4. Trees planted within ten feet (10') of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontage adjacent to driveways shall be of the low height variety to ensure safe sight clearance.
 5. Prior to the issuance of building permits, final landscape and irrigation plans shall be submitted to the Community Development Department for review and approval. The plans shall be prepared in accordance with the City's Landscape Ordinance.
 6. Prior to the issuance of Certificates of Occupancy or final building inspection all landscaping and irrigation shall be installed and approved.
 7. All street trees along Garden Grove Boulevard shall be 24-in box in size for every 30 feet of street frontage. These trees may be grouped or clustered.
 8. Mounding and berming shall be incorporated into the Garden Grove street frontage. Such berming shall not exceed 36 inches above the highest adjacent curb.
 9. The landscape areas on both sides of the project entry driveway on Garden Grove Boulevard shall incorporate landscape treatment such as color annuals, flowers, and shrubs.
 10. The landscaping treatments along the north property line adjacent to Sungrove Street turn-around area shall be consist of a combination of trailing vines and shrubs that discourages trespassing over the required wrought iron fence.
- M. Prior to issuance of any permits for the subject site, the site's perimeter shall be secured with a six-foot (6') high chain link fence. Access gates(s) are permitted. The fence shall be removed upon construction of permanent perimeter fencing and/or completion of the project.
- N. 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 County Noise Ordinance as adopted:

1. Monday through Saturday between 7 a.m. and 8 p.m.
 2. Sunday and Federal Holidays may work same hours but subject to noise restrictions as stipulated in Section 8.47.010 of the Municipal Code.
- O. The applicant shall enter into a binding Development Agreement with the City of Garden Grove. This includes the payment of a Development Impact Mitigation Payment in accordance with City Council Resolution.
- P. The applicant shall enter into a maintenance agreement with the City of Garden Grove to ensure proper maintenance and upkeep of the property.
- Q. The subject Site Plan, Variance, and Tentative Parcel Map shall expire one year after the effective date of this Resolution unless the Development Agreement has been recorded and fees paid.
- R. V-270-00, SP-275-00, and PM-00-158 shall not be effective until PUD-136-00 is in effect.
- S. The windows/doors of the units with rear exterior elevations directly facing or siding to Garden Grove Boulevard shall have dual paned glass.
- T. Individual unit balcony areas shall not be used for storage.
- U. Mail boxes shall be provided and installed by the property owner. Design and location shall be approved by the local postmaster.
- V. The monument sign shall not exceed 4 feet in height measured from established on-site grade and 8 feet in length, and shall be located within the front landscape setback area on Garden Grove Boulevard.
- W. The monument sign shall bear only the senior apartment complex's name and site address.

VICINITY MAP

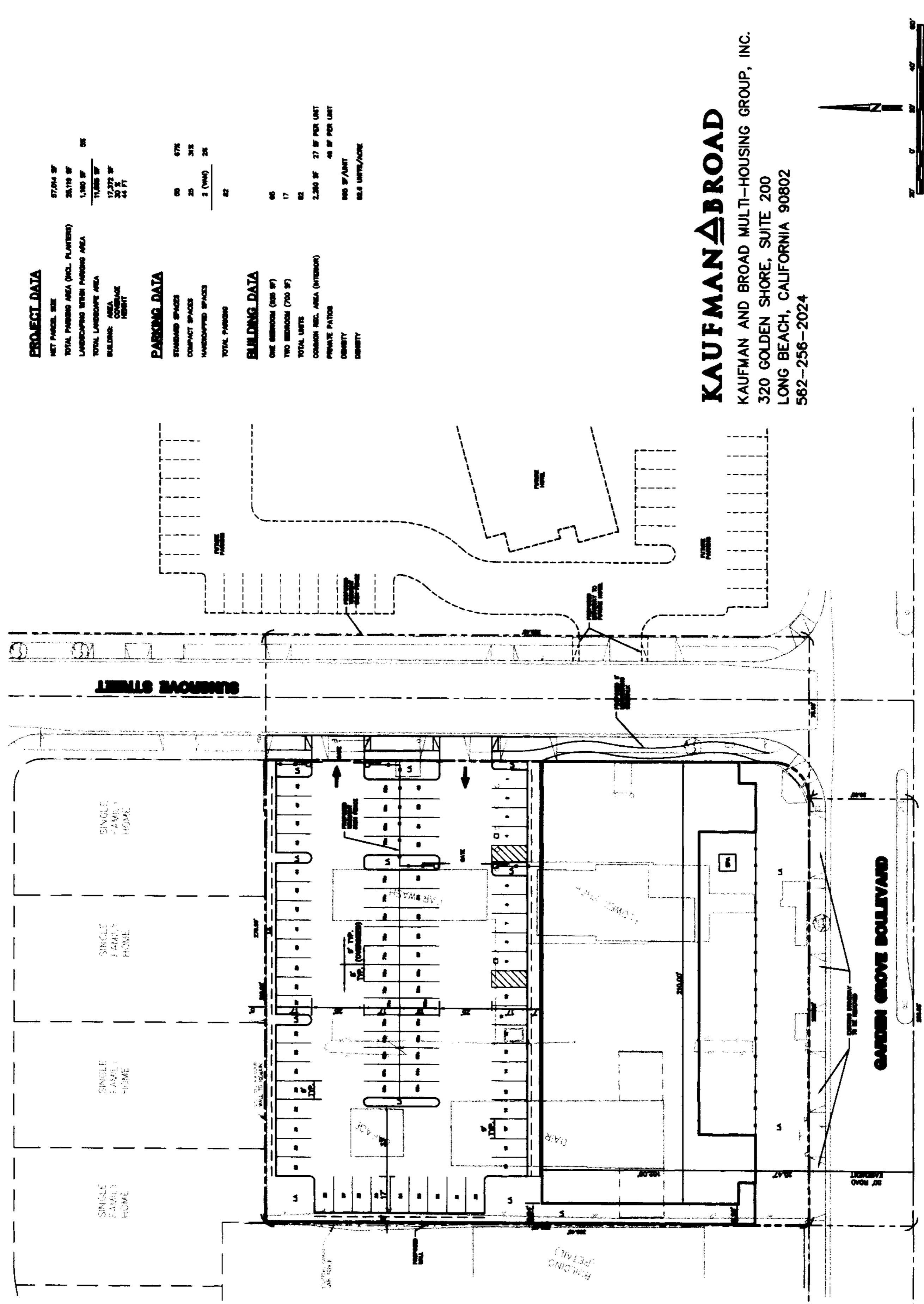


SUBJECT SITE
 PUD-136-00, SP-275-00, V-270-00
 PM-00-15B, SU-110-00 + GPA-1-00(A)

PRC
 Development Resources Consultants, Inc.
 1000 E. Foothill Blvd., Suite 200
 South Hill, CA 90270 (714) 882-8810

SUNROVE SEBON APARTMENTS
GARDEN GROVE BLVD.
GARDEN GROVE, CALIFORNIA
FLAT PLAN

PROJECT NO. 09-010
 DATE: 07/20/09
 DRAWING NO. 09-010-001
 PROJECT: SUNROVE SEBON APARTMENTS
 SHEET NO. 1
 OF 1 SHEETS
 SCALE: 1/8" = 1'-0"



PROJECT DATA

NET PARCEL SIZE 87,044 SF
 TOTAL PARKING AREA (INCL. PLANTERS) 26,119 SF
 LANDSCAPING WITHIN PARKING AREA 1,400 SF 05
 TOTAL LANDSCAPE AREA 11,000 SF
 BUILDING AREA 17,272 SF
 COMBINE HEIGHT 30 FT
 44 FT

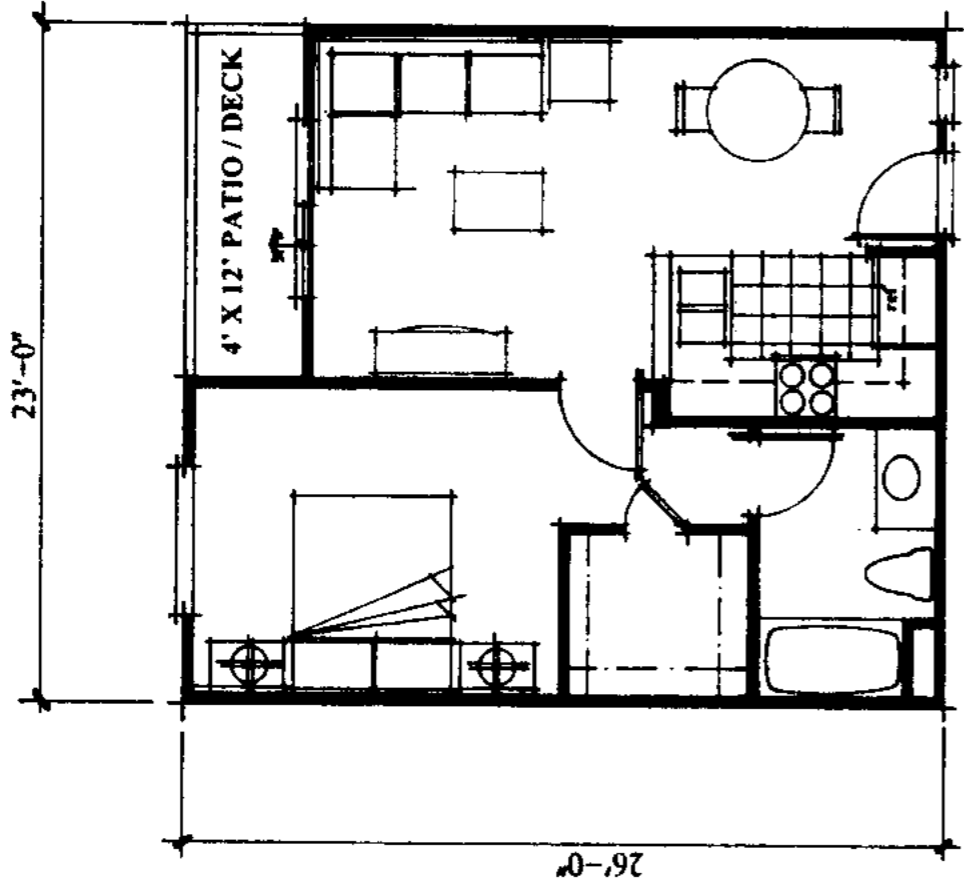
PARKING DATA

STANDARD SPACES 60 07%
 COMPACT SPACES 25 31%
 HANDICAPPED SPACES 2 (MAX) 2%
 TOTAL PARKING 87 82

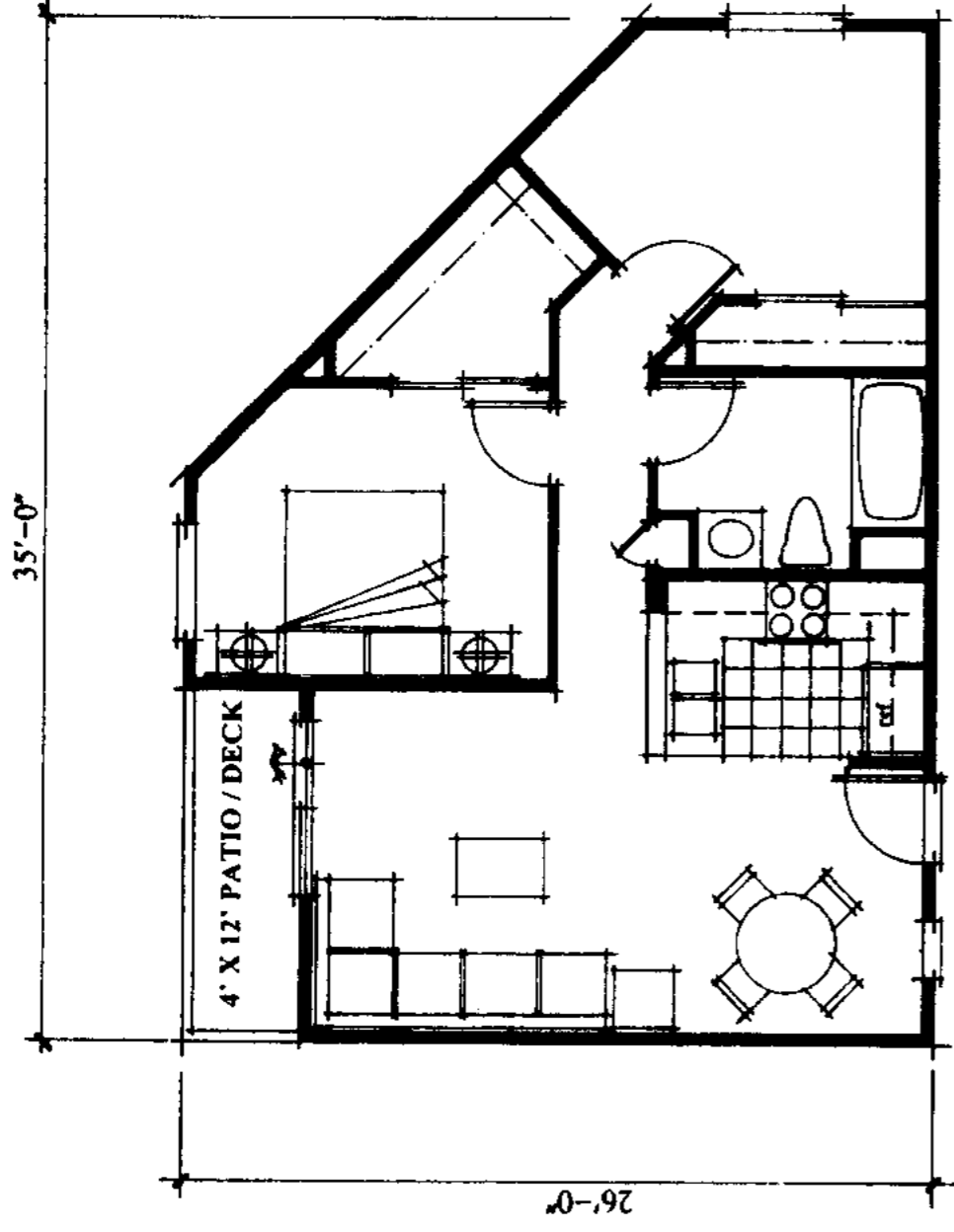
BUILDING DATA

ONE BEDROOM (808 SF) 65
 TWO BEDROOM (700 SF) 17
 TOTAL UNITS 82
 COMMON REC. AREA (EXTERIOR) 2,260 SF 27 SF PER UNIT
 PRIVATE PATIOS 48 SF PER UNIT
 DENSITY 880 SF/UNIT
 88.5 UNITS/ACRE

KAUFMAN & BROAD
 KAUFMAN AND BROAD MULTI-HOUSING GROUP, INC.
 320 GOLDEN SHORE, SUITE 200
 LONG BEACH, CALIFORNIA 90802
 562-256-2024



UNIT ONE
ONE BEDROOM 525 SF



UNIT TWO
TWO BEDROOM 700 SF

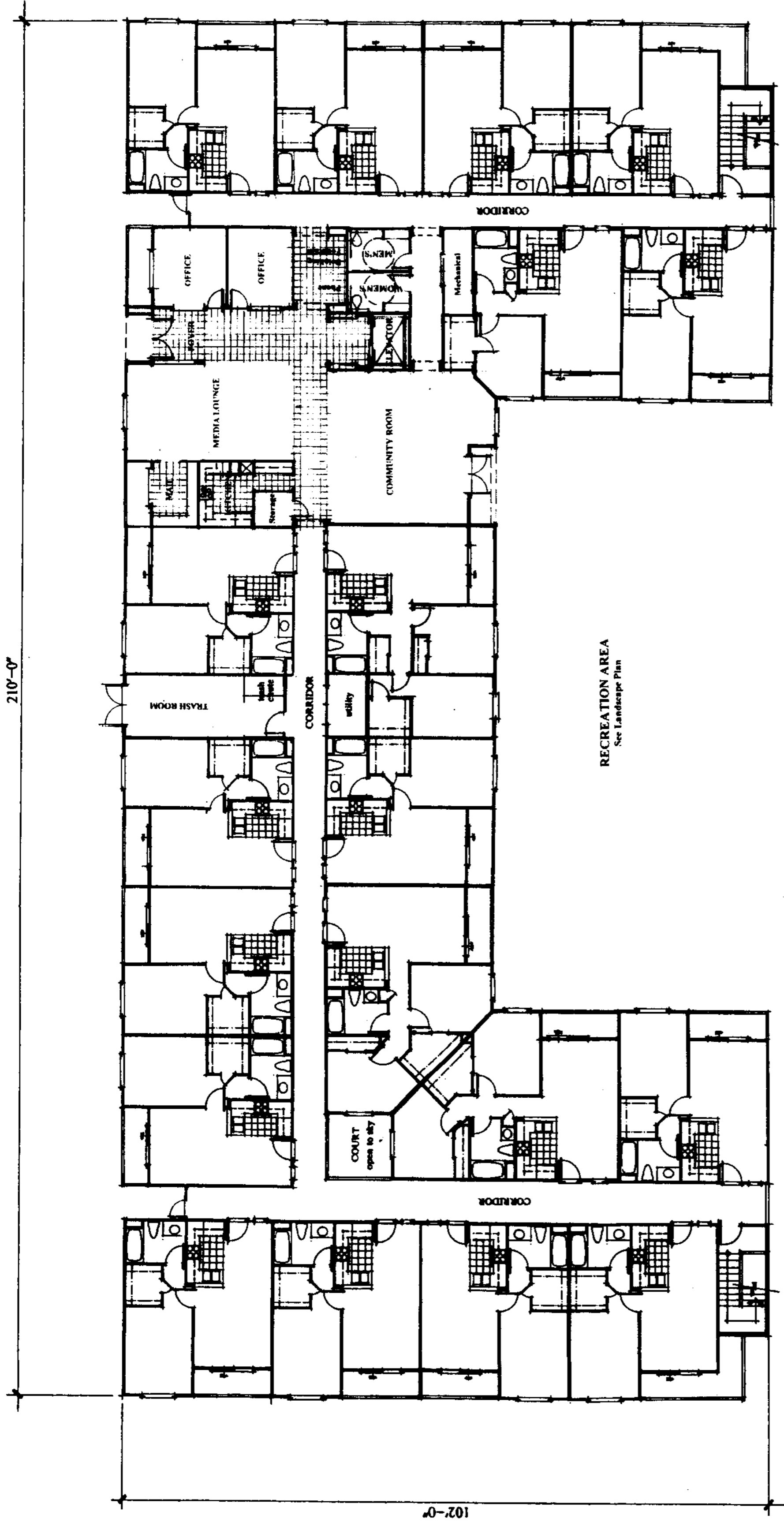
**Kaufman and Broad
Multi-Housing Group**



KTGY GROUP, INC.
ARCHITECTURE PLANNING
17992 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
(714) 851-2133 FAX (714) 851-5156

May 10, 2000

Garden Grove Senior Apartments
Garden Grove
California



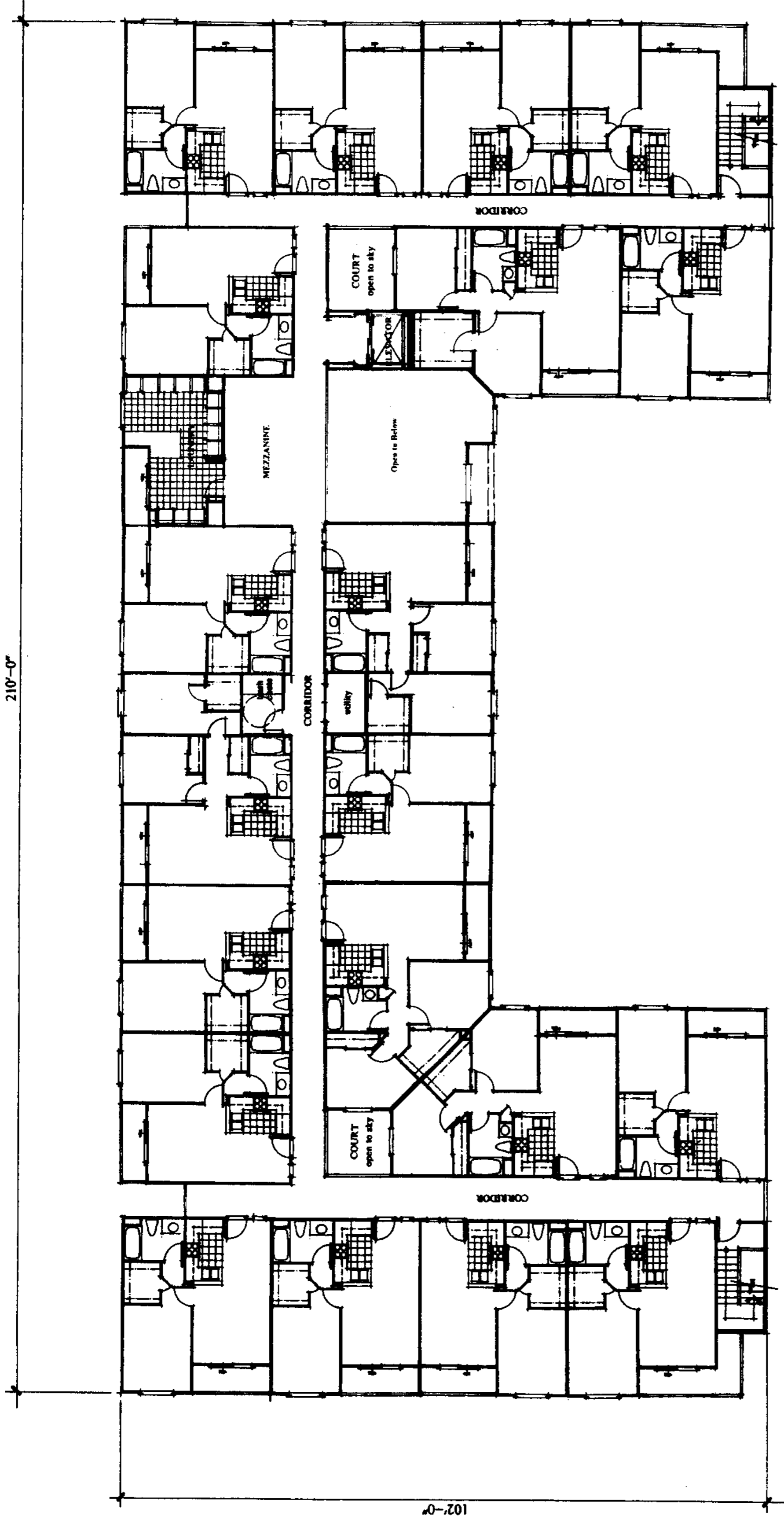
1ST FLOOR BUILDING PLAN

KTGY GROUP, INC.
 ARCHITECTURE PLANNING
 18974E MITCHELL SOUTH
 CALIFORNIA
 (714) 851-2133 FAX (714) 851-5156



Garden Grove Senior Apartments
Garden Grove
California

Kaufman and Broad
Multi-Housing Group



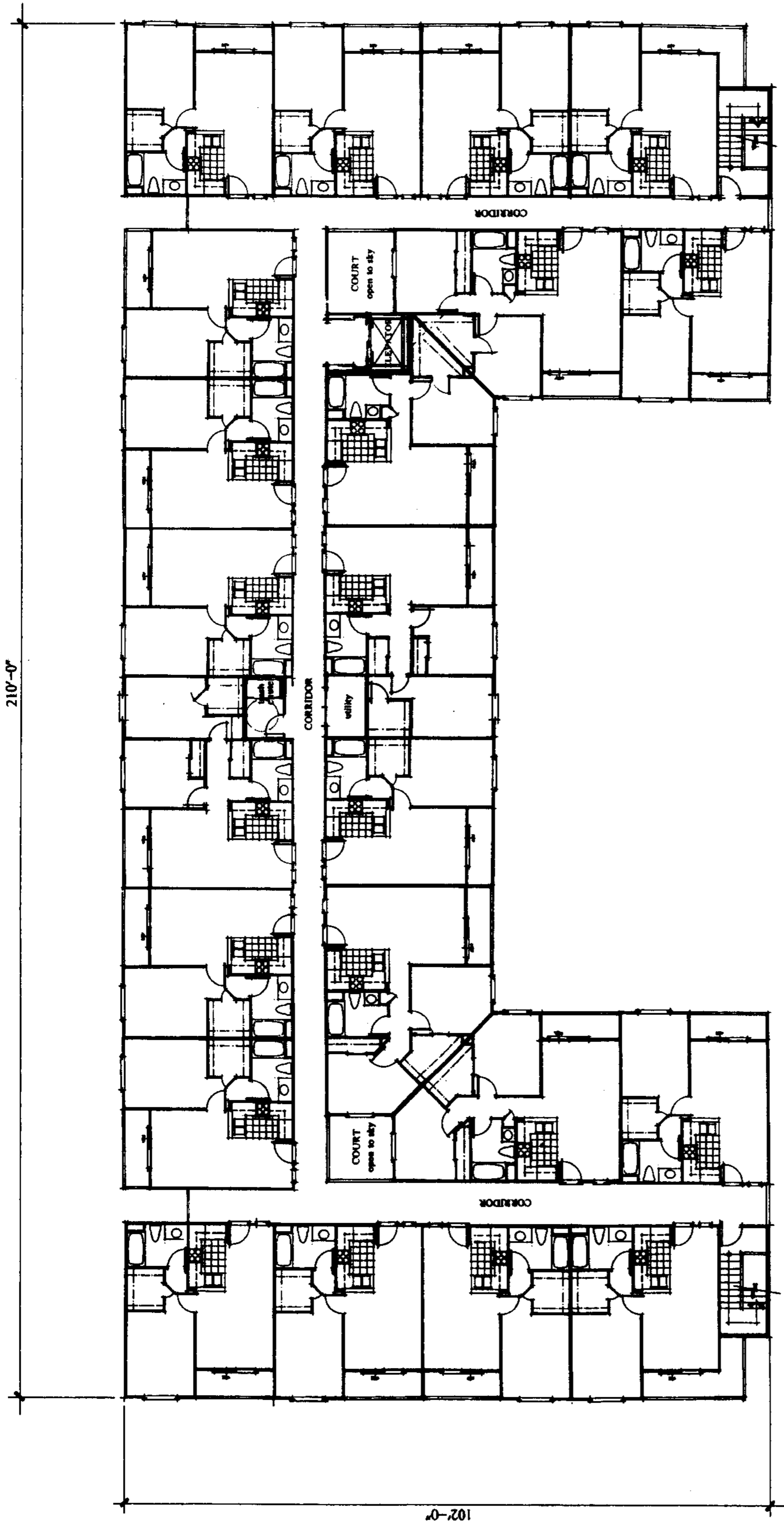
2nd FLOOR BUILDING PLAN

KTGY GROUP, INC.
 ARCHITECTURE PLANNING
 7802 MITCHELL SUITE
 IRVINE CALIFORNIA 92614
 (714) 851-2133 FAX (714) 851-5156
 May 10, 2000



Garden Grove Senior Apartments
Garden Grove
California

Kaufman and Broad
Multi-Housing Group



**3RD FLOOR BUILDING PLAN
4TH FLOOR SIMILAR**

**Garden Grove Senior Apartments
Garden Grove
California**

KTGY GROUP, INC.
ARCHITECTURE PLANNING
7992 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
(714) 851-2133 FAX (714) 851-5156
May 10, 2000



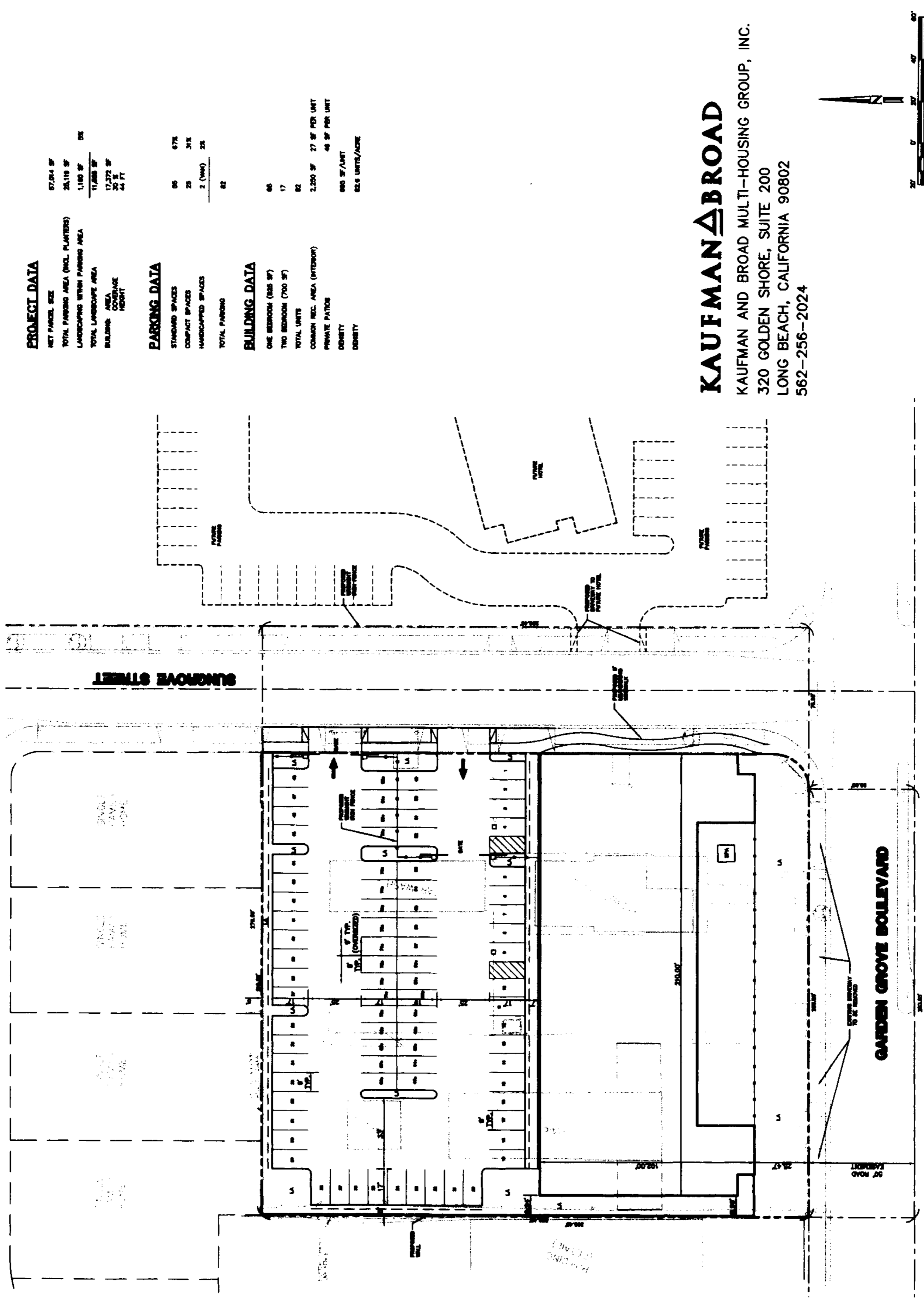
**Kaufman and Broad
Multi-Housing Group**

PRCA
 Development Resources (Consultants), Inc.
 1000 E. PASEO STREET, SUITE 200
 SANTA ANA, CA 92705 (714) 835-8800

DATE	

SUNROVE SENIOR APARTMENTS
GARDEN GROVE BLVD.
GARDEN GROVE, CALIFORNIA
 PROJECT
 DRAWING NUMBER
PLOT PLAN

DATE	02/17/24
DESIGNED BY	PRCA
CHECKED BY	PRCA
PROJECT NO.	24-0000
SHEET NUMBER	1
OF 1 SHEETS	
SCALE	AS SHOWN



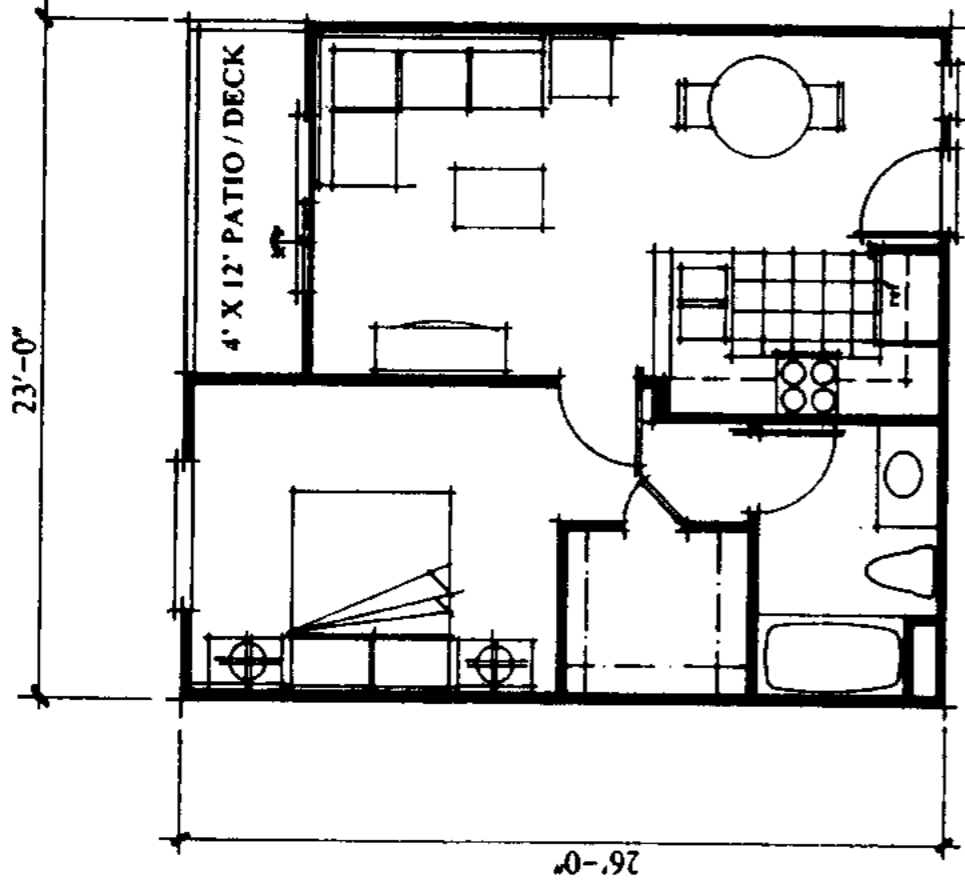
PROJECT DATA
 NET PARCEL SIZE 67,814 SF
 TOTAL PARKING AREA (INCL. PLANTERS) 25,119 SF
 LANDSCAPING WITHIN PARKING AREA 1,180 SF
 TOTAL LANDSCAPE AREA 11,608 SF
 BUILDING AREA 17,272 SF
 COVERED PORCH 2,241 SF
 HEIGHT 42 FT.

PARKING DATA
 STANDARD SPACES 65
 COMPACT SPACES 25
 HANDICAPPED SPACES 2 (VMS) 2E
 TOTAL PARKING 92

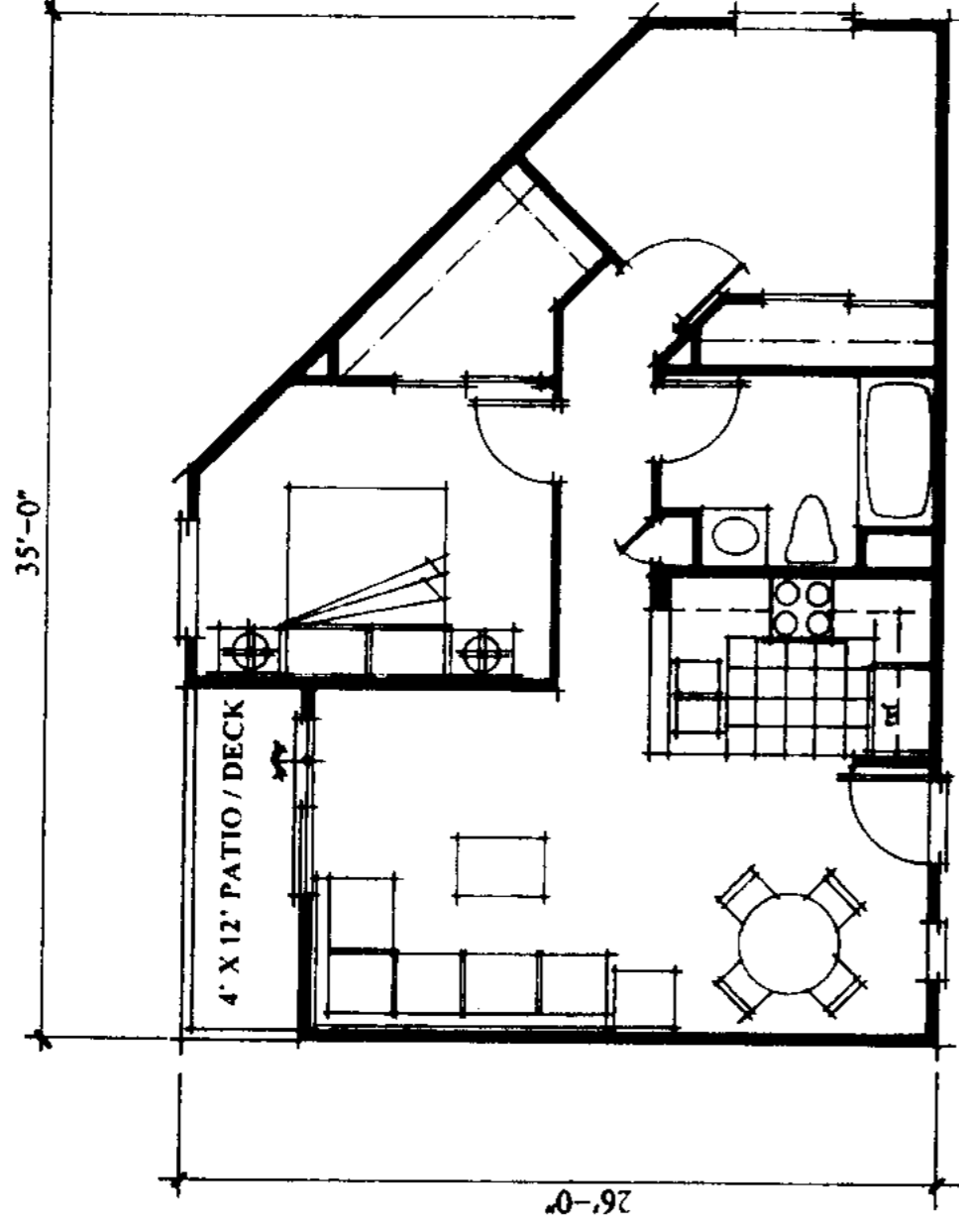
BUILDING DATA
 ONE BEDROOM (855 SF) 65
 TWO BEDROOM (700 SF) 17
 TOTAL UNITS 82
 COMMON REC. AREA (INTERIOR) 2,250 SF 27 SF PER UNIT
 PRIVATE PATIOS 48 SF PER UNIT
 DENSITY 680 SF/UNIT
 DENSITY 82.5 UNITS/ACRE

KAUFMAN & BROAD
 KAUFMAN AND BROAD MULTI-HOUSING GROUP, INC.
 320 GOLDEN SHORE, SUITE 200
 LONG BEACH, CALIFORNIA 90802
 562-256-2024





UNIT ONE
ONE BEDROOM 525 SF



UNIT TWO
TWO BEDROOM 700 SF

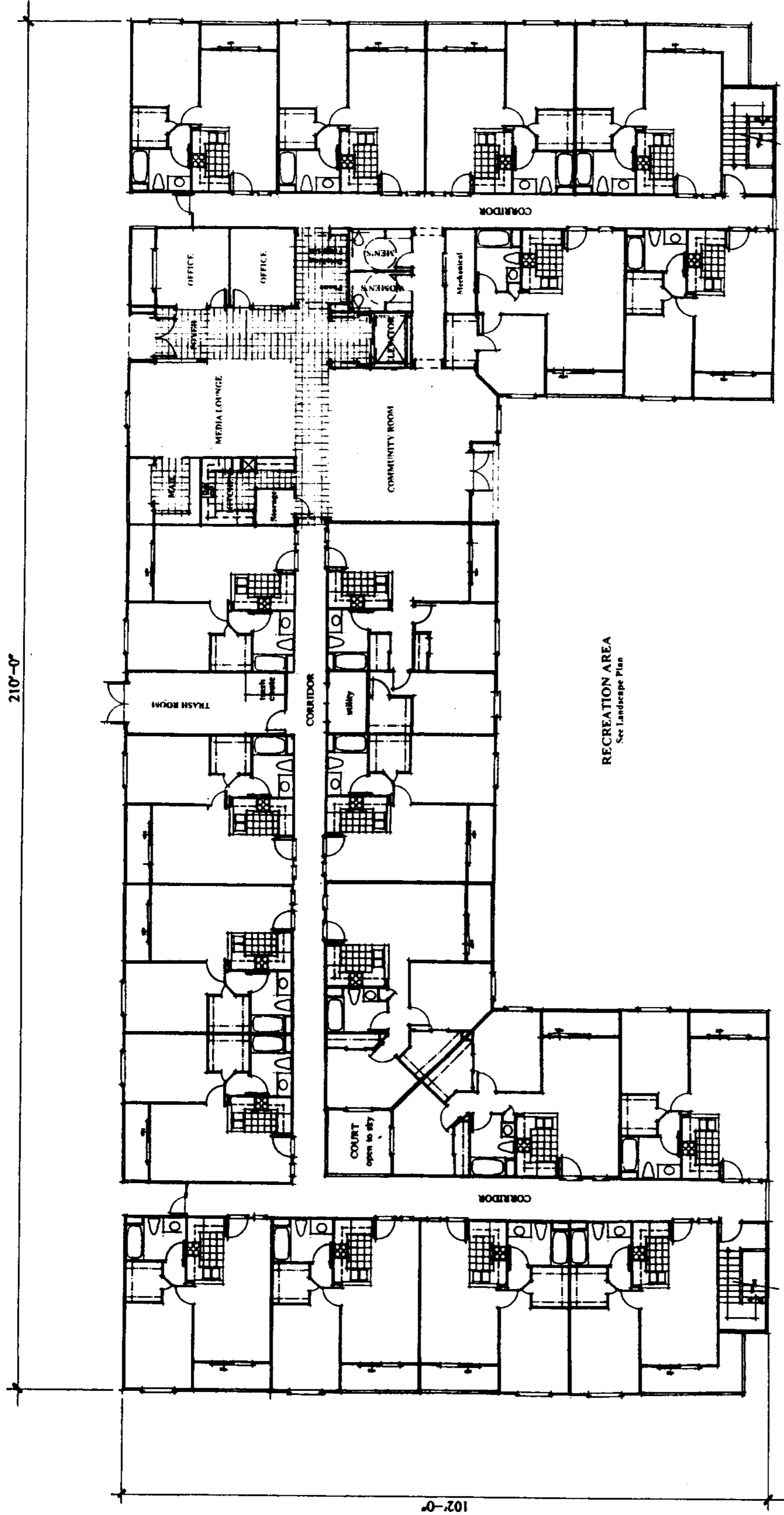
**Kaufman and Broad
Multi-Housing Group**

Garden Grove Senior Apartments
Garden Grove
California



KTGY GROUP, INC.
ARCHITECTURE PLANNING
17992 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
(714) 851-2133 FAX (714) 851-5156

May 10, 2000



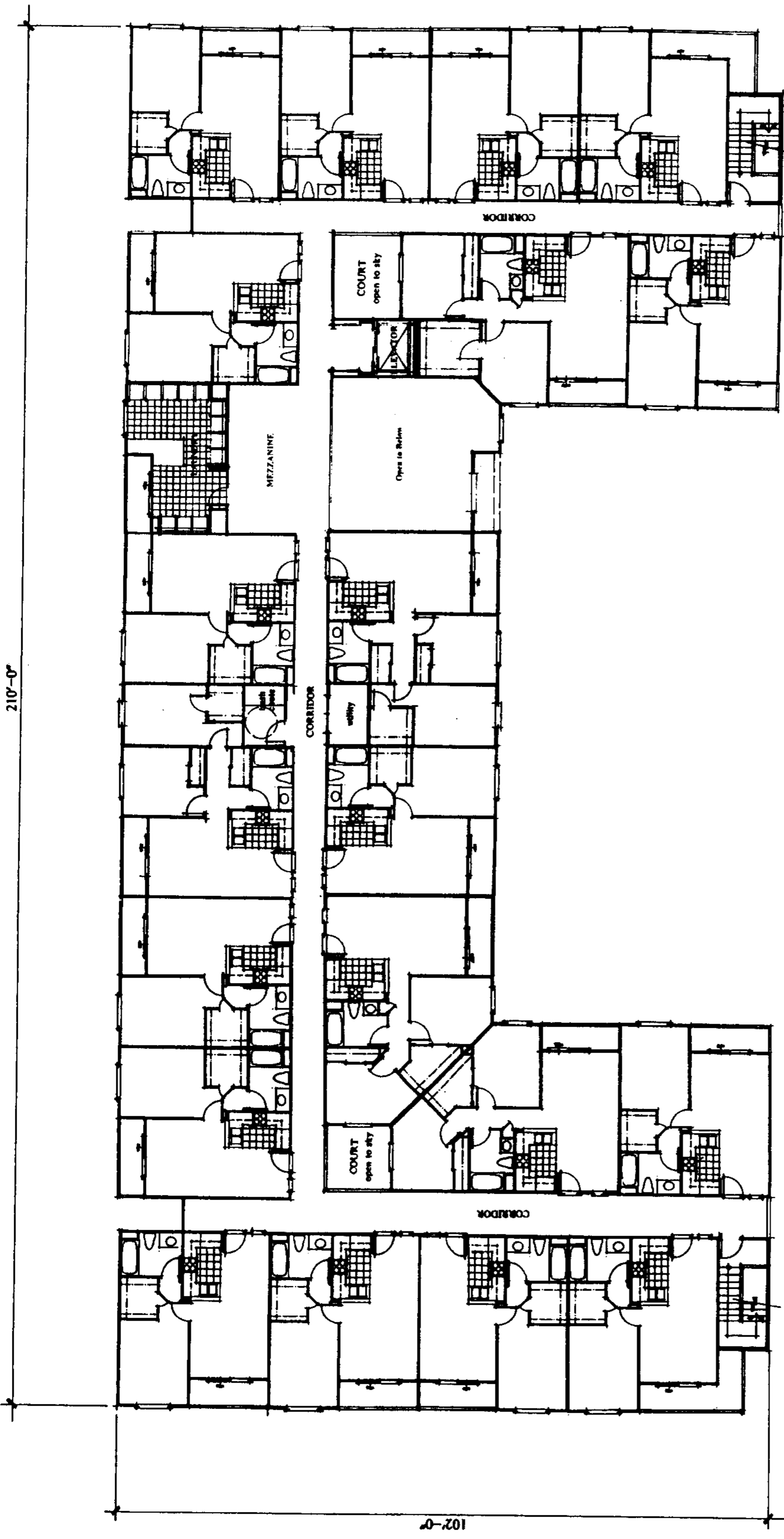
1ST FLOOR BUILDING PLAN

**Kaufman and Broad
Multi-Housing Group**

**Garden Grove Senior Apartments
Garden Grove
California**



KTGY GROUP, INC.
ARCHITECTURE
PLANNING
17892 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
(714) 851-2133 FAX (714) 851-5156



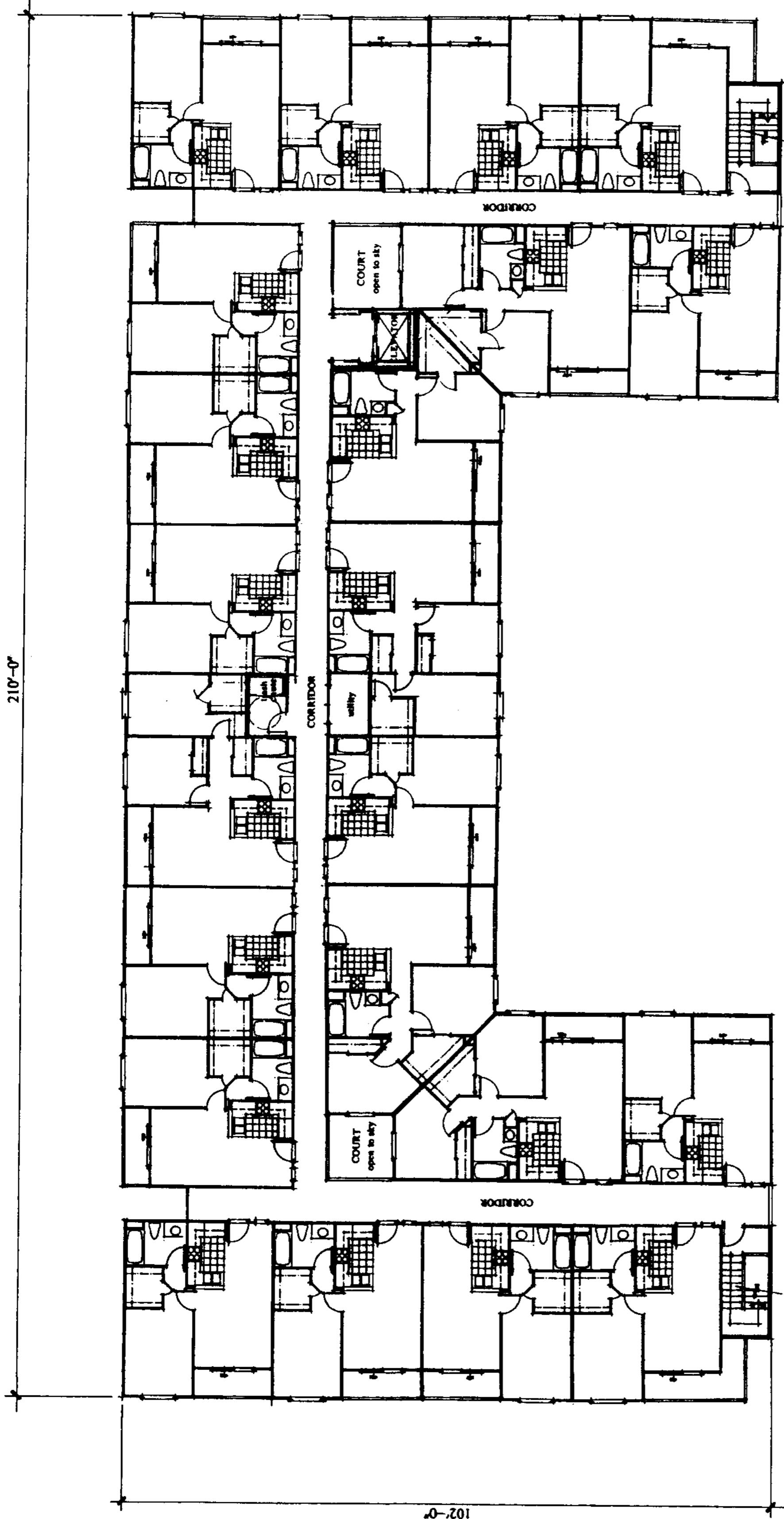
2nd FLOOR BUILDING PLAN

Kaufman and Broad
Multi-Housing Group

Garden Grove Senior Apartments
Garden Grove
California



KTGY GROUP, INC.
ARCHITECTURE PLANNING
7992 MITCHELL PLAZA
IRVINE, CALIFORNIA 92618
(714) 851-2133 FAX (714) 851-5156
May 10, 2000



**3RD FLOOR BUILDING PLAN
4TH FLOOR SIMILAR**

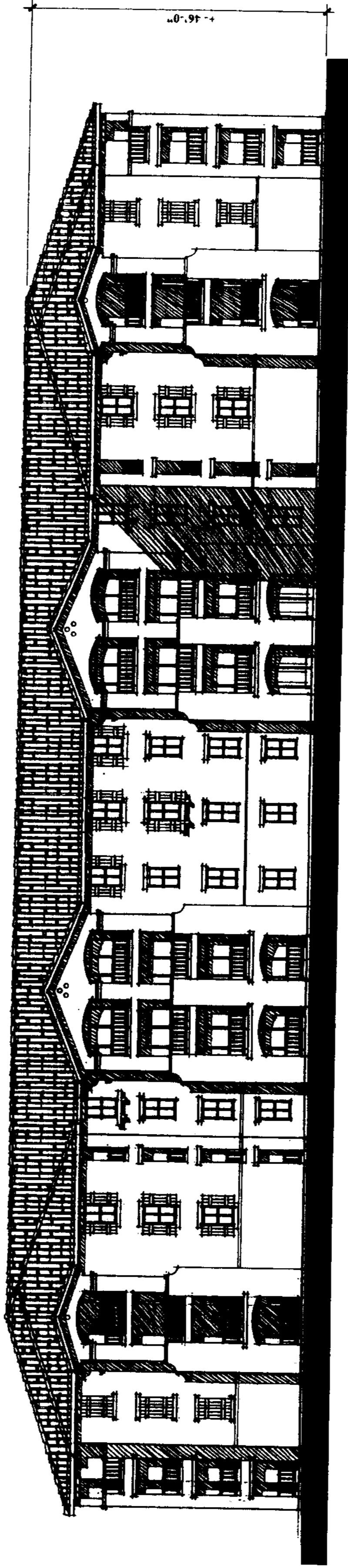
**Garden Grove Senior Apartments
Garden Grove
California**

**Kaufman and Broad
Multi-Housing Group**



KTGY GROUP, INC.
ARCHITECTURE PLANNING
17992 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
(714) 851-2133 FAX (714) 851-5156
May 10, 2000

- EXTERIOR FINISHES**
- ROOF MATERIAL: CONCRETE TYPH
 - WALL MATERIAL: LIGHT SAND FINISH (STI, CC0)
 - ARCHITECTURAL DECORATIVE WROUGHT IRON
 - WOOD SHUTTERS
 - DECORATIVE GABLE END PIPE VENTS



GARDEN GROVE ELEVATION

**Kaufman and Broad
Multi-Housing Group**

**Garden Grove Senior Apartments
Garden Grove
California**



KTGY GROUP, INC.
ARCHITECTURE PLANNING
17992 MITCHELL SOUTH
IRVINE, CALIFORNIA 92614
(714) 851-2133 FAX (714) 851-5156

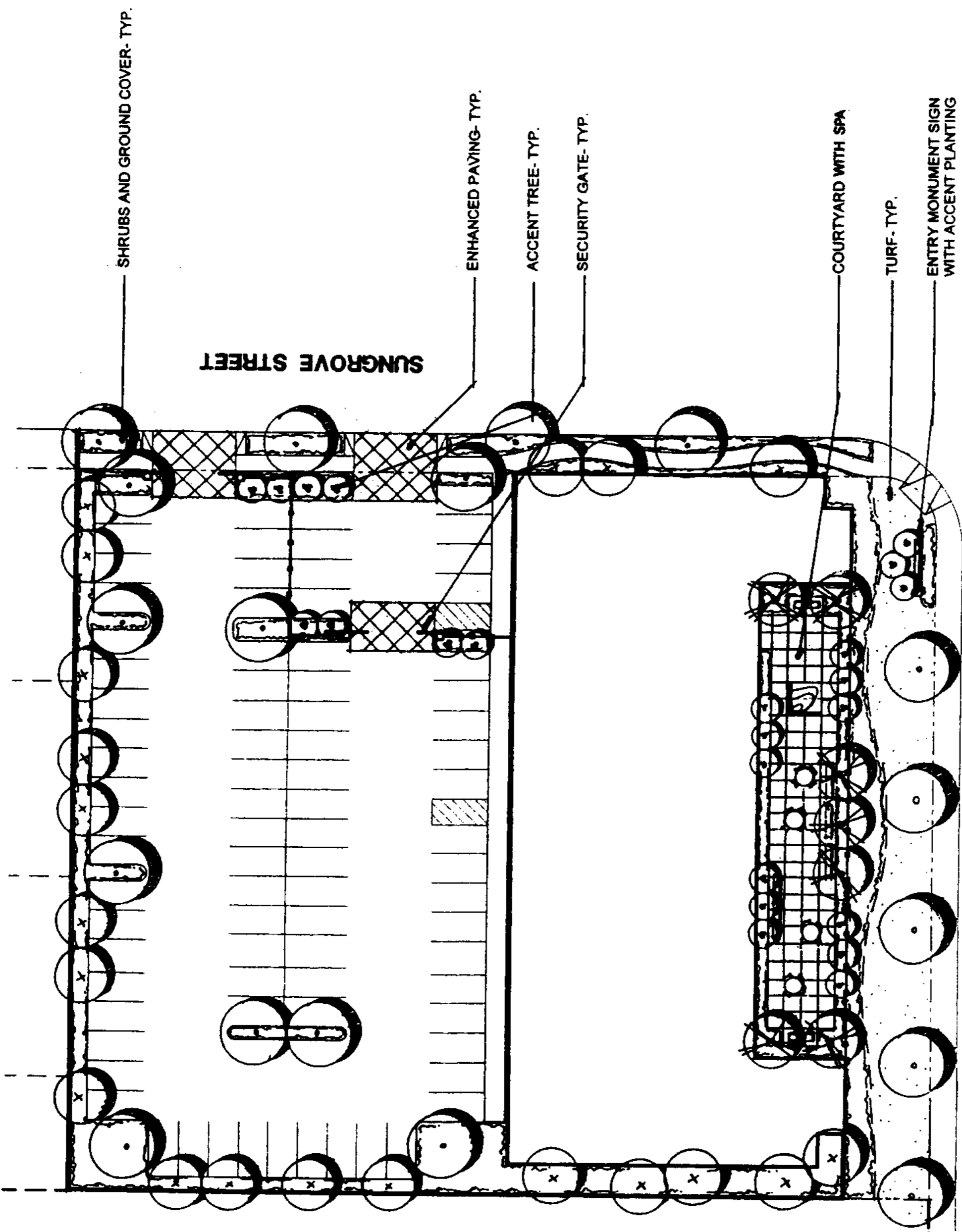
May 10, 2000



KAUFMAN BROAD
ARCHITECTURE

PLANTING LEGEND

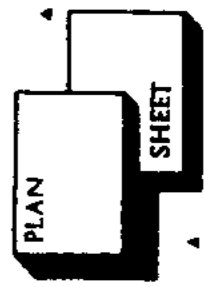
BOTANICAL NAME	COMMON NAME	SIZE
BECKE STREET TREE		
RAYWOOD ASH		15 GAL
SWEET GUM		24" BOX
ST. CHARLES		24" BOX
MONDRIAN PINE		24" BOX
COAST REDWOOD		24" BOX
WASHINGTON THORN		15 GAL
CRUZE MYRTLE		15 GAL
PURPLE LEAF PLUM		15 GAL
RECALLONIA		5 GAL
TEXAS PRIVET		5 GAL
DWARF HEAVILY BAMBOO		5 GAL
HEAVILY BAMBOO		5 GAL
PHOTINA		5 GAL
VAREGATED PITTOFORUM		5 GAL
ROCK MAYTHORNE		5 GAL
LAUREL		5 GAL
LAURUSTRIUS		5 GAL
MOUNTAIN LILAC		1 GAL
ROCK COTONEASTER		1 GAL
ONARE IVY		5 GAL
FRITHORN (ESPALIER)		5 GAL
CHINESE WISTERIA		5 GAL
LILY OF THE MILE		1 GAL
DAYLILY		1 GAL
TRAILING GAZARIA		FLATS
HARRIS IVY		FLATS
TURF		SOD



GARDEN GROVE BOULEVARD



SCALE 1" = 20'



DATE MAY 15, 2000
REVISIONS

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ENVIRONMENTAL CHECKLIST FORM

1. **PROJECT TITLE:**
Senior Apartment Complex
2. **LEAD AGENCY:**
City of Garden Grove
11222 Acacia Pkwy.
Garden Grove, CA 92840
3. **CONTACT PERSON:**
Rosalinh M. Ung, Urban Planner
4. **PROJECT LOCATION:**
NWC Garden Grove Blvd. & Sungrove St.
5. **PROJECT SPONSOR:**
Kaufman & Broad Multi-Housing Group, Inc.
320 Golden Shore, Ste. 200
Long Beach, CA 90802
6. **GENERAL PLAN DESIGNATION:**
MU (Mixed Use)
7. **ZONING:**
OP/HCSP (Office Professional of the Harbor Corridor Specific Plan)
8. **DESCRIPTION OF PROJECT**
A 82-unit senior apartment complex development. The site is approximately 1.31 acres in size.
9. **OTHER AGENCIES WHOSE APPROVAL (AND PERMITS) IS REQUIRED:**
City of Garden Grove Planning Commission
City of Garden Grove City Council
10. Implementation of the Senior Apartment Development project requires the following discretionary actions:
 - Negative Declaration
 - Site Plan
 - Planned Unit Development
 - Variance
 - General Plan Amendment
 - Development Agreement

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

<input type="checkbox"/> Land Use	<input type="checkbox"/> Transportation/Circulation	<input type="checkbox"/> Public Services
<input type="checkbox"/> Housing	<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Utilities and Services
<input type="checkbox"/> Geophysical	<input type="checkbox"/> Energy Resources	<input type="checkbox"/> Aesthetics
<input type="checkbox"/> Water	<input type="checkbox"/> Hazards	<input type="checkbox"/> Cultural Resources
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Recreation

Mandatory Findings of Significance

ENVIRONMENTAL CHECKLIST FORM

1. **PROJECT TITLE:**
Senior Apartment Complex
2. **LEAD AGENCY:**
City of Garden Grove
11222 Acacia Pkwy.
Garden Grove, CA 92840
3. **CONTACT PERSON:**
Rosalinh M. Ung, Urban Planner
4. **PROJECT LOCATION:**
NWC Garden Grove Blvd. & Sungrove St.
5. **PROJECT SPONSOR:**
Kaufman & Broad Multiple-Housing Group, Inc.
320 Golden Shore, Ste. 200
Long Beach, CA 90802
6. **GENERAL PLAN DESIGNATION:**
MU (Mixed Use)
7. **ZONING:**
OP/H CSP (Office Professional of the Harbor Corridor Specific Plan)
8. **DESCRIPTION OF PROJECT**
A 93-unit senior apartment complex development. The site is approximately 1.67 acres in size.
9. **OTHER AGENCIES WHOSE APPROVAL (AND PERMITS) IS REQUIRED:**
City of Garden Grove Planning Commission
City of Garden Grove City Council
10. Implementation of the Senior Apartment Development project requires the following discretionary actions:
 - Negative Declaration
 - Site Plan
 - Planned Unit Development
 - Variance
 - General Plan Amendment
 - Tentative Parcel Map
 - Street Vacation
 - Development Agreement

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

<input type="checkbox"/> Land Use	<input type="checkbox"/> Transportation/Circulation	<input type="checkbox"/> Public Services
<input type="checkbox"/> Housing	<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Utilities and Services
<input type="checkbox"/> Geophysical	<input type="checkbox"/> Energy Resources	<input type="checkbox"/> Aesthetics
<input type="checkbox"/> Water	<input type="checkbox"/> Hazards	<input type="checkbox"/> Cultural Resources
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Recreation

Mandatory Findings of Significance

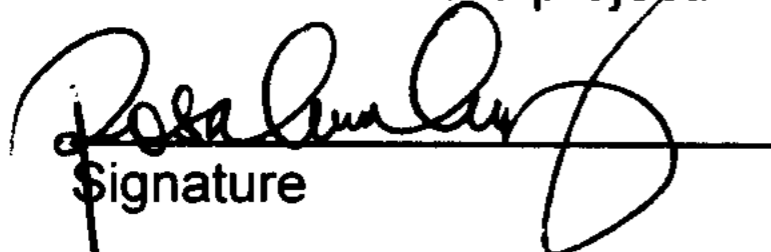
	Potentially	Significant	Less than	
	Significant	Unless	Significant	No
	Impact	Mitigated	Impact	Impact

DETERMINATION:

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

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 the mitigation measures described on an attached sheet have been added to the project.


 Signature
 Rosalinh M. Ung

April 4, 2000
 Date

City of Garden Grove

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cited in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take into account the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. "Potentially Significant Impact" is appropriate if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of significance. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Potentially Significant Unless Mitigated" applies when the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analysis," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checklist.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

I. LAND USE AND PLANNING

- a. Conflict with General Plan designation or Zoning

		X	
--	--	---	--

Response: The project site is presently improved with several commercial structures. All existing structures will be removed prior to the construction of the proposed development. The proposed project is not in conflict with the General Plan which anticipates the development of senior apartments

	Potentially	Potentially Significant	Less than	
	Significant	Unless	Significant	No
	Impact	Mitigated	Impact	Impact

in order to meet the goals and objectives of the Land Use and Housing Element in providing affordable housing for the senior citizens. The property presently has a General Plan designation of MU (Mixed Use). The applicant is proposing, in order to implement the project, to change the General Plan designation from MU to CR (Community Residential) and the zoning designation of the property to PUD (Planned Unit Development) and to request a waiver on the minimum PUD size for residential development. The City's adopted General Plan supports senior housing, convalescent homes, congregate housing, and institutional quarters with the highest destiny permitted under the General Plan (from 42.1 to 60 units per acre), and encourage land use changes in order to facilitate senior apartment residential development. The proposed density for the project is 55.8 units per acre. Therefore, a general plan amendment to Community Residential and zone change to Planned Unit Development will not cause any adverse impacts.

- b. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project.

			X
--	--	--	---

Response: The proposed project is located within a highly urbanized area of Orange County and is in conformance with applicable federal, state and City of Garden Grove environmental requirements and plans. The Final Environmental Impact Report prepared and certified, in October 1995, as a part of the General Plan Update (State Clearinghouse No. 93051015) (The General Plan EIR) addressed this type of development for this area. Therefore, the project does not have the potential to conflict with environmental plans adopted by agencies with jurisdiction over the project.

- c. Affect agricultural resources or operations (e.g. impacts to soils or farmlands, or impacts from incompatible uses).

			X
--	--	--	---

Response: There are no lands dedicated to agricultural uses within the project area. Therefore, there will be no impacts to agricultural resources or operations.

- d. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community).

			X
--	--	--	---

Response: The project will not disrupt the physical arrangement of the existing residential development located on the north of the project site. Although a portion of Sungrove Street is proposed to be vacated by this proposal, the existing public streets will be sufficient to adequately serve the area.

II. POPULATION AND HOUSING.

- a. Cumulatively exceed official regional or local population projections.

			X
--	--	--	---

- b. Induce substantial growth in an area either directly or indirectly (e.g. through projects in an undeveloped area or extension of major infrastructure).

			X
--	--	--	---

- c. Displace existing housing, especially affordable housing.

			X
--	--	--	---

Response: There will be no displacement of residents occurred as a result of the proposed development.

III. GEOPHYSICAL

- a. Seismicity: fault rupture.

		X	
--	--	---	--

	Potentially	Potentially		
	Significant	Significant	Less than	
	Significant	Unless	Significant	No
	Impact	Mitigated	Impact	Impact

Response: According to the seismic and safety element of the General Plan, the Shady Canyon fault is the only fault line known to exist within the Garden Grove city limits. This fault has no history of seismic activity and is not considered to be active. The city lies in proximity to the Newport/Inglewood fault, as well as larger general fault lines which may affect buildings within Garden Grove.

Some exposure to seismic-related hazards is expected. This impact is not considered significant because the exposure is no different than the exposure of virtually all new and existing development in Orange County and the proposed project does not alter the existing exposure. To mitigate any potential impacts all construction is required to adhere to the Uniform Building Code as it pertains to seismic safety.

b. Seismicity: ground shaking or liquefaction.

		X	
--	--	---	--

Response: The project area, like all of Southern California, is subject to ground-shaking and other secondary impacts from seismic activity, such as liquefaction. Liquefaction could potentially occur during a maximum intensity event along the Newport-Inglewood fault due to the possibility saturated nature of the sandy soils in the area. To mitigate any potential impacts, all construction is required to adhere to the Uniform Building Code as it pertains to seismic safety.

c. Seismicity: Seiche or tsunami.

			X
--	--	--	---

Response: Seiches and tsunamis are not anticipated to occur in the vicinity of this project due its distance from the coast and absence of large water bodies in the project area.

d. Landslides or mudslides.

			X
--	--	--	---

Response: The project area is relatively flat and would not normally be subject to landslides or mudslides. The construction of the proposed project may involve comparatively small excavations which will be required to be made in accordance with all applicable codes and standards to minimize the threat of a landslide or mudslide.

e. Erosion, changes in topography or unstable soil conditions from excavation, grading or fill.

		X	
--	--	---	--

Response: Changes in topography will result during the site preparation and grading. A project of this size would not create any substantial impacts to the soil or topography of the area, other than to provide adequate drainage. All construction involving excavation and/or grading is required to adhere to the requirements of the Engineering Services Division. All improvements are required to adhere to applicable codes including the Uniform Building Code, and State and Federal Occupational Safety requirements.

f. Subsidence of the land.

			X
--	--	--	---

Response: Vertical displacement or subsidence of the land surface can be caused by several factors, including the withdrawal of oil, gas, or water from underlying formations, decomposition of buried organic material, and construction of heavy manmade structures above underlying poorly consolidated materials. None of these or any other conditions typically contributing to subsidence are expected in the project area. All new construction is required to adhere to the requirements of the Engineering Services Division to address any subsidence of the land. All improvements are required to adhere to applicable codes including the Uniform Building Code, and State and Federal Occupational Safety requirements.

	Potentially Significant	Less than Significant	No Impact
Potentially Significant	Unless Mitigated	Significant	Impact

g. Expansive soils.

			X
--	--	--	---

Response: All improvements are required to adhere to applicable codes including the Uniform Building Code, and California Occupational Safety requirements.

h. Unique geologic or physical features.

			X
--	--	--	---

Response: There are no known unique geologic or physical features in the project area.

IV. WATER

a. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff.

		X	
--	--	---	--

Response: There will be a change in absorption rates, drainage patterns and in the rate or amount of surface runoff as over-covering of the land will occur. To insure proper drainage is provided grading and drainage plans are required to be incorporated into the construction plans and approved by the Engineering Services Division prior to the issuance of any permits and the commencement of construction.

b. Exposure of people or property to water related hazards such as flooding.

			X
--	--	--	---

Response: The project area is not located within 100 year flood zone.

c. Discharge into surface waters or other alteration of surface water quality, including, but not limited to, temperature, dissolved oxygen, turbidity or other typical storm water pollutants (e.g., sediment from construction, hydrocarbons and metals from vehicle use, nutrients and pesticides from landscape maintenance, metals and acidity from mining operations).

			X
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d. Changes in the amount of surface water in any water body.

			X
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e. Changes in currents, or the course or direction of water movements.

			X
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Response (c through e): There are no surface waters within the project area. The Santa Ana River is located east of the project boundaries. All runoff from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban runoff into City and County drainage facilities. Therefore, the project will not directly affect surface waters.

f. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations.

			X
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g. Altered direction or rate of flow of groundwater.

			X
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h. Impacts to groundwater quality.

			X
--	--	--	---

i. Substantial reduction in the amount of groundwater otherwise available for public water supplies.

			X
--	--	--	---

Response: (f through i): The project will not involve operations that could affect aquifers' recharge capability or alter the direction of flow of groundwater. The area is urbanized with existing residential and commercial uses. The construction proposed would not require substantial excavations or other extensive below-grade work or the use of large quantities of water.

	Potentially Significant	Potentially Significant	Less than Significant	No Impact
	Potentially Significant	Unless Mitigated	Less than Significant	No Impact
	Potentially Significant	Unless Mitigated	Less than Significant	No Impact
	Potentially Significant	Unless Mitigated	Less than Significant	No Impact

V. AIR QUALITY

- a. Violate any air quality standard or contribute to an existing or projected air quality violation.

		X	
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Response: Only minor alterations in the permitted uses and operations are anticipated. Therefore, there will be no violations of any air quality standard. No additional impacts are seen to existing air quality standards nor additional sources created that would contribute to an existing or projected air quality violation. The project will result in less emissions as the project is smaller in size and intensity than that allowed for under the General Plan EIR. Although the project will generate greater air emissions than the existing uses on the site, the project will generate less air emissions than intensity of development allowed for the site by the current General Plan.

Construction activities may contribute to air quality violations. However, these impacts are not considered significant due to their short-term nature. As required by the mitigation measures contained in the General Plan EIR, construction activities shall adhere to SCAQMD Rule 403. Fugitive Dust, as amended.

- b. Expose sensitive receptors to pollutants.

		X	
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Response: The proposed project will not significantly increase the exposure of sensitive receptors to pollutants. As set forth in Section I.b. above, the General Plan EIR addressed similar type development for this site. The limited scope and intensity of the project is not expected to exceed the projections regarding pollutants contained in the General Plan EIR.

- c. Alter air movement, moisture, or temperature, or cause any change in climate.

			X
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Response: The proposed project does not have the capability to alter air movement, moisture or temperature, or cause a change in the climate.

- d. Create objectionable odors.

		X	
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Response: No objectionable odors will be created by the project. During construction odors may occur within the area. This impact is not considered significant due to their temporary nature. The General Plan EIR addressed odors that be a result of new construction. The project is required to adhere to all mitigation measures pertaining to construction odors.

VI. TRANSPORTATION

- a. Increased vehicle trips or traffic congestion.

		X	
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Response (a): The development is likely to increase vehicle trips and traffic congestion in the area, but not beyond the scope analyzed in the General Plan EIR. The number of trips generated by the proposed project are not anticipated to have a significant effect on Garden Grove Boulevard.

During construction increased vehicle trips or traffic congestion may occur but would be temporary in nature and would not create a significant impact. All projects involving construction in the public right-of-way will be required to submit a traffic safety plan to minimize traffic congestion.

- b. Hazards to safety from design features (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment).

			X
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- c. Inadequate emergency access to nearby uses.

		X	
--	--	---	--

	Potentially	Significant	Less than	
	Significant	Unless	Significant	No
	Impact	Mitigated	Impact	Impact

Response: Emergency access to the proposed development and surrounding areas will not be significantly affected. Police and Fire services in the area are adequate to accommodate the development provided the project complies with the conditions of approval included on the project by the Police and Fire Departments. These conditions of approval include, but are not limited to, providing on-site fire hydrants and maintenance of security gates with approved entry devices. The proposed street vacation of a portion of Sungrove Street will not significantly impact emergency response to the existing residential area to the north of the project site.

d. Insufficient parking capacity on-site or off-site.

			X
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Response: The project provides a total of 93 spaces: 61 standard parking spaces, 30 compact parking spaces, and 2 handicapped spaces which will be provided for the development which meets City requirements.

e. Hazards or barriers for pedestrians or bicyclists.

		X	
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Response: Barriers for pedestrians or bicyclists may occur during the period of construction. All projects involving construction in the public right-of-way will be required to submit a traffic safety plan to ensure the safety of pedestrians and/or bicyclists.

f. Conflicts with adopted policies supporting alternative transportation

			X
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Response: The proposed development would not impact existing or proposed policies pertaining to alternative transportation and is located adjacent to mass transit stops.

g. Rail, waterborne or air traffic impacts.

			X
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Response: There are no air or waterborne traffic corridors in the immediate area. The site is not located within a flight path for any airport.

VII. BIOLOGICAL RESOURCES

a. Endangered threatened or rare species or their habitats (including but not limited to plants, fish, insects, animals, and birds).

			X
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Response: The project site is located in an urbanized area. Therefore, endangered species are not expected to occur in the area due to lack of suitable habitat.

b. Locally designated species (e.g. heritage trees).

			X
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c. Locally designated natural communities (e.g. oak forest, coastal habitat, etc.).

			X
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Response (b & c): The site is devoid of native vegetation and there are no locally designated species and natural communities on the project site.

d. Wetland habitat (e.g. marsh, riparian and vernal pool).

			X
--	--	--	---

Response: There are no wetland habitats in the area of the project site.

e. Wildlife dispersal or migration corridors.

			X
--	--	--	---

	Potentially	Potentially Significant	Less than	
	Significant	Unless	Significant	No
	Impact	Mitigated	Impact	Impact

Response: The project area does not serve as a dispersal and/or migration corridor as the area is within a highly urbanized area.

VIII. ENERGY AND MINERAL RESOURCES

- a. Conflict with adopted energy conservation plans.

			X
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Response: The development of senior apartment development on this site is not in conflict with adopted energy conservation plans. All construction is required to adhere to Title 24 for energy conservation.

- b. Use non-renewable resources in a wasteful and inefficient manner.

			X
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Response: All development on the project site is required to adhere to all State and City energy-conservation regulations including energy efficient lighting, ventilation, and heating systems.

IX. HAZARDS

- a. A risk of accidental explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, and radiation).

			X
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- b. Possible interference with an emergency response plan or emergency evacuation plan.

			X
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- c. The creation of any health hazard or potential health hazard.

			X
--	--	--	---

- d. Exposure of people to existing sources of potential health hazards.

			X
--	--	--	---

Response (a through d): There will be no health hazards or potential for health hazards created by the proposed development or use. The development will not create any health hazards or increase the potential of exposure to existing hazards. The project will not increase the risk of accidental explosion, release of hazardous substances, or create an interference with existing emergency response or evacuation plans.

- e. Increased fire hazard in area with flammable brush, grass, or trees.

			X
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Response: There are no anticipated physical changes that would increase fire hazards within the scope of the project area.

X. NOISE

- a. Increases in existing noise levels.

		X	
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Response (a): Construction activities associated with infrastructure improvements or the on-site development may temporarily increase noise levels at noise-sensitive receptors adjacent the project site. However, with the temporary nature of these construction-related activities and requirements for contractor compliance with County and City noise ordinances, noise impacts can be mitigated to a level of insignificance.

There are physical changes on the project site that would likely increase noise levels beyond those existing. The design of the site and the placement of the building take into account the anticipated increase in noise levels and the surrounding noise sensitive land uses. The perimeter block wall along the north property line will function as a noise attenuation devices to the residential units located to the north of the site. All senior apartment windows oriented toward a public right-of-way shall be

	Potentially Significant	Less than Significant	No Impact
Potentially Significant	Unless Mitigated	Less than Significant	No Impact
Impact	Mitigated	Impact	Impact

dual paned to reduce traffic noise and all units shall be provided with sound insulation as required by the Uniform Building Code. Air conditioning shall be provided for all units in the project.

b. Exposure of people to extreme noise levels.

		X	
--	--	---	--

Response (b): Construction will occur within the project area. Although construction noise could cause an annoyance for surrounding uses, due to the temporary nature of any construction activities and the fact that construction activities and future development would be required to adhere to the County and City noise ordinances the impact of extreme noise levels from any potential construction activities is considered to be less than significant. Noise from the proposed uses will not be extreme as the activities are limited and regulated by the Garden Grove Municipal Code.

XI PUBLIC SERVICES

a. Fire protection.

		X	
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Response: The City of Garden Grove Fire Department currently provides emergency response service to the project area. The project is not likely to induce significant growth and will not result in substantial new demand for fire protection services.

However, new construction will occur, and, due to the nature of the uses, there will be a slight increase in the demand for fire protection services. In order to mitigate impacts associated with this development the development shall comply with the conditions of approval of the Fire Department including but not limited to providing rapid entry devices on all access gates.

b. Police protection.

		X	
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Response: The Garden Grove Police Department currently provides police protection in the area. The project is not likely to induce growth and will not result in substantial new demand for police protection services. There are no anticipated physical changes within the area that would significantly increase demands for police protection.

c. Schools.

		X	
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Response: There are no significant physical changes that would affect schools or school as the project will not induce significant growth. The developer will be required to pay the appropriate fees to the Garden Grove Unified School District prior to the issuance of any permits for the Project.

d. Maintenance of public facilities, including roads.

		X	
--	--	---	--

Response: It is likely that the project, and the additional demand on the infrastructure, will increase maintenance requirements. The existing public facilities appear to be in reasonable condition and adequate to meet the demands of the proposed development.

e. Other governmental services.

		X	
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Response: It is not likely that the project will significantly increase demands on other governmental services other than those addressed in this analysis.

XII. UTILITIES AND SERVICE SYSTEMS

a. Power or natural gas.

		X	
--	--	---	--

	Potentially	Significant	Less than	
	Significant	Unless	Significant	No
	Impact	Mitigated	Impact	Impact

Response: There are no significant impacts to power or natural gas caused by this project. The existing infrastructure is adequate to meet the demands of the area including those generated by this project.

b. Communication systems.

			X
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Response: There are no impacts to the communication system caused by this project. The existing infrastructure is adequate to meet the demands of the area including those generated by this project.

c. Local or regional water treatment or distribution facilities.

			X
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Response: There are no impacts to the local or regional water treatment or distribution facilities caused by this project. The existing infrastructure is adequate to meet the demands of the area including those generated by this project.

d. Sewer or septic tanks.

		X	
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Response: Sewer services in the area are provided by the Garden Grove Sanitary District. In order to mitigate impacts associated with this development, the project shall comply with the conditions of approval of the Public Works Department.

e. Storm water drainage.

		X	
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Response: There less than significant impacts to the existing utilities and services systems caused by this project. The existing systems are adequate to meet the demands of the area including those generated by this project.

f. Solid waste disposal.

		X	
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Response: Solid waste disposal services are administered by the Garden Grove Sanitary District. Collection services are provided via a contract with a private trash collection contractor (Taorimina Industries). Trash storage and disposal plan shall be reviewed and approved by the Garden Grove Sanitary District and the City's Public Works and Community Development Departments prior to building permit issuance.

XIII. AESTHETICS

a. Affect on a scenic vista or scenic highway.

			X
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Response: The project area is not adjacent to any scenic vistas or highways. The physical improvements for this site will be compatible to the adjacent commercial and office developments along Garden Grove Boulevard.

b. Have a demonstrable negative aesthetic effect.

			X
--	--	--	---

Response: The proposed development with recommended conditions of approval, will be compatible with the goals and objectives of the Design Guidelines contained in the City's adopted General Plan and with the existing improvements and developments in the area. Therefore, there will be no demonstrable negative aesthetic effects caused by the proposed development.

c. Create light or glare.

		X	
--	--	---	--

	Potentially	Significant	Less than	
	Significant	Unless	Significant	No
	Impact	Mitigated	Impact	Impact

Response: The project will be required to provide additional lighting in the area. The project is required to adhere to all Municipal Code requirements pertaining to minimum lighting levels. Additionally, the lighting will not be permitted to spill onto adjoining properties.

XIV. CULTURAL RESOURCES

a. Disturb paleontological resources.

			X
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b. Disturb archaeological resources.

			X
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Response (a & b): There are no known paleontological and archaeological resources in the area. If unanticipated paleontological resources are discovered during construction, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with CEQA Section 21083.2.

c. Affect historical resources.

			X
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Response: There are no known historical resources in the area. The Garden Grove General Update notes 13-historically significant or potentially significant sites within the City limits. None of these sites are located in the project area.

d. Have the potential to cause physical change which would affect unique ethnic cultural values.

			X
--	--	--	---

Response: There are no structures or activities that have unique cultural or ethnic value. The project, therefore will not have the potential to affect unique ethnic or cultural values.

e. Restrict existing religious or sacred uses within the potential impact area.

			X
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Response: The proposed project is not in proximity to any known religious facilities or other sacred places. Therefore, there is no potential to restrict existing religious or sacred uses within the area of the project.

XV. RECREATION

a. Increase the demand for neighborhood or regional parks or other recreational facilities.

			X
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b. Affect existing recreation facilities.

		X	
--	--	---	--

Response (a & b): The proposed project provides adequate common open space for the tenants. No additional neighborhood or regional park facilities will be required to be provided for this project. However, the developer is required to pay appropriate park fees in lieu of dedicating lands for park purposes.

XVI. MANDATORY FINDINGS OF SIGNIFICANCE

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

			X
--	--	--	---

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals.

			X
--	--	--	---

	Potentially Significant	Less than Significant	No Impact
	Potentially Significant	Unless Mitigated	No Impact
	Potentially Significant	Unless Mitigated	No Impact

c. Does the project have impacts that are individually, but cumulatively considerable ("Cumulatively considerable" means the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of current projects and the effects of probable future projects.)

			X
--	--	--	---

d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

			X
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XVII. EARLIER ANALYSIS

Earlier analyses may have been used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Section 15063(c)(3)(D).

a. EARLIER ANALYSIS:

1. The City of Garden Grove General Plan Update
2. The City of Garden Grove Existing Condition Report
3. The City of Garden Grove Final Environmental Impact Report for the General Plan Update, State Clearinghouse No. 93051015
4. Title 9 of the Garden Grove Municipal Code

b. IMPACTS ADEQUATELY ADDRESSED:

1. Land Use
2. Population and Housing
3. Geophysical
4. Water absorption rates, drainage patterns, surface runoff.
5. Air Quality
6. Transportation
7. Noise
8. Public Services
9. Utilities and Service Systems
10. Aesthetics
11. Recreation

C. MITIGATION MEASURES:

All conditions of approval for the proposed project (SP-275-00, PM-00-158, SV-111-00, PUD-136-00, GPA-1-00(A) & V-270-00) shall be adhered to in order to mitigate negative impacts on the property or surrounding area.

**DEPARTMENT OF PUBLIC WORKS
WATER SERVICES DIVISION
DEVELOPMENT REVIEW AND
CONDITIONS OF APPROVAL**

Senior Apartment Complex, 12811 Garden Grove Blvd., PUD-136-00, S0-275-00, GPA-1-00(A), SV-111-00, V-270-00

1. New water service installations to be at owner's/developer's expense. Installation to be by City forces upon payment of applicable fees, unless otherwise noted. Fire services and larger water services (3" and larger) shall be installed by developer/owner's contractor per City Standards.
2. Water meters to be located within the city right-of-way. Fire services and large water services (3" and larger) to be installed by contractor with class A or C-34 license, per city water standards and inspected by a Public Works inspector.
3. A backflow prevention device shall be required on water lateral. Installation to be per City Standards and shall be inspected by cross connection specialist after installation. Device to be tested immediately after installation and once a year by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division.
4. Owner to dedicate all rights to underground water without the right to subsurface entry.
5. Any water valve located within new concrete driveway or sidewalk construction shall be reconstructed per city standard B-753.
6. City to determine if existing water services(s) is/are usable and meets current City Standards. Any meter and service located within new driveway(s) will need to be relocated at owner's expense.
7. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
8. Fire service to have above ground backflow device with a double check valve assembly. Device to be tested immediately after installation and once a year a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device to be on private property and is the responsibility of the property owner. The above ground assembly to be screened from public view as required by the Planning Division. Fire service to be connected to 12" water main in Garden Grove Blvd.
9. Owner to install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 6" min. dia., extra strength VCP with wedgelock joints.

10. Contractor to abandon existing sewer lateral 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. . New sewer may be connected to Sungrove Street.
11. A properly sized grease trap shall be installed on the sewer lateral and maintained by the property owner. The grease trap is to be installed outside of the building in an area that is accessible for routine maintenance. The grease trap shall be installed downstream of the last sewer connection

From: Robert Balma <rbalma@ch.ci.garden-grove.ca.us>
To: linhu@ch.ci.garden-grove.ca.us <linhu@ch.ci.garden-grove.ca.us>
Date: Monday, May 22, 2000 3:38 PM
Subject: sungrove plans

Linh,

Please add the following conditions to the Senior Apartment Complex on Sungrove:

- Please have the developer re-surface that section of Sungrove
- All trees to be installed are to be placed off the City easement, behind the sidewalk. All trees within 10 ft of the sidewalk to be installed with root barriers.

If you have any questions please call me at x5388.

Robert
City of Garden Grove

PUD-136-00 PC-5/3/00

* 231-574-18

231-574-01

thru

22

573-01

thru

21

572-01

thru

13

323-18

thru

20

936-19-001

thru

060

231-582-14

24

Get Address for
Arco & Candalwood

231-571-01

thru

9

582-01

thru

13

581-01

thru

14

321-01

thru

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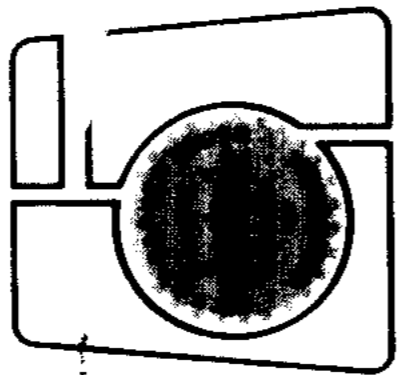
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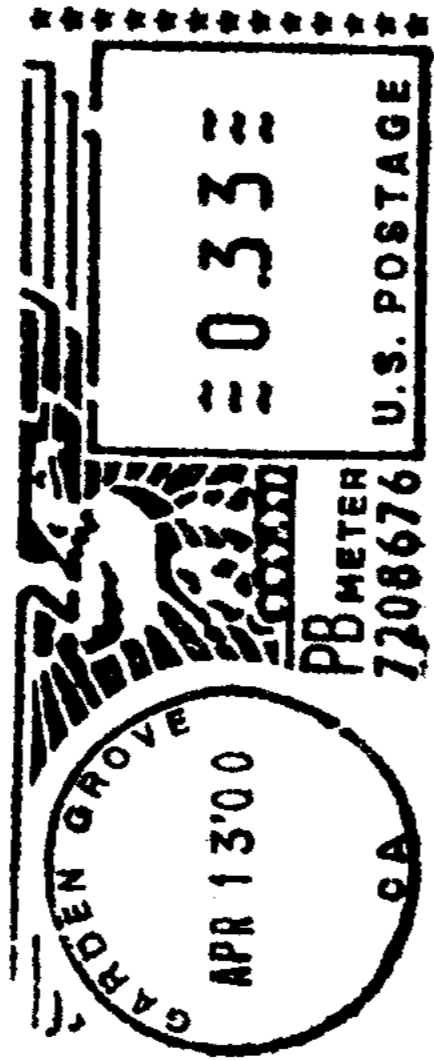
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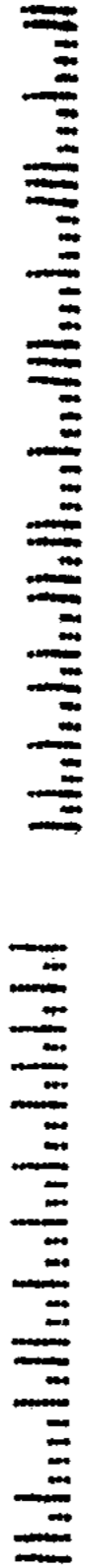
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GARDEN GROVE, CA 92842

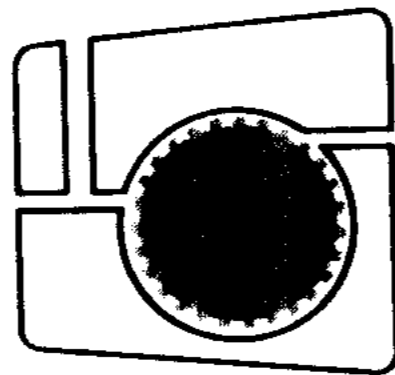


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FWDC ORDER EXPIRED

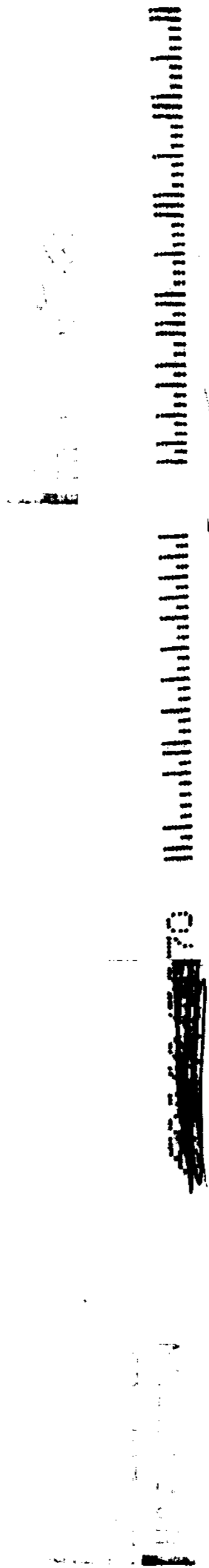
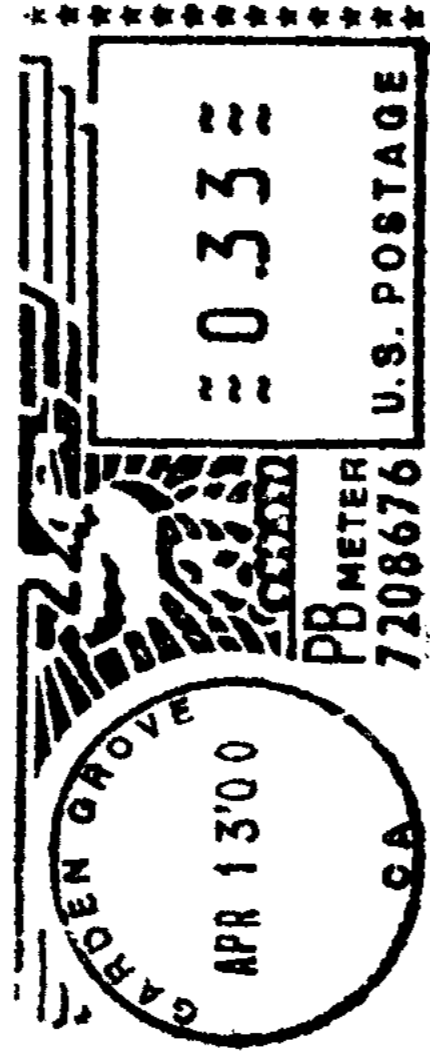
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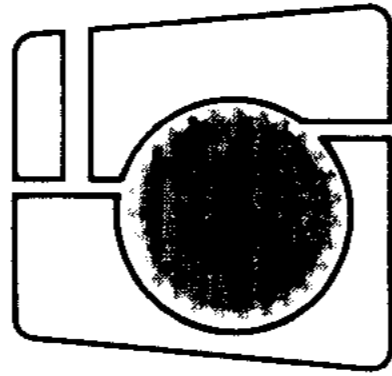
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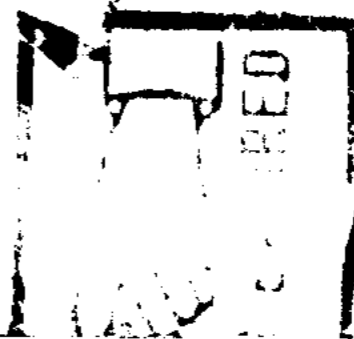
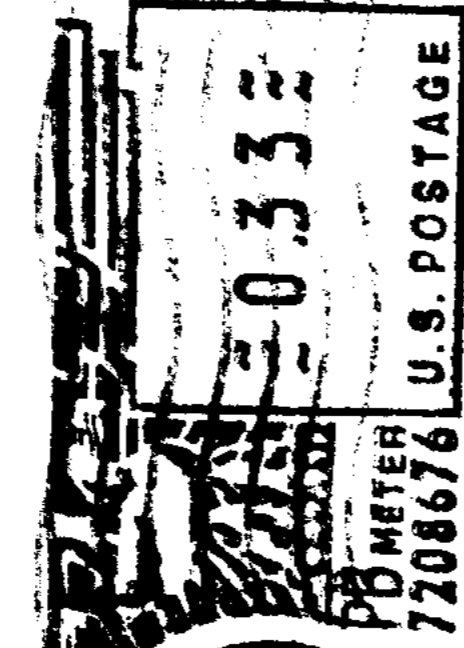
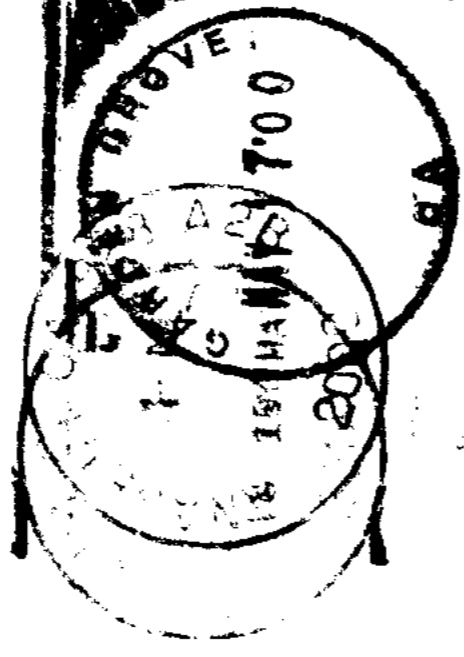


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GARDEN GROVE, CA 92842





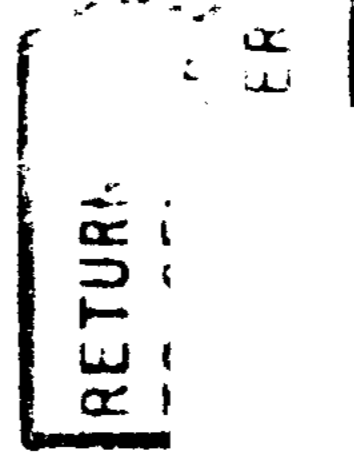
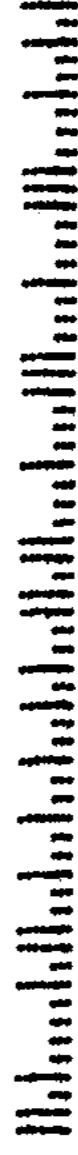
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GARDEN GROVE, CA 92842



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RECEIVED

32842 FWDG ORDER
92842/3070



RETURNED

ER

Z 188 404 141

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

KAUFMAN & BROAD

320 GOLDEN SHORE STE. 200

LONG BEACH, CA 90802

PS Form 3800, April 1995

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Z 188 404 142

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

K & P PARTNERSHIP

1211 N. BROADWAY

SANTA ANA, CA 92705

PS Form 3800, April 1995

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

3. Article Addressed to:

K & P PARTNERSHIP
1211 N. BROADWAY
SANTA ANA, CA 92701

4a. Article Number

Z 188 404 142

4b. Service Type

- Registered Certified
- Express Mail Insured
- Return Receipt for Merchandise COD

7. Date of Delivery

5-4

5. Received By: (Print Name)

Norma Landro

6. Signature (Addressee or Agent)

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

3. Article Addressed to:

KAUFMAN & BROAD
320 GOLDEN SHORE STE. 200
LONG BEACH, CA 90802

4a. Article Number

Z 188 404 141

4b. Service Type

- Registered Certified
- Express Mail Insured
- Return Receipt for Merchandise COD

7. Date of Delivery

4/26

5. Received By: (Print Name)

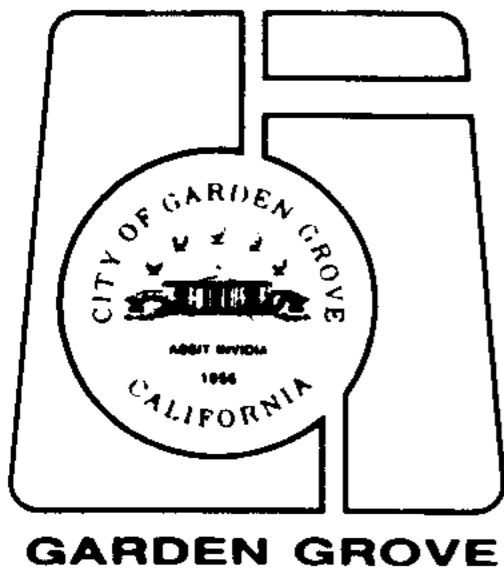
VALERIE POWDELL

6. Signature (Addressee or Agent)

Valerie Powell

8. Addressee's Address (Only if requested and fee is paid)

Thank you for using Return Receipt Service.



CITY OF GARDEN GROVE

Bruce A. Broadwater
Mayor

William J. Dalton
Mayor Pro Tem

Ho Chung
Councilman

Mark Leyes
Councilman

Mark Rosen
Councilman

(714) 741-5312

April 27, 2000

CERTIFIED MAIL

Kaufman & Broad
320 Golden Shire Suite 200
Long Beach, CA 90802

Attn: Patrick Simons

SUBJECT: Case: Planned Unit Development No. PUD-136-00, General Plan
Amendment No. GPA-1-00(A), Site Plan No. SP-275-00,
and Variance No. V-270-00
Date and Time: May 3, 2000, 7:00 p.m.
Place: City Council Chamber, Garden Grove Community Meeting
Center, 11300 Stanford Avenue, Garden Grove

We are enclosing, for your information, a copy of the staff report in conjunction with the subject public hearing.

If you have any questions concerning this report, please call the Planning Services Division of Community Development at (714) 741-5312.

Sincerely,

Glen Krieger

Glen Krieger
Planning Services Manager

Enclosure

c: K & P Partnership

Z 188 376 024

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

K & P PARTNERSHIP

1211 N. BROADWAY

SANTA ANA, CA 92705

PS Form 3800, April 1995

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Z 188 376 023

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

KAUFMAN & BROAD

320 GOLDEN SHORE STE. 200

LONG BEACH, CA 90802

PS Form 3800, April 1995

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

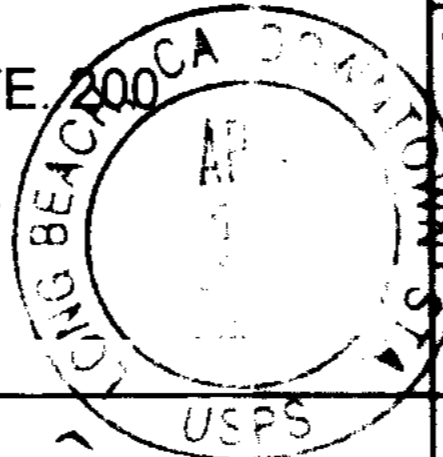
- 1. Addressee's Address
- 2. Restricted Delivery

3. Article Addressed to:

KAUFMAN & BROAD

320 GOLDEN SHORE STE

LONG BEACH, CA 90802



4a. Article Number

2 188 376 023

4b. Service Type

- Registered Certified
- Express Mail Insured
- Return Receipt for Merchandise COD

7. Date of Delivery

4-14-94

5. Received By: (Print Name)

Saba G. Ovi

6. Signature (Addressee or Agent)

Saba G. Ovi

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-99-B-0223

Domestic Return Receipt

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SENDER:

- Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

3. Article Addressed to:

K & P PARTNERSHIP

1211 N. BROADWAY

SANTA ANA, CA 92705

4a. Article Number

2 188 376 024

4b. Service Type

- Registered Certified
- Express Mail Insured
- Return Receipt for Merchandise COD

7. Date of Delivery

4/4

5. Received By: (Print Name)

[Signature]

6. Signature (Addressee or Agent)

[Signature]

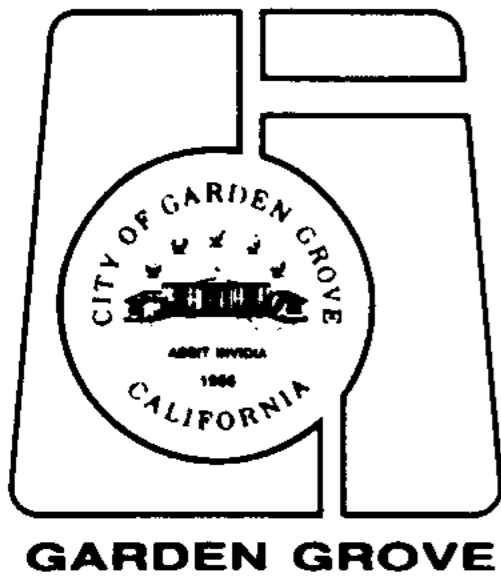
8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-99-B-0223

Domestic Return Receipt

Thank you for using Return Receipt Service.



CITY OF GARDEN GROVE

Bruce A. Broadwater
Mayor

William J. Dalton
Mayor Pro Tem

Ho Chung
Councilman

Mark Leyes
Councilman

Mark Rosen
Councilman

(714) 741-5312

April 13, 2000

CERTIFIED MAIL

Kaufman & Broad
320 Golden Shire Suite 200
Long Beach, CA 90802

Attn: Patrick Simons

SUBJECT: Case: Planned Unit Development No. PUD-136-00, General Plan
Amendment No. GPA-1-00(A), Site Plan No. SP-275-00,
and Variance No. V-270-00
Date and Time: May 3, 2000, 7:00 p.m.

The Planning Commission of the City of Garden Grove will consider the referenced application at its meeting on the date and time stated above.

The meeting will be held in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

If you are unable to attend this meeting, please have someone represent you. A representative must have your written authorization to speak and to agree to any conditions of approval on your behalf.

Sincerely,

Glen Krieger

Glen Krieger
Planning Services Manager

c: K & P Partnership

Enclosure: Public Notice

Z 188 403 761

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

KAUFMAN & BROAD
320 GOLDEN SHORE STE. 200
LONG BEACH, CA 90802

PS Form 3800, April 1995

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Z 188 403 762

US Postal Service

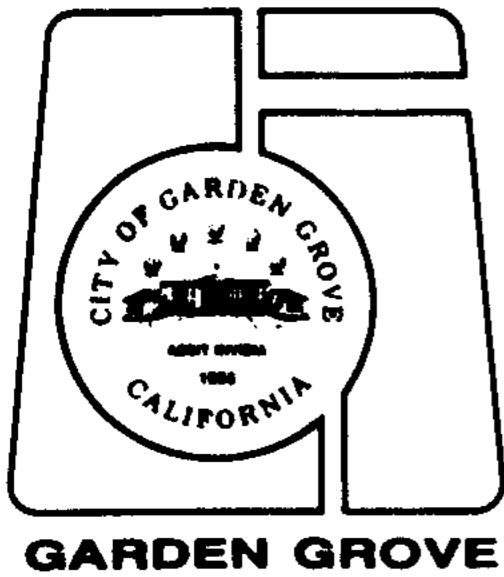
Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

Sent to	K&P	
Street & Number		
Post Office, State, & ZIP Code		
Postage		\$
Certified Fee		
Special Delivery Fee		
Restricted Delivery Fee		
Return Receipt Showing to Whom & Date Delivered		
Return Receipt Showing to Whom, Date, & Addressee's Address		
TOTAL Postage & Fees	\$	
Postmark or Date		

PS Form 3800, April 1995



CITY OF GARDEN GROVE

Bruce A. Broadwater
Mayor

William J. Dalton
Mayor Pro Tem

Ho Chung
Councilman

Mark Leyes
Councilman

Mark Rosen
Councilman

(714) 741-5312

June 2, 2000

CERTIFIED MAIL

Kaufman & Broad
320 Golden Shore Suite 200
Long Beach, CA 90802

SUBJECT: For Public Hearing Before the Planning Commission
Case No.: Planned Unit Development No. PUD-136-00
General Plan Amendment No. GPA-1-00 (A)
Site Plan No. SP-275-00
Variance No. V-270-00
Date & Time: June 7, 2000, 7:00 p.m.
Place: City Council Chamber, Garden Grove Community Meeting
Center, 11300 Stanford Avenue, Garden Grove

We are enclosing, for your information, a copy of the staff report in conjunction with the subject public hearing.

If you have any questions concerning this report, please call the Planning Services Division of Community Development at (714) 741-5312.

Sincerely,

Glen Krieger

Glen Krieger
Planning Services Manager

Enclosure

c: K & P Partnership

Is your RETURN ADDRESS completed on the reverse side?

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: KAUFMAN & BROAD 320 GOLDEN SHORE STE. 200 LONG BEACH, CA 90802		4a. Article Number 2 188 403 761	
5. Received By: (Print Name) PUP-136-00		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
6. Signature: (Addressee or Agent) x Anita Mendozh		7. Date of Delivery 6-5-00	
PS Form 3811, December 1994		8. Addressee's Address (Only if requested and fee is paid)	

Thank you for using Return Receipt Service.

102595-98-B-0229 Domestic Return Receipt

Is your RETURN ADDRESS completed on the reverse side?

SENDER: ■ Complete items 1 and/or 2 for additional services. ■ Complete items 3, 4a, and 4b. ■ Print your name and address on the reverse of this form so that we can return this card to you. ■ Attach this form to the front of the mailpiece, or on the back if space does not permit. ■ Write "Return Receipt Requested" on the mailpiece below the article number. ■ The Return Receipt will show to whom the article was delivered and the date delivered.		I also wish to receive the following services (for an extra fee): 1. <input type="checkbox"/> Addressee's Address 2. <input type="checkbox"/> Restricted Delivery Consult postmaster for fee.	
3. Article Addressed to: K & P PARTNERSHIP 1211 N. BROADWAY SANTA ANA, CA 92705		4a. Article Number 2 188 403 762	
5. Received By: (Print Name) Lorena Leandro		4b. Service Type <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Certified <input type="checkbox"/> Express Mail <input type="checkbox"/> Insured <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> COD	
6. Signature: (Addressee or Agent) x Lorena Leandro		7. Date of Delivery 6/5/00	
PS Form 3811, December 1994		8. Addressee's Address (Only if requested and fee is paid)	

Thank you for using Return Receipt Service.

102595-98-B-0229 Domestic Return Receipt

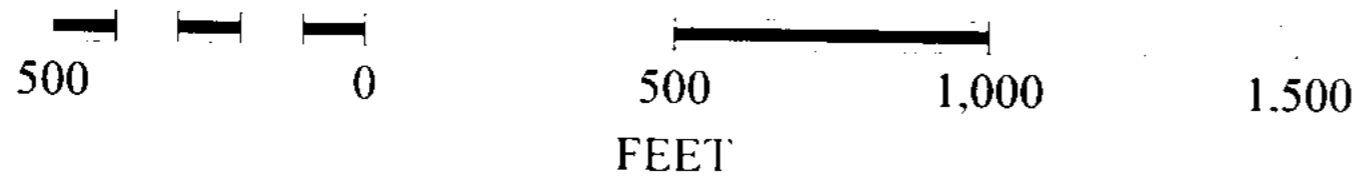
City of Garden Grove

Parcels
Streets
Street Labels



539-4200

SCALE 1 : 7,760



N



Z 188 404 166

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

KAUFMAN & BROAD

320 GOLDENSHORE SUITE 200

LONG BEACH, CA 90802

PS Form 3800, April 1995

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

Z 188 404 167

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

K&P PARTNERSHIP

1211 N. BROADWAY

SANTA ANA, CA 92705

PS Form 3800, April 1995

Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	

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- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

KAUFMAN & BROAD
320 GOLDENSHORE SUITE 200
LONG BEACH, CA 90802

4a. Article Number
2 188 404 166

4b. Service Type

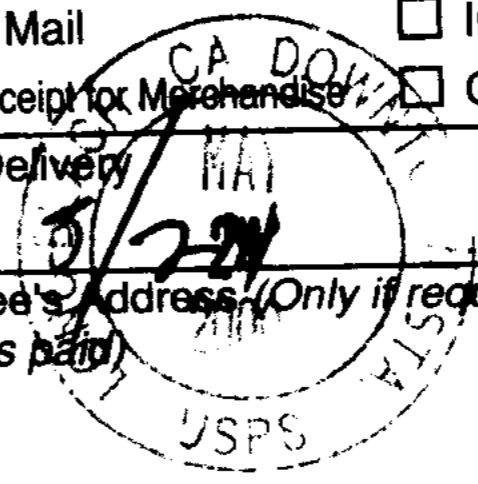
Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery
5/22

5. Received By: (Print Name)
Zabalaoui

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)
X Zabalaoui



Thank you for using Return Receipt Service.

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
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I also wish to receive the following services (for an extra fee):

- 1. Addressee's Address
- 2. Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

K&P PARTNERSHIP
1211 N. BROADWAY
SANTA ANA, CA 92705

4a. Article Number
2 188 404 167

4b. Service Type

Registered Certified
 Express Mail Insured
 Return Receipt for Merchandise COD

7. Date of Delivery

5. Received By: (Print Name)
Lorena Leandro

8. Addressee's Address (Only if requested and fee is paid)

6. Signature: (Addressee or Agent)
X Lorena Leandro

Thank you for using Return Receipt Service.



GARDEN GROVE

CITY OF GARDEN GROVE

Bruce A. Broadwater
Mayor

William J. Dalton
Mayor Pro Tem

Ho Chung
Councilman

Mark Leyes
Councilman

Mark Rosen
Councilman

(714) 741-5312

May 19, 2000

CERTIFIED MAIL

Kaufman & Broad
320 Golden Shore Suite 200
Long Beach, CA 90802

SUBJECT: Case: GPA-1-00(A), PUD-136-00, SP-275-00, V-270-00
Date and Time: June 7, 2000, 7:00 p.m.

The Planning Commission of the City of Garden Grove will consider the referenced application at its meeting on the date and time stated above.

The meeting will be held in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

If you are unable to attend this meeting, please have someone represent you. A representative must have your written authorization to speak and to agree to any conditions of approval on your behalf.

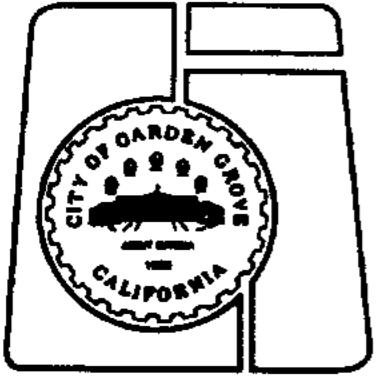
Sincerely,

Glen Krieger

Glen Krieger
Planning Services Manager

c: K & P Partnership

Enclosure: Public Notice



City of Garden Grove

OFFICIAL NOTICE AFFECTS YOUR PROPERTY

PLEASE READ!

«OWNER»
«ADDRLINE1»
«ADDRLINE2»
«ADDRLINE3»

JK

The Garden Grove Planning Commission will hold a Public Hearing in the Council Chamber, 11300 Stanford Avenue, Garden Grove, on Wednesday, June 7, 2000, at 7:00 p.m. to consider General Plan Amendment No. GPA-1-00(A), Planned Unit Development No. PUD-136-00, Site Plan No. SP-275-00, Variance No. V-270-00, and a Development Agreement; a request to change the General Plan designation from MU (Mixed Use) to CR (Community Residential) and the zoning designation from OP/HCSP (Office Professional of the Harbor Corridor Specific Plan) to PUD (Planned Unit Development); Variance approval to deviate from the minimum lot size required for residential planned unit development; Site Plan approval for the construction of a 82-unit senior apartment complex, and the approval of a Development Agreement. The site is approximately 1.31 acres in size, and is located at the northwest corner of Sungrove Street and Garden Grove Boulevard at 12811 Garden Grove Boulevard. The City of Garden Grove recommends a Negative Declaration be adopted pursuant to CEQA.

For information, please call (714) 741-5312, or inquire at the Planning Division, City Hall, 11222 Acacia Parkway.

P136.doc



City of Garden Grove

OFFICIAL NOTICE AFFECTS YOUR PROPERTY

PLEASE READ!

«OWNER»
 «ADDRLINE1»
 «ADDRLINE2»
 «ADDRLINE3»

*Tentative Parcel Map
 No. _____*

The Garden Grove Planning Commission will hold a Public Hearing in the Council Chamber, 11300 Stanford Avenue, Garden Grove, on Wednesday, May 3, 2000 at 7:00 p.m. to consider General Plan Amendment No. GPA-1-00(A), Planned Unit Development No. PUD-136-00, Site Plan No. SP-275-00, Variance No. V-270-00, and ~~Street Vacation No. SV-111-00~~, a request to change the General Plan designation from ~~MX~~ (Mixed Use) to CR (Community Residential) and the zoning designation from OP/HCSPP (Office Professional of the Harbor Corridor Specific Plan) to PUD (Planned Unit Development); Variance approval to deviate from the minimum lot size ~~of 1/4 acre~~ ^{required} for residential planned unit development; Site Plan approval for the construction of ~~93-unit affordable~~ senior apartment complex; ~~and Street Vacation to vacate a portion of~~ ^{ok} ~~Sungrove Street~~; and the approval of a Development Agreement. The site is approximately 1.67 acres in size, and is located at the northwest corner of Sungrove Street and Garden Grove Boulevard at 12811 Garden Grove Boulevard. The City of Garden Grove recommends a Negative Declaration be adopted pursuant to CEQA.

Development Agreement

Tentative parcel Map for lot consolidation

For information, please call (714) 741-5312, or inquire at the Planning Division, City Hall, 11222 Acacia Parkway.

Legals/ Radius Map approved by:

Planner *[Signature]* Date *[Signature]*
 Supvsr. *[Signature]* Date 3-30-00
 Mgr. *[Signature]* Date 3/30/00

FRED S RUBIO
C011 C011
12812 ASPENWOOD LN
GARDEN GROVE, CA 92840
AP# 23157323

RALPH E RAMSEY & TERESA M /TR RAMSEY
C011 C011
12782 ASPENWOOD LN
GARDEN GROVE, CA 92840
AP# 23157321

JAMES G KALLINS
C010 C058
9756 DOWNEY SANFORD BRIDGE RD
DOWNEY, CA 90240
AP# 23157422

JAMES POPE & CATITA POPE
C011 C011
12792 OERTLY DR
GARDEN GROVE, CA 92840
AP# 23157320

KEVIN MC KEON
C011 C011
12872 SUNGROVE ST
GARDEN GROVE, CA 92840
AP# 23157211

DELBERT REBAI JR & RAYLENE A REBAI
C011 C011
12802 ASPENWOOD LN
GARDEN GROVE, CA 92840
AP# 23157322

MINH VIET NGUYEN
C011 C011
12872 OERTLY DR
GARDEN GROVE, CA 92840
AP# 23157313

JAMES G KALLINS
9756 DOWNEY SANFORD BRIDGE RD
DOWNEY, CA 90240
AP# 23157421

WILLIAM N MEDLEY
C011 C011
12802 OERTLY DR
GARDEN GROVE, CA 92840
AP# 23157319

VINCE H MEAD & JULIE MEAD
C011 C011
12862 SUNGROVE ST
GARDEN GROVE, CA 92840
AP# 23157210

BARSTOW-SCHMIDT PARTNERSHIP
C001 C058
12292 CIRCULA PANORAMA
SANTA ANA, CA 92705
AP# 23157418

IRFAN MURTAZA & CAROL BETH MODAFF
C011 C011
12781 EL REY PL
GARDEN GROVE, CA 92840
AP# 23157312

JAMES G KALLINS
C010 C058
9756 DOWNEY SANFORD BRIDGE RD
DOWNEY, CA 90240
AP# 23157420

ROSALIND M TRIPPY
C011 C011
12891 OERTLY DR
GARDEN GROVE, CA 92840
AP# 23157411

ROBERTO MALDONADO
C011 C011
12871 OERTLY DR
GARDEN GROVE, CA 92840
AP# 23157410

ERNESTO CERNA MEJIA & UBALDO
BALDOVINOS
C011 C011
12841 OERTLY DR
GARDEN GROVE, CA 92840
AP# 23157407

MARCELA R ALFARO
C011 C011
12812 OERTLY DR
GARDEN GROVE, CA 92840
AP# 23157318

DUANE J MILLER
C011 C011
12856 OERTLY DR
GARDEN GROVE, CA 92840
AP# 23157314

JAMES M & CYNTHIA L HENKEL
C011 C011
12856 SUNGROVE ST
GARDEN GROVE, CA 92840
AP# 23157209

DON DOWOON YEAM & DON DOHOON YEAM
C011 C011
12882 ASPENWOOD LN
GARDEN GROVE, CA 92840
AP# 23158209

HELMUT B DENBERG
C019 C058
2615 OLIVE LN
SANTA ANA, CA 92706
AP# 23157419

CARLOS SALAZAR
C011 C011
12812 EL REY PL
GARDEN GROVE, CA 92840
AP# 23157416

CONRADA J SKIPWORTH & CONRADA J
SKIPWORTH
C002 C011
12911 MAIN ST
GARDEN GROVE, CA 92840
AP# 23157412

THOMAS J O CONNOR
C011 C011
12852 OERTLY DR
GARDEN GROVE, CA 92840
AP# 23157315

CHARLES F RUDDER
C011 C011
12791 EL REY PL
GARDEN GROVE, CA 92840
AP# 23157311

DE LEON RAUL E PONCE & DE LEON MYRIAM
PONCE
C011 C011
12871 SUNGROVE ST
GARDEN GROVE, CA 92840
AP# 23157309

JOSEPH LY BUI
C011 C011
12802 FALLINGLEAF ST
GARDEN GROVE, CA 92840
AP# 23158207

BULA M WRIGHTSMAN
C011 C011
12861 OERTLY DR
GARDEN GROVE, CA 92840
AP# 23157409

ANTHONY TUAN VY
C011 C011
12831 OERTLY DR
GARDEN GROVE, CA 92840
AP# 23157406

DOROTHY N HUGHEY
C011 C011
12822 OERTLY DR
GARDEN GROVE, CA 92840
AP# 23157317

DANIEL WALLACE HANEY
C011 C011
12832 OERTLY DR
GARDEN GROVE, CA 92840
AP# 23157316

SILVANO LEYVA & MARIA LEYVA
C011 C011
12855 SUNGROVE ST
GARDEN GROVE, CA 92840
AP# 23157308

PEDRO SALGADO & CASTELLANOS
C011 C011
12852 SUNGROVE ST
GARDEN GROVE, CA 92840
AP# 23157208

ROBERT M CHAMBERS & HATTIE J CHAMBERS
C011 C011
12812 FALLINGLEAF ST
GARDEN GROVE, CA 92840
AP# 23158208

IRENE JURCHESON
C011 C011
12792 EL REY PL
GARDEN GROVE, CA 92840
AP# 23157415

PAUL P RAMIREZ
C011 C011
12782 EL REY PL
GARDEN GROVE, CA 92840
AP# 23157414

SERGIO M FLORES
C011 C011
12772 EL REY PL
GARDEN GROVE, CA 92840
AP# 23157413

MOISES ROSARIO & CLARA M ROSARIO
C011 C011
12851 OERTLY DR
GARDEN GROVE, CA 92840
AP# 23157408

THOMAS ALLEN PHILLIPS & MARIAN L
PHILLIPS
C011 C011
12811 EL REY PL
GARDEN GROVE, CA 92840
AP# 23157310

NGO PHAT NGO LOAN HONG
C011 C011
12842 ASPENWOOD LN
GARDEN GROVE, CA 92840
AP# 23157202

FEDERAL HOME LOAN MORTGAGE CORP
C011 C011
12821 OERTLY DR
GARDEN GROVE, CA 92840
AP# 23157405

DAVID DAI NGUYEN
C011 C011
12851 SUNGROVE ST
GARDEN GROVE, CA 92840
AP# 23157307

QUANG & THUY L T N LY
C011 C011
12842 SUNGROVE ST
GARDEN GROVE, CA 92840
AP# 23157207

STEPHEN E JOHNSON JR & PAMELA JOHNSON
C019 C011
2904 E VANOWEN AVE
ORANGE, CA 92867
AP# 23157204

JAMES HUMPHREY & JANET HUMPHREY
C011 C011
12822 ASPENWOOD LN
GARDEN GROVE, CA 92840
AP# 23157301

ROSEMARY D SMITH
C011 C011
12812 SUNGROVE ST
GARDEN GROVE, CA 92840
AP# 23157205

RONALD THOMAS CORRIVEAU & ROBBIN L
CORRIVEAU
C011 C011
12792 SUNGROVE ST
GARDEN GROVE, CA 92840
AP# 23157203

ROBERT A CLARK
1098 BADGER TRAIL RD PO BOX 638
FLORISSANT, CO 80816
AP# 23157201

FRITZ HOELSCHER
C004 C014
4100 MACARTHUR BLVD STE 150
NEWPORT BEACH, CA 92660
AP# 23158214

ANN MORAN
C011 C011
12811 OERTLY DR
GARDEN GROVE, CA 92840
AP# 23157404

CLEMENTE GUTIERREZ & ELVA GUTIERREZ
C011 C011
12831 SUNGROVE ST
GARDEN GROVE, CA 92840
AP# 23157306

BRADLEY DAVIDSON
C077 C011
2610 E VISTA POINT DR
ORANGE, CA 92867
AP# 23157206

EQUILON ENTS LLC
B080 C014
1100 LOUISIANA ST
HOUSTON, TX 77002
AP# 23158215

VINH V NGUYEN & NHUNG T TRINH
C043 C011
12332 JANET ST
GARDEN GROVE, CA 92840
AP# 23157214

PHYLLIS F TUMOLO
C011 C011
12791 FALLINGLEAF ST
GARDEN GROVE, CA 92840
AP# 23158211

LEE HOMER SHANKS & LUCY H SHANKS
C011 C011
12801 OERTLY DR
GARDEN GROVE, CA 92840
AP# 23157403

ULRICH STENZEL
C092 C011
17162 NORTHFIELD LN
HUNTINGTON BEACH, CA 92647
AP# 23157305

ARTURO AGUIRRE
C011 C011
12811 SUNGROVE ST
GARDEN GROVE, CA 92840
AP# 23157304

WILLIAM E THORNTON
C011 C011
12801 SUNGROVE ST
GARDEN GROVE, CA 92840
AP# 23157303

JACQUELYN J COMPTON
C011 C011
12811 FALLINGLEAF ST
GARDEN GROVE, CA 92840
AP# 23158213

PAUL I GUTHRIE & LORETTA M GUTHRIE
C011 C011
12801 FALLINGLEAF ST
GARDEN GROVE, CA 92840
AP# 23158212

HENRI T & MARLENE NGUYEN
C011 C011
12862 ASPENWOOD LN
GARDEN GROVE, CA 92840
AP# 23158210

ROBERT OLIVAS
C011 C011
12902 SUNGROVE ST
GARDEN GROVE, CA 92840
AP# 23157213

STANLEY MAGILL
C024 C058
13181 LAMPSON AVE
GARDEN GROVE, CA 92840
AP# 23132319

ALMA LEE HANSEN
C011 C011
12922 ASPENWOOD LN
GARDEN GROVE, CA 92840
AP# 23158205

RAYMOND C MARTINEZ & PEARL MARTINEZ
C011 C011
12932 ASPENWOOD LN
GARDEN GROVE, CA 92840
AP# 23158204

LANG N FANG
C011 C011
12942 ASPENWOOD LN
GARDEN GROVE, CA 92840
AP# 23158203

FRANCES MORMUL
C042 C011
15242 VERMONT ST
WESTMINSTER, CA 92683
AP# 23158202

CARMEN M NEGRETTE
C011 C011
12972 ASPENWOOD LN
GARDEN GROVE, CA 92840
AP# 23158201

TRINH TUYET TRAN & KIET ANH TRAN
C011 C011
12781 OERTLY DR
GARDEN GROVE, CA 92840
AP# 23157402

ELAINE EVELYN COOK
C011 C011
12771 OERTLY DR
GARDEN GROVE, CA 92840
AP# 23157401

EDWARD S PEREZ & CARLA S PEREZ
C011 C011
12791 SUNGROVE ST
GARDEN GROVE, CA 92840
AP# 23157302

BICH Q NGUYEN
C011 C011
12782 FALLINGLEAF ST
GARDEN GROVE, CA 92840
AP# 23158206

JOSE & CELIA Z SILVA
C034 C011
12892 SUNGROVE ST
GARDEN GROVE, CA 92840
AP# 23157212

STANLEY RAY MAGILL
C024 C058
13181 LAMPSON AVE
GARDEN GROVE, CA 92840
AP# 23132318

Arco

*12981 GG Blvd
GG 92843*

*Candlewood Suites
12901 GG Blvd
GG 92843*

ARCO
12981 GARDEN GROVE BLVD.
GARDEN GROVE CA 92843

CANDLEWOOD SUITES
12901 GARDEN GROVE BLVD.
GARDEN GROVE CA 92843

ARCO
12981 GARDEN GROVE BLVD.
GARDEN GROVE CA 92843

CANDLEWOOD SUITES
12901 GARDEN GROVE BLVD.
GARDEN GROVE CA 92843

ARCO
12981 GARDEN GROVE BLVD.
GARDEN GROVE CA 92843

CANDLEWOOD SUITES
12901 GARDEN GROVE BLVD.
GARDEN GROVE CA 92843

Garden Grove Journal

PROOF OF PUBLICATION (2015.5. C.C.P.)

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a part or interested in the above title matter. I am the principle clerk of The Garden Grove Journal, a newspaper of general circulation, published in the City of Garden Grove, County of Orange, and which a newspaper has been adjudicated a newspaper of general circulation by the Superior Court of the County of Orange, State of California on November 26, 1984, case number A124641; that the notice, of which the annexed is a printed copy, has been published in regular and entire issue of said newspaper and not run in supplement there of on the following date, to wit:

APRIL 13, 2000

I certify (or declare) under penalty of perjury that the forgoing is true and correct. Executed at Garden Grove, California.

Date April 13, 2000

Carol Lewis
Signature

LEGAL NOTICE NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE WILL HOLD A PUBLIC HEARING IN THE COUNCIL CHAMBER OF THE COMMUNITY MEETING CENTER, 11300 STANFORD AVENUE, GARDEN GROVE, CALIFORNIA, ON WEDNESDAY, 7:00 P.M., MAY 3, 2000 TO RECEIVE AND CONSIDER ALL EVIDENCE AND REPORTS RELATIVE TO THE APPLICATION(S) DESCRIBED BELOW:

REVOCAION OF CONDITIONAL USE PERMIT NO. CUP-293-96

A request by the City of Garden Grove for the Planning Commission to review and/or revoke the Conditional Use Permit for the MI Casita Restaurant. Conditional Use Permit No. CUP-293-96 allows the MI Casita Restaurant to operate under a State Alcoholic Beverage Control Type "41" (On-Sale Beer and Wine, Eating Place) License. The subject restaurant is located on the north side of Westminster Avenue, west of Taft Street, at 10691 Westminster Avenue.

NEGATIVE DECLARATION AMENDMENT NO. A-208-00 SITE PLAN NO. SP-269-00 CONDITIONAL USE PERMIT NO. CUP-499-00 DEVELOPMENT AGREEMENT

A proposal for an Amendment to City parking standards for health and fitness clubs that would allow five parking spaces for 1000 feet of gross floor area; and to construct two free-standing retail/commercial buildings that would consist of a 15,120 square foot drug store with a drive-thru, and a 41,000 square foot two-story fitness club. The site is approximately 5.19 acres located in the C-2 (General Commercial) zone on the northeast corner of Chapman Avenue and Valley View Street at 11928 North Valley View Street.

SITE PLAN NO. SP-270-00

A request to construct a 1,575 square foot enclosed garage and storage area on a four acre industrial parcel. The site is located in the Planned Unit Development No. PUD-103-76 zone, on the north side of Orangewood Avenue, east of Monarch Street, at 7345 Orangewood Avenue.

VARIANCE NO. V-269-00

A request to allow the construction of a one-story single family residence on an approximate 5,408 square foot lot in the R-3 (Multiple Family Residential) zone. The property is located on the west side of La Bonita north of Westminster Avenue at 13931 La Bonita.

A request to change the General Plan designation from MU (Mixed Use) to CR (Community Residential) and the zoning designation from OP/HCSF (Office Professional of the Harbor Corridor Specific Plan) to PUD (Planned Unit Development); Variance approval to deviate from the minimum lot size required for residential Planned Unit Development; Site Plan approval for the construction of a 93-unit senior apartment complex, Street Vacation to vacate a portion of Sun Grove Street, Tentative Parcel Map for lot consolidation, and the approval of a Development Agreement. The site is approximately 1.67 acres in size and is located at the northwest corner of Sun Grove Street and Garden Grove Boulevard at 12811 Garden Grove Boulevard.

Copies of the Negative Declaration, including the initial study and the documents used in the preparation of the initial study, and all documents referenced in the Negative Declaration are available for public review at the Garden Grove City Hall, 11222 Acacia Parkway.

ALL INTERESTED PARTIES are invited to attend said Hearing and express opinions or submit evidence for or against the proposal as outlined above. If you challenge the application in Court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Further information on the above may be obtained at the Planning Services Division, City Hall, 11222 Acacia Parkway, or by telephone at (714) 741-5312.

DATE: APRIL 10, 2000

PUBLISH: APRIL 13, 2000

City of Garden Grove

Publish April 13, 2000
Garden Grove Journal (GG 00-15-2)

11222 Acacia Parkway, Suite 203, Garden Grove, CA 92840

Tel: (714) 539-6018 • Fax: (714) 892-7052

Garden Grove Journal

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Signature

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NEGATIVE DECLARATION GENERAL PLAN AMENDMENT NO. GPA-1-00(A) PLANNED UNIT DEVELOPMENT NO. PUD-136-00 SITE PLAN NO. SP-275-00 TENTATIVE PARCEL MAP NO. PM- VARIANCE NO. V-270-00 STREET VACATION NO. SV-111-00 DEVELOPMENT AGREEMENT

A request to change the General Plan designation from MU (Mixed Use) to CR (Community Residential) and the zoning designation from OP/HCSPP (Office Professional of the Harbor Corridor Specific Plan) to PUD (Planned Unit Development); Variance approval to deviate from the minimum lot size required for residential Planned Unit Development; Site Plan approval for the construction of a 93-unit senior apartment complex, Street Vacation to vacate a portion of Sun Grove Street, Tentative Parcel Map for lot consolidation, and the approval of a Development Agreement. The site is approximately 1.67 acres in size and is located at the northwest corner of Sun Grove Street and Garden Grove Boulevard at 12811 Garden Grove Boulevard.

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DATE: APRIL 10, 2000

PUBLISH: APRIL 13, 2000

City of Garden Grove

Publish April 13, 2000
Garden Grove Journal (GG 00-15-2)

11222 Acacia Parkway, Suite 203, Garden Grove, CA 92840

Tel: (714) 539-6018 • Fax: (714) 892-7052

From: Robert Balma <rbalma@ch.ci.garden-grove.ca.us>
To: linhu@ch.ci.garden-grove.ca.us <linhu@ch.ci.garden-grove.ca.us>
Date: Monday, May 22, 2000 3:38 PM
Subject: sungrove plans

Linh,

Please add the following conditions to the Senior Apartment Complex on Sungrove:

- Please have the developer re-surface that section of Sungrove
- All trees to be installed are to be placed off the City easement, behind the sidewalk. All trees within 10 ft of the sidewalk to be installed with root barriers.

If you have any questions please call me at x5388.

Robert
City of Garden Grove

MODE = MEMORY TRANSMISSION

START=MAY-31 12:26

END=MAY-31 12:32

FILE NO. = 244

NO.	COM	ABBR/NTWK	STATION NAME/ TELEPHONE NO.	PAGES	PRG.NO.	PROGRAM NAME
001	OK		915629010914	015/015		

***** - ***** - *****

CITY OF GARDEN GROVE

11222 Acacia Parkway
P.O. Box 3070
Garden Grove, CA 92842

Fax Number (714) 741-5578

PLEASE DELIVER THE FOLLOWING MATERIAL AS SOON AS POSSIBLE

TO: Patrick Simons

FROM: R. Uitz PHONE: 714-741-5311

SUBJECT: Draft Reso for Senior Apart. Project

FAX NUMBER SENT TO: 562-901-0914 NUMBER OF PAGES: 15
(INCLUDING COVER PAGE)

CONFIDENTIAL: YES NO URGENT REPLY REQUESTED: YES NO

COMMENTS: Please review. Call me if you
have any questions.

Thanks -

PLEASE NOTIFY AUTHOR IMMEDIATELY IF NOT RECEIVED PROPERLY

OPERATOR: _____ DATE SENT: _____ TIME SENT: _____

FAX

KAUFMAN BROAD

K a u f m a n a n d B r o a d M u l t i - H o u s i n g G r o u p , I n c .

Developing Apartments for Families and the Elderly Nationwide

Patrick S. Simons
Project Manager

Phone: 562-256-2024
Fax: 562-901-0914

320 Golden Shore, Suite 200
Long Beach, CA 90802

DATE:5/30/00
TO:.....Rosalinh Ung
ORGANIZATION:.....City of Garden Grove
FAX:714-741-5578
PHONE:.....714-741-5312
PAGES (including cover):1

MESSAGE: Is it possible to add a paragraph to the recitals of the Development Agreement for the senior apartments as follows:

“The CITY is committed to the redevelopment and revitalization of the area surrounding the property. The proposed project furthers the goals of the revitalization efforts of the CITY.”

CONFIDENTIALITY: THIS FACSIMILE IS INTENDED ONLY FOR THE PERSON OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, OR OTHERWISE PROTECTED FROM DISCLOSURE. DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS FACSIMILE OR THE INFORMATION HEREIN BY ANYONE OTHER THAN THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT IS PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE FACSIMILE BY MAIL.

b-CA

CITY OF GARDEN GROVE

11222 Acacia Parkway
P.O. Box 3070
Garden Grove, CA 92842

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OPERATOR: _____ DATE SENT: _____ TIME SENT: _____



w/o 318968

Development Resource Consultants, Inc.

Civil Engineering • Land Surveying • Environmental

Letter of Transmittal

Job No. 00-655

To: Kim Huy
City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92842

April 20, 2000

Via: OCB

Project: Garden Grove Senior Apartment Community

Remarks: Attached are 1 - 8.5"x11" reduction and 15 blueines of Tentative Parcel Map No. 00-158.

Please give me a call with any questions.

From: Gary G. Ibanez

Copies to: Warren Williams-DRC

Commonwealth Land Title Company
350 Commerce Road, Suite 150
Irvine, California 92602
(714) 835-8511

TITLE DEPARTMENT FAX NO. (714) 368-3255

Issuing Policies Of



Commonwealth
LAND TITLE INSURANCE COMPANY

City of Garden Grove
11222 Acacia Parkway
Garden Grove, California 92842
Attn: Armando Morales

Your Ref: Sungrove Street

Our No: 2001804-3
Title Officer:
JIM PRASCH

PRELIMINARY REPORT

Dated as of April 3, 2000 at 7:30 A.M.

In response to the above referenced application for a policy of title insurance, Commonwealth Land Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth in Exhibit A attached. Copies of the Policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

SCHEDULE A

The form of policy of title insurance contemplated by this report is:

A CLTA Owners Policy

The estate or interest in the land hereinafter described or referred to covered by this report is:

A FEE

Title to said estate or interest at the date hereof is vested in:

The City of Garden Grove, a municipal corporation, and Dream Homes, Inc., a defunct California corporation, as their interests may appear of record

The land referred to in this Report is situated in the State of California, County of Orange, and is described as follows:

That portion of Sungrove Street, 60.00 feet wide, as shown and dedicated on the map of Tract No. 3221, in the City of Garden Grove, recorded in book 104, pages 39 and 40 of Miscellaneous Maps, in the office of the County Recorder of said County, which lies Southerly of the Easterly prolongation of the South line of Lot 15 of said Tract No. 3221 and Northerly of a line that is parallel and 50.00 feet Northerly, measured at right angles, from the centerline of Garden Grove Boulevard as said street is shown on the map of said Tract No. 3221.

SCHEDULE B

At the date hereof Exceptions to coverage in addition to the printed exceptions and exclusions in said policy form would be as follows:

- A. General and special taxes, including any assessments collected with taxes, to be levied for the fiscal year 2000-2001, which are a lien not yet payable.
- B. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 75, et seq. of the Revenue and Taxation Code of the State of California.
 - 1. The use and control of cienegas and natural streams of water, if any, naturally upon, flowing across, into or by said tract, and the right of way for and to construct irrigation or drainage ditches through said tract to irrigate or drain the adjacent land, as reserved in deed

Recorded: April 16, 1895, in book 87, page 230, of Deeds

- 2. In order to insure any act of the vestee corporation, please advise in what State it is incorporated, as there appears to be no record of a corporation of that name on file in California.
- 3. This Company will require a corporate resolution of the board of directors from the corporation(s) vested herein, authorizing this transaction and the execution of the documents necessary to complete it in accordance with instructions given to the Company.

PAYOFF INFORMATION

Note No. 1: AS OF JANUARY 1, 1990, CHAPTER 598, CALIFORNIA STATUTES OF 1989, (AB 512; INSURANCE CODE SECTION 12413.1) BECOMES EFFECTIVE. THE LAW REQUIRES THAT ALL FUNDS BE DEPOSITED AND AVAILABLE FOR WITHDRAWAL BY THE TITLE ENTITY'S ESCROW OR SUBESCROW ACCOUNT PRIOR TO DISBURSEMENT OF ANY FUNDS.

ONLY CASH OR WIRED FUNDS CAN BE GIVEN IMMEDIATE AVAILABILITY UPON DEPOSIT.

CASHIER'S CHECKS, TELLER'S CHECKS AND CERTIFIED CHECKS MAY BE AVAILABLE ONE BUSINESS DAY AFTER DEPOSIT.

ALL OTHER FUNDS SUCH AS PERSONAL, CORPORATE OR PARTNERSHIP CHECKS AND DRAFTS MAY CAUSE MATERIAL DELAYS IN DISBURSEMENT OF FUNDS ON THIS ORDER.

IN ORDER TO AVOID DELAYS, ALL FUNDING SHOULD BE WIRE TRANSFERRED. OUTGOING WIRE TRANSFERS WILL NOT BE AUTHORIZED UNTIL CONFIRMATION OF THE RESPECTIVE INCOMING WIRE TRANSFER OR AVAILABILITY OF DEPOSITED CHECKS.

WIRING INFORMATION FOR THIS OFFICE IS AS FOLLOWS:

Union Bank
500 South Main Street
Orange, California 92668

ABA No. 122000496
Account No. 9120008290

PLEASE REFERENCE TITLE ORDER NUMBER AND TITLE OFFICER

DISREGARD ABOVE INFORMATION IF COMMONWEALTH LAND TITLE COMPANY IS YOUR ESCROW SETTLEMENT AGENT

CONTACT ESCROW OFFICER FOR WIRING INSTRUCTIONS

Note No. 2: THIS COMPANY DOES REQUIRE CURRENT BENEFICIARY DEMANDS PRIOR TO CLOSING. If the demand is expired and a current demand cannot be obtained, our requirements will be as follows:

- (a) If this Company accepts a verbal update on the demand, we may hold an amount equal to one monthly mortgage payment. This hold will be in addition to the verbal hold the lender may have stipulated.
- (b) If this Company cannot obtain a verbal update on the demand, we will either pay off the expired demand, or wait for the amended demand, at our discretion.

Note No. 3: This report is incomplete as to the effect of documents, proceedings, liens, decrees, or other matters which do not specifically describe said land, but which, if any do exist, may affect the title or impose liens or encumbrances thereon.

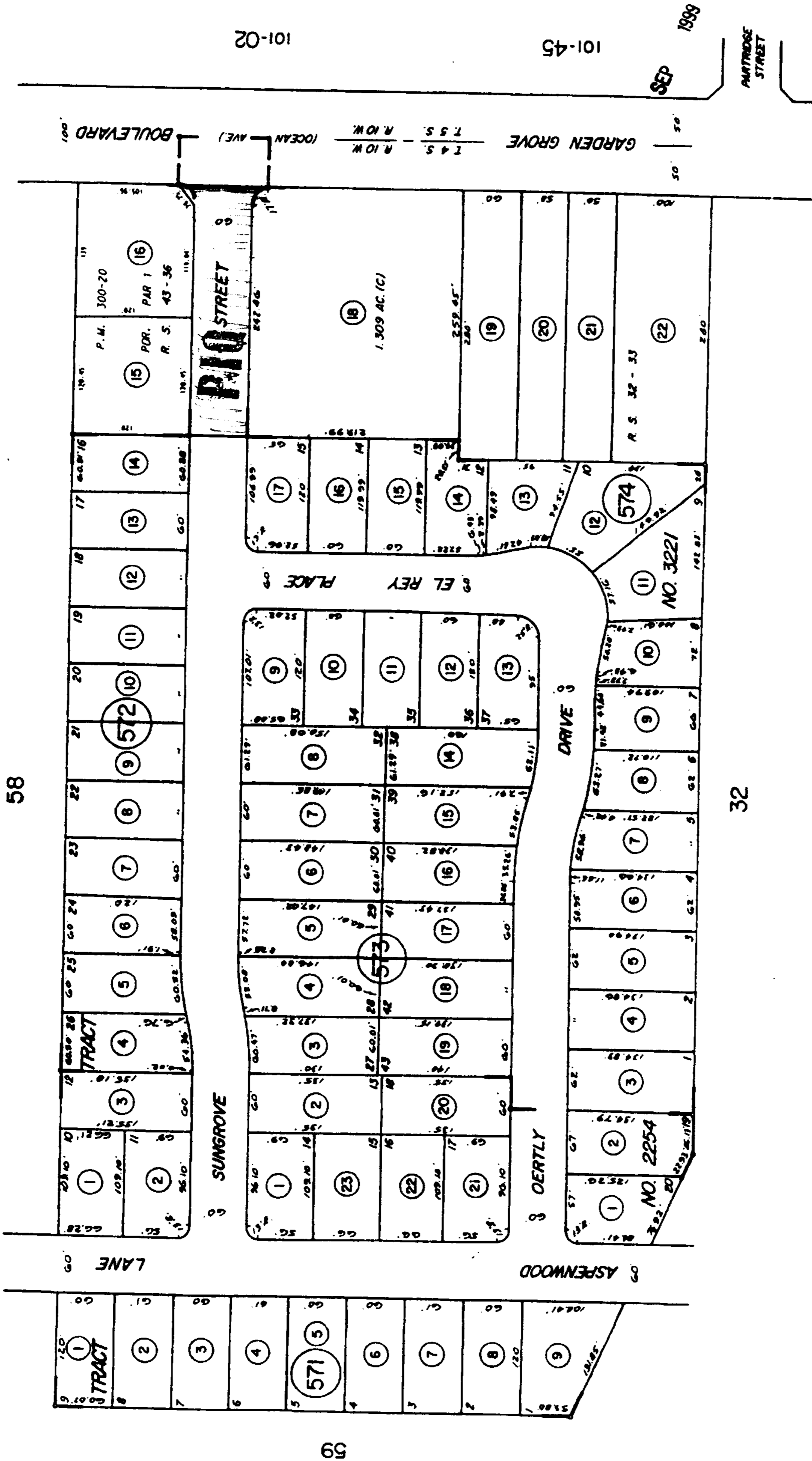
This Company will require statement(s) of information from buyer, seller, and/or borrower, in order to complete this report.

Note No. 4: The premium for a policy of title insurance, if issued, will be based on 100%.

jp/ma

POR. SW 1/4, SE 1/4, SEC. 34, T 4 S, R 10 W

231-57



58

32

59

MARCH 1980

TRACT NO. 3221
TRACT NO. 2254
PARCEL MAP

M.M. 104-39.40
M.M. 113-9.10
P.M. 300-20

NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

ASSESSOR'S MAP
BOOK 231 PAGE 57
COUNTY OF ORANGE

This plat is for your aid in locating your land with reference to streets and other parcels. It is not a survey. While this plat is believed to be correct, the Company assumes no liability for any loss occurring by reason of reliance thereon.
COMMERCIAL-TRUST TITLE COMPANY

AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (10-17-92)
WITH ALTA ENDORSEMENT-FORM 1 COVERAGE
and
AMERICAN LAND TITLE ASSOCIATION LEASEHOLD LOAN POLICY (10-17-92)
WITH ALTA ENDORSEMENT-FORM 1 COVERAGE
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or to the extent insurance is afforded herein as to assessments for street improvements under construction or completed at Date of Policy); or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.
4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
7. Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
 - (ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
 - (iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
 - (a) to timely record the instrument of transfer; or
 - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy forms may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following General Exceptions:

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (10-17-92)
and
AMERICAN LAND TITLE ASSOCIATION LEASEHOLD OWNER'S POLICY (10-17-92)
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - (i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
 - (ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
 - (a) to timely record the instrument of transfer; or
 - (b) of such recordation to impart notice to a purchaser for value or a judgment or lien creditor.

The above policy forms may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage Policy will also include the following General Exceptions.

EXCEPTIONS FROM COVERAGE

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1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.



GARDEN GROVE
April 5, 2000

CITY OF GARDEN GROVE

Bruce A. Broadwater
Mayor

William J. Dalton
Mayor Pro Tem

Ho Chung
Councilman

Mark Leyes
Councilman

Mark Rosen
Councilman

NEIGHBORHOOD MEETING REGARDING STREET CLOSURE

Dear Property Owner/Resident:

The City of Garden Grove's Community Development Department will be conducting a neighborhood meeting to discuss the closure of Sungrove Street, just south of El Rey place.

The City is requesting your participation in this neighborhood meeting to be held at 6:00 p.m. on Thursday, April 13, 2000. We will be meeting in Classroom No. 7, at the University of LaVerne, Garden Grove Center, at the Garden Grove Higher Education Center, 12951 Euclid Street. You are invited to attend this meeting to discuss this traffic issue.

If you have any questions, please call the Project Manager, Kimberly Huy at (714) 741-5129.

Sincerely,

Kimberly Huy
Project Manager

KH:mi/(kimd/white/neighmtg.com/4/4/00)

GPA-100(A), PUD-136-00,
V-270-00, SP-275-00, SV-111-00

Case No. _____

**COMMUNITY DEVELOPMENT REVIEW
AND COMMENT SHEET**

* Please bring
written comments to
DCC Mtg 4/4/00

DISTRIBUTION:

- | | | |
|--|--|--|
| <input type="checkbox"/> Economic Development | <input type="checkbox"/> Fire Department | <input type="checkbox"/> Taorimina Ind. |
| <input type="checkbox"/> Community Dev. Director | <input type="checkbox"/> Plan Check | <input checked="" type="checkbox"/> Engineer Serv(2) |
| <input type="checkbox"/> Code Enforcement | <input type="checkbox"/> Police Department | <input type="checkbox"/> PW - Utility Serv |
| <input type="checkbox"/> Planning Manager | <input type="checkbox"/> Planning Super | <input type="checkbox"/> PW - Streets |

ATTN: George Allen

From: Rosalinh Ung Return By: 4/4/00

Applicant: Kaufman & Broad Multi-Housing Group Inc. Date Out: 3/27/00

Request: To construct 93-unit affordable senior apartment complex

Location: NWC GG Blvd + Sunnyside

Address: 12811 Garden Grove Blvd Parcel No: 231-574-18

Zone: HCSP/OP General Plan: MX

ANALYSIS

Please provide any information you would like to be included in the Staff Report.

Please list specific conditions of approval on reverse side.

Conditions of Approval to be included in the Planning Commission Resolution:

1. Traffic Mitigation Fees
2. Construct standard Knuckle (B109) at El Key Place and Sun Grove.
3. Vacate Sun Grove and develop access to two homes off El Key / Sun Grove. Remove existing curb/gutter and asphalt from North property line of development to El Key
4. Maintain any utility easements on Sun Grove as necessary
5. Gate locations must provide min 25' clearance for fire access.
6. Entrance from Garden Grove Blvd to the determine when Sun Grove vacation is determined. If it remain a city street then design must meet city standards. If vacated design can be flexible to suite development
7. Must construct median on Garden Grove Blvd from Sun Grove to Master. (Note plans are developed and ready.)

Prepared By: Page J. Allen Date: 4-5-00 Ext.: 5190

Div/Dept. Head: _____ Date: _____ Ext: _____

Signature: _____ Date: _____

RECEIVED

MAR 28 2000

PUBLIC WORKS

GPA-FOO(A), PUD-136-00,
V-270-00, SP-275-00, SV-111-00

Case No. _____

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| <input type="checkbox"/> Planning Manager | <input type="checkbox"/> Planning Super | <input checked="" type="checkbox"/> PAV - Streets |

ATTN: _____

From: Rosalinh Ung Return By: 4/4/00

Applicant: Kaufman & Broad Multi-Housing Group Inc. Date Out: 3/27/00

Request: To construct 93-unit affordable senior apartment complex

Location: NWC GG Blvd + Sungrove

Address: 12811 Garden Grove Blvd Parcel No: 231-574-18

Zone: HCSP/CP General Plan: MX

ANALYSIS

Please provide any information you would like to be included in the Staff Report.

Consider locating this portion of Sungrove on
have developer re-name this portion of Sungrove Blvd

Please list specific conditions of approval on reverse side.

Conditions of Approval to be included in the Planning Commission Resolution:

Have developer repair any damages concrete in the area. Robert

No City trees shall be located on driveway or sidewalk. Eliminate city tree and tree well on sidewalk on Golden Grove perimeter of project.

Eliminate city Cupressus tree on right of way on Sun Grove side of project.

all trees within 10 FT of City sidewalk shall be installed with a root Barrier protector for Yonkers

Prepared By: _____ Date: _____ Ext.: _____

Div/Dept. Head: K. H. J. Date: 4-3-00 Ext: 5379

Signature: _____ Date: _____

GPA-FOO(A), PUD-136-00,
V-270-00, SP-275-00, SV-111-00 ✓

Case No. _____

**COMMUNITY DEVELOPMENT REVIEW
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| <input type="checkbox"/> Planning Manager | <input type="checkbox"/> Planning Super | <input type="checkbox"/> PW - Streets |

ATTN: Ed Julias

From: Rosalind Ung Return By: 4/4/00

Applicant: Kaufman + Broad Multi-Housing Group Inc. Date Out: 3/27/00

Request: To construct 93-unit affordable senior apartment complex

Location: NWC GG Blvd + Sunnyside

Address: 12811 Garden Grove Blvd Parcel No: 231-574-18

Zone: HCSP/OP General Plan: MX

ANALYSIS

Please provide any information you would like to be included in the Staff Report.

Please list specific conditions of approval on reverse side.

Conditions of Approval to be included in the Planning Commission Resolution:

See attached

Prepared By: ED WKA5 Date: 4/3/02 Ext: 5230

Div/Dept. Head: _____ Date: _____ Ext: _____

Signature: _____ Date: _____

Fire Department General Requirements

4/4/00

PUD-136-00

Site Location: 12811 Garden Grove Blvd./Senior Apts.

1. Automatic fire sprinklers shall be provided in all buildings, regardless of fire separation walls, with a "gross" floor area of 6000 square feet or more, or 55 feet above grade or containing three or more stories, or as required by CBC Chapter 9.
2. Fire sprinkler system(s) and all control valves, including exterior, shall be supervised to an approved central alarm station prior to Fire Department final.
3. Fire sprinkler system shall be designed to utilize not more than 90 percent of the available water supply as indicated by a submittal graph as required by NFPA Standard #13.
4. Fire extinguishers shall be provided, locations and ratings to be determined by fire inspector.
5. One (1) on-site fire hydrant shall be provided. Location shall be determined by the Fire Department. All on-site fire hydrants shall be operable prior to delivery of combustible material on site. Access roads shall be maintained during all phases of construction.
6. Occupancies 4 story or more shall be provided with a Class I standpipe system.
7. A manual fire alarm system in accordance with the California Fire Code, Article 10 and the California Electrical Code shall be provided.
8. Signage requirements for the Emergency Planning and Information Plan as required in C.C.R. Title 19, Section 3.09, shall be provided.
9. Required fire lanes shall be posted and marked in accordance with Garden Grove Fire Department Fire Protection Specifications and Requirements.
10. Fire apparatus access gate(s) shall be openable with a Fire Department Knox box key. 25' clearance shall be maintained in driveways.

REC'D MAR 28 2000
GPA-100(A), PUD-136-00, V-270-00, SP-275-00, SV-111-00

Case No. _____

**COMMUNITY DEVELOPMENT REVIEW
AND COMMENT SHEET**

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| <input type="checkbox"/> Planning Manager | <input type="checkbox"/> Planning Super | <input type="checkbox"/> PW - Streets |

ATTN: Jan

From: Rosalind Ung Return By: 4/4/00

Applicant: Kaufman & Broad Multi-Housing Group Inc. Date Out: 3/27/00

Request: To construct 93-unit affordable senior apartment complex

Location: NWC GG Blvd + Sunnyside

Address: 12811 Garden Grove Blvd Parcel No: 231-574-18

Zone: HCSP/OP General Plan: MX

ANALYSIS

Please provide any information you would like to be included in the Staff Report.

Due to the amount of traffic (approx 1600 ADT) using Sunnyside, I recommend not vacating the street, at least not without having a public meeting. I have, however, provided conditions should the street indeed be vacated.

Please list specific conditions of approval on reverse side.

**DEPARTMENT OF PUBLIC WORKS - LAND DEVELOPMENT SECTION
CONDITIONS OF APPROVAL**

**GPA 1-00(A), PUD 136-00, V 270-00, SP 275-00, SV 111-00
KAUFMAN AND BROAD MULTI-HOUSING GROUP
SENIOR APARTMENT COMMUNITY (93 UNITS)
NWC GARDEN GROVE BLVD. AND SUNGROVE ST.**

1. ✓ The proposed driveway approach shall be constructed per Garden Grove Standard Plan B-120. The four (4) existing approaches on Garden Grove Blvd. shall be removed and replaced with curb & gutter and sidewalk.
- ✓ 2. 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, basement and septic facilities. Should contaminants be found the site will require Environmental Clearance that will usually involve site remediation. The report shall make recommendations for pavement design based on a Traffic Index to be supplied by the City Traffic Engineer.
3. New trash enclosures shall be constructed per Garden Grove Standard Plan B-502. The trash enclosures shall be located to allow pick-up and maneuvering, including turnarounds, in the area of the enclosures.
- ✓ 4. Provide hydrology with a scaled map and calculations and hydraulic calculations to size storm drains per Orange County PF&RD Standards. Parkway culverts shall be constructed shall be per PF&RD Standard Plan 1309 (Type B). The drainage study needs to account for surface flows traveling southerly on Sungrove St. that will be obstructed with the proposed development.
- ✓ 5. Grading, street improvement and utility plans are required. Plans shall be prepared by a registered Civil Engineer.
- ✓ 6. In accordance with the 1972 Clean Water Act and National Pollution Discharge Elimination System (NPDES) requirements, the developer is required to submit a long term, post construction, Water Quality Management Plan (WQMP). The WQMP shall include provisions for the installation and maintenance of appropriate structural facilities and identify all non-structural Best Management Practices (BMPs) to be implemented with the project. The plan shall be submitted to and approved by the Public Works and Community Development Departments prior to the issuance of a grading or building permit, whichever

occurs first. The project shall also be subject to all conditions in the latest edition of the Drainage Area Management Plan (DAMP) and appendices.

- ✓ 7. Arrangements for inspection of areas outside of the building footprint, within the project limits, shall be initiated by the applicant. Public Works Engineering staff will not routinely provide inspection services for areas outside of public right-of-way. A standard grading certification letter is available on file at the City to facilitate this private inspection process.
- ✓ 8. A separate street permit is required for work performed within the public right-of-way. Bonds shall be posted to secure all work within the public right-of-way.
- ✓ 9. Prior to the issuance of a grading permit, the applicant shall design a standard cul-de-sac (38' curblin radius) at the terminus of Sungrove St. just north of the project.
- ✓ 10. The applicant shall repave Garden Grove Blvd. (half street width) across the property frontage in a manner meeting the approval of the City Engineer.

GPA-100(A), PUD-136-00, ✓
V-270-00, SP-275-00, SV-111-00

Case No. _____

**COMMUNITY DEVELOPMENT REVIEW
AND COMMENT SHEET**

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DCC Mtg 4/4/00

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| <input type="checkbox"/> Planning Manager | <input checked="" type="checkbox"/> Planning Super | <input type="checkbox"/> PW - Streets |

ATTN: Karl

From: Rosalinda Ung Return By: 4/4/00

Applicant: Kaufman + Broad Multi-Housing Group Inc. Date Out: 3/27/00

Request: To construct 93-unit affordable senior apartment complex

Location: NWC GG Blvd + Sunnyside

Address: 12811 Garden Grove Blvd Parcel No: 231-574-18

Zone: HOSP/CP General Plan: MX

ANALYSIS

Please provide any information you would like to be included in the Staff Report.

* Court open to sky - not clear how accessed sky-light above?

* No elevations on the other three sides - concern how west elevation looks

* dead storage space?

* will they have access/arrangement to have a shuttle van service?

Please list specific conditions of approval on reverse side.

GPA-100(A), PUD-136-00,
V-270-00, SP-275-00, SV-111-00

Case No. _____

**COMMUNITY DEVELOPMENT REVIEW
AND COMMENT SHEET**

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| <input checked="" type="checkbox"/> Planning Manager | <input type="checkbox"/> Planning Super | <input type="checkbox"/> P/W - Streets |

ATTN: Glen

From: Rosalinh Una Return By: 4/4/00

Applicant: Kaufman & Piroad Multi-Housing Group Inc. Date Out: 3/27/00

Request: To construct 93-unit affordable senior apartment complex

Location: NWC GG Blvd & Sunnyside

Address: 12811 Garden Grove Blvd Parcel No: 231-574-18

Zone: HOSP/OP General Plan: MX

ANALYSIS

Please provide any information you would like to be included in the Staff Report.

① How & how often will trash area be serviced?

OK

Please list specific conditions of approval on reverse side.

GPA-100(A), PUD-136-00,
V-270-00, SP-275-00, SV-111-00

Case No. _____

**COMMUNITY DEVELOPMENT REVIEW
AND COMMENT SHEET**

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| <input type="checkbox"/> Code Enforcement | <input type="checkbox"/> Police Department | <input type="checkbox"/> PW - Utility Serv |
| <input type="checkbox"/> Planning Manager | <input type="checkbox"/> Planning Super | <input type="checkbox"/> PW - Streets |

ATTN: John Bushman

From: Rosalink Ung Return By: 4/4/00

Applicant: Kaufman & Broad Multi-Housing Group Inc. Date Out: 3/27/00

Request: To construct 93-unit affordable senior apartment complex

Location: NWC GG Blvd & Sunnyside

Address: 12811 Garden Grove Blvd Parcel No: 231-574-18

Zone: HCSP/OP General Plan: MX

ANALYSIS

Please provide any information you would like to be included in the Staff Report.

Looks good. I saw the ones in Orange & they look classy & don't have this much setback so ours should be better. One suggestion - how about some palm trees?
JB

Please list specific conditions of approval on reverse side.

GPA-100(A), PUD-136-00,
V-270-00, SP-275-00, SV-111-00

Case No. _____

**COMMUNITY DEVELOPMENT REVIEW
AND COMMENT SHEET**

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| <input type="checkbox"/> Planning Manager | <input type="checkbox"/> Planning Super | <input type="checkbox"/> PW - Streets |

ATTN: Bill Johnson

From: Rosalinh Ung Return By: 4/4/00

Applicant: Kaufman & Piroad Multi-Housing Group Inc. Date Out: 3/27/00

Request: To construct 93-unit affordable senior apartment complex

Location: NWC GG Blvd + Sunnyside

Address: 12811 Garden Grove Blvd Parcel No: 231-574-18

Zone: HCSP/OP General Plan: MX

ANALYSIS

Please provide any information you would like to be included in the Staff Report.

NO COMMENTS

Please list specific conditions of approval on reverse side.

GPA-100(A), PUD-136-00, ✓
V-270-00, SP-275-00, SV-111-00

Case No. _____

**COMMUNITY DEVELOPMENT REVIEW
AND COMMENT SHEET**

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DISTRIBUTION:

- Economic Development
- Community Dev. Director
- Code Enforcement
- Planning Manager

- Fire Department
- Plan Check
- Police Department
- Planning Super

- Taorimina Ind.
- Engineer Serv(2)
- P/W - Utility Serv
- P/W - Streets

ATTN: _____

From: Rosalinh Ung Return By: 4/4/00

Applicant: Kaufman & P. Road Multi-Housing Group Inc. Date Out: 3/27/00

Request: To construct 93-unit affordable senior apartment complex

Location: NWC GG Blvd & Sunnyside

Address: 12811 Garden Grove Blvd Parcel No: 231-574-18

Zone: HOSP/CP General Plan: MX

ANALYSIS

Please provide any information you would like to be included in the Staff Report.

no comment

Please list specific conditions of approval on reverse side.

GPA-100(A), PUD-136-00,
V-270-00, SP-275-00, SV-111-00

Case No. _____

**COMMUNITY DEVELOPMENT REVIEW
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ATTN: Eng / Bill

From: Rosalind Una Return By: 4/4/00

Applicant: Kaufman + Broad Multi-Housing Group Inc. Date Out: 3/27/00

Request: To construct 93-unit affordable senior apartment complex

Location: NWC GG Blvd & Sunnyside

Address: 12811 Garden Grove Blvd Parcel No: 231-574-18

Zone: HCSF/OP General Plan: MX

ANALYSIS

Please provide any information you would like to be included in the Staff Report.

① shall comply with California Building Codes.

Please list specific conditions of approval on reverse side.



Additions to Conditions of Approval for the Sungrove/Garden Grove Blvd. Senior Development:

1. Install “Not a Through Street” sign (W53R) at the southwest corner of Aspenwood/Sungrove.
2. Install three “No Parking Anytime” signs (R26) in the hammerhead closure of Sungrove. Two shall be installed along the west and east side and one shall be installed along the south side of the hammerhead closure.
3. Install one 9500 lumen street light on the south side of the hammerhead closure.

Tony Aquino Public Works, Engineering
Ext. 5193


✓

**DEPARTMENT OF PUBLIC WORKS - LAND DEVELOPMENT SECTION
CONDITIONS OF APPROVAL**

TPM 00-158

**KAUFMAN AND BROAD MULTI-HOUSING GROUP
SENIOR APARTMENT COMMUNITY (93 UNITS)
NWC GARDEN GROVE BLVD. AND SUNGROVE ST.**

1. Prior to recordation, the applicant shall provide a north/south drainage easement across the parcel to accommodate the necessary drainage improvements that will channel surface flows on Sungrove St. to Garden Grove Boulevard in a manner meeting the approval of the City Engineer.
2. Prior to recordation, the applicant shall provide an access easement for the adjoining parcel to the east to use the proposed common driveway.


4/26/00

From: Ken Anderson <kena@ch.ci.garden-grove.ca.us>
To: Roslinh Ung <linhu@ch.ci.garden-grove.ca.us>
Date: Wednesday, April 26, 2000 3:58 PM
Subject: Revised conditdions for Senior Housing Project

Hi Roslinh,
Please add the following condition to the ones you presently have:

13. The developer shall grant easements to the City of Garden Grove for water and sewer purposes for the existing or any proposed future water and sewer lines necessary for the City to provide water and sewer service as required by the City. The easement size and shape shall be as determined by the Utilities Division. The Developer's Civil Engineer shall prepare legal descriptions and drawings as approved by the City. Once approved and executed the City will record the easements. (These requirements may be addressed on the propsed Parcel Map)

14. The developer shall reserve sepatate easements and operation/maintanence agreements as approved by the City to allow sewer service from the adjacent parcel to the east to connect to the City Sewer Main. Maintenance and operation costs and liability shall be shared by the respective property owners.

Please call if you have any questions.

Thanks,
Ken

RECEIVED

GPA-100(A), PUD-136-00, ✓
V-270-00, SP-275-00, SV-111-00

Case No. _____

APR 8 2000

WORKS
UTILITIES

COMMUNITY DEVELOPMENT REVIEW
AND COMMENT SHEET

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| <input type="checkbox"/> Community Dev. Director | <input type="checkbox"/> Plan Check | <input type="checkbox"/> Engineer Serv(2) |
| <input type="checkbox"/> Code Enforcement | <input type="checkbox"/> Police Department | <input checked="" type="checkbox"/> PW - Utility Serv |
| <input type="checkbox"/> Planning Manager | <input type="checkbox"/> Planning Super | <input type="checkbox"/> PW - Streets |

ATTN: _____

From: Rosalinh Ung Return By: 4/4/00

Applicant: Kaufman & Piroad Multi-Housing Group Inc. Date Out: 3/27/00

Request: To construct 93-unit affordable senior apartment complex

Location: NWC GG Blvd + Sunnyside

Address: 12811 Garden Grove Blvd Parcel No: 231-574-18

Zone: HOSP/CP General Plan: MX

ANALYSIS

Please provide any information you would like to be included in the Staff Report.

(1) SEE COA

Please list specific conditions of approval on reverse side.

**DEPARTMENT OF PUBLIC WORKS
WATER SERVICES DIVISION
DEVELOPMENT REVIEW AND
CONDITIONS OF APPROVAL**

Senior Apartment Complex, 12811 Garden Grove Blvd., PUD-136-00, S0-275-00, GPA-1-00(A), SV-111-00, V-270-00

1. New water service installations to be at owner's/developer's expense. Installation to be by City forces upon payment of applicable fees, unless otherwise noted. Fire services and larger water services (3" and larger) shall be installed by developer/owner's contractor per City Standards.
2. Water meters to be located within the city right-of-way. Fire services and large water services (3" and larger) to be installed by contractor with class A or C-34 license, per city water standards and inspected by a Public Works inspector.
3. A backflow prevention device shall be required on water lateral. Installation to be per City Standards and shall be inspected by cross connection specialist after installation. Device to be tested immediately after installation and once a year by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division.
4. Owner to dedicate all rights to underground water without the right to subsurface entry.
5. Any water valve located within new concrete driveway or sidewalk construction shall be reconstructed per city standard B-753.
6. City to determine if existing water services(s) is/are usable and meets current City Standards. Any meter and service located within new driveway(s) will need to be relocated at owner's expense.
7. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
8. Fire service to have above ground backflow device with a double check valve assembly. Device to be tested immediately after installation and once a year a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device to be on private property and is the responsibility of the property owner. The above ground assembly to be screened from public view as required by the Planning Division. Fire service to be connected to 12" water main in Garden Grove Blvd.
9. Owner to install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 6" min. dia., extra strength VCP with wedgelock joints.

10. Contractor to abandon existing sewer lateral 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. . New sewer may be connected to Sungrove Street.
11. A properly sized grease trap shall be installed on the sewer lateral and maintained by the property owner. The grease trap is to be installed outside of the building in an area that is accessible for routine maintenance. The grease trap shall be installed downstream of the last sewer connection

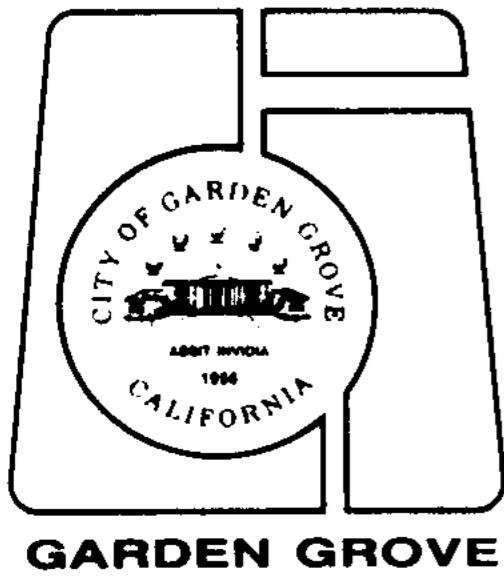


From: Ken Anderson <kena@ch.ci.garden-grove.ca.us>
To: Roslinh Ung <linhu@ch.ci.garden-grove.ca.us>
Date: Monday, April 10, 2000 3:24 PM
Subject: Sewer condition for review of existing sewer system capacity for developments at Sungrove & GG Blvd

Hi Roslinh,
Please add the following condition to cover the work already being done in regards to the analysis of the existing sewer capacity for the subject developments.

12. The developer shall provide an assessment of the impact of the new development to the existing sewer system at Garden Grove and Harbor Blvd. If existing capacity is not adequate developer shall be responsible to provide adequate public sewer facilities.

Thanks,
Ken



CITY OF GARDEN GROVE

Bruce A. Broadwater
Mayor

William J. Dalton
Mayor Pro Tem

Ho Chung
Councilman

Mark Leyes
Councilman

Mark Rosen
Councilman

April 18, 2000

Kaufman & Broad
320 Golden Shore, Suite 200
Long Beach, CA 90802

Attn: Craig Farmer

Dear Mr. Farmer:

Thank you for your remittance of the Variance fee for the proposed 93 unit affordable senior apartment building. I have enclosed the receipt, and if you have any questions please contact your case Planner, Rosalinh Ung, at (714) 741-5312.

Respectfully,

A handwritten signature in cursive script that reads 'Teresa Pomeroy'.

Teresa Pomeroy
Principle Office Assistant

Enclosure

CITY OF GARDEN GROVE

11222 Acacia Parkway
P.O. Box 3070
Garden Grove, CA 92842

Fax Number (714) 741-5578

PLEASE DELIVER THE FOLLOWING MATERIAL AS SOON AS POSSIBLE

TO: Gary Ibanez
FROM: Rosalinh Ung PHONE: 714-741-5314
SUBJECT: Turning radius for trash pickup & fire
FAX NUMBER SENT TO: 560-8513 NUMBER OF PAGES: 2
(INCLUDING COVER PAGE)

CONFIDENTIAL: YES NO URGENT REPLY REQUESTED: YES NO

COMMENTS: Please review the diagram. The
truck driving pattern encroaches into parking
space Nos. 14-16, 22-26, & planter area.
Possible solution: reduce the width of compact
parking stalls to 7 1/2 or 8 ft.
Please call George Allen or Jim Deyo
@ 741-5190

PLEASE NOTIFY AUTHOR IMMEDIATELY IF NOT RECEIVED PROPERLY

OPERATOR: _____ DATE SENT: _____ TIME SENT: _____

KAUFMAN  BROAD

City of Garden Grove
Attn: Ms. Rosalinh M. Ung
11222 Acacia Parkway
Garden Grove, CA 92842

22 May 2000

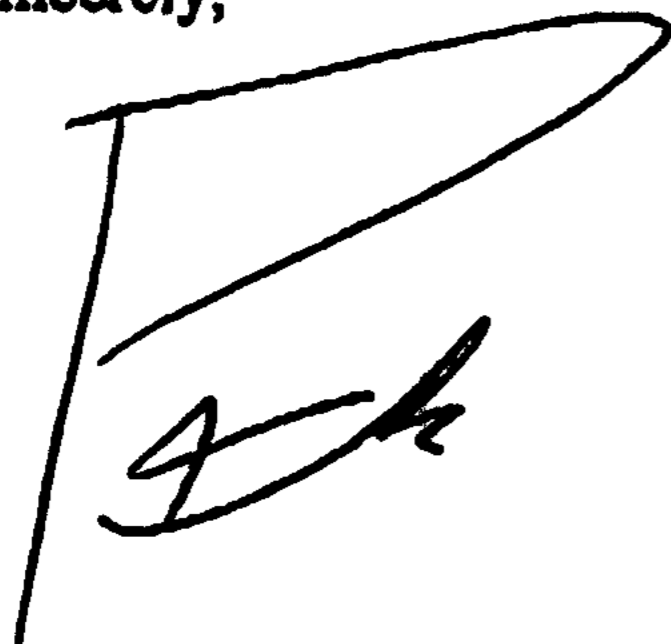
Re: 12811 Garden Grove Boulevard, "Sungrove Senior Apartments"

Dear Rosalinh,

As we discussed last Friday, this letter will set forth the income category selection qualifying the above referenced project for the density bonus pursuant to California Government Code Section 65915 (b). At least 17 units of the total 82 units will be restricted to residents with low incomes (defined in 65915 (c) as annual household incomes less than 60% of Orange County Area Median Income). In order to conform to the California Tax Credit Allocation Committee Regulations, the rent restriction will be recorded and will be in effect for at least 30 years.

If you need additional information, please call. Thank you for your assistance.

Sincerely,



Patrick S. Simons
Project Manager

FAX

KAUFMAN BROAD

Kaufman and Broad Multi-Housing Group, Inc.

Developing Apartments for Families and the Elderly Nationwide

Patrick S. Simons
Project Manager

Phone: 562-256-2024
Fax: 562-901-0914

320 Golden Shore, Suite 200
Long Beach, CA 90802

DATE:5/22/00
TO:.....Ms. Rosalinh Ung
ORGANIZATION:.....City of Garden Grove
FAX:.....714-741-5578
PHONE:.....714-741-5312
PAGES (including cover):2

MESSAGE: Following is the letter regarding income restrictions for use in your staff report.

CONFIDENTIALITY: THIS FACSIMILE IS INTENDED ONLY FOR THE PERSON OR ENTITY TO WHICH IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, OR OTHERWISE PROTECTED FROM DISCLOSURE. DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS FACSIMILE OR THE INFORMATION HEREIN BY ANYONE OTHER THAN THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT IS PROHIBITED. IF YOU HAVE RECEIVED THIS FACSIMILE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE FACSIMILE BY MAIL.

b-CA

KAUFMAN  BROAD

City of Garden Grove
Attn: Ms. Rosalinh M. Ung
11222 Acacia Parkway
Garden Grove, CA 92842

22 May 2000

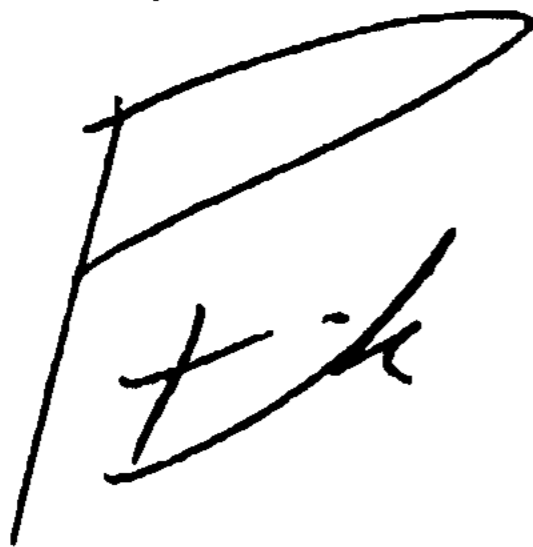
Re: 12811 Garden Grove Boulevard, "Sungrove Senior Apartments"

Dear Rosalinh,

As we discussed last Friday, this letter will set forth the income category selection qualifying the above referenced project for the density bonus pursuant to California Government Code Section 65915 (b). At least 20 percent of the total units will be restricted to residents with low incomes (defined in 65915 (c) as annual household incomes less than 60% of Orange County Area Median Income). In order to conform to the California Tax Credit Allocation Committee Regulations, the rent restriction will be recorded and will be in effect for at least 30 years.

If you need additional information, please call. Thank you for your assistance.

Sincerely,



Patrick S. Simons
Project Manager

GOVERNMENT CODE SECTION 65915-65918

65915. (a) When a developer of housing proposes a housing development within the jurisdiction of the local government, the city, county, or city and county shall provide the developer incentives for the production of lower income housing units within the development if the developer meets the requirements set forth in subdivisions (b) and (c). The city, county, or city and county shall adopt an ordinance which shall specify the method of providing developer incentives.

(b) When a developer of housing agrees or proposes to construct at least (1) 20 percent of the total units of a housing development for lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (2) 10 percent of the total units of a housing development for very low income households, as defined in Section 50105 of the Health and Safety Code, or (3) 50 percent of the total dwelling units of a housing development for qualifying residents, as defined in Section 51.3 of the Civil Code, a city, county, or city and county shall either (1) grant a density bonus and at least one of the concessions or incentives identified in subdivision (h) unless the city, county, or city and county makes a written finding that the additional concession or incentive is not required in order to provide for affordable housing costs as defined in Section 50052.5 of the Health and Safety Code or for rents for the targeted units to be set as specified in subdivision (c), or (2) provide other incentives of equivalent financial value based upon the land cost per dwelling unit.

(c) A developer shall agree to and the city, county, or city and county shall ensure continued affordability of all lower income density bonus units for 30 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program. Those units targeted for lower income households, as defined in Section 50079.5 of the Health and Safety Code, shall be affordable at a rent that does not exceed 30 percent of 60 percent of area median income. Those units targeted for very low income households, as defined in Section 50105 of the Health and Safety Code, shall be affordable at a rent that does not exceed 30 percent of 50 percent of area median income. If a city, county, or city and county does not grant at least one additional concession or incentive pursuant to paragraph (1) of subdivision (b), the developer shall agree to and the city, county, or city and county shall ensure continued affordability for 10 years of all lower income housing units receiving a density bonus.

(d) A developer may submit to a city, county, or city and county a preliminary proposal for the development of housing pursuant to this section prior to the submittal of any formal requests for general plan amendments, zoning amendments, or subdivision map approvals. The city, county, or city and county shall, within 90 days of receipt of a written proposal, notify the housing developer in writing of the procedures under which it will comply with this section. The city, county, or city and county shall establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section. The city, county, or city and county shall also establish procedures for waiving or modifying development and zoning standards which would otherwise inhibit the utilization of the density bonus on specific sites. These procedures shall include, but not be limited to, such

Developer

items as minimum lot size, side yard setbacks, and placement of public works improvements.

(e) The housing developer shall show that the waiver or modification is necessary to make the housing units economically feasible.

(f) For the purposes of this chapter, "density bonus" means a density increase of at least 25 percent, unless a lesser percentage is elected by the developer, over the otherwise maximum allowable residential density under the applicable zoning ordinance and land use element of the general plan as of the date of application by the developer to the city, county, or city and county. The granting of a density bonus shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval. The density bonus shall not be included when determining the number of housing units which is equal to 10 or 20 percent of the total. The density bonus shall apply to housing developments consisting of five or more dwelling units.

(g) "Housing development," as used in this section, means one or more groups of projects for residential units constructed in the planned development of a city, county, or city and county. For purposes of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.

(h) For purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements which exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required.

(2) Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county which result in identifiable cost reductions.

This subdivision does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city, county, or city and county, or the waiver of fees or dedication requirements.

(i) If a developer agrees to construct both 20 percent of the total units for lower income households and 10 percent of the total units for very low income households, the developer is entitled to only one density bonus and at least one additional concession or incentive identified in Section 65913.4 under this section although the city, city and county, or county may, at its discretion, grant more than one density bonus.

65915.5. (a) When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 percent of the total units of the proposed condominium project to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code, or 15 percent of the total units of the proposed condominium project to lower income households as defined in

CR - 42-60
60
specific plan - 20%
density bonus - 25%
60
12 SP
15 SB
87 unit/acre
parking reduction - 20%

Section 50079.5 of the Health and Safety Code, and agrees to pay for the reasonably necessary administrative costs incurred by a city, county, or city and county pursuant to this section, the city, county, or city and county shall either (1) grant a density bonus or (2) provide other incentives of equivalent financial value. A city, county, or city and county may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

(b) For purposes of this section, "density bonus" means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

(c) For purposes of this section, "other incentives of equivalent financial value" shall not be construed to require a city, county, or city and county to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city, county, or city and county might otherwise apply as conditions of conversion approval.

(d) An applicant for approval to convert apartments to a condominium project may submit to a city, county, or city and county a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. The city, county, or city and county shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the manner in which it will comply with this section. The city, county, or city and county shall establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section.

(e) Nothing in this section shall be construed to require a city, county, or city and county to approve a proposal to convert apartments to condominiums.

(f) An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Section 65915.

65916. Where there is a direct financial contribution to a housing development pursuant to Section 65915 through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, the city, county, or city and county shall assure continued availability for low- and moderate-income units for 30 years. When appropriate, the agreement provided for in Section 65915 shall specify the mechanisms and procedures necessary to carry out this section.

65917. In enacting this chapter it is the intent of the Legislature that the density bonus or other incentives offered by the city, county, or city and county pursuant to this chapter shall contribute significantly to the economic feasibility of lower income housing in proposed housing developments. In the absence of an agreement by a developer in accordance with Section 65913.5 or 65915, a locality shall not offer a density bonus or any other incentive that would undermine the intent of this chapter.

65917.5. (a) As used in this section, the following terms shall

have the following meanings:

(1) "Child care facility" means a facility installed, operated, and maintained under this section for the nonresidential care of children as defined under applicable state licensing requirements for the facility.

(2) "Density bonus" means a floor area ratio bonus over the otherwise maximum allowable density permitted under the applicable zoning ordinance and land use elements of the general plan of a city, including a charter city, city and county, or county of:

(A) A maximum of five square feet of floor area for each one square foot of floor area contained in the child care facility for existing structures.

(B) A maximum of 10 square feet of floor area for each one square foot of floor area contained in the child care facility for new structures.

For purposes of calculating the density bonus under this section, both indoor and outdoor square footage requirements for the child care facility as set forth in applicable state child care licensing requirements shall be included in the floor area of the child care facility.

(3) "Developer" means the owner or other person, including a lessee, having the right under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors to make application for development approvals for the development or redevelopment of a commercial or industrial project.

(4) "Floor area" means as to a commercial or industrial project, the floor area as calculated under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors and as to a child care facility, the total area contained within the exterior walls of the facility and all outdoor areas devoted to the use of the facility in accordance with applicable state child care licensing requirements.

(b) A city council, including a charter city council, city and county board of supervisors, or county board of supervisors may establish a procedure by ordinance to grant a developer of a commercial or industrial project, containing at least 50,000 square feet of floor area, a density bonus when that developer has set aside at least 2,000 square feet of floor area and 3,000 outdoor square feet to be used for a child care facility. The granting of a bonus shall not preclude a city council, including a charter city council, city and county board of supervisors, or county board of supervisors from imposing necessary conditions on the project or on the additional square footage. Projects constructed under this section shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other health, safety, and zoning requirements generally applicable to construction in the zone in which the property is located. A consortium with more than one developer may be permitted to achieve the threshold amount for the available density bonus with each developer's density bonus equal to the percentage participation of the developer. This facility may be located on the project site or may be located offsite as agreed upon by the developer and local agency. If the child care facility is not located on the site of the project, the local agency shall determine whether the location of the child care facility is appropriate and whether it conforms with the intent of this section. The child care facility shall be of a size to comply with all state licensing requirements in order to accommodate at least 40 children.

(c) The developer may operate the child care facility itself or may contract with a licensed child care provider to operate the facility. In all cases, the developer shall show ongoing coordination with a local child care resource and referral network or local governmental child care coordinator in order to qualify for

the density bonus.

(d) If the developer uses space allocated for child care facility purposes, in accordance with subdivision (b), for any purposes other than for a child care facility, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. If the developer fails to have the space allocated for the child care facility within three years, from the date upon which the first temporary certificate of occupancy is granted, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors in accordance with procedures to be developed by the legislative body of the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. Any penalty levied against a consortium of developers shall be charged to each developer in an amount equal to the developer's percentage square feet participation. Funds collected pursuant to this subdivision shall be deposited by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors into a special account to be used for childcare services or child care facilities.

(e) Once the child care facility has been established, prior to the closure, change in use, or reduction in the physical size of, the facility, the city, city council, including a charter city council, city and county board of supervisors, or county board of supervisors shall be required to make a finding that the need for child care is no longer present, or is not present to the same degree as it was at the time the facility was established.

(f) The requirements of Chapter 5 (commencing with Section 66000) and of the amendments made to Sections 53077, 54997, and 54998, by Chapter 1002 of the Statutes of 1987 shall not apply to actions taken in accordance with this section.

(g) This section shall not apply to a voter-approved ordinance adopted by referendum or initiative.

65918. The provisions of this chapter shall apply to charter cities.

KAUFMAN BROAD

City of Garden Grove
Attn: Ms. Rosalinh M. Ung
11222 Acacia Parkway
Garden Grove, CA 92842

**HAND
DELIVERED**

18 May 2000

Re: 12811 Garden Grove Boulevard

Dear Rosalinh,

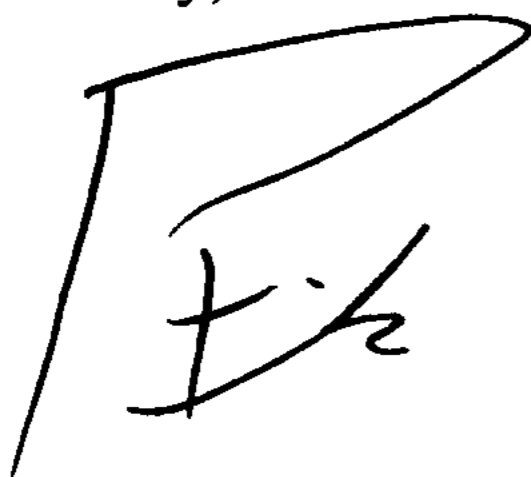
Included in this resubmittal for the above referenced project are:

1. 25 folded copies of revised plot plan, floor plans, elevations, and landscape plan
2. colored elevation
3. colored landscape plan. Please note that the building footprint shown on the landscape plan is incorrect in the courtyard area. The correct building footprint is shown on the ~~plot plan and~~ floor plans. Landscaping treatment shown, however, is representative of actual materials to be used.
4. color and materials board
5. one set of reduced plans

As discussed, Kaufman and Broad Multi-Housing Group withdraws its previous application for the vacation of Sungrove Street and the associated tentative parcel map. Instead, we request a density bonus allowing 82 units on the existing parcel.

Thank you for your help.

Sincerely,



Patrick S. Simons
Project Manager

enclosures

NOW, THEREFORE, the parties hereto agree as follows:

100. Condition of the Property

101. Indemnification. Owner shall save, protect, pay for, defend, indemnify and hold harmless the City and its officers, employees, representatives and agents, from and against any and all liabilities, suits, actions, claims, demands, penalties, damages (including, without limitation, penalties, fines and monetary sanctions), losses, costs or expenses (including, without limitation, consultants' fees, investigation and laboratory fees, attorneys' fees and remedial and response costs) (the foregoing are hereinafter collectively referred to as "Liabilities") which may now or in the future be incurred or suffered by the City or its officers, employees, representatives or agents by reason of, resulting from, in connection with or arising in any manner whatsoever as a direct or indirect result of the presence on or under, or the escape, seepage, leakage, spillage, discharge, emission or release from the Property of any Hazardous Materials or Hazardous Materials Contamination after the Owner's acquisition of the Property, which is caused by Owner, or its agents, employees, representatives, agents, contractors, tenants or invitees.

102. Duty to Prevent Hazardous Material Contamination. During the Rehabilitation and operation of the Property, the Owner shall take all necessary precautions to prevent the release of any Hazardous Materials into the environment on, from or under the Property. Such precautions shall include compliance with all Governmental Requirements with respect to Hazardous Materials. The Owner shall notify the City, and provide to the City a copy or copies, of any notices of violation, notices to comply, citations, inquiries, clean-up or abatement orders, cease and desist orders, reports filed pursuant to self-reporting requirements and reports filed or applications made pursuant to any Governmental Requirement relating to Hazardous Materials and underground tanks, and the Owner shall report to the City, as soon as possible after each incident, any unusual, potentially important incidents in the event of a release of any Hazardous Materials into the environment.

103. Definitions.

For purposes of this Article 100, "Governmental Requirements" shall mean all laws, ordinances, statutes, codes, rules, regulations, orders and decrees of the United States, the state, the county, the City, or any other political subdivision in which the Property is located, and of any other political subdivision, agency or instrumentality exercising jurisdiction over the City, the Owner or the Property.

For purposes of this Article 100, "Hazardous Materials" shall mean any substance, material, or waste which is or becomes regulated by any local governmental authority, the State of California, or the United States government, including, but not limited to, any material or substance which is (i) defined as a "hazardous waste," "extremely hazardous waste," or "restricted hazardous waste" under Section 25115, 25117 or 25122.7, or listed pursuant to Section 25140 of the California Health and Safety Code, Division 20, Chapter 6.5 (Hazardous Waste Control Law)), (ii) defined as a "hazardous substance" under Section 25316 of the California Health and Safety Code, Division 20, Chapter 6.8 (Carpenter-Presley-Tanner Hazardous Substance Account Act), (iii) defined as a "hazardous material," "hazardous substance," or "hazardous waste" under Section 25501 of the California Health and Safety Code, Division 20, Chapter 6.95 (Hazardous Materials Release Response Plans and Inventory), (iv) defined as a "hazardous substance" under Section 25281 of the California Health and Safety Code, Division 20, Chapter 6.7 (Underground Storage of Hazardous Substances), (v) petroleum, (vi) friable asbestos, (vii) polychlorinated byphenyls, (viii) listed under Article 9 or defined as "hazardous" or "extremely hazardous" pursuant to Article 11 of Title 22 of the California Code of Regulations, Division 4, Chapter 20, (ix) designated as "hazardous substances" pursuant to Section 311 of the Clean Water Act (33 U.S.C. §1317), (x) defined as a "hazardous waste" pursuant to Section 1004 of the Resource Conservation and Recovery Act, 42 U.S.C. §6901 *et seq.* (42 U.S.C. §6903), (xi) Methyl-Tertiary-Butyl Ether, or (xii) defined as "hazardous substances" pursuant to Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §9601, *et seq.*

200. REHABILITATION OF THE IMPROVEMENTS.

201. Rehabilitation of the Property. The Owner agrees to rehabilitate the Property in accordance with the "Loan Agreement" between the Issuer and the Owner, dated as of November 1, 1998, the City Municipal Code and all other applicable local codes, rehabilitation standards, ordinances and zoning ordinances, and the property standards requirements of 24 CFR Section 92.251 (the "Rehabilitation"). The Rehabilitation shall be conducted on a unit-by-unit basis and in such a manner so as to avoid or minimize tenant displacement to the greatest extent feasible in accordance with the provisions of Section 206.2 below.

202. City and Other Governmental City Permits. Before commencement of the Rehabilitation of the Property, the Owner shall secure or cause its contractor to be secured any and all permits which may be required by the City or any other governmental agency affected by such construction, including without limitation building permits. The Owner shall pay all necessary fees and timely submit to the City final drawings with final corrections to obtain such permits; the staff of the City will, without obligation to incur liability or expense therefor, use its best efforts to expedite the City's issuance of building permits and certificates of occupancy for construction that meets the requirements of the City Code, and all other applicable laws and regulations.

203. Insurance and Indemnity. The Owner shall take out and maintain or shall cause its contractor to take out and maintain during the term of the Affordability Period (as set forth in Section 301 hereof) a comprehensive general liability policy in the amount of not less than Two Million Dollars (\$2,000,000) combined single limit policy, and a comprehensive automobile liability policy in the amount of One Million Dollars (\$1,000,000), combined single limit, including contractual liability, as shall protect the Owner and the City from claims for such damages, and which policy shall be issued by an insurance carrier reasonably acceptable to the City which is qualified to do business in the State of California. Such policy or policies shall be written on an occurrence form. The Owner shall also furnish or cause to be furnished to the City evidence satisfactory to the City that Owner and any contractor with whom it has contracted for the performance of work on the Property or otherwise pursuant to this Agreement carries workers' compensation insurance as required by law. The Owner shall furnish a certificate of insurance countersigned by an authorized agent of the insurance carrier on a form approved by the City setting forth the general provisions of the insurance coverage. This countersigned certificate shall name the City and its officers, agents, and employees as additionally insured parties under the policy, and the certificate shall be accompanied by a duly executed endorsement evidencing such additional insured status. The certificate and endorsement by the insurance carrier shall contain a statement of obligation on the part of the carrier to notify City of any material change, cancellation or termination of the coverage at least thirty (30) days in advance of the effective date of any such material change, cancellation or termination. Coverage provided hereunder by the Owner shall be primary insurance and not be contributing with any insurance maintained by the City, and the policy shall contain such an endorsement. The insurance policy or the endorsement shall contain a waiver of subrogation for the benefit of the City. The required certificate shall be furnished to the City by the Owner prior to the issuance of the bond financing.

204. Indemnification of City. Owner shall, at its expense, defend, indemnify, and hold harmless the City and its officers, agents, employees and representatives harmless from any and all losses, liabilities, claims, lawsuits, causes of action, judgments, settlements, court costs, attorneys' 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, or relating in any manner to the Owner's ownership, rehabilitation and operation of the Property, any act or omission of Owner or its agents, employees, contractors and subcontractors of any tier and employees thereof in connection with this Agreement, or arising from Owner's negligent performance or default of its obligations under this Agreement, except that arising from the negligence or misconduct of the City or its officers, agents, employees or representatives.

205. Entry by the City. Owner shall permit the City, through its officers, agents or employees, at all reasonable times to enter onto the Property and inspect the work of Rehabilitation to determine that the same is in conformity with the requirements hereof. Owner acknowledges that the City is under no obligation to supervise, inspect, or inform Owner of the progress of construction, and Owner shall not rely upon the City therefor. Any inspection by the City is entirely for its purposes in determining whether Owner is in compliance with this Agreement and is not for the purpose of determining or informing Owner of the quality or suitability of

construction. Owner shall rely entirely upon its own supervision and inspection in determining the quality and suitability of the materials and work, and the performance of architects, subcontractors, and material suppliers.

206. Compliance With Laws. The Owner shall carry out the acquisition, design, Rehabilitation and operation of the Improvements in conformity with all applicable laws, including all applicable state labor standards, City zoning and development standards, building, plumbing, mechanical and electrical codes, and all other provisions of the City Municipal Code, and all applicable disabled and handicapped access requirements, including without limitation the Americans With Disabilities Act, 42 U.S.C. Section 12101, *et seq.*, Government Code Section 4450, *et seq.*, Government Code Section 11135, *et seq.*, and the Unruh Civil Rights Act, Civil Code Section 51, *et seq.*

206.1 Taxes and Assessments. The Owner shall pay prior to delinquency all ad valorem real estate taxes and assessments on the Property, subject to the Owner's right to contest in good faith any such taxes or to receive an exemption from the payment of such taxes.

206.2 Relocation. The Rehabilitation shall be conducted in such a manner as to prevent, to the maximum extent feasible, any displacement of existing tenants in accordance with applicable law. In the event that any displacement of tenants occurs, the City shall administer determinations of eligibility and payments, and shall provide relocation payments and other assistance, at the expense of the Owner, to the extent required by the Federal Uniform Relocation Assistance and Real Property Acquisition Act, 42 U.S.C. § 4201, *et seq.*, the California relocation law, Government Code Section 7260, *et seq.*, and/or the regulations adopted pursuant thereto by the United State of California and the City (collectively, the "Relocation Laws"). The Owner shall promptly pay to the City upon demand all relocation payments due to tenants as required hereunder.

206.3 HOME Program Requirements. The City intends that this Agreement will allow the City to obtain matching fund credit under the HOME Program. The Owner agrees to reasonably cooperate with the City in taking such actions or making such changes to this Agreement which may be necessary for the City to obtain such matching fund credit.

206.4 City Parking Programs and Requirements. The Owner shall comply with all ordinances and other requirements or programs established by the City with respect to parking, including, without limitation, any ordinances, building code provisions or housing code provisions which require that the garages in the Property, if any, shall not be used for human habitation or commercial uses.

300. OPERATION OF HOUSING

301. Affordable Units. The Owner agrees to make available, restrict occupancy to, and lease not less than sixteen (16) of the apartment units on the Property to Very Low Income Households at an Affordable Rent, and not less than an additional sixty-four (64) of the apartment units on the Property to Lower Income Households at an Affordable Rent (collectively, the "Affordable Units"), pursuant to the terms set forth below. The Affordable Units shall be equitably distributed among each individual type of unit comprising the Property (*e.g.*, one bedroom units, two bedroom units, etc.). The Affordable Units shall be of a quality equal to all of the other apartment units in the Property.

For purposes of this Agreement, "Lower Income Households" shall mean those households with incomes that do not exceed sixty percent (60%) of Orange County median income, adjusted for family size, as established and amended from time to time by the United States Department of Housing and Urban Development ("HUD").

For purposes of this Agreement, "Very Low Income Households" shall mean those households with incomes that do not exceed fifty percent (50%) of Orange County median income, adjusted for family size, as established and amended from time to time by HUD.

Upon the Owner's acquisition of the Property, and annually thereafter, the Owner shall submit to the City a completed income computation and certification form, in a form to be provided by the City. The Owner shall

certify that each tenant leasing an Affordable Unit meets the income restrictions for the unit. The Owner shall obtain an income certification from the tenant of each Affordable Unit which shall certify that the income of the tenant is truthfully set forth in the income certification form. The Owner shall verify the income certification of the tenant in one or more of the following methods:

- (1) obtain two (2) paycheck stubs from the tenant's two (2) most recent pay periods, if any.
- (2) obtain a true copy of an income tax return from the tenant for the most recent tax year in which a return was filed.
- (3) obtain an income verification certification from the employer of the tenant.
- (4) obtain an income verification certification from the Social Security Administration and/or the California Department of Social Services if the tenant receives assistance from such agencies.
- (5) obtain an alternate form of income verification reasonably requested by the Owner, if none of the above forms of verification is available to the Owner.

Upon the Owner's determination that any such tenant is no longer so qualified, such tenant's unit shall no longer be deemed an Affordable Unit, and the Owner shall make the next available apartment unit, which is comparable in terms of size, features and number of bedrooms, an Affordable Unit, or take such other actions as may be necessary to ensure that the total required number of Housing Units are rented to Very Low Income Households and Lower Income Households.

The Property shall be subject to the requirements of this Article 300 from the date of Owner's acquisition of the Property until the fifteenth (15th) anniversary of such date. The duration of this requirement shall be known as the "Affordability Period."

302. Affordable Rent. The maximum Monthly Rent chargeable for the Affordable Units shall be annually determined by the City in accordance with the HOME Program requirements and the following requirements. The Monthly Rent for the Affordable Units to be rented to a Very Low Income Household shall not exceed one-twelfth (1/12) of thirty percent (30%) of fifty percent (50%) of Orange County Median Income for a family of the assumed average occupancy per unit as determined by HUD. The Monthly Rent for the Affordable Units to be rented to Lower Income Households shall not exceed the lesser of (a) the fair market value for existing housing for comparable units in the area as established by HUD, less the monthly allowance for utilities and services to be paid by the tenant, or (b) one-twelfth (1/12) of thirty percent (30%) of sixty-five percent (65%) of Orange County Median Income for a family of the assumed average occupancy per unit as determined by HUD.

For purposes of this Agreement, "Monthly 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 the Owner 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, and which are not paid directly by the Owner, including garbage collection, sewer, water, electricity, gas and other heating, cooking and refrigeration fuels, but not including telephone service, and (d) possessory interest, taxes or other fees or charges assessed for use of the land and facilities associated therewith by a public or private entity other than Owner.

303. Lease Requirements. Within forty-five (45) days of the date of this Agreement, the Owner shall submit a standard lease form to the City for the City's approval. The City shall reasonably approve such lease form upon finding that such lease form is consistent with this Agreement and contains all of the provisions required pursuant to the HOME Program and the HOME Regulations. The Owner shall enter into a written lease, in the form approved by the City, with each new tenant of an Affordable Unit upon such tenant's rental of the unit, and with existing tenants of the Affordable Units within a reasonable time after Owner's acquisition of the Property, not to exceed ninety (90) days. Each lease shall be for a term of not less than one year, and shall not contain any of the provisions which are prohibited pursuant to Section 92.253 of the HOME Regulations.

304. Selection of Tenants. Each Affordable Unit shall be leased to tenants selected by the Owner who meet all of the requirements provided herein. The City may, from time to time, assist in the leasing of the Improvements by providing to the Owner names of persons who have expressed interest in renting Affordable Units. The Owner shall not refuse to lease to a holder of a certificate of family participation under 24 CFR part 882 (Rental Certificate Program) or a rental voucher under 24 CFR part 887 (Rental Voucher Program) or to the holder of a comparable document evidencing participation in a HOME Program, Section 8 program or other tenant-based assistance program, who is otherwise qualified to be a tenant in accordance with the approved tenant selection criteria.

305. Occupancy Standards. Subject to Owner's compliance with Section 206 hereof, commencing upon the completion of the Rehabilitation of the Property, occupancy of one bedroom Housing Units shall be limited to three persons, occupancy of two bedroom Housing Units shall be limited to five persons, and occupancy of three bedroom Housing Units shall be limited to seven persons. The occupancy requirements of this Section 305 shall apply only to apartment units in the Property initially rented after the date of this Agreement, and shall not apply to any tenants of the apartment units in the Property who were tenants of such apartment units as of the date of this Agreement.

306. Maintenance. The Owner shall maintain or cause to be maintained the interior and exterior of the Property in a decent, safe and sanitary manner, in accordance with the HUD Housing Quality Standards and the maintenance standards required by Section 92.251 of the HOME Regulations, and the standard of maintenance of first class multifamily apartment projects within Orange County, California of the age of the Property improvements. None of the apartment units on the Property shall at any time be utilized on a transient basis nor shall the Property 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, or be converted to condominium ownership. If at any time Owner fails to maintain the Property in accordance with this Agreement and such condition is not corrected within five days after written notice from the City with respect to graffiti, debris, waste material, and general maintenance, or thirty days after written notice from the City with respect to landscaping and building improvements (or such longer time in accordance with Section 401 hereof), then the 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 Property and perform all acts and work necessary to protect, maintain, and preserve the Property, and to attach a lien upon the Property, or to assess the Property, in the amount of the expenditures arising from such acts and work of protection, maintenance, and preservation by the City and/or costs of such cure, including a reasonable administrative charge, which amount shall be promptly paid by Owner to the City upon demand.

307. Long Term Management of the Project. The parties acknowledge that the City is interested in the long term management and operation of the Property and in the qualifications of any person or entity retained by the Owner for that purpose (the "Property Manager"). The Owner shall, upon the date of acquisition of the Property, either contract with an experienced and reputable party to be the Property Manager or Owner shall itself serve as the Property Manager. No additional approval of the City shall be necessary if Legacy Partners or Porto Management Group serves as the initial Property Manager. During the term of the Affordability Period, the City may from time to time review and evaluate the identity and performance of the Property Manager of the Property as it deems appropriate. If the City determines that the performance of the Property Manager is deficient based upon the standards and requirements set forth in this Agreement, the City shall provide notice to the Owner of such deficiencies and the Owner shall use its best efforts to correct such deficiencies. In the event such deficiencies have not been corrected to the reasonable satisfaction of the City, the City shall have the right to require the Owner to immediately remove and replace the Property Manager with another property manager or property management company who is reasonably acceptable to the City, and who has not less than five (5) years experience in property management, including experience managing multifamily residential developments of the size, quality and scope of the Property.

308. Monitoring and Recordkeeping. Throughout the Affordability Period, Owner shall comply with all applicable recordkeeping and monitoring requirements set forth in Section 92.508 (or successor regulation) of the HOME Regulations and shall annually complete and submit to City a Certification of Continuing Program Compliance in the form provided by the City. Representatives of the City shall be entitled to enter the Property, upon at least twenty-four (24) hours notice, to monitor compliance with this Agreement, to inspect the records of the

Project with respect to the Affordable Units, and to conduct an independent audit or inspection of such records. The Owner agrees to cooperate with the City in making the Property available for such inspection or audit. If for any reason the City is unable to obtain the Owner's consent to such an inspection or audit, the Owner understands and agrees that the City may obtain at Owner's expense an administrative inspection warrant or other appropriate legal order to obtain access to and search the Property. Owner agrees to maintain records in businesslike manner, and to maintain such records for the term of this Agreement.

309. Non-Discrimination Covenants. Owner covenants by and for itself, its successors and assigns, and all persons claiming under or through them that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, religion, sex, marital status, familial status, disability, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the Property, nor shall Owner itself or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the Property. Owner shall also comply with the equal opportunity and fair housing requirements set forth in Section 92.350 of the HOME Regulations. The covenants established in this Section 309 shall, without regard to technical classification and designation, be binding for the benefit and in favor of the City and its successors and assigns, and shall remain in effect in perpetuity.

310. Subordination. This Agreement shall run with the land and shall be subordinate to the lien of the deeds of trust and other financing documents which secure the bond financing, provided that the City finds that an economically feasible method of financing for the Rehabilitation of the Improvements and operation of the Property, without the subordination of the covenants as may be set forth in this Agreement, is not reasonably available. Upon making such a finding, the City Manager (or designee) is hereby authorized to execute such subordination agreements and/or such other documents as may be necessary to evidence such subordination, provided that such subordination agreements contain written commitments which the City Manager (or designee) finds are reasonably designed to protect the City's investment in the event of default, such as any of the following: (a) a right of the City to cure a default on the loan prior to foreclosure, (b) a right of the City to negotiate with the lender after notice of default from the lender and prior to foreclosure, (c) an agreement that if prior to foreclosure of the loan, the City takes title to the property and cures the default on the loan, the lender will not exercise any right it may have to accelerate the loan by reason of the transfer of title to the City, and (d) a right of the City to purchase the property from the Owner at any time after a default on the loan.

400. DEFAULT AND REMEDIES

401. Events of Default. The following shall constitute an "Event of Default" by Owner under this Agreement: there shall be a material breach of any condition, covenant, warranty, promise or representation contained in this Agreement and such breach shall continue for a period of thirty (30) days after written notice thereof to the defaulting party without the defaulting party curing such breach, or if such breach cannot reasonably be cured within such thirty (30) day period, commencing the cure of such breach within such thirty (30) day period and thereafter diligently proceeding to cure such breach; provided, however, that if a different period or notice requirement is specified for any particular breach under any other paragraph of Section 400 of this Agreement, the specific provision shall control.

402. Remedies. The occurrence of any Event of Default shall give the nondefaulting party the right to proceed with any and all remedies set forth in this Agreement, including an action for damages, an action or proceeding at law or in equity to require the defaulting party to perform its obligations and covenants under this Agreement or to enjoin acts or things which may be unlawful or in violation of the provisions of this Agreement, and the right to terminate this Agreement.

403. Force Majeure. Subject to the party's compliance with the notice requirements as set forth below, performance by either party hereunder shall not be deemed to be in default, and all performance and other dates specified in this Agreement shall be extended, where delays or defaults are due to causes beyond the control and without the fault of the party claiming an extension of time to perform, which may include, without limitation, the following: war, insurrection, strikes, lockouts, riots, floods, earthquakes, fires, assaults, acts of God, acts of the

public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation, unusually severe weather, inability to secure necessary labor, materials or tools, acts or omissions of the other party, or acts or failures to act of any public or governmental entity (except that the City's acts or failure to act shall not excuse performance of the City hereunder). An extension of the time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within thirty (30) days of the commencement of the cause.

404. Attorneys' Fees. In addition to any other remedies provided hereunder or available pursuant to law, if either party brings an action or proceeding to enforce, protect or establish any right or remedy hereunder, the prevailing party shall be entitled to recover from the other party its costs of suit and reasonable attorneys' fees.

405. Remedies Cumulative. No right, power, or remedy given by the terms of this Agreement is intended to be exclusive of any other right, power, or remedy; and each and every such right, power, or remedy shall be cumulative and in addition to every other right, power, or remedy given by the terms of any such instrument, or by any statute or otherwise.

406. Waiver of Terms and Conditions. The City may, in its sole discretion, waive in writing any of the terms and conditions of this Agreement. Waivers of any covenant, term, or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term, or condition.

407. Non-Liability of City Officials and Employees. No member, official, employee or agent of the City shall be personally liable to the Owner, or any successor in interest, in the event of any default or breach by the City or for any amount which may become due to the Owner or its successors, or on any obligations under the terms of this Agreement.

500. GENERAL PROVISIONS

501. Time. Time is of the essence in this Agreement.

502. Notices. Any notice requirement set forth herein shall be deemed to be satisfied three (3) days after mailing of the notice first-class United States certified mail, postage prepaid, or by personal delivery, addressed to the appropriate party as follows:

Owner: Bayport Crystal, L.P.
c/o Klein Financial Corporation
4030 Palos Verdes Drive N., Suite 106
Rolling Hills Estates, California 90274
Attn: Robert Klein

City: City of Garden Grove
11222 Acacia Parkway
P.O. Box 3070
Garden Grove, California 92842
Attn: Redevelopment Manager

Such addresses may be changed by notice to the other party given in the same manner as provided above.

503. Representations and Warranties of Owner. Owner hereby represents and warrants to the City as follows:

a. Organization. Owner is a duly organized, validly existing limited partnership in good standing under the laws of the State of California and has the power and authority to own its property and carry on its business as now being conducted.

b. **Authority of Owner.** Owner has full power and authority to execute and deliver this Agreement and to perform and observe the terms and provisions of this Agreement.

c. **Valid Binding Agreement.** This Agreement and all other documents or instruments which have been executed and delivered pursuant to or in connection with this Agreement constitute or, if not yet executed or delivered, will when so executed and delivered constitute, legal, valid and binding obligations of Owner enforceable against it in accordance with their respective terms.

d. **Pending Proceedings.** Owner is not in default under any law or regulation or under any order of any court, board, commission or agency whatsoever, and there are no claims, actions, suits or proceedings pending or, to the knowledge of Owner, threatened against or affecting Owner or the Property, at law or in equity, before or by any court, board, commission or agency whatsoever which might, if determined adversely to Owner, materially affect Owner's ability to perform its obligations hereunder.

504. Successors and Assigns. This Agreement shall run with the land, and all of the terms, covenants and conditions of this Agreement shall be binding upon the Owner and the permitted successors and assigns of the Owner. Whenever the term "Owner" is used in this Agreement, such term shall include any other permitted successors and assigns as herein provided.

505. Third Party Beneficiaries. The Garden Grove Agency for Community Development (the "Agency") is an intended third party beneficiary of this Agreement, and shall have the power to enforce this Agreement in the same manner as the City. It is intended that the Agency may enforce this Agreement in order to satisfy its obligations to improve, increase and preserve affordable housing within the City, as required by California Health and Safety Code Section 33334.2, *et seq.*, and to provide that a certain percentage of new and substantially rehabilitated housing within its redevelopment project areas is made available at affordable housing cost to persons and families of low or moderate income, as required by California Health and Safety Code Section 33413(b). No other person or persons, other than the City, the Owner and the Agency, and their assigns and successors, shall have any right of action hereon.

506. Partial Invalidity. If any provision of this Agreement shall be declared invalid, illegal, or unenforceable, the validity, legality, and enforceability of the remaining provisions hereof shall not in any way be affected or impaired.

507. Governing Law. This Agreement and other instruments given pursuant hereto shall be construed in accordance with and be governed by the laws of the State of California. Any references herein to particular statutes or regulations shall be deemed to refer to successor statutes or regulations, or amendments thereto.

508. Amendment. This Agreement may not be changed orally, but only by agreement in writing signed by Owner and the City.

509. Approvals. Where an approval or submission is required under this Agreement, such approval or submission shall be valid for purposes of this Agreement only if made in writing. Where this Agreement requires an approval or consent of the City, such approval may be given on behalf of the City by the City Manager or his or her designee. The City Manager or his or her designee is hereby authorized to take such actions as may be necessary or appropriate to implement this Agreement, including without limitation the execution of such documents or agreements as may be contemplated by this Agreement, revisions to the Schedule of Performance, and amendments which do not substantially change the uses or restrictions hereunder, or substantially add to the costs of the City hereunder.

IN WITNESS WHEREOF, the parties hereto have executed this Affordable Housing Agreement as of the date and year set forth above.

OWNER:

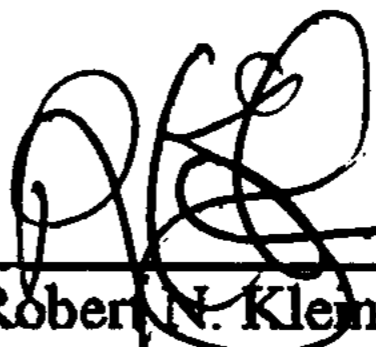
BAYPORT CRYSTAL, L.P., a California limited partnership

By: **FOUNDATION FOR SOCIAL RESOURCES**, a Delaware non-profit corporation, Its Managing General Partner

By: 

William W. Hirsch, President

By: **RAMIREZ-KLEIN**, A California General Partnership, Its Administrative General Partner

By: 

Robert N. Klein II, President
Managing General Partner

CITY:

CITY OF GARDEN GROVE, a California municipal corporation

By: _____
George Tindall, City Manager

ATTEST:

City Clerk

IN WITNESS WHEREOF, the parties hereto have executed this Affordable Housing Agreement as of the date and year set forth above.

OWNER:

BAYPORT CRYSTAL, L.P., a California limited partnership

By: **FOUNDATION FOR SOCIAL RESOURCES**, a Delaware non-profit corporation, Its Managing General Partner


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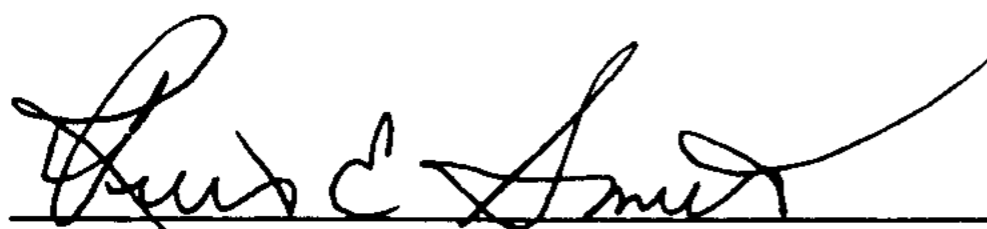
By: _____
Robert N. Klein II, President
Managing General Partner

CITY:

CITY OF GARDEN GROVE, a California municipal corporation

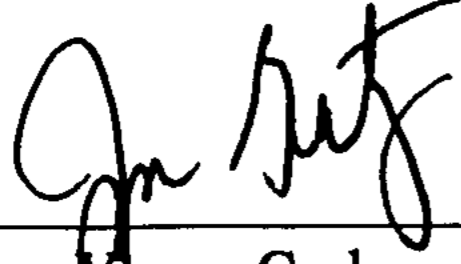
By:  _____
George Tindall, City Manager

ATTEST:



City Clerk

APPROVED AS TO FORM:



Stradling Yocca Carlson & Rauth
City Special Counsel

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

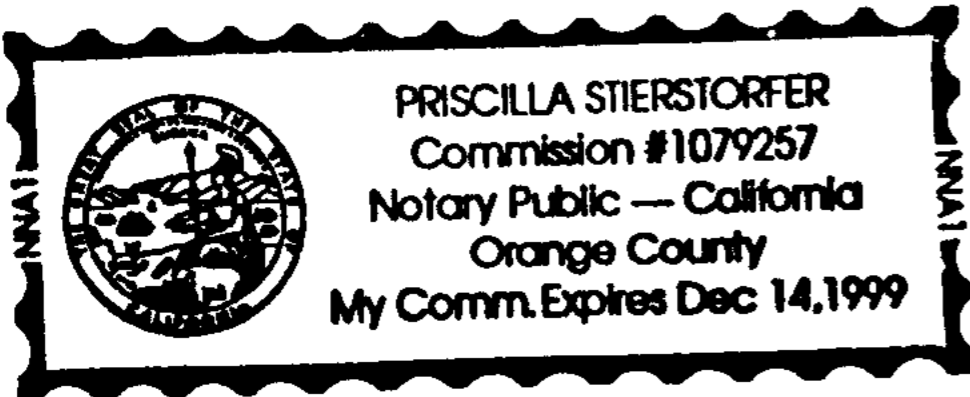
State of California

County of Orange

On November 12, 1998 before me, Priscilla Stierstorfer, Notary Public
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared George Tindall and Ruth Smith
Name(s) of Signer(s)

personally known to me – OR – proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

Priscilla Stierstorfer
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing:

**RIGHT THUMBPRINT
OF SIGNER**
Top of thumb here

Signer's Name: _____

- Individual
- Corporate Officer
Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing:

**RIGHT THUMBPRINT
OF SIGNER**
Top of thumb here

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of SAN FRANCISCO } SS.

On 11/13/98, before me, MARCIA ROBERTS, NOTARY PUBLIC,
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared WILLIAM W. HIRSCH,
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal
Marcia Roberts
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____
Document Date: _____ Number of Pages: _____
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

- Signer's Name: _____
- Individual
 - Corporate Officer — Title(s): _____
 - Partner — Limited General
 - Attorney in Fact
 - Trustee
 - Guardian or Conservator
 - Other: _____

Signer Is Representing: _____

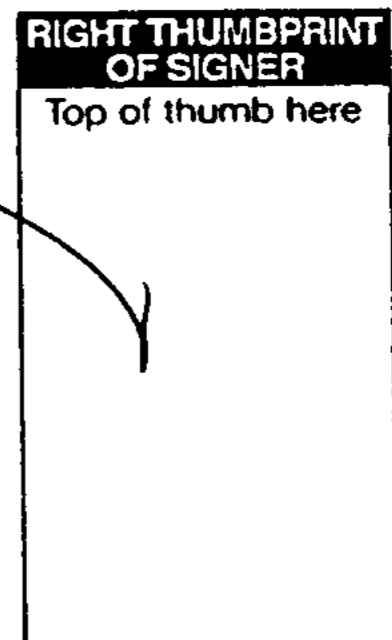


EXHIBIT A

THAT PORTION OF THE NORTHWEST QUARTER OF FRACTIONAL SECTION 35, TOWNSHIP 4 SOUTH, RANGE 10 WEST, PARTLY IN THE RANCHO LAS BOLSAS AND PARTLY IN THE RANCHO SAN JUAN CAJON DE SANTA ANA, IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 51, PAGE 10 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF TRACT NO. 3601, AS PER MAP RECORDED IN BOOK 132, PAGES 28 AND 29 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, WITH THE CENTERLINE OF CHAPMAN AVENUE, AS SAID CENTERLINE IS SHOWN ON THE MAP OF TRACT NO. 3509, AS PER MAP RECORDED IN BOOK 202, PAGES 16 TO 18 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY; THENCE ALONG SAID CENTERLINE NORTH $89^{\circ} 41' 32''$ EAST 474.75 FEET TO THE NORTHWEST CORNER OF SAID TRACT NO. 3509; THENCE ALONG THE WESTERLY LINE OF SAID TRACT NO. 3509, SOUTH $0^{\circ} 11' 55''$ EAST 1089.24 FEET TO THE NORTHERLY LINE OF ALLARD AVENUE, 60.00 FEET WIDE, AS DESCRIBED IN THE DEED TO THE CITY OF GARDEN GROVE, RECORDED JULY 25, 1963 IN BOOK 6646, PAGE 897, OFFICIAL RECORDS; THENCE ALONG SAID ALLARD AVENUE AS FOLLOWS: WESTERLY ALONG A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 430.00 FEET THROUGH A CENTRAL ANGLE OF $14^{\circ} 27' 50''$ AN ARC DISTANCE OF 108.55 FEET, SOUTH $81^{\circ} 24' 36''$ WEST 281.53 FEET TO THE BEGINNING OF A TANGENT CURVE THEREIN CONCAVE NORTHERLY AND HAVING A RADIUS OF 370.00 FEET, WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $8^{\circ} 23' 29''$ AN ARC DISTANCE OF 54.19 FEET TO THE BEGINNING OF A COMPOUND CURVE THEREIN CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 15.00 FEET, NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $90^{\circ} 00' 00''$ AN ARC DISTANCE OF 23.56 FEET AND SOUTH $89^{\circ} 48' 05''$ WEST 9.00 FEET TO THE EASTERLY LINE OF ADRIAN STREET, AS DESCRIBED IN THE DEED TO THE CITY OF GARDEN GROVE, RECORDED SEPTEMBER 25, 1962 IN BOOK 6261, PAGE 195, OFFICIAL RECORDS; THENCE ALONG SAID ADRIAN STREET AS FOLLOWS: NORTH $0^{\circ} 11' 55''$ WEST 679.97 FEET TO THE BEGINNING OF A NON-TANGENT CURVE THEREIN CONCAVE SOUTHERLY AND HAVING A RADIUS OF 70.00 FEET, A RADIAL LINE OF SAID CURVE TO SAID BEGINNING BEARS NORTH $7^{\circ} 35' 08''$ WEST, AND WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF $8^{\circ} 21' 50''$ AN ARC DISTANCE OF 10.22 FEET TO SAID EASTERLY LINE OF SAID TRACT NO. 3601; THENCE ALONG SAID EASTERLY LINE AND ITS NORTHERLY PROLONGATION NORTH $0^{\circ} 11' 55''$ WEST 442.65 FEET TO THE POINT OF BEGINNING.

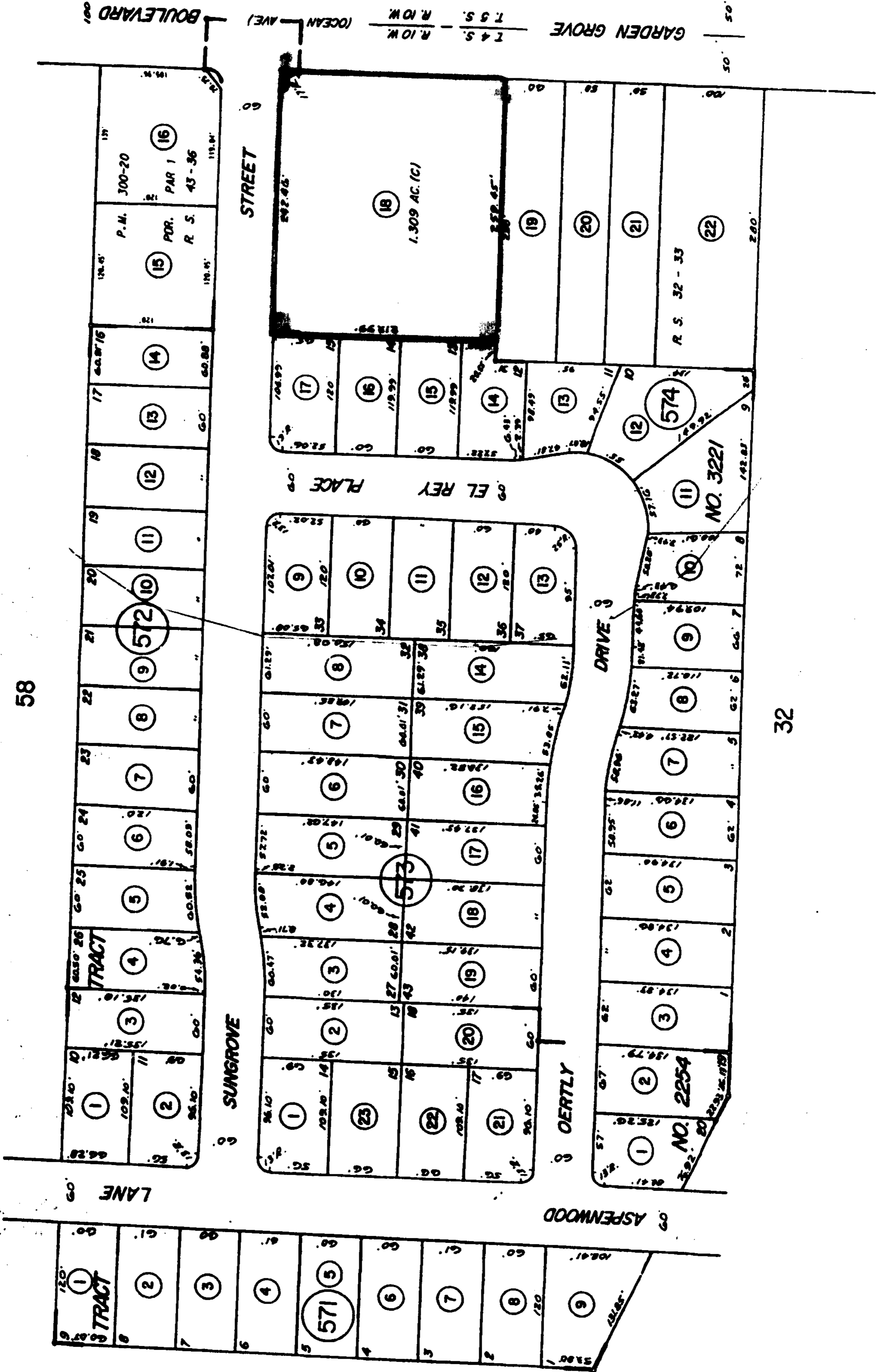
EXCEPT THE NORTHERLY 30.00 FEET OF SAID LAND.

SAID LAND IS INCLUDED WITHIN THE AREA SHOWN ON A MAP FILED FOR RECORD IN BOOK 112, PAGE 17 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

POR. SW 1/4, SE 1/4, SEC. 34, T 4 S, R 10 W



58



32

M.M. 104-39.40

TRACT NO. 3221

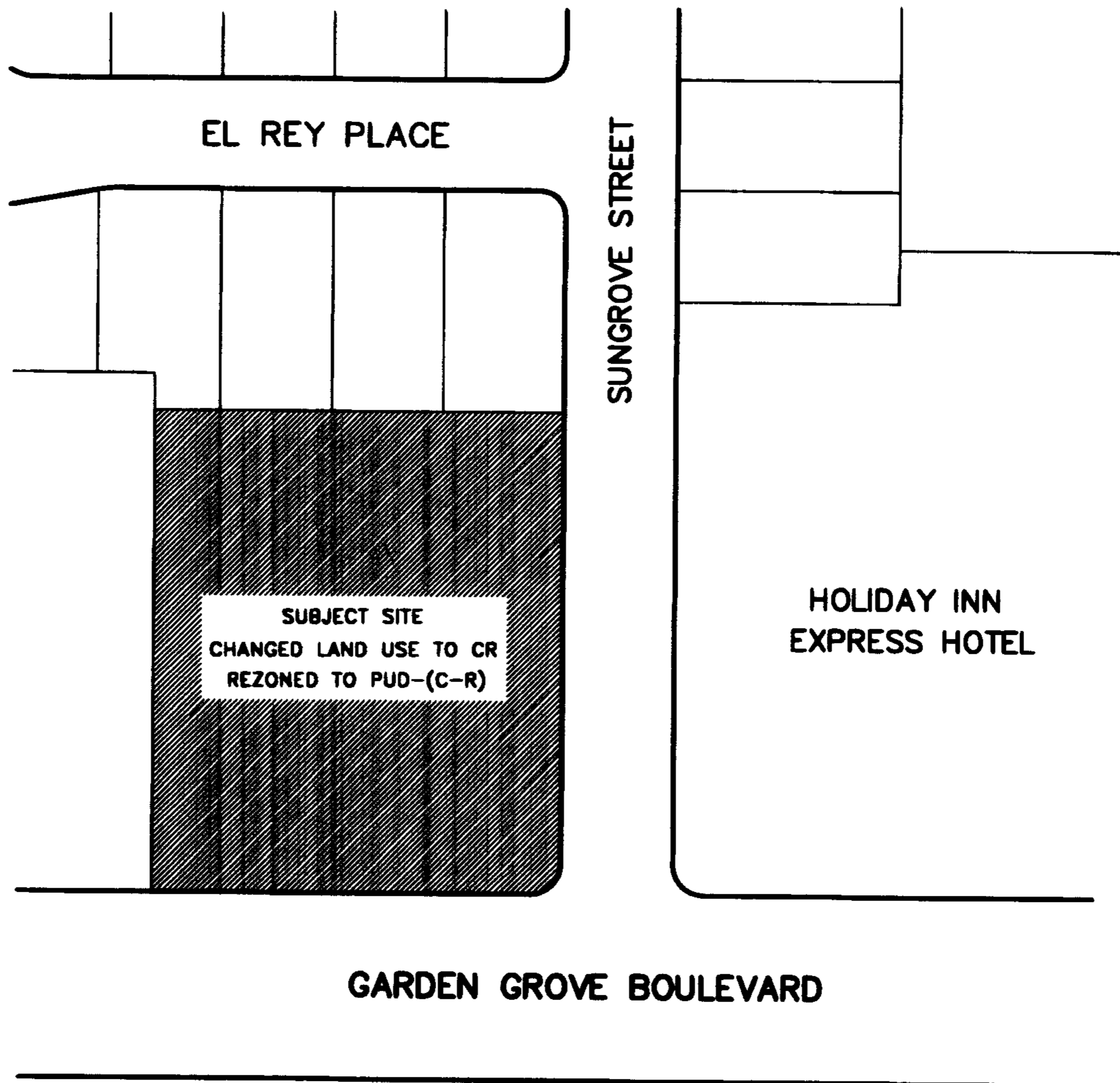
280

NOTE - ASSESSOR'S RECORD

**GENERAL PLAN AMENDMENT NO. GPA-1-00(A)
PLANNED UNIT DEVELOPMENT NO. PUD-136-00
PARCEL NO. 231-574-18
CASE NOS. GPA-1-00(A), PUD-136-00, V-270-00
SP-275-00, SV-111-00 & PM-00-158**



NO SCALE
CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
CAD SYSTEM
REF. GPA-1-00A.DWG
APRIL 2000



**CHANGED LAND USE FROM MU TO CR (COMMUNITY RESIDENTIAL)
REZONED FROM HCSP-OP TO PUD-(C-R)
ZONE MAP PART C-11
GPA-1-00(A) AND PUD-136-00**

File



June 26, 2001

Mr. Matthew Fertal
Community Development Director
CITY OF GARDEN GROVE
11222 Acacia Parkway
P.O. Box 3070
Garden Grove, CA 92842

RE: Sungrove Senior Apartments – NWC Garden Grove Blvd. / Sungrove Street

Dear Mr. Fertal:

This letter is written to clarify issues raised with respect to Simpson Housing Solutions LLC's ("SHS") involvement in the above referenced project and its land-use entitlements.

As you may be aware, the project site is currently owned by K & P Partnership. SHS has a relationship with K & P Partnership (and a beneficial ownership interest in the property) through an enforceable purchase agreement whereby SHS has the right to purchase the site from K & P Partnership. As stated in that agreement, SHS has the right and authority to "...process all applications, plans, maps, agreements, documents, and other instruments or entitlements necessary or appropriate for...the development of the Property...". The approval of K&P Partnership for SHS to process the entitlements is thus evidenced by that purchase agreement. In addition, K&P Partnership has authorized and participated in the entitlement processing as a co-applicant with SHS as evidenced by K & P Partnership's execution of the original entitlement application forms.

I am hopeful the foregoing will address the City's concerns. Should you have any other questions, comments or concerns please don't hesitate to contact me at 562-256-2037.

Cordially,

SIMPSON HOUSING SOLUTIONS, LLC

Craig Farmer
Vice President, Development

*Krish Bakkar
1211 No. Broadway
Santa Ana 92708
CA.*

Cc: K & P Partnership SIMPSON HOUSING SOLUTIONS, LLC
320 Golden Shore • Suite 200 • Long Beach, CA 90802-4217 • 562-256-2000 • Fax 562-256-2001
www.simpsonsolutions.com



June 26, 2001

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Community Development Director
CITY OF GARDEN GROVE
11222 Acacia Parkway
P.O. Box 3070
Garden Grove, CA 92842

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Craig Farmer
Vice President, Development

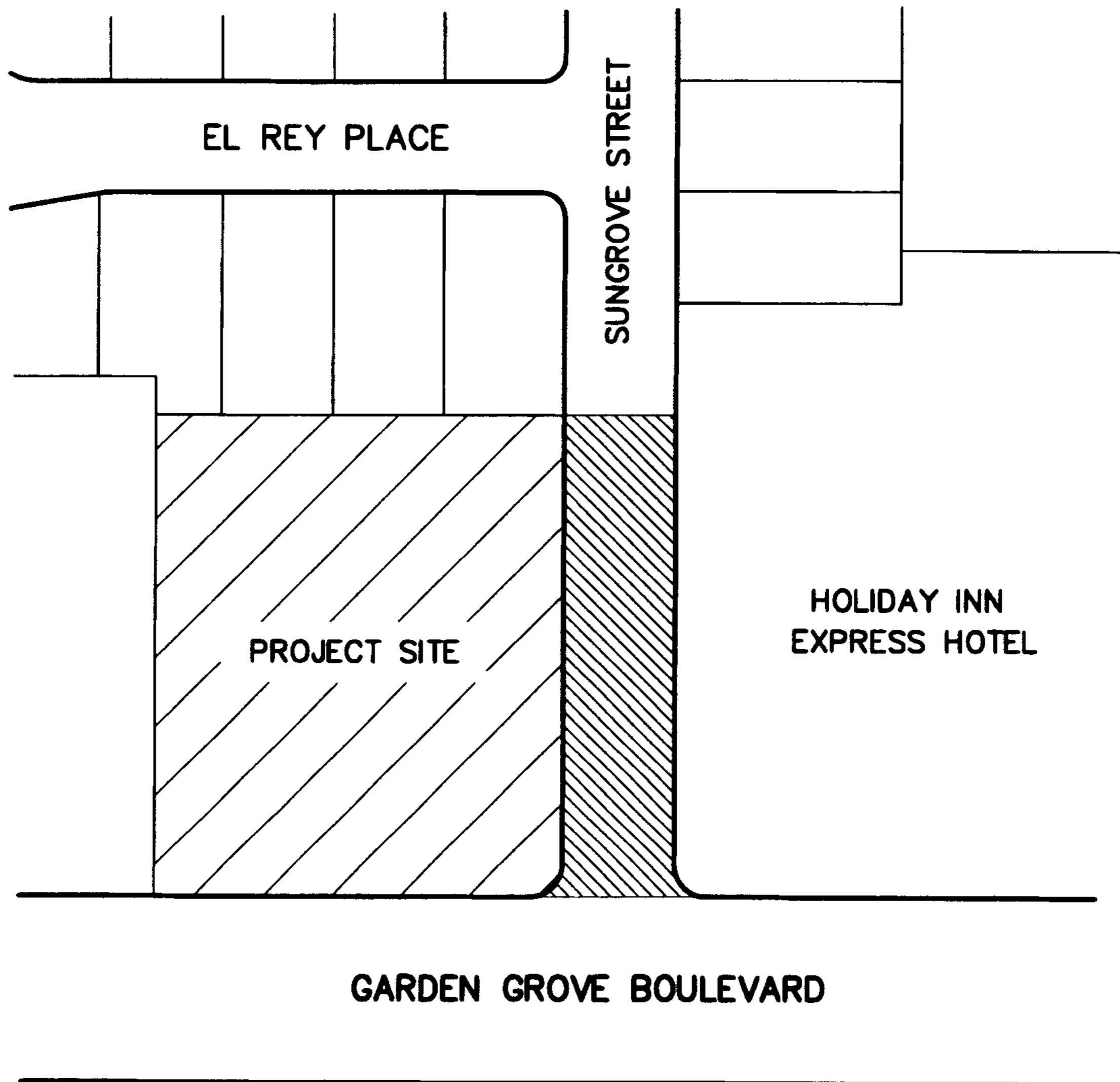
**STREET VACATION NO. SV-111-00
CASE NOS. SV-111-00, GPA-1-00(A), PUD-136-00,
V-270-00, SP-275-00 & PM-00-158**



NO SCALE
CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
CAD SYSTEM
REF. SV-111-00
APRIL 2000



PROPOSED STREET VACATION



**ZONE MAP PART C-11
SV-111-00**

TENTATIVE PARCEL MAP NO. 00-158

E. KEY PLACE

PREPARED BY:
 KAPLAN & BIRD MULTI-HOUSING GROUP, INC.
 380 COLLEGE STREET, SUITE 200
 LOS ANGELES, CALIFORNIA 90015
 P.O. BOX 280-280

DEVELOPMENT RESOURCE CONSULTANTS:
 MARK E. ADAMS, PLS., DATE: 8/80
 P.O. BOX 796-796

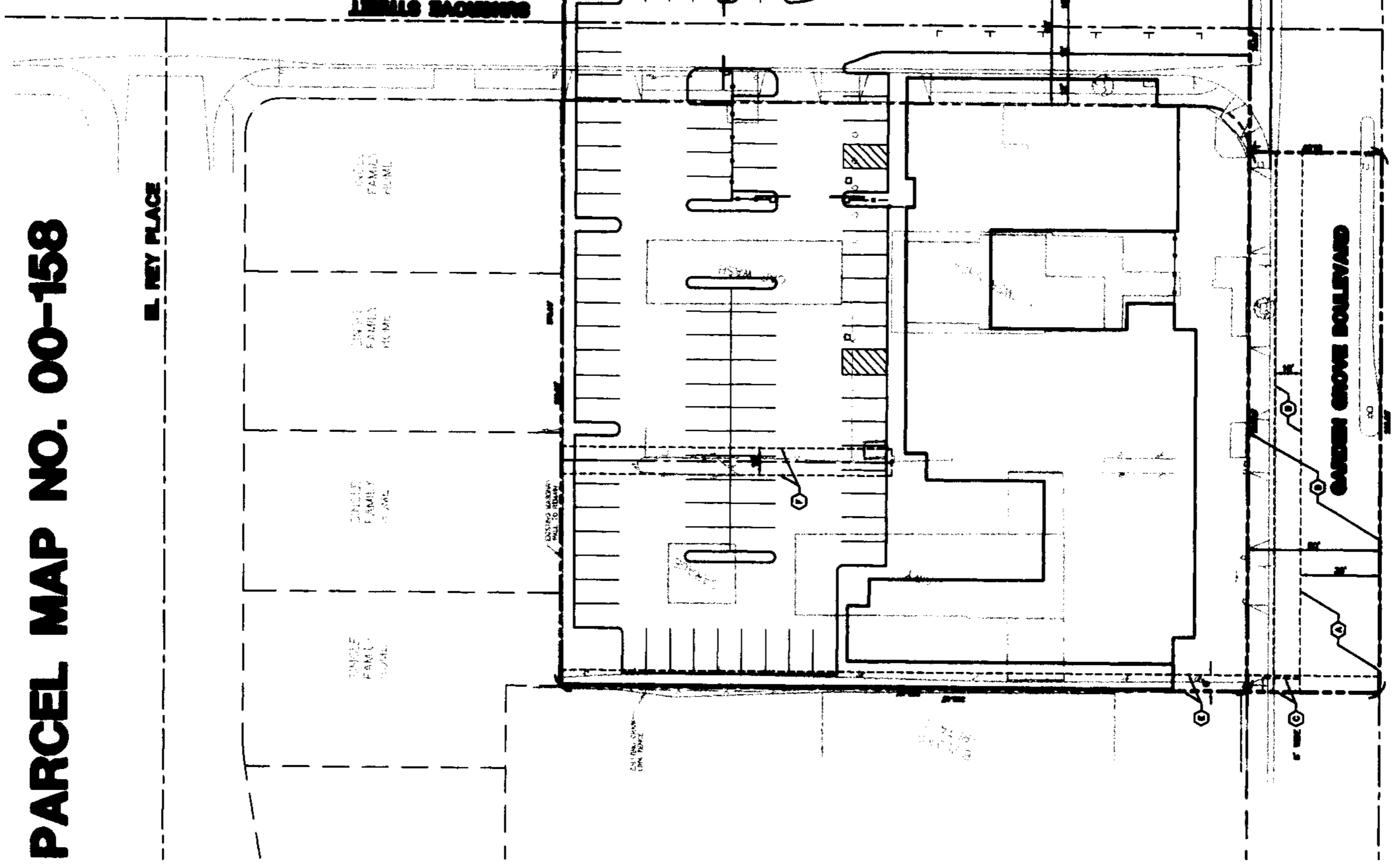
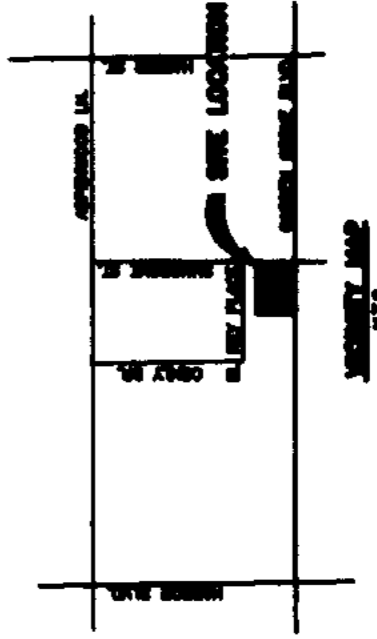
LEGAL DESCRIPTION:
 THAT CERTAIN PARCELS OF LAND, TO-WIT: PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 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, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

LEGEND:
 --- PROPERTY LINE
 --- PROPERTY FRONT LINE
 --- PROPERTY REAR LINE
 --- PROPERTY SIDE LINE
 --- PROPERTY CORNER MARKERS
 --- PROPERTY AREA

UTILITY INFORMATION:
 ELECTRICITY: SOUTHERN CALIFORNIA Edison CO. 700 W. GARDEN AVENUE, LOS ANGELES, CA 90017. P.O. BOX 796-796.
 GAS: SOUTHERN CALIFORNIA GAS CO. 1100 W. GARDEN AVENUE, LOS ANGELES, CA 90017. P.O. BOX 796-796.
 TELEPHONE: PACIFIC BELL TELEPHONE CO. 1100 W. GARDEN AVENUE, LOS ANGELES, CA 90017. P.O. BOX 796-796.
 CITY: THE CITY OF LOS ANGELES, 1200 N. GARDEN AVENUE, LOS ANGELES, CA 90017. P.O. BOX 796-796.
 WATER SEWER: THE CITY OF LOS ANGELES, 1200 N. GARDEN AVENUE, LOS ANGELES, CA 90017. P.O. BOX 796-796.

GENERAL NOTES:
 1. DATE OF PREPARATION: APRIL, 1980.
 2. OWNER: APPLICANT, LEO J. ADAMS.
 3. PROPERTY: 1000 W. GARDEN AVENUE, LOS ANGELES, CA 90017.
 4. PROPERTY: 1000 W. GARDEN AVENUE, LOS ANGELES, CA 90017.
 5. ALL DIMENSIONS ARE APPROXIMATE.
 6. ALL DIMENSIONS ARE APPROXIMATE.
 7. ALL DIMENSIONS ARE APPROXIMATE.
 8. ALL DIMENSIONS ARE APPROXIMATE.
 9. ALL DIMENSIONS ARE APPROXIMATE.
 10. ALL DIMENSIONS ARE APPROXIMATE.

GENERAL NOTES:
 1. THE APPLICANT HAS BEEN ADVISED BY THE CITY OF LOS ANGELES THAT THE CITY OF LOS ANGELES MAY REQUIRE THE APPLICANT TO OBTAIN A PERMIT FROM THE CITY OF LOS ANGELES FOR THE CONSTRUCTION OF THE PROJECT.
 2. THE APPLICANT HAS BEEN ADVISED BY THE CITY OF LOS ANGELES THAT THE CITY OF LOS ANGELES MAY REQUIRE THE APPLICANT TO OBTAIN A PERMIT FROM THE CITY OF LOS ANGELES FOR THE CONSTRUCTION OF THE PROJECT.
 3. THE APPLICANT HAS BEEN ADVISED BY THE CITY OF LOS ANGELES THAT THE CITY OF LOS ANGELES MAY REQUIRE THE APPLICANT TO OBTAIN A PERMIT FROM THE CITY OF LOS ANGELES FOR THE CONSTRUCTION OF THE PROJECT.
 4. THE APPLICANT HAS BEEN ADVISED BY THE CITY OF LOS ANGELES THAT THE CITY OF LOS ANGELES MAY REQUIRE THE APPLICANT TO OBTAIN A PERMIT FROM THE CITY OF LOS ANGELES FOR THE CONSTRUCTION OF THE PROJECT.
 5. THE APPLICANT HAS BEEN ADVISED BY THE CITY OF LOS ANGELES THAT THE CITY OF LOS ANGELES MAY REQUIRE THE APPLICANT TO OBTAIN A PERMIT FROM THE CITY OF LOS ANGELES FOR THE CONSTRUCTION OF THE PROJECT.
 6. THE APPLICANT HAS BEEN ADVISED BY THE CITY OF LOS ANGELES THAT THE CITY OF LOS ANGELES MAY REQUIRE THE APPLICANT TO OBTAIN A PERMIT FROM THE CITY OF LOS ANGELES FOR THE CONSTRUCTION OF THE PROJECT.

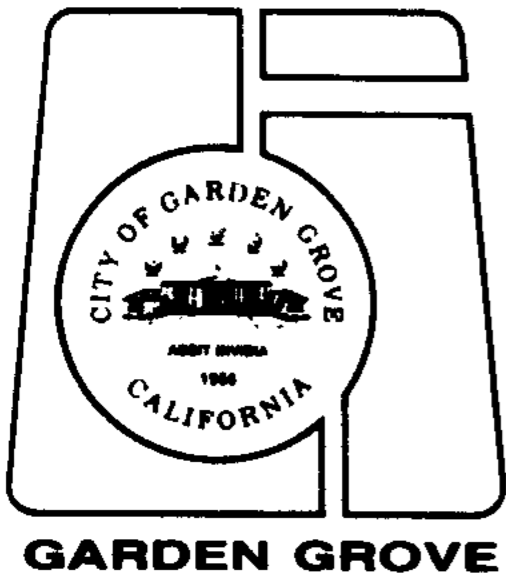


PRCA
 PROFESSIONAL REGISTERED CIVIL ENGINEER
 NO. 15415
 241 S. GARDEN AVENUE
 LOS ANGELES, CALIFORNIA 90015

KAPLAN & BIRD MULTI-HOUSING GROUP
 GREEN GROVE, CALIFORNIA
 GREEN GROVE STREET & GREEN GROVE BLVD.
 TENTATIVE PARCEL MAP NO. 00-158

NO.	DATE	DESCRIPTION
1	8/80	PRELIMINARY
2	8/80	FINAL

LEGEND:
 --- PROPERTY LINE
 --- PROPERTY FRONT LINE
 --- PROPERTY REAR LINE
 --- PROPERTY SIDE LINE
 --- PROPERTY CORNER MARKERS
 --- PROPERTY AREA



CITY OF GARDEN GROVE

Bruce A. Broadwater
Mayor

William J. Dalton
Mayor Pro Tem

Ho Chung
Councilman

Mark Leyes
Councilman

Mark Rosen
Councilman

RECEIVED

MAR 31 2000

KBMH

March 29, 2000

Kaufman & Broad
320 Golden Shore, Suite 200
Long Beach, CA 90802

Attn: Craig Farmer

Dear Mr. Farmer:

Thank you for your recent application for a General Plan Amendment, Planned Unit Development, Site Plan, Street Vacation, and a Negative Declaration for the purpose of building a 93 unit affordable senior apartment building. Enclosed is the receipt for your filing fee.

In review of your application, it was noted that the subject property has less than the minimum requirement of three acres for a residential Planned Unit Development. Therefore, a Variance is required for this application and a fee of \$1,000.00 needs to be remitted to the City of Garden Grove, along with one (1) colored elevation and one (1) Material Sample Board. Additionally, after further review, should the filing of a Street Vacation be deemed unnecessary, the \$700.00 fee will be refunded to Kaufman & Broad. Please send these items to the Planning Division as soon as possible, as it is necessary to meet the timeline for the Planning Commission Public Hearing.

If you have any questions, your case Planner, Rosalinh Ung, will be happy to assist you and can be reached during regular business hours at 714-741-5312. City Hall hours are Monday through Thursday 7:30 a.m. to 5:30 p.m., Friday hours are 7:30 a.m. to 5:00 p.m. We are closed on alternating Fridays, and for your convenience I have enclosed a calendar that has City Hall closure dates circled.

Respectfully,

Teresa Pomeroy
Principle Office Assistant

Enclosure

GPA-100(A), PUD-136-00,
V-270-00, SP-275-00, SV-111-00

Case No. _____

**COMMUNITY DEVELOPMENT REVIEW
AND COMMENT SHEET**

* Please bring
written comments to
DCC Mtg 4/4/00

DISTRIBUTION:

- | | | |
|--|--|--|
| <input type="checkbox"/> Economic Development | <input type="checkbox"/> Fire Department | <input type="checkbox"/> Taorimina Ind. |
| <input type="checkbox"/> Community Dev. Director | <input type="checkbox"/> Plan Check | <input type="checkbox"/> Engineer Serv(2) |
| <input type="checkbox"/> Code Enforcement | <input type="checkbox"/> Police Department | <input type="checkbox"/> PW - Utility Serv |
| <input type="checkbox"/> Planning Manager | <input type="checkbox"/> Planning Super | <input type="checkbox"/> PW - Streets |

ATTN: _____

From: Rosalinh Ung Return By: 4/4/00

Applicant: Kaufman & Broad Multi-Housing Group Inc. Date Out: 3/27/00

Request: To construct 93-unit affordable senior apartment complex

Location: NWC GG Blvd + Sunnyside

Address: 12811 Garden Grove Blvd Parcel No: 231-574-18

Zone: HCSP/OP General Plan: MX

ANALYSIS

Please provide any information you would like to be included in the Staff Report.

Please list specific conditions of approval on reverse side.

Filing Date March 24, 2000

Applicant Name Kaufman & Broad Multi-Housing Group, Inc.

Address 320 Golden Shore, Suite 200, Long Beach, CA 90802

Phone (562) 256-2000 (Craig Farmer)

Subject Property Location Northwest corner of Garden Grove Blvd. & Sungrove

Requested Action General Plan Amendment, Planned Unit Development, Site Plan
Street Vacation, and Negative Declaration.

A preliminary review of your application finds that:

_____ Your application is complete. Your application will be heard by the _____ and is tentatively scheduled for public hearing on _____. From the filing date shown above, the City has a 30-day time limit to further review your application. The City will notify you in writing of anything incomplete. The hearing date mentioned above is, therefore, subject to change depending on application completeness, meeting date availability, work load and further staff analysis of the project.

_____ Your application is incomplete. The items which are checked and/or circled on the attached Filing Instruction sheet must be corrected or completed and the whole application package resubmitted to the Development Services Department and determined complete before processing can begin.

If you have any questions concerning this matter, please contact _____ of the Planning Division at (714) 741-5312.

ENVIRONMENTAL INFORMATION FORM
(To Be Completed By Applicant)

Date Filed: March 24, 2000

GENERAL INFORMATION:

1. Name and address of developer or project sponsor: Kaufman & Broad Multi-Housing Group, Inc.
320 Golden Shore, Suite 200
Long Beach, CA 90802
2. Address of project: 12811, 12821 & 12931 Garden Grove Boulevard
3. Assessor's Block and Lot Number: Block 574 Lot 18
4. Name, address, and telephone number of person to be contacted concerning this project:
Patrick Simons (562) 256-2024
Kaufman & Broad Multi-Housing Group Inc.
320 Golden Shore, Suite 200 Long Beach, CA 90802
5. List and describe any other related permits and other public approvals required for this project, including those required by city, regional, state and federal agencies: General Plan Amendment,
Planned unit development, Site plan, street vacation.
6. Existing zoning district and General Plan designation: _____
7. Proposed use of site (project for which this form is filed): Affordable Senior Apartments

PROJECT DESCRIPTION:

9. Site size (gross acres/square feet): 1.67 acres/72,643 square feet
10. Square footage of structures/buildings: 61,500 sf.
11. Number of floors of construction: Four
12. Amount of off-street parking provided: 93
13. Proposed scheduling (phasing): Single Phase
14. Associated projects: N/A
15. Anticipated phased development: Single Phase

16. If residential, include the number of units, schedule of unit sizes, range of sale prices or rents and type of household size expected: 93 units (75 1-bedroom, 18 2-bedroom), renting at affordable levels between \$353 and \$724 per month, senior households consisting of less than 2 persons per household on average.
1-bedroom is 525 sf., 2-bedroom is 700 sf.
17. If commercial, indicate the type, whether neighborhood, city, or regionally-oriented, square footage, and loading and trash facilities: N/A
18. If industrial, indicate type, estimated employment per shift, and loading facilities: N/A
19. If institutional, indicate the major function, estimated employment per shift, estimated occupancy, loading facilities, and community benefits to be derived from the project: N/A
20. If the project involves a Variance, Conditional Use Permit, or rezoning application, state this and indicate clearly why the application is required: Project involves a planned unit development required to allow the proposed use of affordable senior apartments.

ENVIRONMENTAL CHECKLIST:

Are the following items applicable to the project or its effects? Discuss below all items checked "Yes" (attach additional sheets as necessary).

	Yes	No
21. Change in existing features of any bays, tidelands, beaches, lakes or hills, or substantial alteration of ground contours.	_____	X _____
22. Change in scenic views or vistas from existing residential areas or public lands or roads.	_____	X _____
23. Change in pattern, scale or character of general area of project.	X _____	_____
24. Significant amounts of solid waste or litter.	_____	X _____
25. Change in dust, ash, smoke, fumes or odors in vicinity.	_____	X _____
26. Change in ocean, bay, lake, stream or ground water quality or quantity, or alteration of existing drainage patterns.	_____	X _____
27. Substantial change in existing noise or vibration levels in the vicinity.	_____	X _____
28. Site on filled land or slope of 10 percent or more.	_____	X _____

	Yes	No
29. Use of disposal of potentially hazardous materials, such as toxic substances, flammable or explosives.	_____	X _____
30. Substantial change in demand for municipal services (police, fire, water, sewage, etc.).	_____	X _____
31. Substantially increase fossil fuel consumption (electricity, oil, natural gas, etc.).	_____	X _____
32. Relationship to a larger project or series of projects.	_____	X _____

ENVIRONMENTAL SETTING:

33. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical, or scenic aspects. Describe any existing structures on the site, and the use of the structures.

Site is flat and paved with no plants, animals, cultural, historical, or scenic aspects. Four existing structures on site include two commercial buildings, a self-serve car wash, and a small storage building.

34. Describe the surrounding properties, including information on plants and animals and any cultural, historical or scenic aspects. Indicate the type of land use (residential, commercial, etc.), intensity of land use (one-family, apartment houses, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.).

Surrounding area is completely developed with no plants, animals, cultural historical, or scenic aspects. Uses include future four-story hotel and existing four-story hotel to East, Garden Grove Boulevard to South, single-story commercial buildings and seven-story Garden Grove Hospital to West, and single-story residential to North.

CERTIFICATION:

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. I further understand that additional information may be required to be submitted to the City of Garden Grove to complete my review.

Signature  Date 3/24/00

PLANNING DIVISION Community Development Department	City of Garden Grove LAND USE PERMIT APPLICATION
--	--

Project Address: 12811, 12821 & 12931 Garden Grove Blvd.

Project Location: Northwest corner of Garden Grove Blvd. and Sungrove Street

Application For:

- Code Amendment
- Conditional Use Permit
- General Plan Amendment
- Interpretation of Use
- Lot Line Adjustment
- Modification to Conditions
- Modification to Plans
- Planned Unit Development
- Site Plan
- Specific Plan
- Tentative Parcel Map
- Tentative Tract Map
- Time Extension
- Variance
- Zone Change
- Other: Street Vacation \$ 700-

Environmental Review:

- Environmental Impact Report
- Negative Declaration
- Notice of Exemption

Applicant/Owner Information:

Applicant:

Name: Kaufman & Broad Multi-Housing Group, Inc.
 Address: 320 Golden Shore, Suite 200
 City/State: Long Beach, CA
 Phone: (562) 256-2000 (Craig Farmer)

Representative:

Name: N/A
 Address: _____
 City/State: _____
 Phone: _____

Property Owner:

Name: K and P Partnership
 Address: 1211 N. Broadway
 City/State: Santa Ana, CA
 Phone: (714) 834-9200

Status of Applicant:

- | | |
|--|---|
| <input type="checkbox"/> Recorded Property Owner | <input type="checkbox"/> Lessee |
| <input checked="" type="checkbox"/> Purchasing/Escrow Subject to Case Approval | <input type="checkbox"/> Authorized Agent of One of The Above |

AUTHORIZED SIGNATURES

Important Note: If the applicant is anyone other than the recorded owner of the property, a letter of authorization, signed by the owner, is to be notarized and submitted as a part of the application.

Owner's Signature: [Signature] Date: 3-18-00
 Applicant's Signature: [Signature] Date: 3/24/00
 Application Accepted By: _____ Date: _____

Office Use Only					
Land Use Action	_____	11-	\$	_____	_____
Land Use Action	_____	11-	\$	_____	_____
Land Use Action	_____	11-	\$	_____	_____

NOTE: If you are not the recorded owner of the property, this letter of authorization must be signed by the owner of the property, notarized, and submitted as a part of the application.

**COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING SERVICES DIVISION**


**LETTER OF AUTHORIZATION
TO BE NOTARIZED**

To: City of Garden Grove

Application for Sungrove Senior Apartments

I, K and P Partnership, owner of the below-described property, do hereby appoint Kaufman & Broad Multi-Housing Group, Inc. my agent for the purpose of consummating the above application, and agree to accept and fulfill any and all requirements which may be imposed as conditions of approval.

LEGAL PROPERTY DESCRIPTION: See attached



(Signature of Owner)

LEGAL DESCRIPTION

That portion of the Southeast quarter of the Southeast quarter of Section 34, Township 4 South, Range 10 West, in the Rancho Las Bolsas, in the City of Garden Grove, as shown on a map recorded in book 51, page 10 of Miscellaneous Maps, records of Orange County, California.

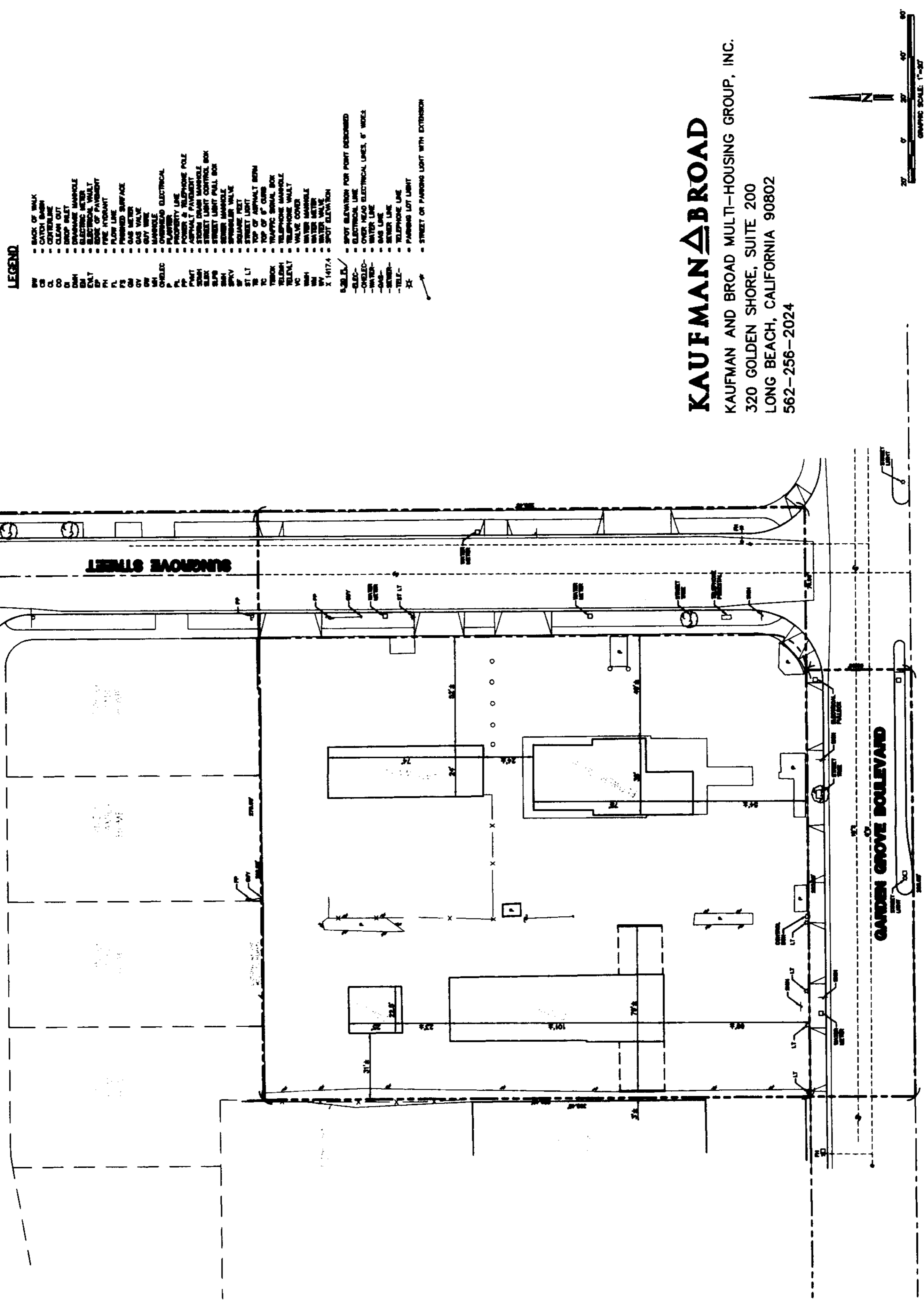
Beginning at a point on the South line of said Southeast quarter of the Southeast quarter of Section 34 distant North $89^{\circ} 45' 30''$ East 260.00 feet from the Southwest corner thereof; thence North $00^{\circ} 12' 38''$ West 309.45 feet parallel with the West line of said Southeast quarter of the Southeast quarter to an angle point in the Southerly line of Lot 12 of Tract No. 3221, as shown on a map recorded in book 104, pages 39 and 40 of Miscellaneous Maps, records of Orange County, California; thence along the boundary line of said Tract No. 3221 the following courses: North $89^{\circ} 45' 30''$ East 219.99 feet; South $00^{\circ} 12' 38''$ East 242.46 feet to a tangent curve concave Northwesterly having a radius of 17.00 feet; Southwesterly along said curve through a central angle of $89^{\circ} 58' 08''$ a distance of 26.69 feet; South $00^{\circ} 14' 30''$ East 50.00 feet to the South line of said Southeast quarter of the Southeast quarter; thence South $89^{\circ} 45' 30''$ West 203.02 feet to the point of beginning.

PRC
 Development Resources Consultants, Inc.
 100 E. PUEBLO AVENUE, SUITE 200
 DENVER, COLORADO 80202
 PHONE: (303) 733-8888
 FAX: (303) 733-8899

NO.	DATE	DESCRIPTION

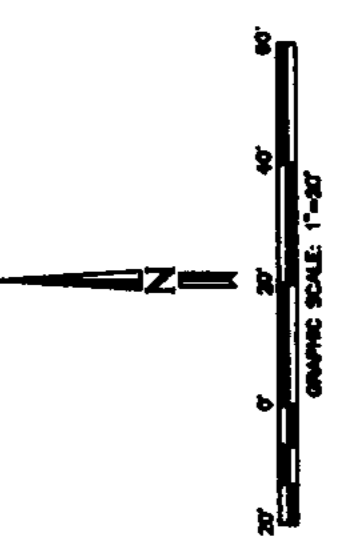
SENIOR APARTMENT COMMUNITY
GARDEN GROVE BLVD.
GARDEN GROVE, CALIFORNIA
EXISTING UTILITIES PLAN

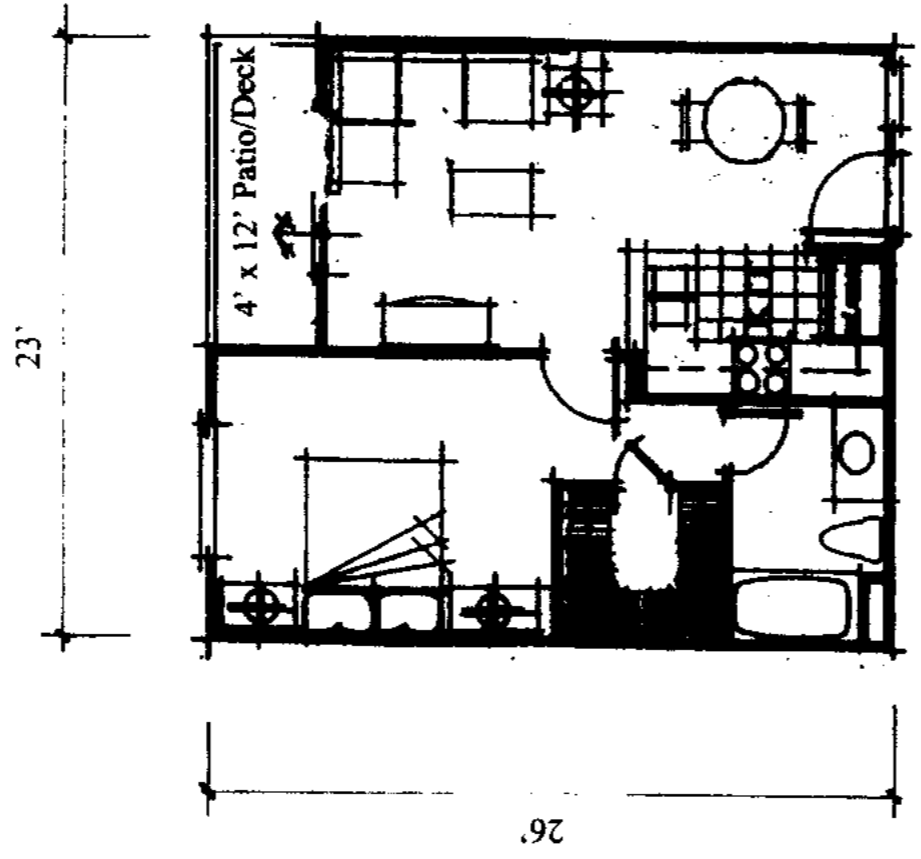
DATE: 08/25/24
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT NO.: 24-002
 SHEET NO.: 1
 OF 1 SHEETS
 SCALE: 1"=20'



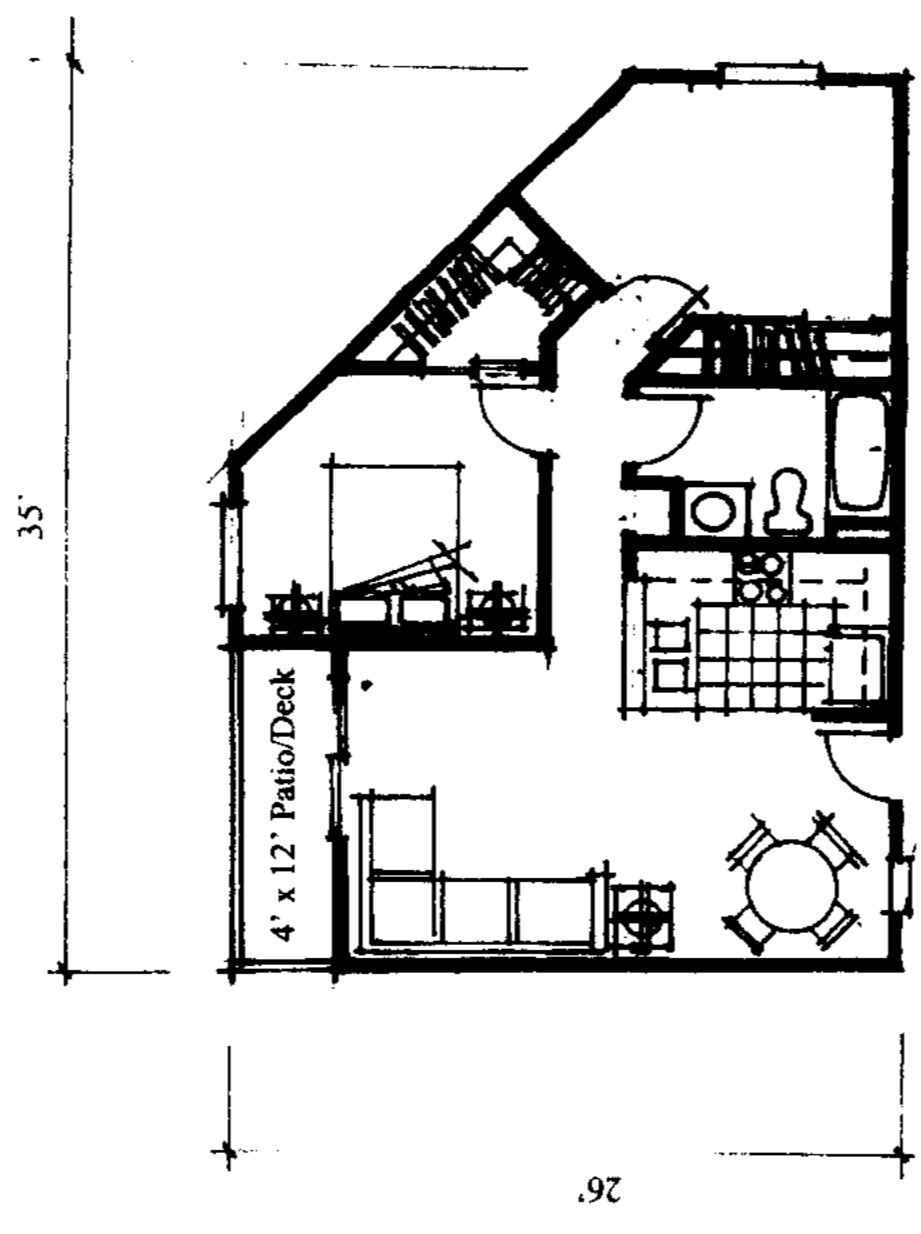
- LEGEND**
- SW - BACK OF WALK
 - CB - CATCH BASIN
 - CL - CENTERLINE
 - CO - CLEAN OUT
 - DD - DROP DUCT
 - DM - DRAIN MANHOLE
 - DR - DRAIN
 - EL - ELECTRICAL
 - EP - EDGE OF PAVEMENT
 - FL - FLOW LINE
 - FS - FRESH SURFACE
 - GM - GAS METER
 - GV - GAS VALVE
 - GW - GUY WIRE
 - MA - MANHOLE
 - OE - OVERHEAD ELECTRICAL
 - PL - PLUMBING
 - PT - POWER & TELEPHONE POLE
 - PA - ASPHALT PAVEMENT
 - SD - STORM DRAIN MANHOLE
 - SL - STREET LIGHT CONTROL BOX
 - SLP - STREET LIGHT PULL BOX
 - SM - SEWER MANHOLE
 - SPV - SPRINKLER VALVE
 - ST - SQUARE FOOT
 - TA - TOP OF ASPHALT
 - TC - TOP OF CURB
 - TR - TRAFFIC SIGNAL BOX
 - TE - TELEPHONE MANHOLE
 - TELEV - TELEPHONE WALK
 - VC - VALVE COVER
 - WM - WATER METER
 - WV - WATER VALVE
 - X 14174 - SPOT ELEVATION
- SYMBOLS**
- O-ELEC- - SPOT ELEVATION FOR POINT DESIGNATED
 - O-TELE- - ELECTRICAL LINE
 - O-WATER- - OVER HEAD ELECTRICAL LINES, 8' WIDE
 - O-SEWER- - WATER LINE
 - O-GAS- - GAS LINE
 - O-TELE- - SEWER LINE
 - O-TELE- - TELEPHONE LINE
 - O- - TELEPHONE LOT LIGHT
 - O- - STREET OR PARKING LIGHT WITH EXTENSION

KAUFMAN BROAD
 KAUFMAN AND BROAD MULTI-HOUSING GROUP, INC.
 320 GOLDEN SHORE, SUITE 200
 LONG BEACH, CALIFORNIA 90802
 562-256-2024

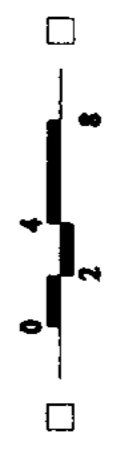




Unit One
One Bedroom 525 SF



Unit Two
Two Bedroom 700 SF



Unit Plans

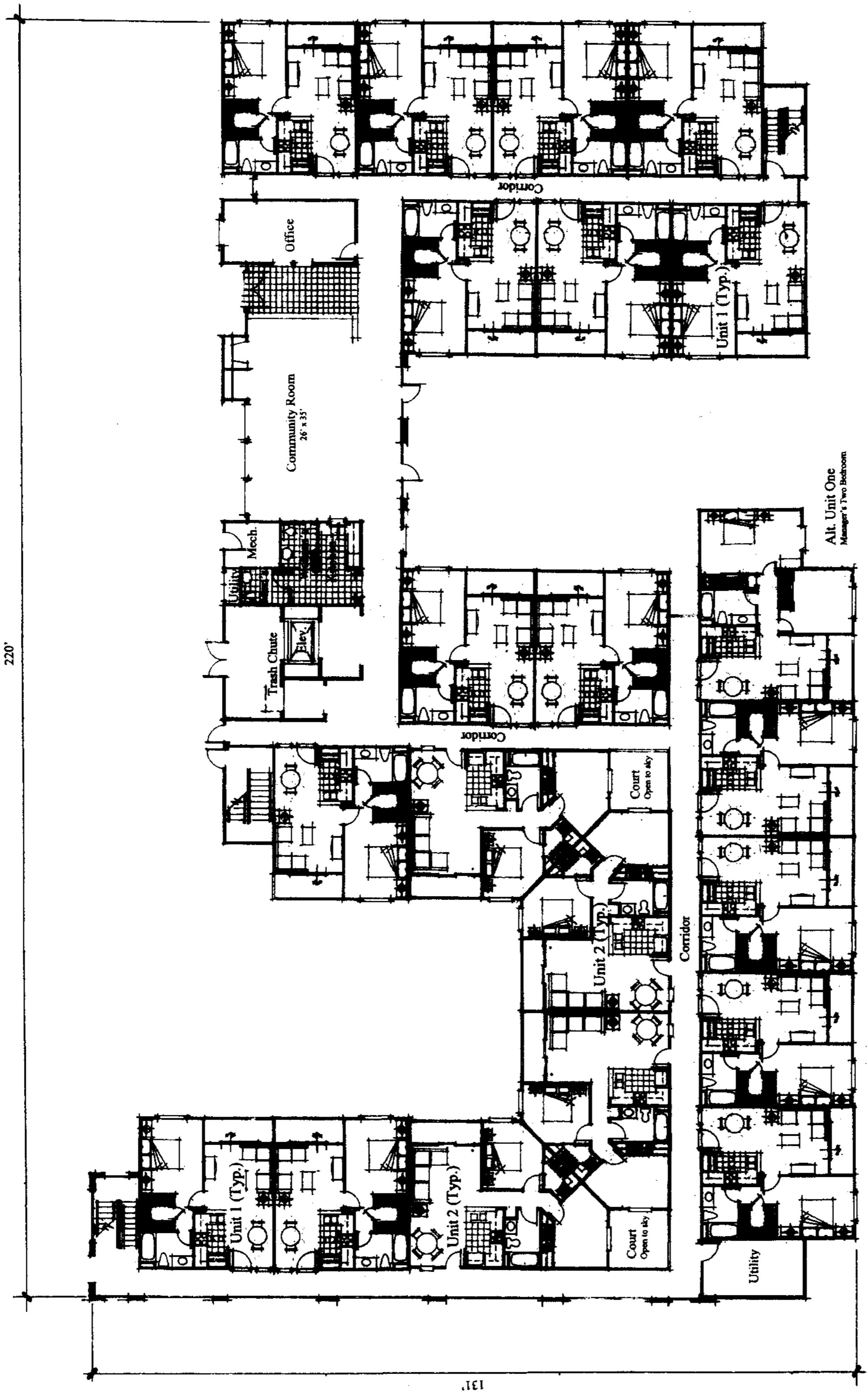
Garden Grove Senior Apartments

Garden Grove
California

Kaufman & Broad
Multi Housing Group

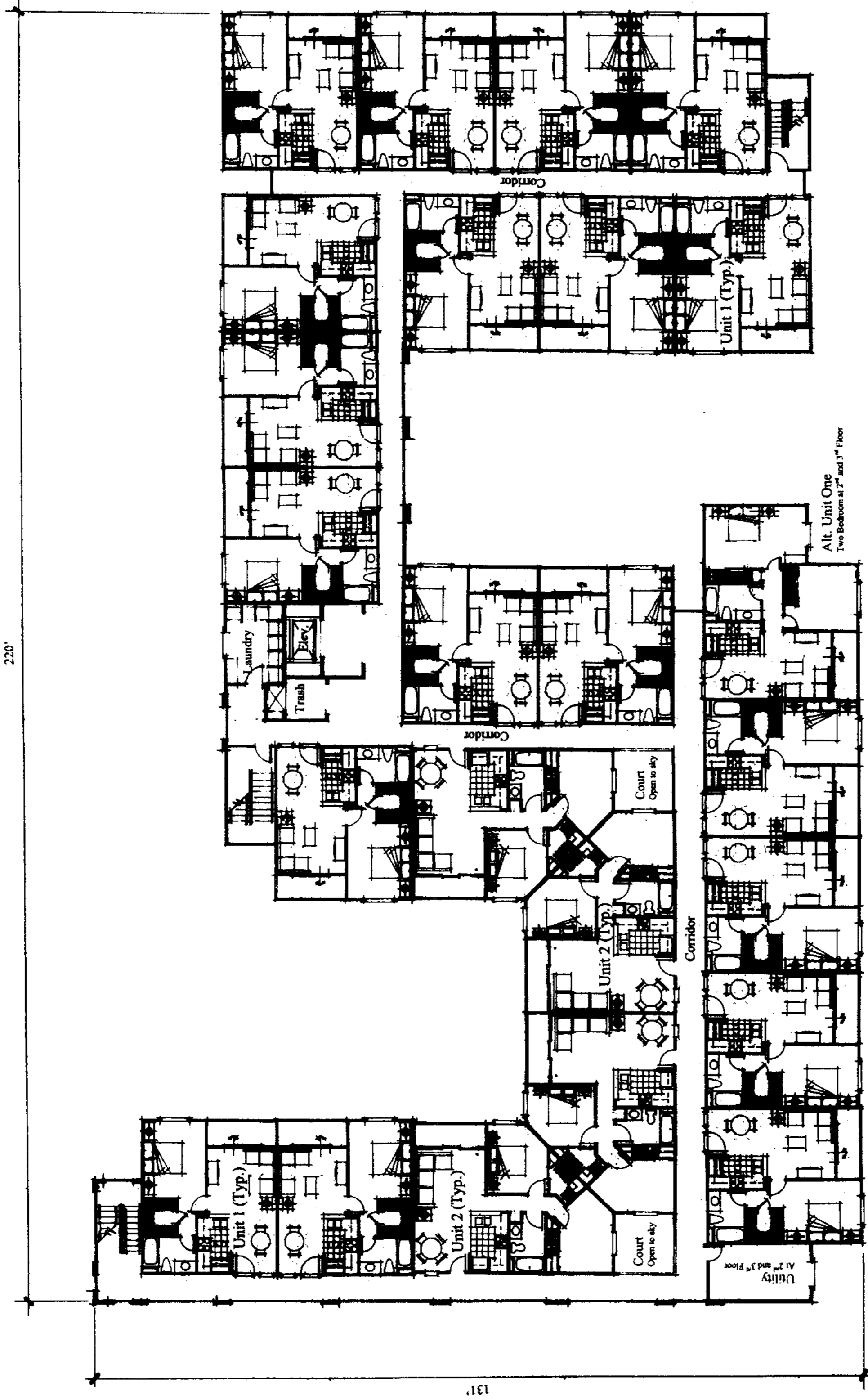


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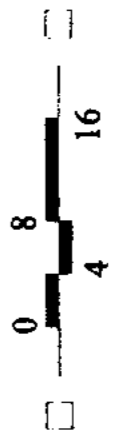


Ground Floor Building Plan
Garden Grove Senior Apartments
 Garden Grove
 California

Kaufman & Broad
 Multi Housing Group



Alt. Unit One
Two Bedrooms at 2nd and 3rd Floor



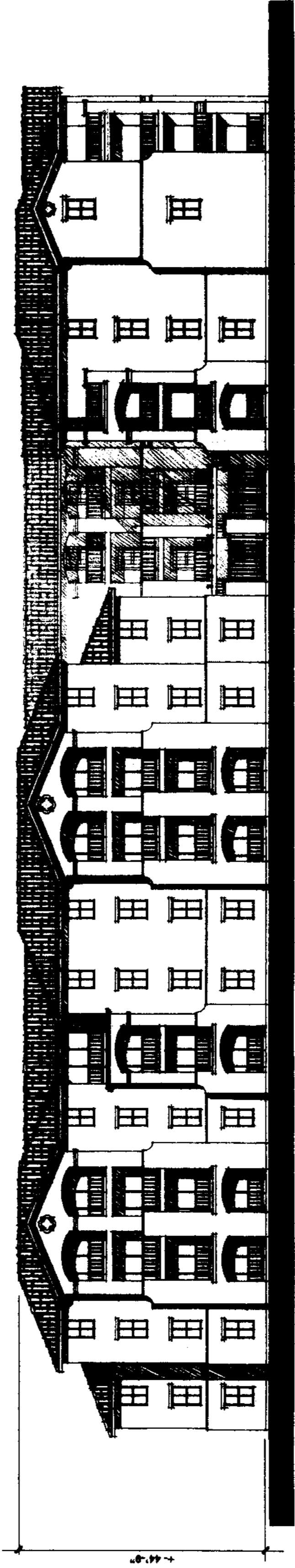
2nd Floor Building Plan (3rd & 4th Floor Similar)
Garden Grove Senior Apartments

Kaufman & Broad
Multi Housing Group

Garden Grove
California



3/24/00



Front Elevation
Garden Grove Senior Apartments

Garden Grove
California

Kaufman & Broad
Multi Housing Group

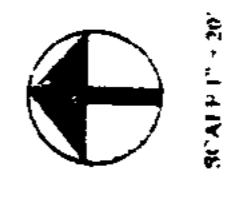
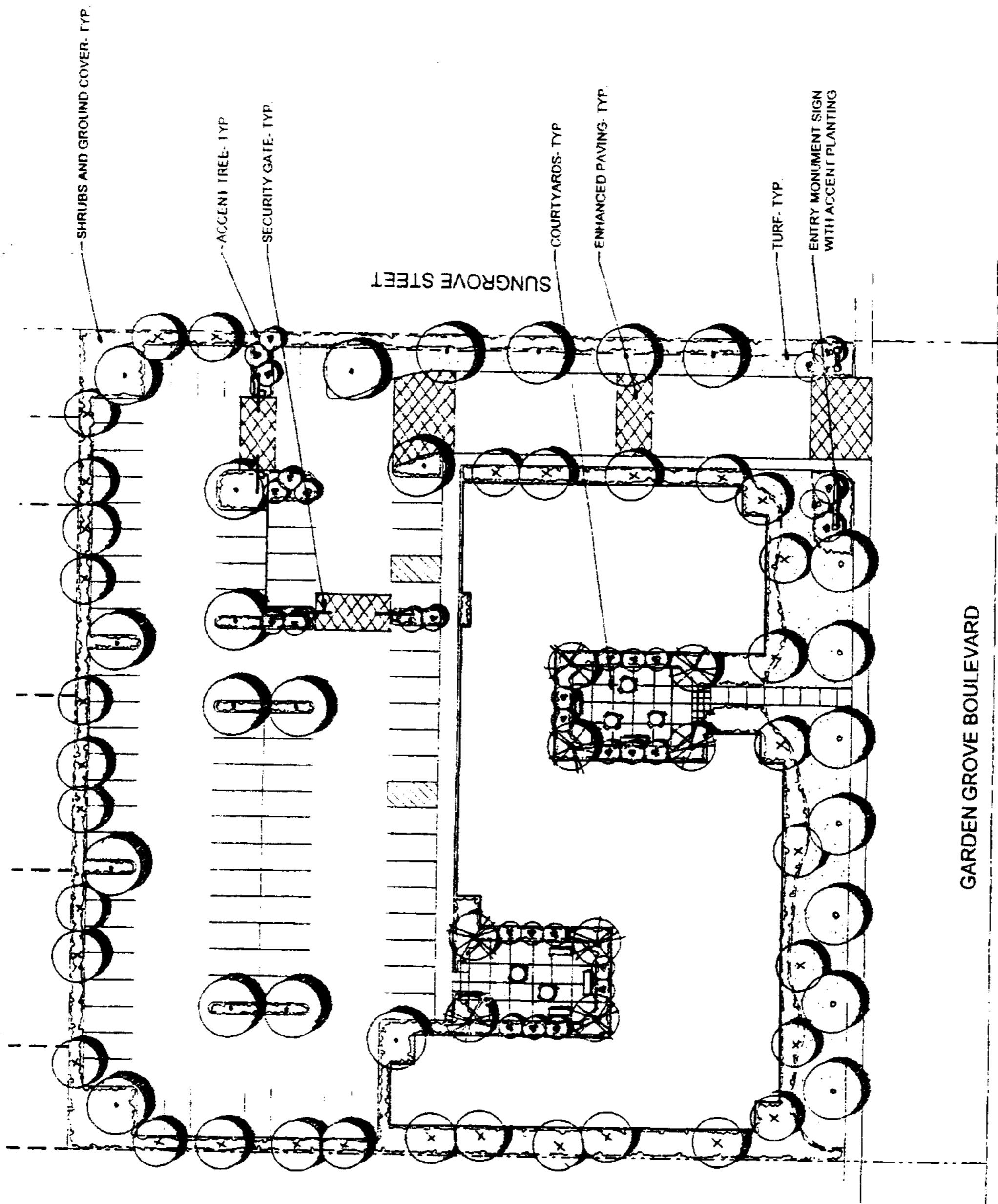


KTGY GROUP, INC.
COMMERCIAL REAL ESTATE
CALIFORNIA, CALIFORNIA, CALIFORNIA
ALL RIGHTS RESERVED

3/24/00

PLANTING LEGEND

PLANTING NAME	COMMON NAME	SIZE
①	SHRUBS & STREET TREE	15 GAL
②	FRAGRANT BAYLEAF	15 GAL
③	FRAGRANT BAYLEAF	15 GAL
④	FRAGRANT BAYLEAF	15 GAL
⑤	FRAGRANT BAYLEAF	15 GAL
⑥	FRAGRANT BAYLEAF	15 GAL
⑦	FRAGRANT BAYLEAF	15 GAL
⑧	FRAGRANT BAYLEAF	15 GAL
⑨	FRAGRANT BAYLEAF	15 GAL
⑩	FRAGRANT BAYLEAF	15 GAL
⑪	FRAGRANT BAYLEAF	15 GAL
⑫	FRAGRANT BAYLEAF	15 GAL
⑬	FRAGRANT BAYLEAF	15 GAL
⑭	FRAGRANT BAYLEAF	15 GAL
⑮	FRAGRANT BAYLEAF	15 GAL
⑯	FRAGRANT BAYLEAF	15 GAL
⑰	FRAGRANT BAYLEAF	15 GAL
⑱	FRAGRANT BAYLEAF	15 GAL
⑲	FRAGRANT BAYLEAF	15 GAL
⑳	FRAGRANT BAYLEAF	15 GAL
㉑	FRAGRANT BAYLEAF	15 GAL
㉒	FRAGRANT BAYLEAF	15 GAL
㉓	FRAGRANT BAYLEAF	15 GAL
㉔	FRAGRANT BAYLEAF	15 GAL
㉕	FRAGRANT BAYLEAF	15 GAL
㉖	FRAGRANT BAYLEAF	15 GAL
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㊾	FRAGRANT BAYLEAF	15 GAL
㊿	FRAGRANT BAYLEAF	15 GAL



SCALE: 1" = 20'



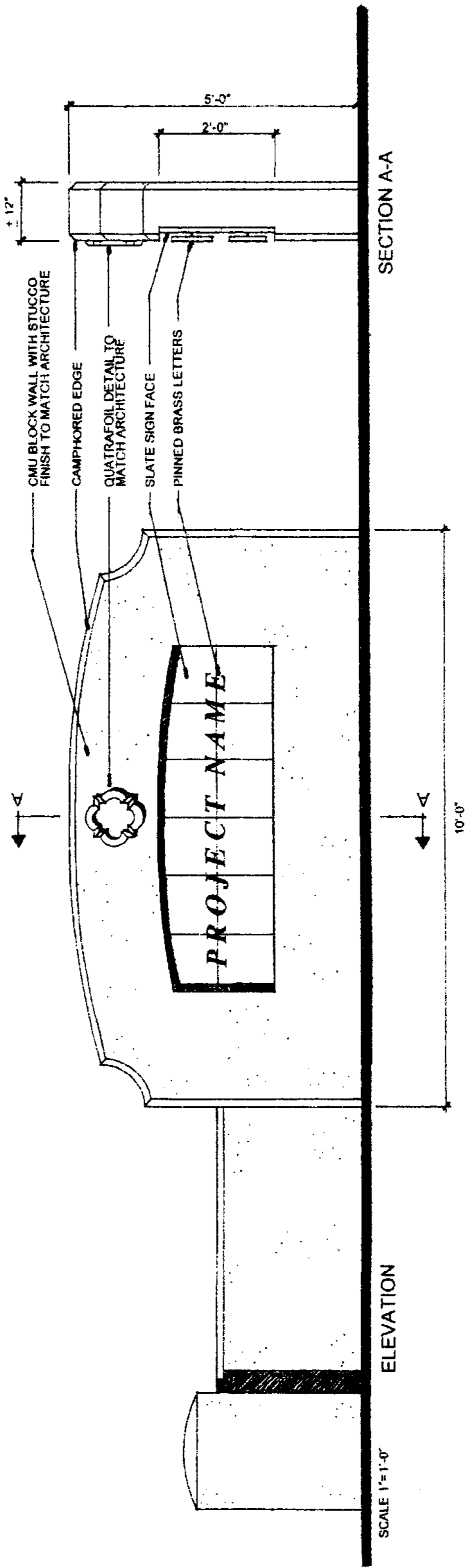
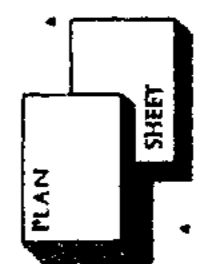
KAUFMAN BROAD ARCHITECTURE

GARDEN GROVE APARTMENTS

KAUFMAN AND BRIVAD MULTI-HOUSING GROUP

DATE MARCH 24, 2000

REVISIONS



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Commonwealth Land Title Company
350 Commerce Road, Suite 150
Irvine, California 92602
(714) 835-8511

TITLE DEPARTMENT FAX NO. (714) 368-3255

Issuing Policies Of



Commonwealth
LAND TITLE INSURANCE COMPANY

LandAmerica
888 West 6th Street, 4th Floor
Los Angeles, California
Attn: Donna Cimino

Your Ref: 00-00363

Our No: 2000260-3
Title Officer:
JIM PRASCH

PRELIMINARY REPORT

Dated as of February 24, 2000 at 7:30 A.M.

In response to the above referenced application for a policy of title insurance, Commonwealth Land Title Company hereby reports that it is prepared to issue, or cause to be issued, as of the date hereof, a Policy or Policies of Title Insurance describing the land and the estate or interest therein hereinafter set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of said policy forms.

The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth in Exhibit A attached. Copies of the Policy forms should be read. They are available from the office which issued this report.

This report (and any supplements or amendments hereto) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed hereby. If it is desired that liability be assumed prior to the issuance of a policy of title insurance, a Binder or Commitment should be requested.

Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.

It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects, and encumbrances affecting title to the land.

SCHEDULE A

The form of policy of title insurance contemplated by this report is:

A CLTA Owners Policy

The estate or interest in the land hereinafter described or referred to covered by this report is:

A FEE

Title to said estate or interest at the date hereof is vested in:

K and P Partnership, a California general partnership

The land referred to in this Report is situated in the State of California, County of Orange, and is described as follows:

That portion of the Southeast quarter of the Southeast quarter of Section 34, Township 4 South, Range 10 West, in the Rancho Las Bolsas, in the City of Garden Grove, as shown on a map recorded in book 51, page 10 of Miscellaneous Maps, records of Orange County, California.

Beginning at a point on the South line of said Southeast quarter of the Southeast quarter of Section 34 distant North 89° 45' 30" East 260.00 feet from the Southwest corner thereof; thence North 00° 12' 38" West 309.45 feet parallel with the West line of said Southeast quarter of the Southeast quarter to an angle point in the Southerly line of Lot 12 of Tract No. 3221, as shown on a map recorded in book 104, pages 39 and 40 of Miscellaneous Maps, records of Orange County, California; thence along the boundary line of said Tract No. 3221 the following courses: North 89° 45' 30" East 219.99 feet; South 00° 12' 38" East 242.46 feet to a tangent curve concave Northwesterly having a radius of 17.00 feet; Southwesterly along said curve through a central angle of 89° 58' 08" a distance of 26.69 feet; South 00° 14' 30" East 50.00 feet to the South line of said Southeast quarter of the Southeast quarter; thence South 89° 45' 30" West 203.02 feet to the point of beginning.

SCHEDULE B

At the date hereof Exceptions to coverage in addition to the printed exceptions and exclusions in said policy form would be as follows:

A. General and special taxes, including any assessments collected with taxes, to be levied for the fiscal year 2000-2001, which are a lien not yet payable.

B. General and special taxes and assessments collected with taxes for the fiscal year 1999-2000.

Total:	\$3,495.22	
First Installment:	1,747.61	Paid
Second Installment:	1,747.61	Open
Homeowners' Exemption:	\$0	

Code:	18-156
Parcel:	231-574-18

C. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 75, et seq. of the Revenue and Taxation Code of the State of California.

1. An easement for the purpose shown below and rights incidental thereto as reserved in a document

Grantor:	The Stearns Ranchos Company
Purpose:	roads, railroads and ditches
Recorded:	April 16, 1895 in book 87, page 230, of Deeds
Affects:	the South 30 feet

2. The use and control of cienegas and natural streams of water, if any, naturally upon, flowing across, into or by said tract, and the right of way for and to construct irrigation or drainage ditches through said tract to irrigate or drain the adjacent land, as reserved in deed

Recorded:	April 16, 1895 in book 87, page 230, of Deeds
-----------	---

3. An easement for the purpose shown below and rights incidental thereto as set forth in document

Granted to:	Garden Grove Sanitary District
Purpose:	sanitary sewer
Recorded:	October 15, 1956 in book 3677, page 271, Official Records
Affects:	the Northerly 10 feet of the Southerly 40 feet

4. An easement for the purpose shown below and rights incidental thereto as set forth in document

Granted to: The Pacific Telephone and Telegraph Company, a corporation
Purpose: underground telephone, telegraph and communication structures
Recorded: May 17, 1960 in book 5247, page 457, Official Records
Affects: the Westerly 5 feet of the Northerly 14 feet of the Southerly 44 feet

5. An easement for the purpose shown below and rights incidental thereto as set forth in document

Granted to: The City of Garden Grove, a municipal corporation
Purpose: street and highway
Recorded: March 20, 1961 in book 5661, page 898, Official Records
Affects: the South 50 feet

6. An easement for the purpose shown below and rights incidental thereto as set forth in document

Granted to: Southern California Edison Company, a corporation
Purpose: Public Utilities
Recorded: March 29, 1961 in book 5672, page 115, Official Records
Affects: the Westerly 6 feet

7. An easement for the purpose shown below and rights incidental thereto as set forth in document

Granted to: Southern California Edison Company, a corporation
Purpose: electric line
Recorded: July 24, 1984 in book 7149, page 494, Official Records
Affects: a strip of land 10 feet in width, the centerline of said strip being described as follows:

Beginning at a point in the Southerly line of Lot 13 in Tract No. 3221, as shown on a map recorded in book 104, pages 39 and 40 of Miscellaneous Maps, said point being South 89° 45' 30" West 10 feet, measured along said Southerly line from the Southeast corner of said Lot; thence South 00° 12' 38" East 125 feet.

8. A deed of trust to secure an indebtedness in the amount shown below:

Amount: \$500,000.00
Dated: December 17, 1999
Trustor: K and P Partnership, a California general partnership
Trustee: Full Service, Inc.
Beneficiary: Fullerton Community Bank, FSB
Recorded: December 29, 1999 as Instrument No. 19990878940, Official Records

9. A document subject to all the terms, provisions and conditions therein contained.

Entitled: Agreement (Hazardous Substances Agreement)
Dated: December 17, 1999
Executed by: K and P Partnership, a California general partnership and Fullerton
Community Bank, FSB
Recorded: December 29, 1999 as Instrument No. 19990878941, Official Records

Reference is made to said document for full particulars.

10. An assignment of all monies due, or to become due as rental or otherwise from said land, as well as the lessor's interests under the leases referred to therein, to secure payment of an indebtedness shown below and upon the terms and conditions therein.

Amount: \$500,000.00
Assigned to: Fullerton Community Bank, FSB, its successors and assigns
By: K and P Partnership, a California general partnership
Recorded: December 29, 1999 as Instrument No. 19990878942, Official Records

11. An unrecorded lease, affecting the premises herein stated, executed by and between the parties named herein, for the term and upon the terms, covenants, conditions, and provisions therein contained.

Type of Lease: Commercial
Dated: May 15, 1998
Lessor: K and P Partnership, a California general partnership
Lessee: Vahe Hovnanian and Lucy Hovnanian
Disclosed by: Subordination Agreement - Lease
Recorded: December 29, 1999 as Instrument No. 19990878443, Official Records

The lessee's interest under said lease was subordinated to the lien or charge of deed of trust referred to in

Paragraph No: 8
By an Agreement
Recorded: December 29, 1999 as Instrument No. 19990878443, Official Records

12. A document subject to all the terms, provisions and conditions therein contained.

Entitled: Subordination, NonDisturbance and Attornment Agreement
Dated: Not Shown
Executed by: K and P Partnership, a California general partnership and Vahe
Hovnanian and Lucy Hovnanian
Recorded: December 29, 1999 as Instrument No. 19990878944, Official Records

Reference is made to said document for full particulars.

2000260

Page 6

13. A Financing Statement

Debtor: K and P Partnership, a California general partnership
Secured Party: Fullerton Community Bank, FSB
Recorded: December 29, 1999 as Instrument No. 19990878945, Official Records

PAYOFF INFORMATION

Note No. 1: AS OF JANUARY 1, 1990, CHAPTER 598, CALIFORNIA STATUTES OF 1989, (AB 512; INSURANCE CODE SECTION 12413.1) BECOMES EFFECTIVE. THE LAW REQUIRES THAT ALL FUNDS BE DEPOSITED AND AVAILABLE FOR WITHDRAWAL BY THE TITLE ENTITY'S ESCROW OR SUBESCROW ACCOUNT PRIOR TO DISBURSEMENT OF ANY FUNDS.

ONLY CASH OR WIRED FUNDS CAN BE GIVEN IMMEDIATE AVAILABILITY UPON DEPOSIT.

CASHIER'S CHECKS, TELLER'S CHECKS AND CERTIFIED CHECKS MAY BE AVAILABLE ONE BUSINESS DAY AFTER DEPOSIT.

ALL OTHER FUNDS SUCH AS PERSONAL, CORPORATE OR PARTNERSHIP CHECKS AND DRAFTS MAY CAUSE MATERIAL DELAYS IN DISBURSEMENT OF FUNDS ON THIS ORDER.

IN ORDER TO AVOID DELAYS, ALL FUNDING SHOULD BE WIRE TRANSFERRED. OUTGOING WIRE TRANSFERS WILL NOT BE AUTHORIZED UNTIL CONFIRMATION OF THE RESPECTIVE INCOMING WIRE TRANSFER OR AVAILABILITY OF DEPOSITED CHECKS.

WIRING INFORMATION FOR THIS OFFICE IS AS FOLLOWS:

Union Bank
500 South Main Street
Orange, California 92668

ABA No. 122000496
Account No. 9120008290

PLEASE REFERENCE TITLE ORDER NUMBER AND TITLE OFFICER

DISREGARD ABOVE INFORMATION IF COMMONWEALTH LAND TITLE COMPANY IS YOUR ESCROW SETTLEMENT AGENT

CONTACT ESCROW OFFICER FOR WIRING INSTRUCTIONS

Note No. 2: **THIS COMPANY DOES REQUIRE CURRENT BENEFICIARY DEMANDS PRIOR TO CLOSING.** If the demand is expired and a current demand cannot be obtained, our requirements will be as follows:

- (a) If this Company accepts a verbal update on the demand, we may hold an amount equal to one monthly mortgage payment. This hold will be in addition to the verbal hold the lender may have stipulated.
- (b) If this Company cannot obtain a verbal update on the demand, we will either pay off the expired demand, or wait for the amended demand, at our discretion.

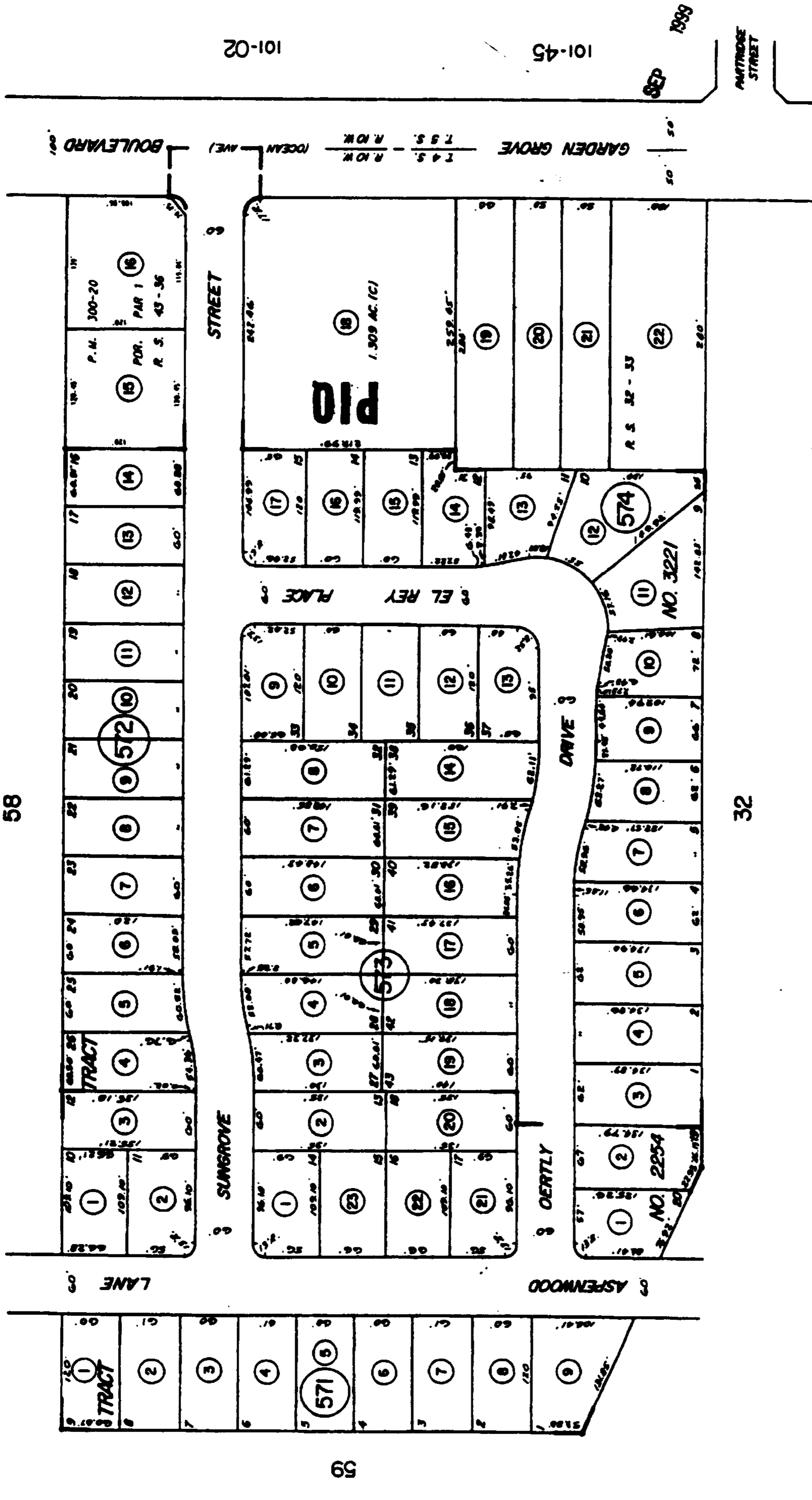
Note No. 3: This report is incomplete as to the effect of documents, proceedings, liens, decrees, or other matters which do not specifically describe said land, but which, if any do exist, may affect the title or impose liens or encumbrances thereon.

This Company will require statement(s) of information from buyer, seller, and/or borrower, in order to complete this report.

Note No. 4: The premium for a policy of title insurance, if issued, will be based off Binder.

jp/ma

cc: Whitestone Properties
Kaufman & Broad Multi-Housing Group



ASSESSOR'S MAP
BOOK 231 PAGE 57
COUNTY OF ORANGE

NOTE - ASSESSOR'S BLOCK &
PARCEL NUMBERS
SHOWN IN CIRCLES

M.M. 104-39.40
M.M. 113-9.10
P.M. 300-20

TRACT NO. 3221
TRACT NO. 2254
PARCEL MAP

MARCH 1980

"This plat is for your aid in locating your land with reference to streets and other parcels. It is not a survey. While this plat is believed to be correct, the Company assumes no liability for any loss occurring by reason of reliance thereon."
COMMERCIAL TITLE COMPANY

Exhibit A (Rev. 6/2/98)
CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE POLICY - 1990
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building or zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien, or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
 - (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
 2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
 3. Defects, liens, encumbrances, adverse claims or other matters:
 - (a) whether or not recorded in the public records at Date of Policy, but created, suffered, assumed or agreed to by the insured claimant;
 - (b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - (c) resulting in no loss or damage to the insured claimant;
 - (d) attaching or created subsequent to Date of Policy; or
 - (e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage or for the estate or interest insured by this policy.
 4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with the applicable doing business laws of the state in which the land is situated.
 5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
- Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy or the transaction creating the interest of the insured lender, by reason of the operation of federal bankruptcy, state insolvency or similar creditors' rights laws.

EXCEPTIONS FROM COVERAGE - SCHEDULE B, PART I

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

CALIFORNIA LAND TITLE ASSOCIATION
HOMEOWNER'S POLICY OF TITLE INSURANCE (6/2/98)
AMERICAN LAND TITLE ASSOCIATION (10/17/98)
EXCLUSIONS

In addition to the Exceptions in Schedule B, You are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes ordinances, laws and regulations concerning:
 - a. building
 - b. zoning
 - c. Land use
 - d. improvements on the Land
 - e. Land division
 - f. environmental protectionThis Exclusion does not apply to violations or the enforcement of these matters if notice of the violation or enforcement appears in the Public Records at the Policy Date. This Exclusion does not limit the coverage described in Covered Risk 14, 15, 16, 17 or 24.
2. The failure of Your existing structures, or any part of them, to be constructed in accordance with applicable building codes. This Exclusion does not apply to violations of building codes if notice of the violation appears in the Public Records at the Policy Date.
3. The right to take the Land by condemning it, unless:
 - a. a notice of exercising the right appears in the Public Records at the Policy Date; or
 - b. the taking happened before the Policy Date and is binding on You if You bought the Land without Knowing of the taking.
4. Risks:
 - a. that are created, allowed, or agreed to by You, whether or not they appear in the Public Records;
 - b. that are Known to You at the Policy Date, but not to Us, unless they appear in the Public Records at the Policy Date;
 - c. that result in no loss to You; or
 - d. that first occur after the Policy Date - this does not limit the coverage described in Covered Risk 7, 8.d, 22, 23, 24 or 25.
5. Failure to pay value for Your Title.
6. Lack of a right:
 - a. to any Land outside the area specifically described and referred to in paragraph 3 of Schedule A; and
 - b. in streets, alleys, or waterways that touch the Land.This Exclusion does not limit the coverage described in Covered Risk 11 or 18.

AMERICAN LAND TITLE ASSOCIATION
RESIDENTIAL TITLE INSURANCE POLICY (6-1-87)
EXCLUSIONS

In addition to the Exceptions in Schedule B, you are not insured against loss, costs, attorneys' fees, and expenses resulting from:

1. Governmental police power, and the existence or violation of any law or government regulation. This includes building and zoning ordinances and also laws and regulations concerning:
 - land use
 - improvements on the land
 - land division
 - environmental protectionThis exclusion does not apply to violations or the enforcement of these matters which appear in the public records at Policy Date. This exclusion does not limit the zoning coverage described in Items 12 and 13 of Covered Title Risks.
 2. The right to take the land by condemning it, unless:
 - a notice of exercising the right appears in the public records on the Policy Date
 - the taking happened prior to the Policy Date and is binding on you if you bought the land without knowing of the taking
 3. Title Risks:
 - that are created, allowed, or agreed to by you
 - that are known to you, but not to us, on the Policy Date - unless they appeared in the public records
 - that result in no loss to you
 - that first affect your title after the Policy Date - this does not limit the labor and material lien coverage in Item 8 of Covered Title Risks
 4. Failure to pay value for your title.
 5. Lack of a right:
 - to any land outside the area specifically described and referred to in Item 3 of Schedule A
 - in streets, alleys, or waterways that touch your landThis exclusion does not limit the access coverage in Item 5 of Covered Title Risks.
- OR



RECEIPT

DATE 1/17

AMOUNT 2000

NO. 98351

RECEIVED FROM Kudrinsky Leoad

ADDRESS 320 Golden Shores, Suite 200 Long Beach CA 90801

RE-SUNNY City of Garden Grove

FOR Variance

DOLLARS 1000.00

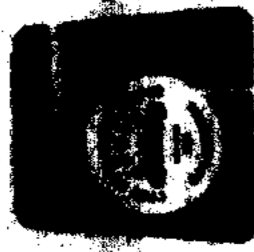
TERMINAL OPERATING COMPANY
DETERMINATION IN THE AMOUNT OF \$1000.00
TOTAL PAID \$ 1100.00

CASH	CHECK	MONEY ORDER	OTHER
LICENSE NO. <u>11-32113</u>			
RECEIPT NO. <u>1000.00</u>			

VERIFICATION

CITY OF GARDEN GROVE, CALIF.

David J. Ramsey City Clerk



GARDEN GROVE
CALIFORNIA 92640
1191 JAGGA PARKWAY

RECEIPT

RECEIVED FROM

Kaufman & Broad

ADDRESS

320 Golden Shore Ste 200 Long Beach CA 90802

DATE *3/29* No. *700* 97141

THE SUM OF

DOLLARS \$ *5,350.00*

FOR

General Plan Amendment PUP, Site Plan, ~~General~~ Street Vacation

CASH

MONEY ORDER

CHECK

VALIDATION

GENERAL

LEDGER NO.

ACCOUNT NUMBER

111-32143 25000
111-32107 30000
111-32127 50000
111-32103 60000

CITY OF GARDEN GROVE, CALIF.
TRANSH-66 OPERATOR=LARATNER STN/DRW:198.245.206.21572
ENGINEER=JESSE IN THE AMOUNT OF \$5350.00
TOTAL PAID = \$5350.00



GARDEN GROVE
CALIFORNIA 92640
1191 JAGGA PARKWAY

RECEIPT

RECEIVED FROM

Kaufman & Broad

ADDRESS

320 Golden Shore Ste 200 Long Beach CA 90802

DATE *3/29* No. *700* 97141

THE SUM OF

DOLLARS \$ *5,350.00*

FOR

Five thousand three hundred fifty and 00/100
General Plan Amendment PUP, Site Plan, ~~General~~ Street Vacation
Net Dec.

CASH

MONEY ORDER

CHECK

VALIDATION

GENERAL

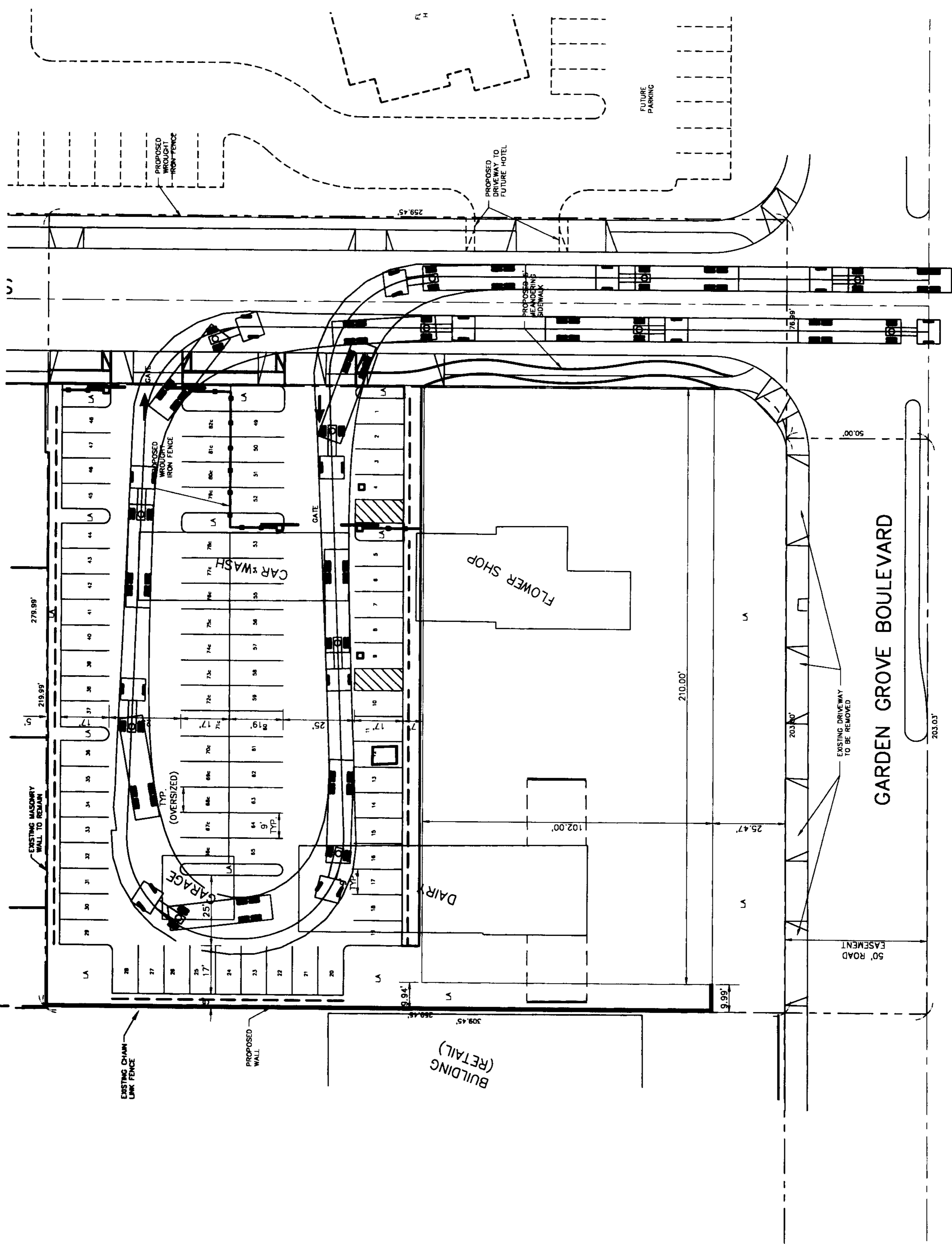
LEDGER NO.

ACCOUNT NUMBER

111-32143 25000
111-32107 30000
111-32127 50000
111-32103 60000

CITY OF GARDEN GROVE, CALIF.
TRANSH-66 OPERATOR=LARATNER STN/DRW:198.245.206.21572
CHECK# 01209090 IN THE AMOUNT OF \$5350.00
TOTAL PAID = \$5350.00

BY *[Signature]* DEPARTMENT



GARDEN GROVE BOULEVARD

BUILDING (RETAIL)

FLOWER SHOP

DAIRY

GARAGE

CAR WASH

PROPOSED WROUGHT IRON FENCE

PROPOSED DRIVEWAY TO FUTURE HOTEL

PROPOSED MEANDERING SIDEWALK

EXISTING DRIVEWAY TO BE REMOVED

50' ROAD EASEMENT

EXISTING MASONRY WALL TO REMAIN

EXISTING CHAIN LINK FENCE

PROPOSED WALL

FUTURE PARKING

SP-275-00

**WATER QUALITY MANAGEMENT PLAN
(WQMP)**

FOR

SUNGROVE SENIOR APARTMENTS

12811 GARDEN GROVE BLVD.

GARDEN GROVE, CALIFORNIA

Prepared For Owner/Developer:

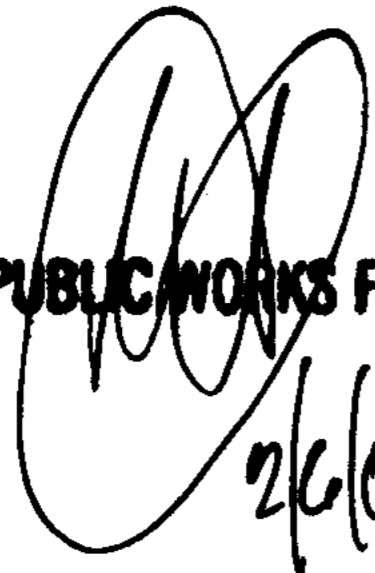
**SIMPSON HOUSING SOLUTIONS, LLC.
320 GOLDEN SHORE, SUITE 200
LONG BEACH, CA 90802
(562) 256-2024**

and the

CITY OF GARDEN GROVE

Prepared By:

**DEVELOPMENT RESOURCE CONSULTANTS
8175 East Kaiser Boulevard
Anaheim Hills, CA 92808
714-685-6860**

PUBLIC WORKS FINAL

2/6/02

Revised: January 23, 2002
Revised: December 27, 2001
November 12, 2001

DRC Job No: 00-655

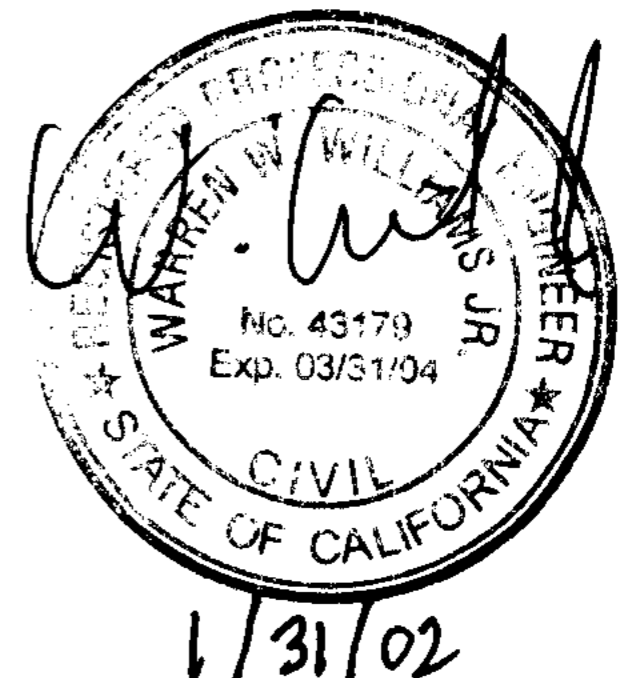


TABLE OF CONTENTS**SECTION NO.****DESCRIPTION****Owner's Certification****I. Water Quality Conditions****II. Project Description****III. Site Description****IV. Best Management Practices (BMPs)****Non-Structural BMPs****Routine Structural BMPs****V. Inspection/Maintenance Responsibility For BMPs****VI. Figures:**

Figure No. 1 Regional Map

Figure No. 2 Vicinity Map

Figure No. 3 Site Plan

Figure No. 4 Erosion Control Plan

*Figure No. 5 BMP Tables 1 & 2 from the DAMP Appendix G
Attachment A, B, C*

Figure No. 6 BMP Maintenance Responsibility / Frequency Matrix

VII. Educational Materials**Fossil Filter Documentation / Specifications****Supplemental BMPs**

- *SC1 – Non-Storm Water Discharges To Drains*
- *SC6 – Outdoor Container Storage of Liquids*
- *SC11 – Building and Grounds Maintenance*
- *SC14 – Employee Training*
- *SC30 – Storm Drain System Signs*
- *SC71 – Catch Basin Cleaning*
- *CA12 – Spill Prevention and Control*
- *CA20 – Solid Waste Management*
- *CA21 – Hazardous Waste Management*

County Educational Materials

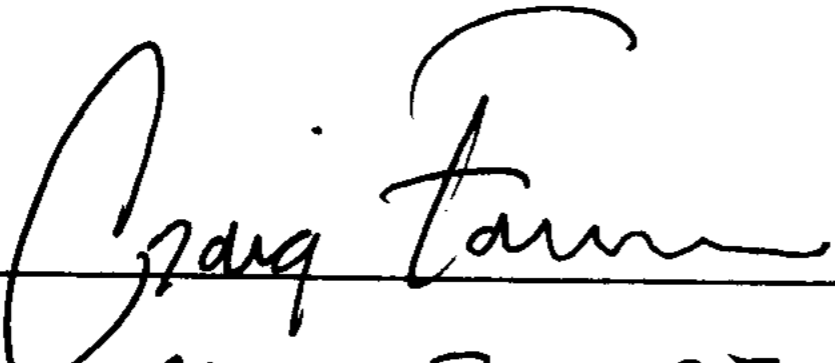
- *The Ocean Begins at Your Front Door*
- *Orange County Urban Stormwater Pollution Prevention Program*
- *Storm Water Pollution and the Solutions*
- *When It Rains It Drains*
- *Preventing Pollution Through Efficient Water Use*
- *Your Business and the County – Partners in Protecting the Ocean*
- *County of Orange, Management Guidelines For Use of Fertilizers and Pesticides*

VIII. Government Codes

- *Appendix G of the Orange County Drainage Area Management Plan*

OWNER'S CERTIFICATION
WATER QUALITY MANAGEMENT PLAN FOR
SUNGROVE SENIOR APARTMENTS, GARDEN GROVE, CA

This Water Quality Management Plan (WQMP) has been prepared for Simpson Housing Solutions, LLC, by Development Resource Consultants, Inc. It is intended to comply with the requirements of the City of Garden Grove. The undersigned is authorized to approve implementation of the provisions of this plan as appropriate and will strive to have the plan carried out by successors consistent with the County's Drainage Area Management Plan (DAMP) and the intent of the non-point source National Pollution Discharge Elimination Stormwater (NPDES) Program requirements.

By 
Name CRAG FARMER
Title VICE PRESIDENT
Company Simpson Housing Solution, LLC
Address 320 Golden Shore, Suite 200
Long Beach, CA 90802
Telephone (562) 256-2024
Date 1/30/02

**SECTION I
WATER QUALITY CONDITIONS**

**SECTION II
PROJECT DESCRIPTION**

**SECTION III
SITE DESCRIPTION**

I. Water Quality Conditions

In accordance with the 1972 Clean Water Act and NPDES requirements, the applicant shall be required to submit a long term, post construction, Water Quality Management Plan (WQMP). The WQMP shall include provisions for the installation and maintenance of appropriate structural facilities to identify all non-structural Best Management Practices (BMP's) to be implemented with the project. The Plan shall be submitted to an approved by the Public Works and Community Development Departments prior to the issuance of a grading or building permit, whichever occurs first. The project shall also be subject to all conditions in the latest edition of the Drainage Area Management Plan (DAMP) and appendices.

II. Project Description

Site Plan

As shown on the Vicinity Map, Figure 2, the 1,31 acres project site is located in the City of Garden Grove, Orange County, California. As shown on the site plan, Figure 3, a single apartment building is proposed. The site includes a 17,000 square foot building area, and paved parking with drive aisles. Landscape areas have been incorporated along the site frontage, adjacent to the building and within the parking areas.

Storm Drainage

The project will drain offsite at two locations. Refer to the enclosed Site Plan drawing for an illustration of the locations of structural BMP's and storm drainage structures. The parking lot and northerly half of the proposed building will drain overland and be directed into a sidewalk culvert prior to draining into Sungrove Street. Runoff from roof drains for the southern half of the proposed building and the area between Garden Grove Blvd. and the proposed building will be directed into grated inlets and into sidewalk culverts located along Garden Grove Boulevard. Where grated inlets are used, Fossil Filter catch basin inserts will be installed remove pollutants from the storm water runoff.

Property Owner

The property owner will be responsible for the maintenance of landscaping along the public streets (Garden Grove Boulevard and Sungrove Street), and all landscaping inside the property.

III. Site Description

Location

The approximate 1.31 acre project site is located at the northwest corner of the intersection of Garden Grove Boulevard and Sungrove Street, in the City of Garden Grove (See Figures 1 and 2). and will consist of the construction of one senior apartment facility and associated paved parking areas.

Existing Land Use

The existing site is contains three one-story concrete block commercial buildings and one empty concrete pad, and asphalt paved parking areas. The existing facilities are to be demolished prior to the construction of the proposed project. Storm water sheet flows off site to the east onto Sungrove Street, and to the south onto Garden Grove Boulevard. Currently there are no existing water quality problems on the site.

Proposed Land Use

The proposed site will consists of one senior apartment facility and associated landscaping located in the southern half of the site along Garden Grove Boulevard, and an asphalt parking area located in the northern half of the site. Storm water runoff from the parking lot and northern half of the building will flow overland into a proposed concrete ribbon gutter flowing west to east through the center of the proposed parking lot. Storm water runoff from the southerly half of the proposed building and landscaped area south of the building drains overland into three proposed grated area inlets. The proposed area inlets drain into Garden Grove Boulevard.

SECTION IV
BEST MANAGEMENT PRACTICES (BMPS)
NON-STRUCTURAL BMP'S,
ROUTINE STRUCTURAL BMPS,

IV. Best Management Practices (BMPs)

Best Management Practices (BMPs) are intended to provide measures which minimize or eliminate the introduction of pollutants into the storm water system. Structural BMPs which are economical, practicable small-scale measures to minimize pollutant runoff are to be constructed on new developments as appropriate. Non-structural BMPs include education, cleanup and facility maintenance to prevent pollutants from entering the storm water system.

Implementation of the following BMP's are recommended. For reference, Appendix G of the DAMP, which lists each BMP in detail, has been reproduced as Section VII of this WQMP.

Non-Structural BMPs

- N1. *Education of Property Owners, Tenants and Occupants.* Practical information shall be provided by the property owner to the tenants and/or occupants on general good housekeeping, vehicle repair BMP's and other practices that contribute to protection of storm water quality. This WQMP shall be provided with emphasis placed on the materials included in, but not limited to, Sections IV, V, VI and VII of this report. For additional information, see BMP-SC1, Non-Storm Water Discharges to Drains, included in Section VII. Also, see Figure No. 5, the BMP Maintenance Responsibility/Frequency Matrix in Section VI.
- N2. *Activity Restrictions.* On-site activities shall be restricted to those currently granted by the City of Garden Grove. At this time, there are a few activity restrictions for the Project that would affect water quality issues. In addition, on-site activities shall be limited to the requirements of this WQMP as described herein.
- N3. *Common Area Landscape Management.* Ongoing maintenance of the on-site landscaping shall be the responsibility of the Property Owner(s). All maintenance shall be consistent with the City of Garden Grove landscape requirements, and fertilizer and pesticide usage shall be consistent with County Management Guidelines for Use of Fertilizers and Pesticides, (DAMP Appendix F), copies of which are contained in Section VIII of this report. For additional information, see BMP-SC11, Building & Grounds Maintenance, included in Section VII. Also, see Figure No. 5, the BMP Maintenance Responsibility/Frequency Matrix, in Section VII.
- N4. *BMP Maintenance.* The Property Owner, Simpson Housing Solutions, LLC, shall be responsible for the implementation of Non-Structural and Structural BMPs. See Figure No. 5, the BMP Maintenance Responsibility/Frequency Matrix, in Section VII for details.
- N7. *Spill Contingency Plan.* The Property Owner, Simpson Housing Solutions, LLC, shall prepare for use by specified types of building or suite occupancies (County Environmental Health has provided a list to County Plan Check, as an example), and which mandates stockpiling of cleanup materials, notification of responsible agencies, disposal of cleanup materials, documentation, etc.

- N9. *Hazardous Material Disclosure Compliance.* The Property Owner, Simpson Housing Solutions, LLC, shall comply with County and comparable City ordinances typically enforced by respective fire protection agency.
- N10. *Uniform Fire Code Compliance.* The Property Owner, Simpson Housing Solutions, LLC, shall comply with Article 80 of the Uniform Fire Code, enforced by fire protection agency.
- N11. *Common Area Litter Control.* The Owner(s) shall implement trash management and litter control procedures aimed at reducing pollution of storm water runoff. The Owner will most likely contract with a maintenance firm to provide regularly scheduled landscape maintenance and parking lot maintenance that will include litter removal, emptying of trash receptacles and picking up grass and plant clippings. For additional information, see BMP-SC10, Housekeeping Practices and BMP-CA20, Solid Waste Management, included in Section VII. Also, see Figure No. 5, the BMP Maintenance Responsibility/Frequency Matrix in Section VI.
- N12. *Employee Training.* The Site will be used for apartment living purposes with associated parking that will be owned by the owner(s). Education of employees/owner(s) shall continue on an ongoing basis with each new on-site employee/owner(s) being given a water quality orientation using this WQMP as reference. At a minimum, each on-site employee/owner shall have an annual review of the provisions of the WQMP for this Project. For additional information, see BMP-SC14, Employee Training, included in Section VII. Also, see Figure No. 5, the BMP Maintenance Responsibility/Frequency Matrix in Section VI.
- N14. *Catch Basin Inspection.* The Site's proposed drainage will be directed to one of two on-site sidewalk culverts that direct runoff into the public right of way. Sidewalk culverts to be inspected, cleaned, and maintained by the property owner. Fossil Filters shall be inspected and maintained per the manufacturer's recommendations, but no less than once before the rainy season, once during the rainy season, and once after the rainy season.
- N15. *Street Sweeping Private Streets and Parking Lots.* The Owner(s) shall be responsible for sweeping all parking areas and the surrounding sidewalk areas on a regular basis and prior to the storm season (no later than October 15) to remove debris. For additional information, see BMP-CA20, Solid Waste Management, included in Section VII. Also, see Figure No. 5, the BMP Maintenance Responsibility/Frequency Matrix in Section VI.

Routine Structural BMPs

- S2. *Common Area Efficient Irrigation.* Physical implementation of landscape plans consistent with County Water Conservation Resolutions or city of Garden Grove equivalents. Also, see Figure No. 5, the BMP Maintenance Responsibility/Frequency Matrix in Section VI, for specific maintenance and inspection activities.
- S3. *Common Area Runoff-minimizing Landscape Design.* The proposed landscape and irrigation system shall group plants with similar water requirements in order to reduce excess irrigation runoff and promote surface filtration. A copy of Appendix G of Orange County Drainage Area Management Plan is included in Section VIII of this report for

reference. Also, see Figure No. 5, the BMP Maintenance Responsibility/Frequency Matrix in Section VI.

- S6. *Trash Container (dumpster) Areas.* Trash container areas to have drainage from adjoining roofs and pavements diverted around the area. Trash container area to be screened or walled to prevent off-site transport of trash.
- S8. *Outdoor Storage.* Where a plan of development contemplates or building plans incorporate outdoor containers for oils, fuels, solvents, coolants, wastes, and other chemicals, these shall be protected by secondary containment structures (not double wall containers). Also see N10.
- S15. *Inlet Trash Racks.* Grated inlets shall be kept free of debris and trash before and after all storm events. BMP's N11 – Common Area Litter Control, N14 – Common Area Catch Basin Inspection and S16 – Water Quality Inlets, will provide additional guidelines for removal of debris and pollutants from Site storm water runoff.
- S16. *Water Quality Inlets.* Water Quality Inlets designed to remove free phase liquid petroleum compounds, grease, floatable debris, and settleable solids can be used. Fossil Filter catch basin inserts are to be installed in each of the proposed grated inlets. Refer to the enclosed materials for Fossil Filter documentation and specifications.

**SECTION V.
INSPECTION / MAINTENANCE RESPONSIBILITIES FOR BMP'S**

V. Inspection/Maintenance Responsibility for BMPs

Responsible Parties

The Developer of the property, Simpson Housing Solutions, LLC., and its successors and assigns, is responsible for implementation of this WQMP for the on-site areas (paved parking lot, landscaping, drainage devices, etc.). The Owner/Developer may employ construction managers, general contractors, subcontractors and property managers to assist in implementing, monitoring and reporting the BMPs outlined in this WQMP for operating facilities to ensure compliance with the provisions of the DAMP including storm water control permitting requirements for new developments, but will still retain responsibility for implementation and compliance with the DAMP.

Site Inspections

1. *Quarterly Post-Construction Inspection.* Conduct quarterly inspections of the on-site grated inlets and Fossil Filters, to assure that they are clean and unobstructed. Remove debris buildup as necessary. Inspect roof drain inlets and outlets for any obstructions. Have sanitary sewer main and laterals inspected for sediment buildup and clean as necessary.
2. *Pre-Storm Inspection.* Inspect the sidewalk culvert drain inlets and grated curb outlet drains to make sure they are clear and will function properly. Examine other on-site surface flow channels and swales that convey storm runoff and remove any debris that may block the flow path.
3. *Post-Storm Inspection.* Check the sidewalk culvert drain and grated inlets. Look for any ponded water around the site and determine the cause. Take corrective actions as necessary.

Reporting

1. *Inspection Records.* The Owner shall be responsible for completing and maintaining inspection reports that include the date of the inspection, the name of the person who performed the inspection, the observations made, and any actions taken. The Owner will be responsible for completing and maintaining inspection reports of their activities.

See the BMP Maintenance Responsibility/Frequency Matrix in Section VI of this report for details on the party responsible for each BMP and the frequency of action with respect to that BMP. Also see the BMP Tables No. 1 and 2 included in Section VI of this report.

Maintenance

Maintenance and cleaning of the Fossil Filter units shall be in accordance with the manufacturer's recommendations. At a minimum, units should be inspected and maintained once prior to the rainy season, once during the rainy season, and once after the rainy season.

Revision to the WQMP

Revisions to the WQMP in the event of a substantial change to the project due to construction modifications or uses at the site will be the responsibility of the property owner. Modifications to the WQMP may be necessary if project changes result in changes to the structural BMP's onsite, or a potential increase in pollutant discharge to storm water runoff or if inspection and monitoring indicates that existing BMPs are ineffective. The owner shall secure the services of the firm that prepared the original WQMP or other qualified persons to make any appropriate changes, additions or deletions. Any revisions shall require approval by the City of Garden Grove. A copy of the most current WQMP shall be on file with the City and at the Project Site.

**NEW OWNER INFORMATION AND
CHANGE OF INFORMATION (COI) FORM FOR THE
GENERAL CONSTRUCTION PERMIT NO. CAS000002**

Owners Name: _____ Date: _____
 WDID No.: _____ Date of Last NOI Change: _____
 Prepared By: _____ Signature of Preparer: _____

	Area Transferred (acres) ¹	Area Remaining (acres) ²	Lot/Tract Numbers Transferred	Contact Person and Company Name of New Owner(s)	Address(es) of the New Owner(s)	Phone # of New Owner	Is Const/Post Construction Complete? Yes/No	Date Owner Trans
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2								
3								
4								
5								
6								
7								
8								
9								
10								

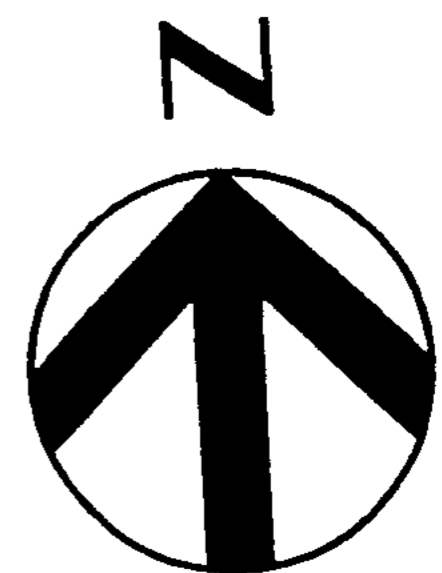
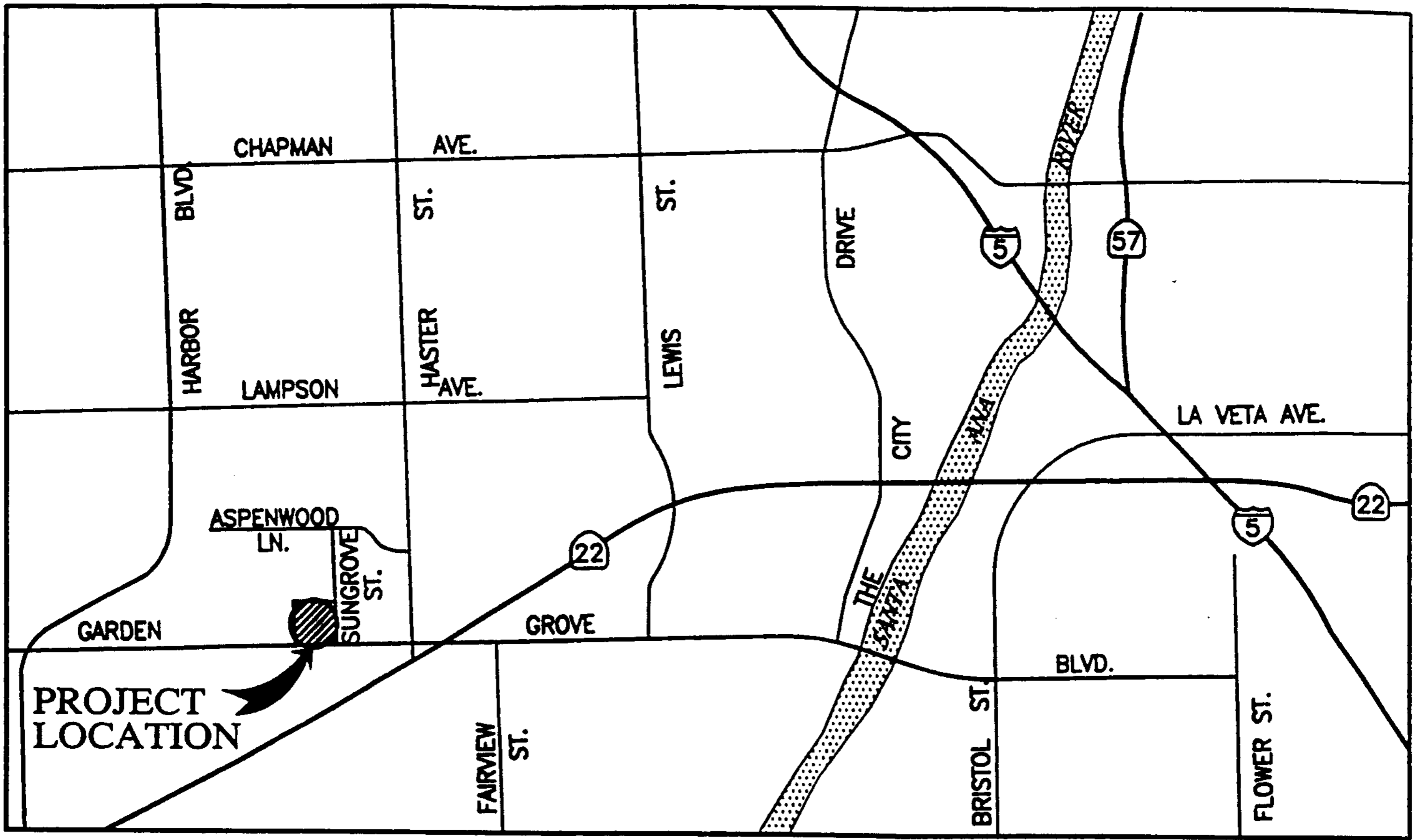
¹Use approximate area (in acres) if no exact figure is available.
²Calculate running total in this column as follows:
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 Enter in column 2, line 2, the area in column 2, line 1, minus the area in line 2, column 1.
 Enter in column 2, line 3, the area in column 2, line 2, minus the area in line 3, column 1, and so forth.

SECTION VI
FIGURES:

- Figure No. 1** *Regional Map*
- Figure No. 2** *Vicinity Map*
- Figure No. 3** *Site Plan (Structrual BMP's)*
- Figure No. 4** *BMP Tables 1 & 2 from the DAMP
Appendix G
Attachment A, B, C*
- Figure No. 5** *BMP Maintenance Responsibility /
Frequency Matrix*



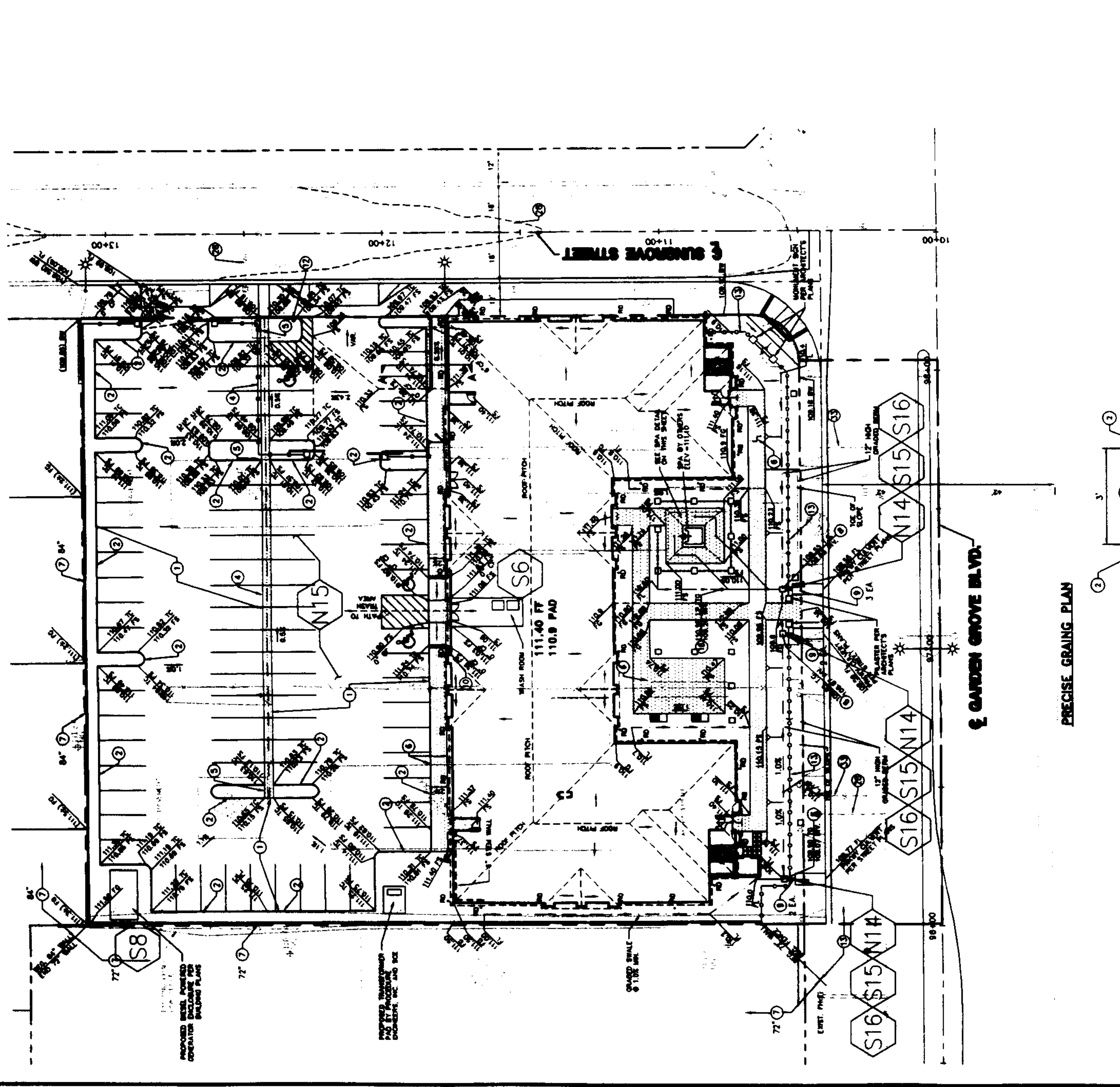
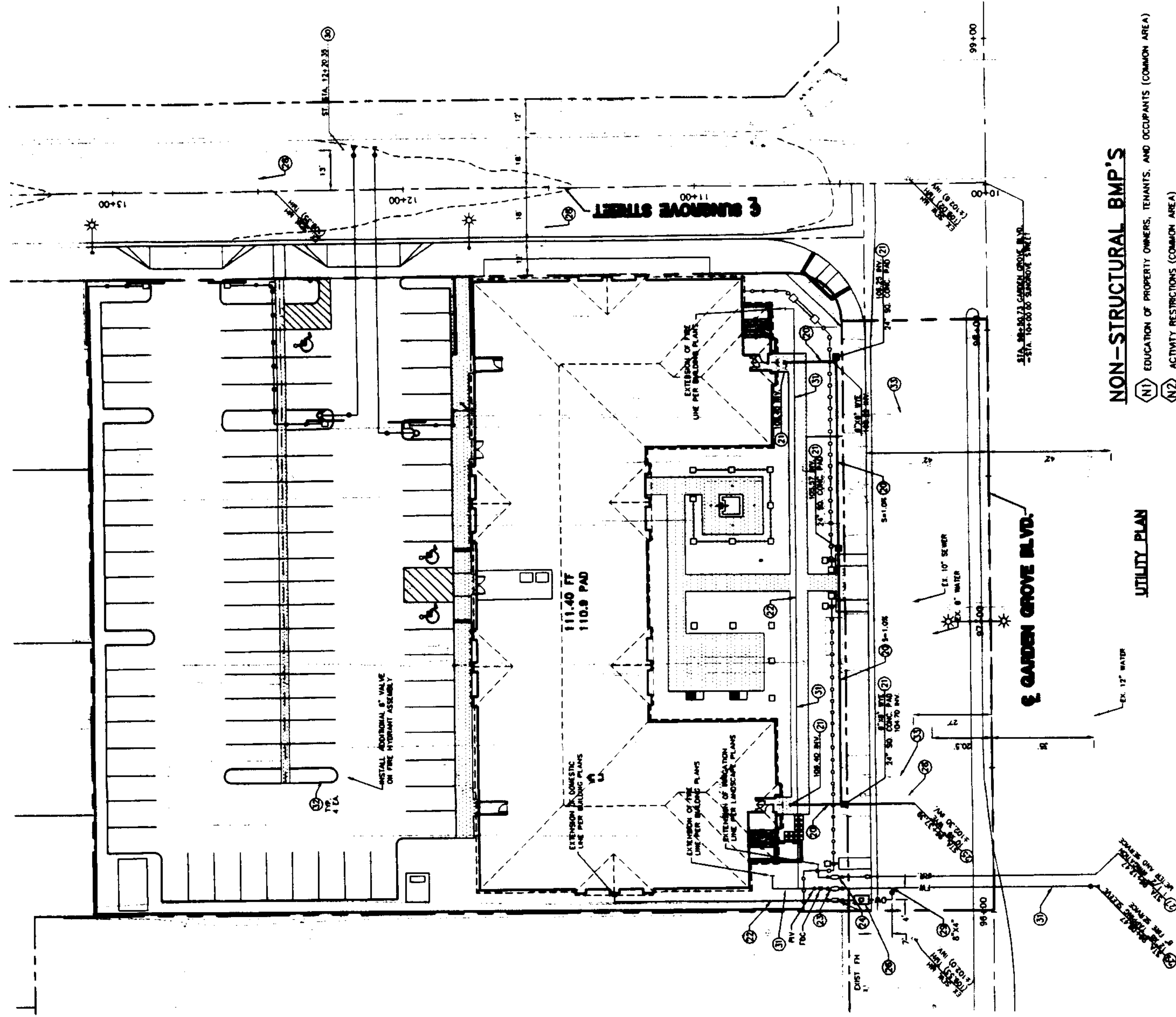
FIGURE No. 1 : REGIONAL MAP



SCALE: AS SHOWN APPROX.

FIGURE No. 2: VICINITY MAP

DATE:	
REVISION:	



NON-STRUCTURAL BMP'S

- (N1) EDUCATION OF PROPERTY OWNERS, TENANTS, AND OCCUPANTS (COMMON AREA)
- (N2) ACTIVITY RESTRICTIONS (COMMON AREA)
- (N3) COMMON AREA LANDSCAPE MANAGEMENT (COMMON AREA)
- (N4) BMP MAINTENANCE (COMMON AREA)
- (N7) SPILL CONTINGENCY PLAN (COMMON AREA)
- (N9) HAZARDOUS MATERIALS DISCLOSURE COMPLIANCE (COMMON AREA)
- (N10) UNIFORM FIRE CODE COMPLIANCE (COMMON AREA)
- (N11) COMMON AREA UTILITY CONTROL (COMMON AREA)
- (N12) EMPLOYEE TRAINING (COMMON AREA)
- (N13) CALOS BUSH INSPECTION
- (N15) STREET SWEEPING PRIVATE STREETS AND PARKING LOTS

STRUCTURAL BMP'S

- (S2) COMMON AREA EFFICIENT IRRIGATION (COMMON AREA)
- (S3) COMMON AREA RUNOFF LANDSCAPE DESIGN (COMMON AREA)
- (S6) TRASH CONTAINER AREAS
- (S8) OUTDOOR STORAGE
- (S15) INLET TRASH RACKS
- (S19) WATER QUALITY MEETS

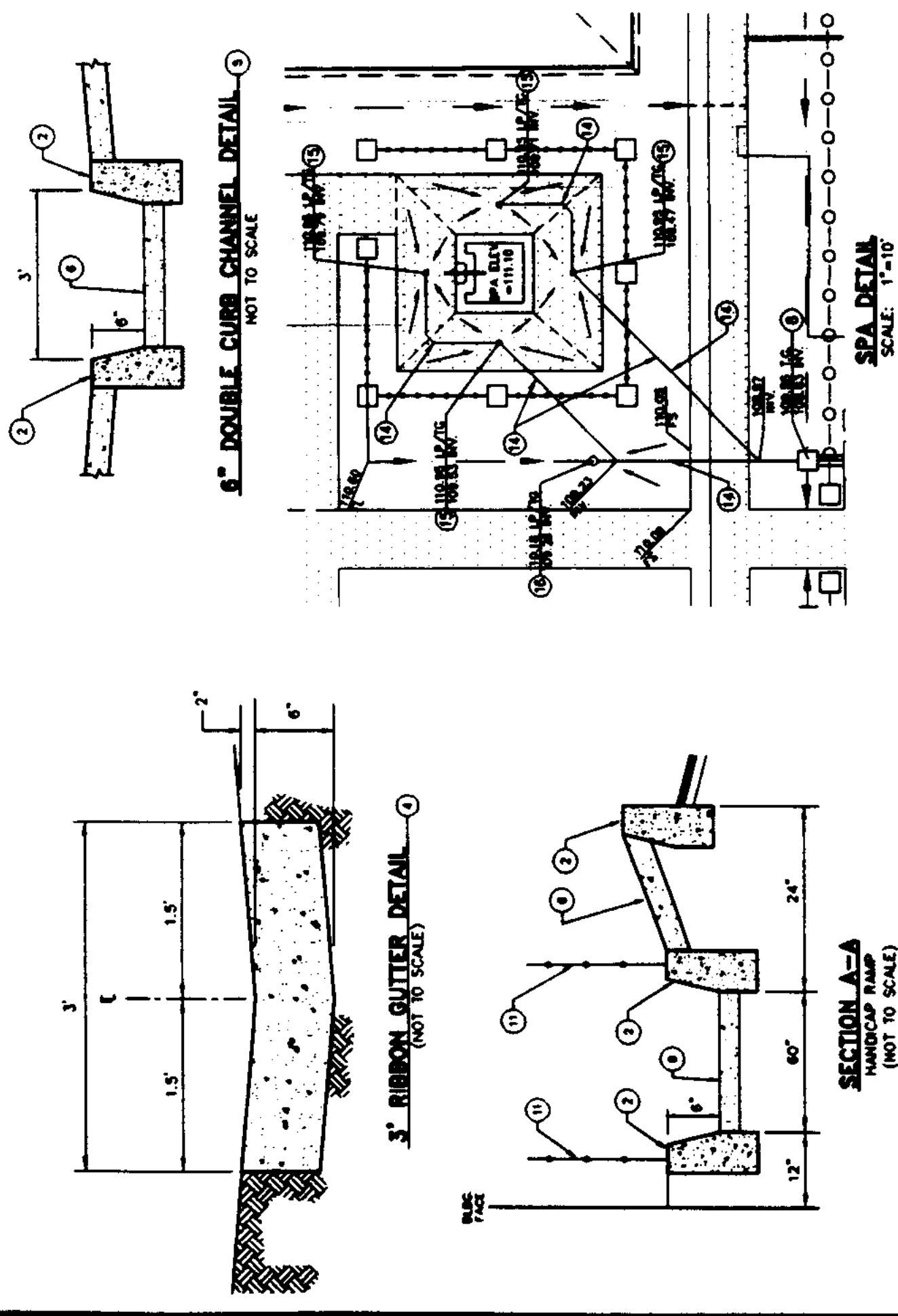
UTILITY CONSTRUCTION NOTES:

- (U1) INSTALL 4" VCP SEWER LATERAL (SEE PLAN FOR PUBLIC R/W. SHALL BE EXTRA STRENGTH VCP WITH REDUCE LOCK JOINTS)
- (U2) INSTALL 3" PVC WATER LINE
- (U3) INSTALL 3" WATER SERVICE PER CITY STD. DMC NO. B-405
- (U4) INSTALL 1 1/2" WATER SERVICE PER CITY STD. DMC NO. B-722
- (U5) EXISTING WATER SERVICE TO BE ABANDONED BY CITY OF GARDEN GROVE
- (U6) INSTALL 1" LAPING SCREEN (SIZE AS NOTED) PER CITY STD. PLAN B-700
- (U7) INSTALL 1" TAP FOR CALCULATION PURPOSES. ABANDON TAP AT MAIN
- (U8) INSTALL PRIVATE FIRE HYDRANT PER CITY STD. DMC NO. B-702
- (U9) INSTALL 8" CLASS 200 PVC ANNA C-800 WATER LINE
- (U10) INSTALL 8" CLASS 200 PVC ANNA C-800 WATER LINE
- (U11) EXISTING SEWER LATERAL TO BE ABANDONED IN PLACE AT SEWER MAIN
- (U12) SLURRY FILL ABANDONED LATERAL PIPING UP TO CURB LINE

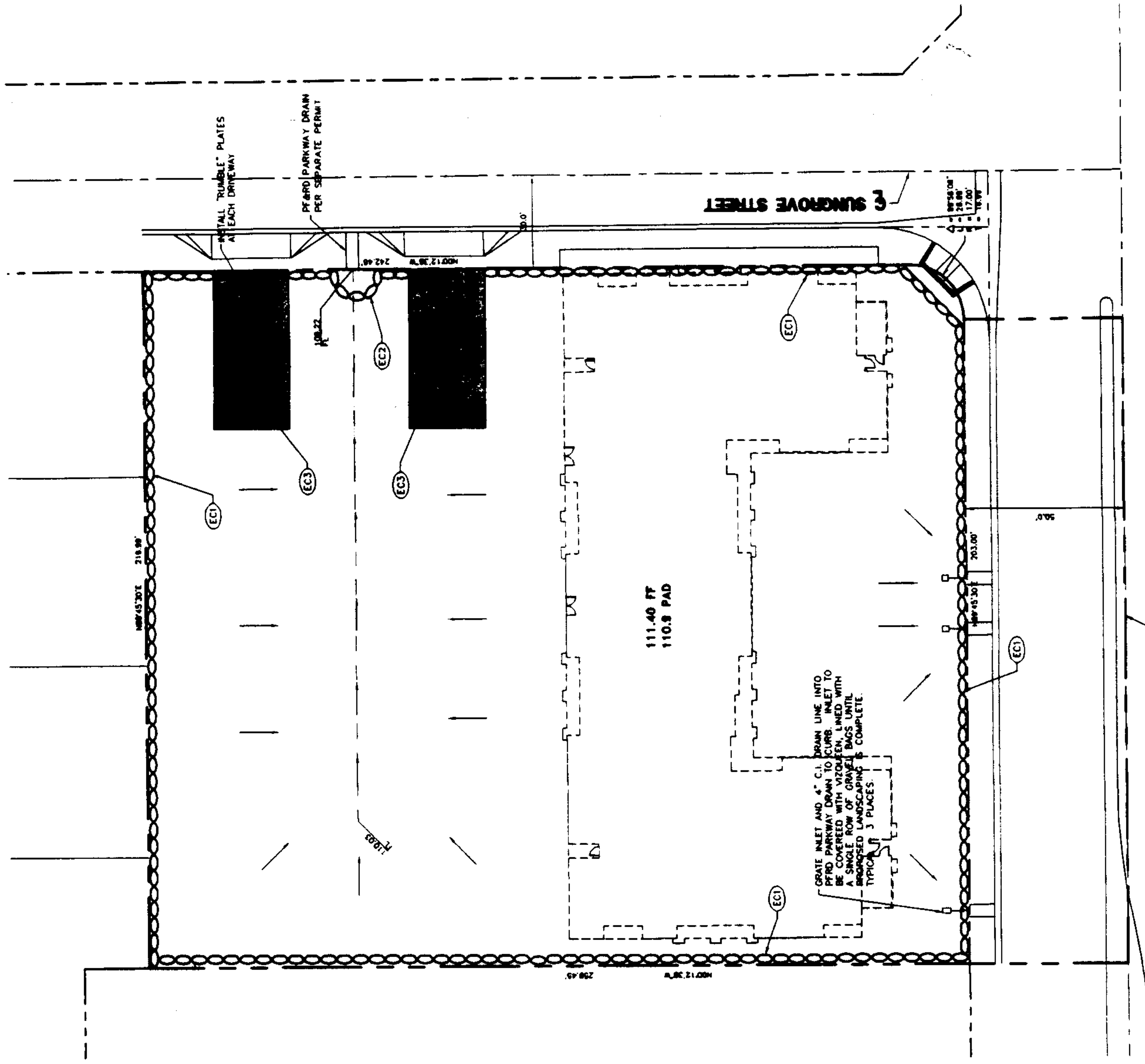
GRADING CONSTRUCTION NOTES:

- (G1) CONSTRUCT 3" OVER 4" AS OVER COMPACTED SURFACE
- (G2) CONSTRUCT 6" CURB ONLY TYPE "A" PER CITY STD. DMC NO. B-112
- (G3) CONSTRUCT 6" CURB AND OUTER TYPE "D" PER CITY STD. DMC NO. B-113
- (G4) CONSTRUCT 3" WIDE PVC RIBBON GUTTER PER DETAIL ON THIS SHEET
- (G5) CONSTRUCT 3" WIDE PVC DOUBLE CURB CHANNEL PER DETAIL ON THIS SHEET
- (G6) CONSTRUCT 4" THICK PVC SIDEWALK
- (G7) CONSTRUCT BLOCK WALL PER CITY STD. DMC NO. B-505
- (G8) INSTALL 24" SQ. DRAIN INLET W/ NON-TRAFFIC RATED GRATE PER BROWNS PRODUCTS NO. D0429 OR APPROVED EQUAL
- (G9) INSTALL 4" C.I. PIPE
- (G10) CONSTRUCT ACCESS RAMP TYPE 1 PER APMA STD. PLAN NO. 111-2
- (G11) INSTALL HANDRAIL TYPE C PER APMA STD. PLAN NO. 608-01
- (G12) INSTALL SIGN INDICATING UNAUTHORIZED VEHICLES SHALL BE REMOVED AT OWNER'S EXPENSE PER CITY STD. DMC NO. B-308
- (G13) CONSTRUCT STEEL FENCE PER ARCHITECT'S PLANS
- (G14) INSTALL 3" PVC PIPE
- (G15) INSTALL 3" DIA. BRASS DRAIN INLET PER AOS UNIT PART NO. 8099
- (G16) INSTALL 6" DIA. BRASS DRAIN INLET PER AOS UNIT PART NO. 8100

PRECISE GRADING PLAN



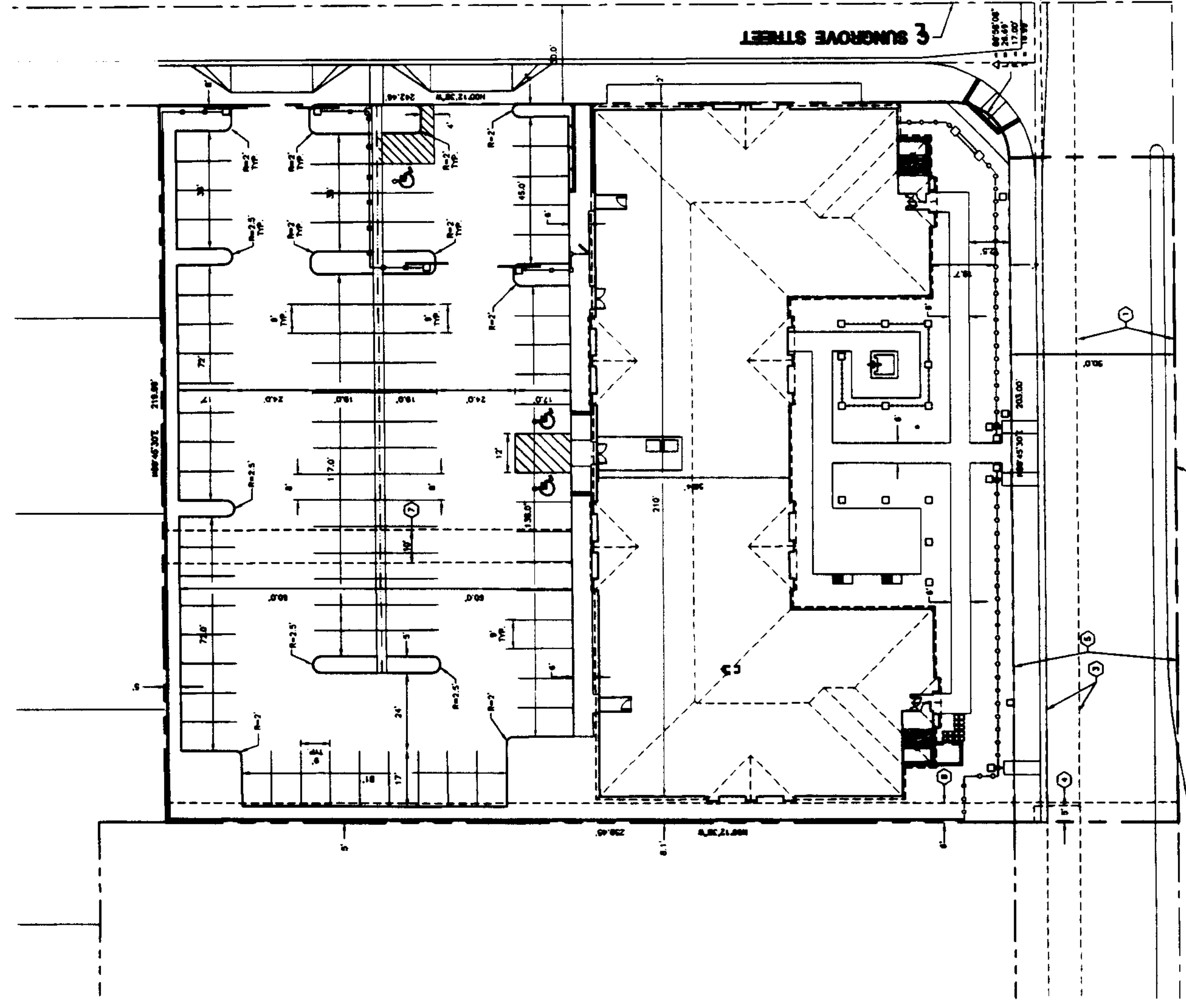
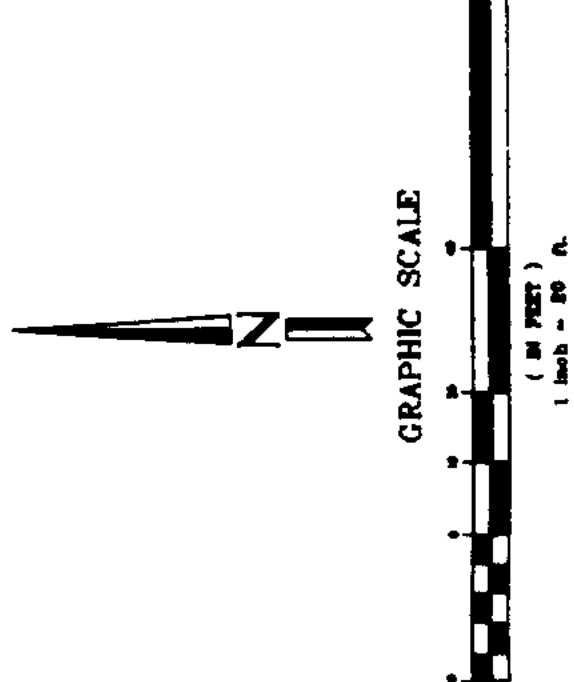
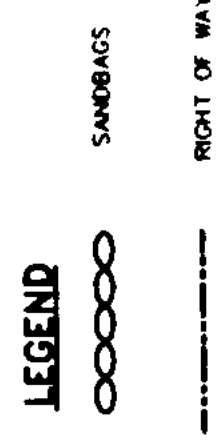
NO. REGION	
DATE	



EROSION CONTROL PLAN

EROSION CONTROL CONSTRUCTION NOTES:

- (E1) - INSTALL 2 ROWS 1 FOOT HIGH GRAVEL BAGS
- (E2) - INSTALL GRAVEL BAG CHECK DAM PER DETAIL ON THIS SHEET
- (E3) - INSTALL STABILIZED CONSTRUCTION DRAINAGE (7' DIA) PER DETAIL ON THIS SHEET



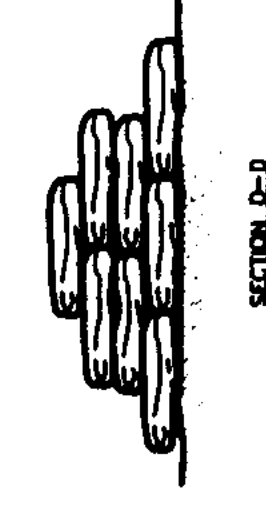
HORIZONTAL CONTROL PLAN

TITLE EXCEPTIONS AND EASEMENTS

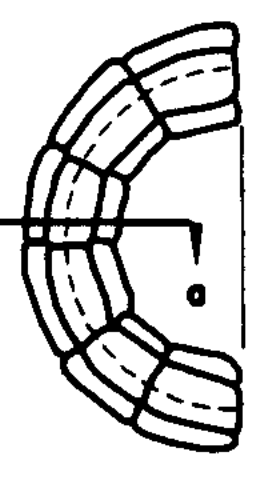
- 1. 16 FOOT WIDE EASEMENT TO THE GARDEN GROVE SENIOR APARTMENTS AND TRACT PLANNING RECORDED APRIL 14, 1989 IN BOOK 3077, PAGE 376 OF RECORDS (PLATTED HEREON)
- 2. 16 FOOT WIDE EASEMENT TO THE GARDEN GROVE SENIOR APARTMENTS AND TRACT PLANNING RECORDED OCTOBER 15, 1988 IN BOOK 3077, PAGE 374, OR (PLATTED HEREON)
- 3. 16 FOOT WIDE EASEMENT TO THE GARDEN GROVE SENIOR APARTMENTS AND TRACT PLANNING RECORDED MAY 17, 1989 IN BOOK 3077, PAGE 375, OR (PLATTED HEREON)
- 4. 16 FOOT WIDE EASEMENT TO THE GARDEN GROVE SENIOR APARTMENTS AND TRACT PLANNING RECORDED MARCH 20, 1989 IN BOOK 3061, PAGE 361, OR (PLATTED HEREON)
- 5. 16 FOOT WIDE EASEMENT TO THE GARDEN GROVE SENIOR APARTMENTS AND TRACT PLANNING RECORDED MARCH 20, 1989 IN BOOK 3061, PAGE 361, OR (PLATTED HEREON)
- 6. 16 FOOT WIDE EASEMENT TO THE GARDEN GROVE SENIOR APARTMENTS AND TRACT PLANNING RECORDED MARCH 20, 1989 IN BOOK 3061, PAGE 361, OR (PLATTED HEREON)
- 7. 16 FOOT WIDE EASEMENT TO THE GARDEN GROVE SENIOR APARTMENTS AND TRACT PLANNING RECORDED MARCH 20, 1989 IN BOOK 3061, PAGE 361, OR (PLATTED HEREON)

EROSION CONTROL PLANS GENERAL NOTES

- 1. EROSION CONTROL IS REQUIRED FOR GRADING OPERATIONS DURING THE RAINY SEASON FROM OCTOBER 15TH TO APRIL 15TH. APPROVED PLANS ARE REQUIRED FOR ALL SLOPED AREAS.
- 2. IN CASE OF EMERGENCY, CALL (916) 333-1389 AT (24 HOUR PHONE NO.)
- 3. THE DESIGNER OR ENGINEER WILL SUPERVISE EROSION CONTROL WORK AND ENSURE THAT WORK IS IN ACCORDANCE WITH THE APPROVED PLANS (IF REQUIRED).
- 4. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
- 5. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
- 6. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
- 7. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
- 8. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
- 9. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
- 10. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
- 11. THE CITY ENGINEER RESERVES THE RIGHT TO MAKE CHANGES OR MODIFICATIONS TO THIS PLAN AS DEEMED NECESSARY.
- 12. INFORMATION ON THIS PLAN IS FOR ENGINEERING PURPOSES ONLY. ALL OTHER INFORMATION IS SUBJECT TO CHANGE.
- 13. EROSION CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD AND SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
- 14. AREAS SHALL BE MAINTAINED IN SUCH A MANNER THAT ACCESS SHALL BE MAINTAINED AT ALL TIMES (INCLUDING ACCESS TO REMAINING PROPERTIES).



GRAVELBAG CHECKDAM (E2)



SECTION C-C

Table 1: Appropriate Nonstructural BMPs

Appropriate Nonstructural BMPs	Residential	Industrial	Retail/Office Center	Restaurants Warehouse/Grocery	Fuel Dispensing	Vehicle Repair/Maintenance
Homeowner/Tenant Education (N1)	(X)	X	X			
Activity Restrictions (N2)	(X)	X	X	X	X	X
Common Area Landscape Management (N3)	(X)	X	X			
BMP Maintenance (N4)	(X)	X	X	X	X	X
Title 22 CCR Compliance (N5)		X			X	
Local Industrial Permit Compliance (N6)		X			X	X
Spill Contingency Plan (N7)	(X)	X			X	
Underground Storage Tank Compliance (N8)		X			X	X
Haz-Mat Disclosure Compliance (N9)	(X)	X			X	X
Uniform Fire Code Implementation (N10)	(X)	X			X	X
Lifter Control (N11)	(X)	X	X		X	X
Employee Training (N12)		(X)	X			
Housekeeping of Loading Docks (N13)		X		X		
Catchbasin Inspection (N14)	(X)	X	X	X	X	
Private Street/Lot Sweeping (N15)	(X)	X	X			X
Commercial Vehicle Washing (N16)		X				

FIGURE No. 4

Table 2: Routine Structural BMPs

Routine Structural BMPs	Residential	Industrial	Retail/Office Center	Restaurants Warehouse/Grocery	Fuel Dispensing	Vehicle Repair/Maintenance
Filtration (S1)	X	X	X	X		
Common Area Efficient Irrigation (S2)	(X)	X	X			
Common Area Runoff-Minimizing Landscape (S3)	(X)	X	X			
Community Car Wash Racks (S4)	X					
Wash Water Controls For Food Preparation Areas (S5)				X		
Trash Container (Dumpster) Areas (S6)		(X)		X	X	X
Self-Contained Areas for Washing/Steam Cleaning/Repair/Mat. Processing (S7)		X				X
Outdoor Storage (S8)		(X)			X	
Concrete Fuel Dispensing Area (S9)					X	
Extended Fuel Dock Canopy (S10)					X	
Inter. Flow from Motor Fuel Dispensing Areas (S11)					X	
Energy Dissipators (S12)	X	X	X			
Catchbasin Stenciling (S13)	X	X	X			
Diversion of Loading Dock Drainage (S14)				X		
Inlet Trash Racks (S15)	(X)	X	X			
Water Quality Inlets (S16)		(X)		X	X	X

FIGURE No. 4

**FIGURE NO. 5
NON-STRUCTURAL BMPs
MAINTENANCE RESPONSIBILITY / FREQUENCY MATRIX (N4)**

SUNGROVE SENIOR APARTMENTS

No.	BMP DESCRIPTION	RESPONSIBLE PARTY	FREQUENCY / ACTIVITY
N1	Education of Property Owners, Tenants and Occupants	Developer: Simpson Housing Solutions, LLC 320 Golden Shore, Suite 200 Long Beach, CA 90802 (562) 256-2024	Ongoing. Orientation shall be given to each new owner/employee on the Site. These are all the responsibility of the Owner.
N2	Activity Restrictions	Developer: Simpson Housing Solutions, LLC	Use restrictions will be imposed by daily management of operations.
N3	Common Area Landscape Management	Simpson Housing Solutions, LLC	Normal landscape maintenance performed on a weekly basis. Clean up all debris from trimming. (See Attached City Landscape Maintenance; Municipal Code)
N4	BMP Maintenance	Simpson Housing Solutions, LLC	Daily management of operation.
N7	Spill Contingency Plan	Simpson Housing Solutions, LLC	Daily management of operation. (See Spill Contingency Plan when available, BMP-CA12, Spot Cleaning)

No.	BMP DESCRIPTION	RESPONSIBLE PARTY	FREQUENCY / ACTIVITY
N9	Hazardous Material Disclosure	Simpson Housing Solutions, LLC	As necessary when and if hazardous materials are being handled. (See BMP-CA21 and applicable Codes)
N10	Uniform Fire Code Implementation	Simpson Housing Solutions, LLC	As necessary, when and if hazardous materials are being handled. (See BMP-CA21 and applicable Code)
N11	Common Area Litter Control	Simpson Housing Solutions, LLC through its employees and a solid waste disposal service.	On a daily basis with weekly trash pick-up. (See BMP-SC10 and BMP-CA20)
N12	Employee Training	Simpson Housing Solutions, LLC	Ongoing. Orientation shall be given to each new employee on the Site. Provide WQMP. (See BMP-SC14)
N14	Common Area Catch Basin Inspection	Simpson Housing Solutions, LLC	Minimum of four times a year. One shall be before October 15 th or the "first-flush" storm. (See BMP-SC71)
N15	Street Sweeping Private Streets and Parking Lots	Simpson Housing Solutions, LLC	Inspection on a daily basis with parking lot sweeping once a month. Have lot cleaned before the "first-flush" storm. (See BMP-CA20)

CITY OF GARDEN GROVE MUNICIPAL ORDINANCE

DEVELOPMENT STANDARDS

applicable ordinances, codes, regulations, adopted policies and the payment of all applicable fees and assessments.

C. No final inspection or occupancy clearance will be granted until all of the landscaping and irrigation is installed in accordance with the approved plans.

D. Landscaping and irrigation systems shall be located and designed as specified on the approved plans. (Ord. 2249 § 2 (part), 1992)

9.16.180 Maintenance requirements and violations. A. Maintenance. All landscaping shall be maintained. Maintenance of landscaping areas shall include, but not be limited to, the following:

1. Irrigation equipment shall be in working condition at all times.

2. Litter shall be removed from all landscaped areas in a timely fashion.

3. All sod areas shall be mowed on a regular basis. Sod areas shall at all times be kept green. Accumulation of leaves, bark and other similar plant materials shall be removed in a timely fashion. Planting areas must be kept in a weed free fashion.

4. Landscaping maintenance shall include pruning, cultivating, weeding, fertilizing, replacement of plants and watering on a regular basis.

5. Landscape maintenance shall also include pruning or removal of overgrown vegetation, cultivated or uncultivated, that is likely to harbor rats, vermin or other nuisances or that causes detriment to neighboring properties or property.

6. Landscape maintenance shall also include the removal of dead, decayed, diseased or hazardous trees, weeds and debris constituting unsightly appearance, dangerous to public safety and welfare or detrimental to neighboring properties or property values. Compliance shall be by removal, replacement or maintenance requirement.

7. Any removal of mature landscaping must be replaced with landscaping of similar size and maturity as that which was removed.

B. Violations. Use of landscaped areas for purposes other than for landscaping as approved in the landscape plan shall be a misdemeanor.

1. Wilful failure to maintain the landscaping shall be punishable by fine, or by imprisonment, or

both fine and imprisonment. (Ord. 2260 § 2 (63), 1993; Ord. 2249 § 2 (part), 1992)

Article V. Walls, Fences and Hedges

9.16.190 Purpose and intent. The purpose of this section is to establish regulations for yard areas, fence heights, setback distances, vision clearances and building separations. This section addresses those development standards not found within each specific code section due to these items having applicability to various code sections as well as various development applications. The intent of this section is to provide regulations which establish a reasonable degree of uniform application, provide standards that supplement the individual code sections under Title 9 and maintain the intent and purpose of the General Plan. (Ord. 2178 § 2 (part), 1991)

9.16.200 Heights and yards. A. Height of Unique Structures. Penthouses or roofs structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts and similar structures may be erected above the height limits by this chapter but may not exceed a height of fifteen feet above the structure for which it is attached. No penthouses or roof structure, or any other space above the height limit allowed for the zone in which the building is located shall be allowed for the purpose of providing additional usable floor space, except that usable floor space may be provided above this height for churches, and public, private or parochial schools when employed in a unique structure, tower or spire, subject to the approval of a conditional use permit. Specialized buildings or structures which for technological purposes may be erected to heights greater than the height limits herein prescribed and may contain additional floor space above the prescribed limit when necessary to the operating of the equipment and processing within the building, subject to conditional use permit.

B. Yard Regulations. Except as provided elsewhere in Title 9, every required yard shall be open and unobstructed from the ground to the sky.

**FIGURE NO. 5
ROUTINE STRUCTURAL BMPs
MAINTENANCE RESPONSIBILITY / FREQUENCY MATRIX (N4)**

SUNGROVE SENIOR APARTMENTS

No.	BMP DESCRIPTION	RESPONSIBLE PARTY	FREQUENCY / ACTIVITY
S2	Common Area Efficient Irrigation	Simpson Housing Solutions, LLC	Inspect irrigation equipment on a monthly basis for proper operation. Check water sensors; adjust irrigation heads and timing, as necessary. (DAMP Appendix F & BMP-SC11)
S3	Common Area Runoff-minimizing Landscape Design	Simpson Housing Solutions, LLC.	Inspect irrigation equipment on a monthly basis for proper operation. (DAMP Appendix F & BMP-SC11)
S6	Trash Container (dumpster) Areas	Simpson Housing Solutions, LLC and through its Solid Waste Disposal Service.	Daily management of operation. Trash dumpster pickup shall be a minimum of once a week. Daily pick up loose trash and place in containers.
S8	Outdoor Storage	Simpson Housing Solutions, LLC.	As needed when and if subject materials are to stored outdoors. (See BMP-SC6)
S16	Water Quality Inlets	Simpson Housing Solutions, LLC.	Inspection and Maintenance to be performed per manufacturer's recommendations, but not less than three times a year.

ATTACHMENT A

County Sanitation Districts of Orange

Guidelines for Preventing Sewer Discharge of Surface Runoff Through Wash Pads

August 1992

Purpose and Scope

These guidelines are established pursuant to Section 203 of the Districts' Wastewater Discharge Regulations (Ordinance) as amended February 7, 1992. Section 203 provides that

No person shall discharge groundwater, surface runoff, or subsurface drainage to the Districts' sewerage facilities except as provided herein. Pursuant to section 305, et. Seq., the Districts may approve the discharge of such water only when no alternate method of disposal is reasonably available or to mitigate an environmental risk or health hazard.

The Guidelines presented herein are intended for the implementation of this policy as it applies to preventing surface runoff from entering the Districts' sewerage system through exposed wash pads.

Application

Two sources from which surface runoff can potentially enter the Districts' sewerage system are the exposed area around the wash pad and the wash pad itself.

Exposed Area Around the Wash Pad: Appropriate measures must be taken to insure that surface runoff from the exposed area around the wash pad (e.g. parking lot, storage areas) does not enter the sewer. Surface runoff must be directed away from the sewer. Appropriate measures include grading the open area to redirect surface runoff to the storm drain; berming around the wash pad; or trenching around the wash pad with grating over the trench, and directing the collected water to a storm drain in accordance with stormwater discharge requirements.

The Wash Pad: Appropriate measures must be taken to insure that surface runoff from the wash pad itself does not enter the sewer. Provided that local regulations are satisfied, roofing will be required for all exposed wash pads, which have a total area exceeding 150 square feet. If the roof structure does not include walls, then the roof's overhang must extend a minimum of 20 percent of the roof's height. All roof drains must be routed to a storm drain.

Where roofing of exposed areas is infeasible or prohibited by local regulations, the Districts may accept the use of an automated surface runoff diversion system. [Note: This diversion system will not substitute for the appropriate measures cited above for surface runoff from the exposed area around the wash pad]. In cases where a diversion system is installed, only the first 0.1 inch of rainwater will be allowed to enter the sewer. After the first 0.1 inch of rainfall, excess rainwater must be diverted to an appropriate drainage system by use of an automated diversion system. The diversion system is subject to acceptance by the Districts. Manual methods of diversion (e.g. manual gates, removable plugs) are not acceptable. Companies are responsible for maintaining the automated diversion system in proper operating condition to ensure that no excess surface runoff from the wash pad is discharged to the sewer.

ATTACHMENT B

County Sanitation Districts of Orange

Minimum Requirements for Spill Containment

1. Elimination of all floor drains in the wet process area.
2. Installation of containment facilities to hold any drag-out process materials or spills resulting from employee accidents, leaking tanks or other equipment, or any other accidental releases. Installation of structures to seal the floor at any potential wastewater discharge points.
3. Provide direct plumbing of all overflow or final rinse tanks and concentrated waste/ wastewater to the pretreatment system or holding tank. Regulated process wastewater may be plumbed to downstream of the pretreatment system, but upstream of the sample point, if it can be shown by sampling and analysis to meet permit limitations. An analysis report of these waste streams bypassing treatment must be submitted for Districts' approval.
4. Spill containment (SC) volume requirements:
 - If the SC is inside (covered), the volume must be equal to 110% of the largest tank or 10% of the total process tank volume inside the bermed area (whichever is larger). An additional 1" of freeboard or height must be added.
 - If SC is outside (outdoors), use the inside criteria plus capacity to hold a rainfall of 24 hours based on a 25-year storm. An additional 1" of freeboard or height must be added.
 - Appropriate deductions to the spill containment volume shall be made for tanks and/or equipment occupying the same spill containment area.
5. Separation of incompatible chemicals with a berm or other impermeable barrier.
6. All berm penetrations or leaks must be sealed.
7. The floor and berm must be made or coated with material capable of withstanding spills of the chemicals being stored.
8. Spill containment is also required in the pretreatment system area to prevent hazardous chemicals used in the pretreatment system and untreated wastes from entering the sample point.

ATTACHMENT C

WATER QUALITY MANAGEMENT PLAN OUTLINE

COVER PAGE

Name of Project
Name of Company
Date

NEXT PAGE

Signed Statement (with/date) certifying that the applicant has accepted the provisions of the WQMP and that the applicant will strive to have the plan carried out by all future successors.

REPORT TABLE OF CONTENTS

- I. Tract or Discretionary permit number(s) and condition number(s). Spell out conditions verbatim.
- II. Project Description
 1. Type of project
 2. Project size
 3. Homeowners Association or Property Owner's Association Formation
- III. Site Description
 1. Identify the watershed the project is in.
 2. Is there a pre-existing water quality problem that has been identified in the watershed planning process?
- IV. Best Management Practices (BMPs)
 1. List and describe applicable structural and non-structural BMPs from DAMP Appendix that are applicable to your project, depending on the proposed land use, size, and use of a property owners association.
- V. Inspection/Maintenance Responsibility for BMPs
- VI. Figures
 1. Location Map
 2. Site Plan (reduced drainage map acceptable) identifying storm drain facilities and receiving waters.

SECTION VII

Educational Materials

Fossil Filter Documentation / Specifications

Supplemental BMPs

- *SC1 - Non-Storm Water Discharges To Drains*
- *SC6 - Non-Storm Water Discharges To Drains*
- *SC11 – Building and Grounds Maintenance*
- *SC14 – Employee Training*
- *SC30 – Storm Drain System Signs*
- *SC71 – Catch Basin Cleaning*
- *CA 12 – Spill Prevention And Control*
- *CA20 – Solid Waste Management*
- *CA 21 – Hazardous Waste Management*

County Educational Materials

- *The Ocean Begins at Your Front Door*
- *Orange County Urban Stormwater Pollution Prevention Program*
- *Storm Water Pollution and the Solutions*
- *When It Rains It Drains*
- *Preventing Pollution Through Efficient Water Use*
- *Your Business and the County – Partners in Protecting the Ocean*
- *County of Orange, Management Guidelines For Use of Fertilizers and Pesticides*



FOSSIL FILTER™

**U.S. Patent Number
5,720,574**



KriStar Enterprises, Inc.

P.O. Box 7352

Santa Rosa CA 95407

(800) 579-8819 / (707) 524-8186

www.kristar.com

KriStar Enterprises, Inc. P.O. Box 7352, Santa Rosa CA 95407
(800) 579-8819

**FREQUENTLY ASKED QUESTIONS (WITH ANSWERS) ABOUT
FOSSIL FILTER™ AND THE FOSSIL FILTER™
LINE OF STORMWATER POLLUTION PREVENTION PRODUCTS**

NOTE: The following questions and answers concern two lines of products, both of which are designed to remove pollutants from surface water runoff and both are included under the umbrella name "Fossil Filter™". The first is a line of catch basin filtration systems that incorporate a filter medium to remove petroleum hydrocarbons. The second is a line of silt, debris and erosion control products. Questions 1 through 18 concern the former and question 19 concerns the latter. For the convenience of the reader, the questions are listed first and then the questions with answers follow.

QUESTIONS:

1. What is a catch basin filtration system? How did Fossil Filter™ get its name?
2. What is the Fossil Filter™ concept? How does it work?
3. What are the most appropriate applications for Fossil Filter™?
4. What materials are used in the manufacture of Fossil Filter™?
5. Will the use of Fossil Filter™ satisfy current federal EPA NPDES criteria? Can Fossil Filter™ be included as a component of a community's SWPPP (Stormwater pollution Prevention Program)?
6. Which products are included in the catch basin filtration system category? Recommended applications for each? How are they installed?
7. When installed, will the Fossil Filter™ restrict the flow of water? Will it cause the drainage system to back up?
8. Has the Fossil Filter™ been subjected to hydrological testing?
9. What sorbent material is used in the Fossil Filter™? Is it hazardous?
10. Has the Fossil Rock™ adsorbent been tested for efficiency?
11. What are the maintenance requirements? What is the useful life of the installed adsorbent?
12. Will the Fossil Filter™ function effectively in areas subject to above normal amounts of sediment and debris?
13. Are there "accepted" products on the market that function as effectively as Fossil Filter™ in the removal of Pollutants?
14. What is the cost of Fossil Rock™ adsorbent per filter unit?
15. Once removed from the Fossil Filter™, is the exposed adsorbent considered hazardous material? How is it disposed of?
16. Are Fossil Filter™ installers available? Are maintenance personnel available?
17. Who is responsible for maintaining the installed Fossil Filters™? For proper disposal of the exposed adsorbent?
18. What does a typical maintenance plan include? What does it cost?
19. Which products are included within the Fossil Filter™ line of silt and erosion control and safety products? What are the recommended applications?
20. How do I get more information on Fossil Filter™? Catch basin filtration systems? On the maintenance plans? On the erosion control and safety products?

(Rev. 03/01)

QUESTIONS AND ANSWERS

1. WHAT IS A CATCH BASIN FILTRATION SYSTEM? HOW DID FOSSIL FILTER™ GET ITS NAME?

Because the basic concept for what was to become the Fossil Filter™ involved a structure to be installed just under the grate of water drainage inlet catch basins, the concept was dubbed as a *Catch Basin Filtration System*. The structure contains an adsorbent material that removes petroleum hydrocarbons and other contaminants from runoff while permitting the undisturbed passage of water.

The name Fossil Filter™ was developed to describe a filtration device that removes petroleum hydrocarbons, a harmful byproduct of fossil fuels, from urban water runoff: hence the name "Fossil Filter". Fossil Filter™ is patented and is a product of KriStar Enterprises, Inc. of Sonoma County, California.

2. WHAT IS THE FOSSIL FILTER™ CONCEPT? HOW DOES IT WORK?

The Fossil Filter™ concept can be described as: When the surface water flows into the inlet, it passes through the Fossil Filter™ catch basin filtration system where petroleum hydrocarbons, silt, debris and other pollutants are removed.

The ability to remove petroleum hydrocarbons is made possible through the use of a sorbent filter medium called Fossil Rock™. Fossil Rock removes these harmful contaminants from the water through a process called adsorption (acts like a magnet) rather than absorption (acts like a sponge).

3. WHAT ARE THE MOST APPROPRIATE APPLICATIONS FOR FOSSIL FILTER™?

Fossil Filter™ was developed and designed to remove petroleum hydrocarbons from water runoff. Its most logical application is anywhere motor vehicles park, are refueled or serviced. Customer and employee parking lots and corporation yards, service stations, airport ramps and refueling areas, even some marinas, are excellent prospects for the installation of Fossil Filter™. The Fossil Filter™ concept can usually be utilized anywhere petroleum hydrocarbons are generated and the water runoff can be channeled to flow through the Fossil Filter™.

4. WHAT MATERIALS ARE USED IN THE MANUFACTURE OF FOSSIL FILTER™?

The Fossil Filter™ apparatus structure is available in several different materials. The "Drop In" (hard body) filter insert is available in high-density polyethylene plastic, fiberglass or stainless steel. The structure of the FloGard filter insert is of a very durable woven geotextile monofilament fabric. The incorporated screens, mounting flanges, brackets, etc. for all inserts are made from stainless steel. (See #9 for a discussion of Fossil Rock, the incorporated adsorbent material.)

5. WILL THE USE OF FOSSIL FILTER™ SATISFY CURRENT FEDERAL EPA NPDES CRITERIA? CAN FOSSIL FILTER™ BE INCLUDED AS A COMPONENT OF A COMMUNITY'S SWPPP (STORMWATER POLLUTION PREVENTION PROGRAM)?

The federal EPA's NPDES program was developed to control the discharge of pollutants to waters of the United States. EPA's *Industrial Guidelines (Page B-4)*, dated September 1992, cites a definition of oil/water separator as "A device installed usually at the entrance of a drain, which removes oil and grease from water flows entering the drain." That literally describes Fossil Filter™. EPA further mandates the use of BAT (Best Available Technology) while being "economically feasible." Fossil Filter™ is very appropriate for inclusion in SWPPP's as a BMP (Best Management Practice) for removal of oil and grease, sediment and debris from water flows entering the drain. As a matter-of-fact, Fossil Filter™ has been cited as a BMP in the SWPPP's of local governments and several states.

6. WHICH PRODUCTS ARE INCLUDED IN THE CATCH BASIN FILTRATION SYSTEM CATEGORY? RECOMMENDED APPLICATIONS FOR EACH? HOW ARE THEY INSTALLED?

- a. **FloGard Filter Inserts:** The FloGard is a soft-body version of the original Fossil Filter™. The working chamber of the FloGard, which contains the Fossil Rock petroleum adsorbent, is a replaceable woven geotextile monofilament fabric body of a design that enhances the silt and debris containment capability. FloGard filter inserts are available to fit most industry-standard

- drainage inlets (flat grate, combination, round, curb inlets and trench drains). They are recommended for areas subject to sediment and debris and low to moderate levels of petroleum hydrocarbons. Installation, depending on the type of inlet, is accomplished by removing the grate and: 1) resting the structure's stainless steel flanges on the grate-bearing ledge, or: 2) Attaching a stainless steel frame to the catch basin wall and suspending the filter body from the frame.
- b. **Flo-Gard High Capacity Insert:** As a member of the Flo-Gard line, the High Capacity insert consists of a replaceable woven geotextile monofilament fabric body, but in this case, the body is much deeper which increases the sediment and debris containment capability. It is recommended for areas with high levels of sediment and debris and moderate levels of petroleum hydrocarbons.
 - c. **Drop-In Filter Inserts:** The Drop-In filter insert continues the original concept of a "hard body" insert which incorporates a filter medium to collect and contain petroleum hydrocarbons from water runoff. The hard body is made of "environmentally friendly" fiberglass, plastic and stainless steel materials and it is available in standard or custom sizes to fit virtually all sizes and shapes of drainage inlet. The Drop-In insert is recommended for areas with low levels of sediment and debris and high levels of petroleum hydrocarbons. Generally, the Drop In filter can be installed by resting the incorporated flange on the inlet's grate ledge. With a curb inlet, the filter is installed across the width of the curb opening and attached to the catch basin wall with anchor bolts.
 - d. **Dual Stage Filter Inserts:** The Dual Stage inserts are designed for use with curb opening catch basins without gutter grates. They consist of two straight rail sections, one mounted below the overflow weir of the other for redundancy. If the upper trough becomes ineffective due to debris or excessive flows, the water will flow over the weir of the upper unit and into the lower one and be filtered. Dual Stage filters are recommended for curb opening catch basins in areas with low levels of silt and debris and high levels of petroleum hydrocarbons. They are installed across the width and below the catch basin curb opening with anchor bolts.
 - e. **Supplemental Filter:** The supplemental filter insert consists of straight rail sections similar in design to the curb inlet filter. They are designed for use with trench drains, weirs, flared-end outlets or catch basins where rainwater leader or trench drains channel the runoff below the surface and into the drain. They are installed on the upstream side of the drainage device and along the length of the trench drain or width of the weir, flared-end outlet, etc.
 - f. **Percolation (Perk) Filter Insert:** The Perk Filter insert easily and economically converts a catch basin into a detention basin for the collection of solids, sediment and debris. As water flows into the catch basin, solids settle out and are collected in the detention basin (sump) while oils and greases are collected by the installed Fossil Rock hydrocarbon filter medium. The Perk filter insert is recommended for areas with high sediment and debris and moderately high levels of petroleum hydrocarbons. Perk filter inserts are installed by resting the device on a steel frame installed above the inlet and outlet pipes of the catch basin.
 - g. **FB-24 Catch Basin:** The FB-24 is a hydrocarbon filter installed in its own fiberglass catch basin and comes complete with grate. It was designed for areas where the burial depth of the storm drainpipe does not allow for installation of a standard catch basin. The FB-24 is best suited for retrofit of shallow drainage systems of gas station refueling islands, parking garages and the like with substantial hydrocarbon loading and low runoff flow.
 - h. **Fossil Tee Tank Filter:** This device was designed to increase the capabilities of underground oil/water separators. It includes a chamber which contains Fossil Rock, the petroleum hydrocarbon filter medium, and acts as a "polishing" filter by removing the hydrocarbons after sediment and debris have settled and just prior to the runoff exiting the separator structure. It is recommended for installation in new or existing oil/water separator installations.

NOTE: Special orders for odd sizes or shapes of inlet are possible. Call KriStar Enterprises, Inc. at (800) 579-8819 with special problems.

**7. WHEN INSTALLED, WILL THE FOSSIL FILTER™ RESTRICT THE FLOW OF WATER?
WILL IT CAUSE THE DRAINAGE SYSTEM TO BACK UP?**

No, and no. (See #8 below). Fossil Filter™ is designed to remove harmful contaminants during initial and low flows ("first flush"), when the bulk of the surface-accumulated contaminants enter the inlet. Plus, because it is hydrophobic, the Fossil Rock adsorbent tends to float and move about which enhances the

ability to flow. In the event of very heavy flows, which exceed the design capacity, excess water will flow over the inside edge of the filter rail into the overflow bypass area, and into the drainage system.

NOTE: Every model of Fossil Filter™ incorporates a bypass capability that ensures that the filter will not/can not be the cause of a system to back up.

8. HAS THE FOSSIL FILTER™ BEEN SUBJECTED TO HYDROLOGICAL TESTING?

Yes. Tests by Sandine Engineering Associates of Santa Rosa and Eagle Engineering of Sacramento, California both showed that installed Fossil Filters™ did not impede maximum design flow of the inlet, and that the installed filter medium would effectively perform its filtering function with flows in excess of 12 gallons per minute per linear foot of filter surface.

9. WHAT SORBENT MATERIAL IS USED IN THE FOSSIL FILTER™? IS IT HAZARDOUS?

According to the supplier of Fossil Rock, the adsorbent used exclusively in Fossil Filter™, the petroleum hydrocarbon-attracting material, is a natural material known as Amorphous Alumina Silicate. It is an inert blend of minerals that contain non-hazardous ingredients, as defined by the Federal EPA, OSHA (Occupational Safety and Health Administration) and WHO (World Health Organization), so it is not harmful. However, if a large amount of the material in bulk form is contained within a confined area and the person replacing the filter material is allergic to dust, use of a paper mask to avoid inhalation of the fine particles is recommended. Fossil Rock contains no reactive chemicals, is a non-carcinogenic, non-biodegradable and non-leaching, non-toxic, non-flammable, non-injurious to asphalt, cement, carpet, tile, soil, or plant life. (A Material Safety Data Sheet (MSDS) is available for the product upon request).

10. HAS THE FOSSIL ROCK™ ADSORBENT BEEN TESTED FOR EFFICIENCY?

According to KriStar's supplier, Fossil Rock will adsorb approximately 1.92 gallons of liquid contaminant per cubic foot of Fossil Rock. Therefore, a typical 24" x 24" filter, which contains approximately .56 cubic feet of Fossil Rock, would adsorb approximately 1.08 gallons of liquid contaminant.

11. WHAT ARE THE MAINTENANCE REQUIREMENTS? WHAT IS THE USEFUL LIFE OF THE INSTALLED ADSORBENT?

As with all products subject to the abuses of nature and mankind, the installed Fossil Filter™ requires periodic inspection and all foreign objects (leaves, cans, cigarette butts, papers, etc. removed. The area around the inlet should be swept on a regular basis. The installed Fossil Rock adsorbent should be inspected and replaced if the surface of the granules is more than 50% coated with contaminants and/or the unit has become clogged with sediment (See #12). To ensure efficiency, it is recommended that, as a minimum, the units be inspected at least three times per year (i.e. once before and twice during the rainy season). In areas subject to excessive debris, the inspections should be more frequent. (See #16 and #17 for discussion on available maintenance plans.)

According to the supplier, in most cases, the useful life of the installed Fossil Rock would be about six months. That time may be less in areas of heavy vehicle traffic or petroleum hydrocarbon loading.

12. WILL THE FOSSIL FILTER™ FUNCTION EFFECTIVELY IN AREAS SUBJECT TO ABOVE NORMAL AMOUNTS OF SEDIMENT OR DEBRIS?

Yes, however, the degree of effectiveness depends on the model and size of the filter, the amount of sediment and debris it is subjected to and the frequency and level of maintenance. The Perk Filter, standard FloGard and Flo-Gard High Capacity models are appropriate for square, rectangular and round catch basins in areas of heavy silt and debris. Flo-Gard models are also available for curb opening and trench drains and the Percolation (Perk) filters are available for square or rectangular catch basins to convert the catch basin into a detention basin.

13. ARE THERE "ACCEPTED" PRODUCTS ON THE MARKET THAT FUNCTION AS EFFECTIVELY AS FOSSIL FILTER™ IN THE REMOVAL OF POLLUTANTS?

Until the creation of Fossil Filter™, the Best Available Technology for removing petroleum hydrocarbons from water runoff included the use of underground large-capacity concrete oil/water separators. Compared

to Fossil Filter™, they are less efficient and more difficult and more expensive to install and maintain. Plus, unlike Fossil Filter™, they are not generally suitable for post-construction (retrofit) projects.

14. WHAT IS THE COST PER FILTER UNIT OF FOSSIL ROCK ADSORBENT?

One 24" x 24" Fossil Filter™ contains approximately .56 cubic feet of adsorbent. One bag of Fossil Rock contains 1.3 cubic feet of adsorbent and costs about \$40. Therefore, since one bag will fill two such filters, it costs about \$20 to replace the adsorbent in one filter.

15. ONCE REMOVED FROM THE FOSSIL FILTER™, IS THE EXPOSED ADSORBENT CONSIDERED HAZARDOUS MATERIAL? HOW IS IT DISPOSED OF?

Fossil Rock is a non-biodegradable, non-leaching sorbent and, as such, fits the federal EPA's 40CFR parts 260 and 264 requirements for landfill disposal. Said reference was effective May 18, 1993. Once Fossil Rock has been exposed to contaminants, it requires special treatment much like oily rags. (The method of handling contaminated substances varies with the jurisdiction so maintenance personnel should contact their local regulatory agency to ensure regulatory compliance.)

NOTE: KriStar has both in-house and contract maintenance personnel (See #16 below) that are familiar with the complexities of the filter, the exchange of adsorbent and the disposal process. Use of their expertise lessens the chance of liability on the part of the landowner.

16. ARE FOSSIL FILTER™ INSTALLERS AVAILABLE? ARE MAINTENANCE PERSONNEL AVAILABLE?

Yes, on both counts. KriStar has formed a countrywide team of Fossil Filter™ installation and maintenance personnel. (Call (800) 579-8819 for names and locations.) Within California, KriStar has an in-house capability of performing what it calls "Full Circle Service."

NOTE: Many cities are now requiring proof of a follow-on maintenance program before they will issue a final clearance to a project. Plus, Phase II of the EPA's Clean Water Act now mandates maintenance of installed systems.

17. WHO IS RESPONSIBLE FOR MAINTAINING THE INSTALLED FOSSIL FILTERS? FOR PROPER DISPOSAL OF THE EXPOSED ADSORBENT?

NOTE: Federal, state and local Clean Water Act regulations and those of insurance carriers require that Storm Water Filtration Systems be maintained and serviced on a regular basis. The intent of the regulations is to ensure that the systems efficiently filter petroleum hydrocarbons, chemicals, silt, and other harmful pollutants from storm water runoff.

Once the filter is installed, it is the responsibility of the landowner to make sure that it continues to function properly. As to maintenance, the landowner has the choice of maintaining the installed filters with internal or external resources. As the generator, the landowner is responsible for proper handling and disposal of the contaminated adsorbent. (See #15)

18. WHAT DOES A TYPICAL MAINTENANCE PLAN INCLUDE? WHAT DOES IT COST?

KriStar's in-house Fossil Filter™ maintenance plans are based on the filter's exposure to sediment, debris, and petroleum hydrocarbon contaminants. The basic plans include three inspections per year, per filter, and, based on exposure, up to three cleanings and up to three changes of filter medium. Custom plans can be developed for sites with heavy debris and/or pollutant loading and more than three inspections, cleanings, and/or medium changes may be required. Each of the plans will provide for proper handling and disposal of the exposed adsorbent. Plus, subsequent to the service, the landowner and the appropriate oversight agency involved will be furnished certificates of service.

The cost is based on the number of inspections, cleanings and filter medium changes, the number of filters installed at the site, and other factors. A "ball park" cost for a typical three-visit plan would be about \$200 per year or less than \$70 per visit.

19. WHICH PRODUCTS ARE INCLUDED WITHIN THE FOSSIL FILTER™ LINE OF SILT AND EROSION CONTROL AND SAFETY PRODUCTS? WHAT ARE THE RECOMMENDED APPLICATIONS?

- a. **WorkGard:** WorkGard is a combination catch basin sedimentation control and safety device. Its most appropriate application is the protection of drainage inlets during construction. Its unique connectors allow any number of panels to be connected together to form squares, fences, circles and A-frame barricades. Weighted pouches (optional) can be attached to the bottom of the panels in a straight line to form a silt fence or around an inlet to prevent silt and debris from entering the inlet.
- b. **Silt Mat:** Silt Mat is an inlet protection device used to cover a drainage inlet during the course of construction. It consists of two mats, one a filter fabric and the other a curled wood (aspen) excelsior that are used to cover the inlet. In the center is a high visibility "chimney" structure that alerts vehicle drivers and pedestrians of the inlet. The structure also contains a built-in overflow to prevent ponding around the inlet.
- c. **SlopeGard 1:** SlopeGard 1 is a fiber roll made from curled wood (aspen) excelsior formed into 8 inch diameter rolls in lengths of 10 and 20 feet. The device is used on slopes in place of cloth silt fence or straw wattles to reduce surface runoff velocity and control or capture eroded sediment.
- d. **SlopeGard2:** SlopeGard 2 is made of either curled wood excelsior (aspen) or reusable reticulated polyurethane and incorporates a flexible perforated inner core pipe that collects runoff water and diverts it to a down pipe. It is available in standard 8-inch diameter and in lengths of 10 or 20 feet. Custom diameters and lengths are also possible.
- e. **SlopeGard3:** An alternative to the use of "hay bales" to protect drainage inlets during course of construction, SlopeGard 3 is a weighted fiber roll inlet protection device designed to prevent silt and debris from entering the inlet. They are available in lengths of 6 and 10 feet and in either curled wood (aspen) excelsior or reticulated polyurethane.

20. HOW DO I GET MORE INFORMATION ON FOSSIL FILTER™ CATCH BASIN FILTRATION SYSTEMS? ON THE MAINTENANCE PLANS? ON THE EROSION CONTROL AND SAFETY PRODUCTS?

Contact KriStar's national sales office in Sonoma County, California toll free (800) 579-8819, fax (707) 524-8186, e-mail at customercare@kristar.com or visit our web site at www.kristar.com

Notes:

1. *The above products are the property of KriStar Enterprises, Inc.*
2. *The Fossil Filter™ concept for catch basin filtration is patented in the U.S. (#5,720,574). The WorkGard and SlopeGard products are patent pending.*
3. *The terms Fossil Filter™, Fossil Rock, FloGard, Perk, Silt Basin, Fossil Tee, WorkGard, Silt Mat and SlopeGard are all trademarks of KriStar Enterprises.*
4. *All Fossil Filter™ drainage insert filters can be used in new or retrofit construction.*

LIMITED WARRANTY KRISTAR ENTERPRISES, INC

TO THE EXTENT PERMITTED BY THE LAWS OF YOUR JURISDICTION, THIS LIMITED WARRANTY LIMITS OR EXCLUDES CERTAIN WARRANTIES OR RIGHTS OTHERWISE PROVIDED BY LAW.

KriStar Enterprises, Inc. ("KriStar") hereby warrants its products to be free from defects in material and workmanship for a period of one (1) year from the date of original purchase by the person or entity purchasing KriStar's products directly from KriStar or from KriStar's authorized representatives or re-sellers ("Purchaser"). There are no other warranties or representations with respect to the nature or quality of KriStar's products. Under no circumstances shall KriStar be liable for incidental, consequential, or other additional damages of any kind or nature whatsoever, including, without limitation, shipping and freight charges, installation and/or removal expenses, including labor, interest, attorney fees, or other costs, whether such claim is based upon principles or theories of contract, warranty, negligence and/or tort law.

IT IS EXPRESSLY AGREED THAT THIS WARRANTY IS THE EXCLUSIVE AND ONLY WARRANTY TO PASS WITH KRISTAR'S PRODUCTS. THIS WARRANTY IS IN LIEU OF ALL OTHER WARRANTIES, INCLUDING, WITHOUT LIMITATION, THOSE OF FITNESS FOR A PARTICULAR PURPOSE AND MERCHANTABILITY.

In the event such disclaimer of implied warranties is held to be unenforceable or otherwise invalid, or if Purchaser or any third party, including, without limitation, employees, assignees, invitees, agents, contractors, subcontractors, and/or representatives of Purchaser, claim KriStar is liable for negligence arising from the manufacture of its products, or if for any other reason a claim is made that KriStar has not fully satisfied its obligations with respect to its products, KriStar's liability is limited to an amount equal to two (2) times the original purchase price of KriStar's products proven to be defective, exclusive of any applicable taxes. Purchaser hereby agrees to indemnify, defend and hold KriStar harmless in the event any third party brings a claim against KriStar relating to its products.

Any claim for breach of this warranty must be submitted within one year from the date of original purchase and must be in writing, addressed to President, KriStar Enterprises, Inc., P.O. Box 7352 Santa Rosa CA 95407. Only a corporate officer (President, Vice President, or Corporate Secretary) of KriStar shall have the authority to modify this warranty, and any such modification must be in writing and signed by the corporate officer, including reference to said officer's title, to be effective.

If a dispute arises out of or relates to this Limited Warranty, or performance or breach thereof, KriStar and Purchaser agree first to try in good faith to resolve the dispute by mediation under the Commercial Mediation Rules published by the American Arbitration Association before resorting to arbitration. Thereafter, any remaining unresolved controversy or claim arising out of or relating to this Limited Warranty, or performance or breach thereof, shall be resolved by binding arbitration in accordance with the Commercial Arbitration Rules published by the American Arbitration Association, and shall be conducted in Sonoma County, California. The sole Arbitrator shall be a retired or former Judge familiar with commercial and construction matters. Judgement upon the award rendered by the Arbitrator may be entered in the Sonoma County court having jurisdiction thereof.

Purchaser's Initials: _____

BEST MANAGEMENT PRACTICE (BMP) FOR THE REMOVAL OF PETROLEUM HYDROCARBONS , SILT AND DEBRIS FROM STORMWATER RUNOFF THROUGH THE USE OF CATCH BASIN INSERT FILTRATION SYSTEMS

The Concept of Stormwater Catch Basin Insert Filtration:

Essentially, catch basin insert filtration is the placement of devices that contain a filtering medium (a sorbent) and a silt and debris containment area just under the grates of the stormwater system's catch basins. The water runoff flows into the inlet, through the filter where the sorbent's target contaminants, sediment and debris are removed, and then into the drainage system. The devices must be capable of effectively filtering the first flush of a rain event and provide an overflow capability sufficient to prevent the system from becoming clogged. The sorbent filter medium must be an inert blend of minerals that contain non-hazardous ingredients, as defined by the Federal EPA, OSHA and WHO (World Health Organization). Further, the medium should be non-leaching, contain no reactive chemicals, be non-carcinogenic, non-biodegradable, non-toxic, non-inflammable, non-injurious to asphalt, cement, carpet, tile, soil, or plant life.

Contaminants:

The insert's structure should have the capability of removing and containing sediment and debris. The sorbent's primary target contaminants are petroleum hydrocarbons, to include most, if not all, oil-based products generated by motor vehicles powered by fossil fuel or lubricated with any of the fossil fuel by-products. These include gasoline, oil, grease, some anti-freezes, and other such products plus other types of contaminants (i.e. heavy metals) that may become attached to the hydrocarbon and silt and debris.

Current Technology:

Of the catch basin insert filtration systems currently on the market that target petroleum hydrocarbons, Fossil Filter™, a product of Kristar Enterprises of Sonoma County, California, is the most prominent. The Fossil Filter™ introduced a concept that was unique enough to qualify for a U.S. patent. Prior to the introduction of Fossil Filter™, the leading technology for separating oil from water runoff was large underground precast concrete oil/water separators. They were expensive to purchase and install and could be used only on new construction projects. Because they were underground (and out of sight), inspection was very difficult and maintenance was expensive. Consequently, they were usually forgotten and any contaminants collected were left in the units to be flushed back into the drainage system by some future rain event.

Fossil Filter™, on the other hand, costs but a fraction of the concrete units to purchase and installation usually consists of removing the inlet grate, inserting the filter and replacing the grate. They can be used in both new and post-construction projects; visual inspection is simple; and maintenance can be performed usually in a matter of minutes.

Fossil Filter™, for common size/shape inlets, are available in either the Hydrocarbon "Drop-In" model with a solid-body structure or the Flo-Gard flexible structure made from a durable geotextile fabric that incorporates a sediment and debris containment area. In

either case, for non-standard inlets, the filter insert can be fabricated to fit the catch basin and a device to fit most any situation is possible. Models of either the Hydrocarbon or Flo-Gard insert are available for square, rectangular, round and curb or combination inlets and trench drains. The Flo-Gard product line also includes the Flo-Gard High Capacity insert that incorporates a large sediment and debris containment area.

Device Construction:

The catch basin filtration system structure should be constructed so as to cause the water to flow through the unit's filter medium (sorber) and be of a fit that prevents leakage around the exterior of the filter. For units with a sediment and debris removal capability, the unit should also include a containment area. To prevent corrosion and the release of oxidized metals into the system, the device's construction materials should be of high-density polyethylene (HDPE), petroleum resistant fiberglass, stainless steel, or woven polypropylene monofilament geotextile. **The use of galvanized steel should not be allowed.** For square, rectangular, or round units, the device should provide an overflow bypass area in its center with dimensions equal to at least 1/3 the inside dimensions of the catch basin. For curb openings, the device should allow unrestricted overflow of the weir if the unit becomes clogged.

Recommended Effectiveness:

Manufacturers of Catch Basin Filtration Systems, acceptable for installation, should be able to produce proof of appropriate laboratory or field testing of the installed sorber and the structure itself. The tests should have demonstrated a capability of removing petroleum hydrocarbons and for containing silt and debris that enter the inlet plus proof that the device will not clog up the drainage system.

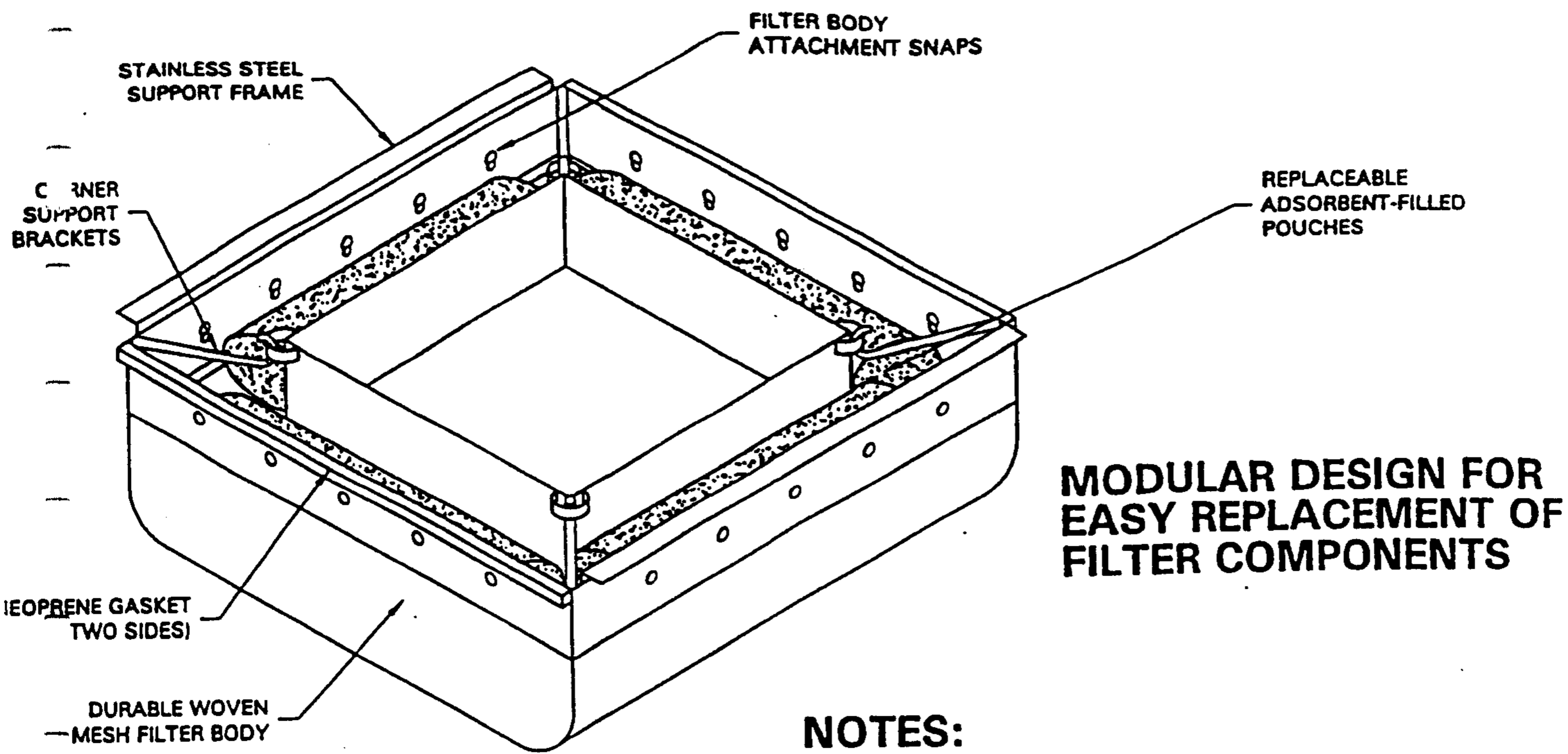
Applicability of Devices to EPA's NPDES and SWPPP's:

The Federal EPA's NPDES program, designed to control the discharge of pollutants to waters of the United States, cites a definition of oil/water separator as, "*A device installed usually at the entrance to a drain, which removes oil and grease from water flows entering the drain*".

Catch Basin Filtration Systems acceptable for installation in petroleum hydrocarbon generating areas should fit the federal EPA's definition of oil/water separator (above). Fossil Filter™ meets the EPA description plus it meets the EPA mandate of BAT (Best Available Technology) while being "economically feasible." Based on the foregoing, Fossil Filter™ is suitable for inclusion as a BMP in local SWPPP 's. Plus, Fossil Filter™ has an added capability of removing sediment and debris from the runoff.

Recommended Uses:

Catch Basin Insert Filtration Systems should be required for all locations where petroleum hydrocarbons and sediment and debris are major sources of pollution to stormwater runoff and the water can be directed into a drainage inlet. Employee and customer parking lots, corporation yards, equipment service areas, tollgates, refueling facilities areas are prime examples of such locations. They should be required for new construction and whenever a permit is issued to renovate or remodel an existing location.

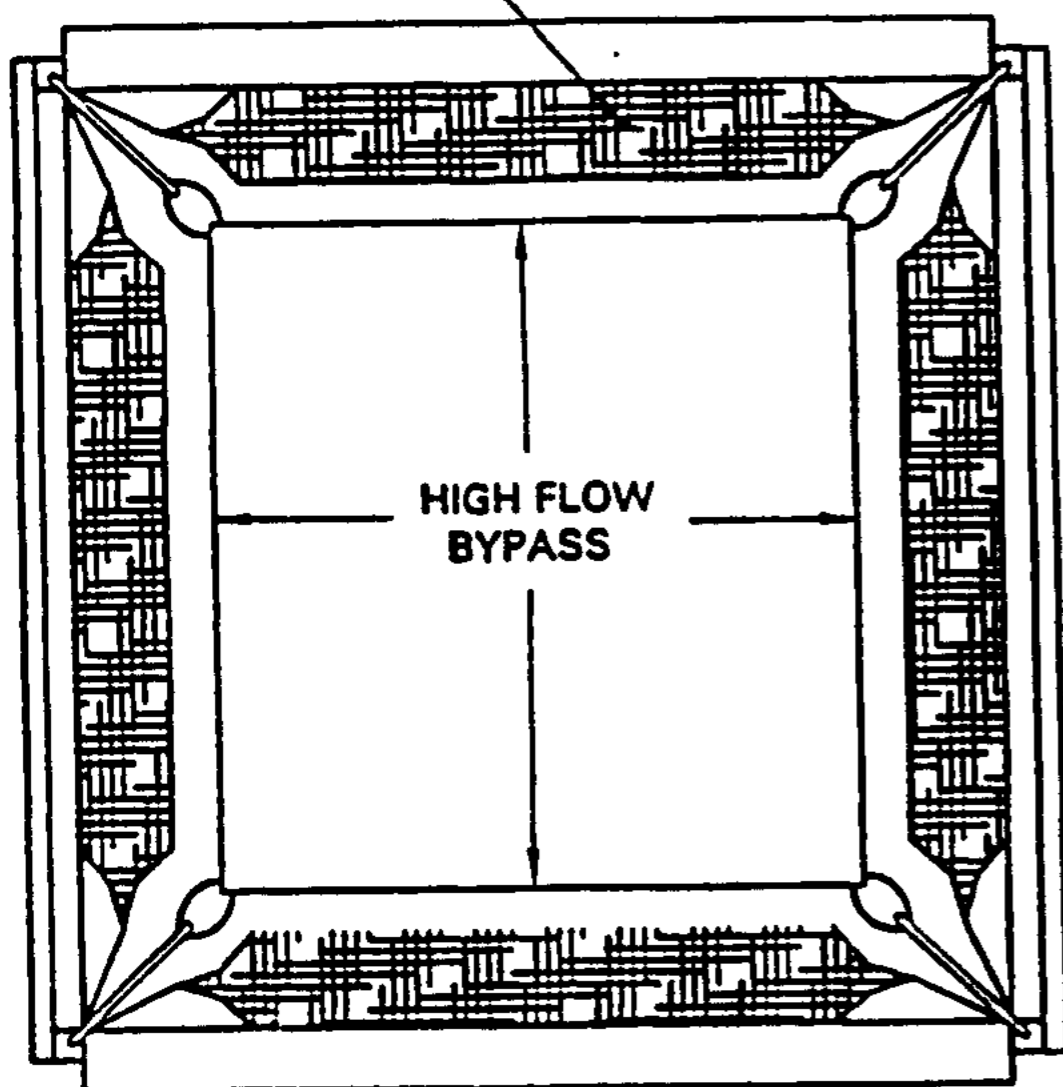


MODULAR DESIGN FOR EASY REPLACEMENT OF FILTER COMPONENTS

NOTES:

1. *Flo-Gard™* Filter body is prefabricated from polypropylene woven monofilament geotextile.
2. All metal components shall be stainless steel (Type 304).
3. Refer to application chart for catch basin and filter sizing.
4. Filter medium shall be *Fossil Rock™* installed and maintained in accordance with manufacturer recommendations.
5. Refer to Manufacturer's recommendations for maintenance program.
6. *Flo-Gard™* inserts may be installed (without adsorbent pouches) during course of construction as a sedimentation control device. After construction, remove sediment and install adsorbent pouches.

REPLACEABLE ADSORBENT-FILLED POUCHES

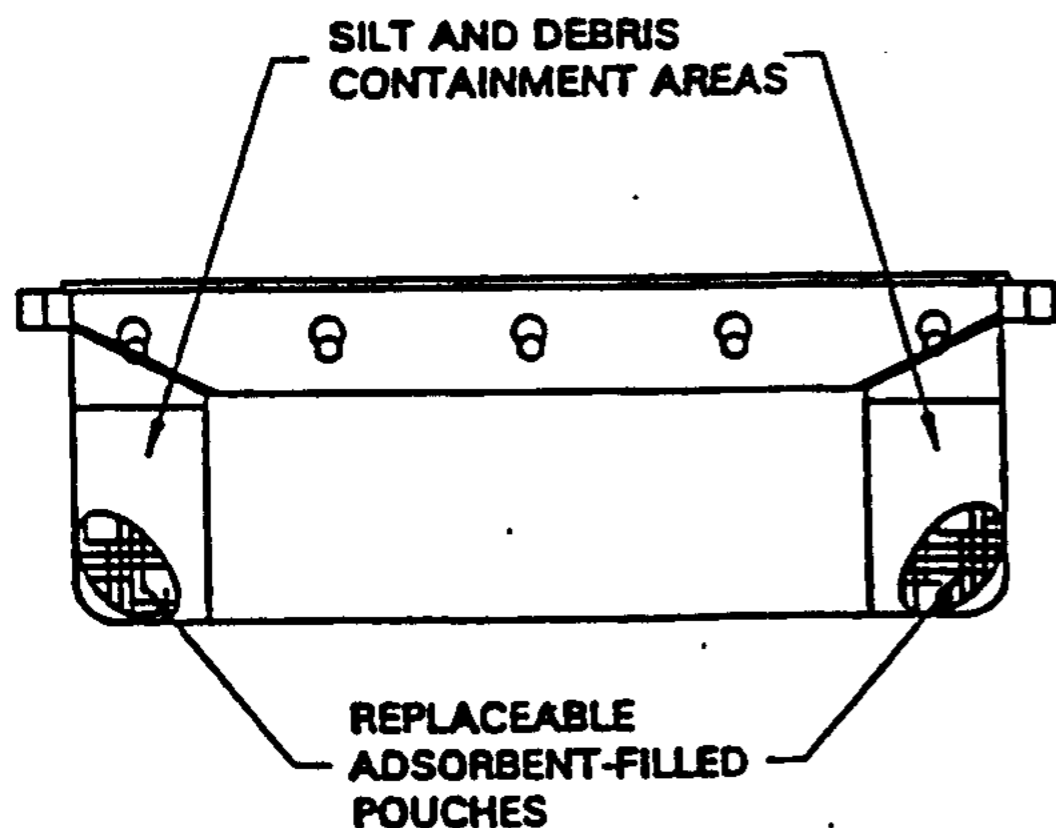


TOP VIEW

APPLICATION CHART*

MODEL NO.	Inlet I.D.	Grate O.D.	COMMENTS
FF-16D	16" x 16"	18" x 18"	GRATED INLET
FF-18D	18" x 18"	20" x 20"	GRATED INLET
FF-1836SD	18" x 36"	18" x 40"	GRATED INLET
FF-1836DGO	18" x 36"	18" x 40"	COMBINATION INLET
FF-24D	24" x 24"	26" x 26"	GRATED INLET
FF-2436D	24" x 36"	24" x 40"	GRATED INLET
FF-RF24D	24" Dia.	25" Dia.	CIRCULAR INLET
FF-24DGO	24" x 24"	18" x 26"	COMBINATION INLET
FF-2436DGO	24" x 36"	24" x 40"	COMBINATION INLET

**Flo-Gard™* Filter inserts are designed to fit catch basins with approximate dimensions shown.



SECTION VIEW

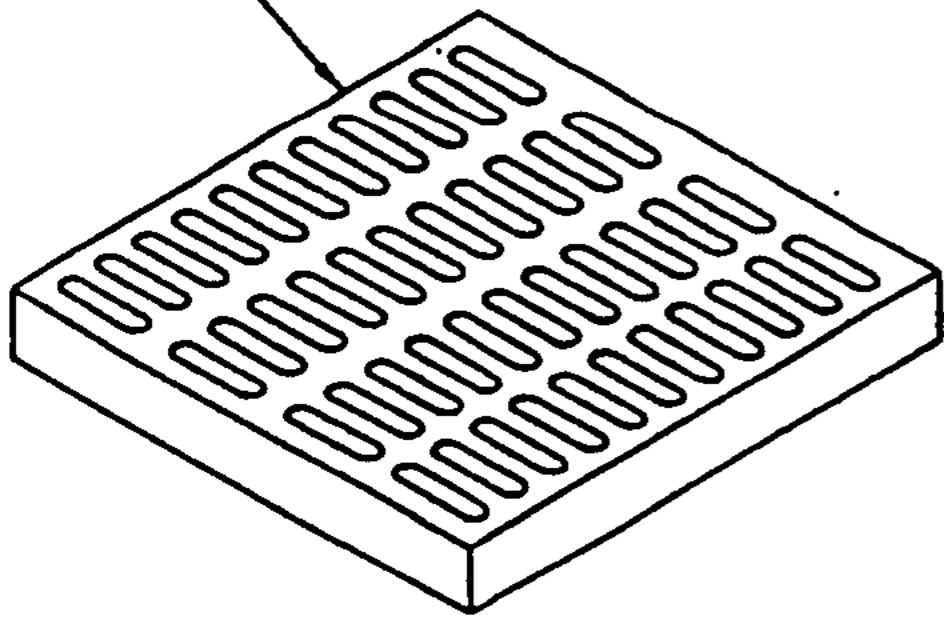
**FOSSIL FILTER™
FLO-GARD™
CATCH BASIN INSERT**
(SHEET 1 OF 2)

KriStar Enterprises, Inc., Santa Rosa, CA (800) 579-8819

PATENT PENDING

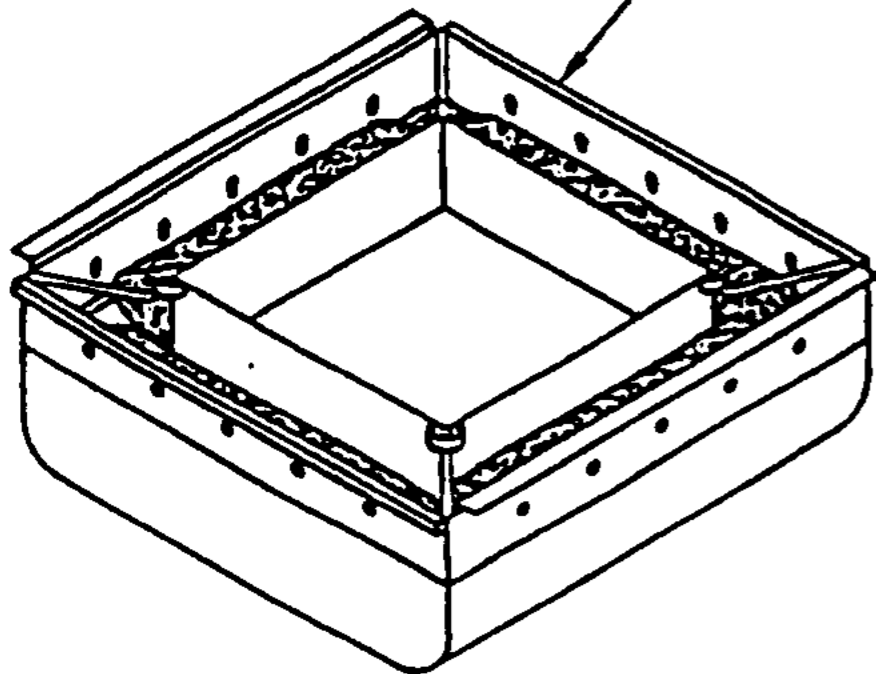
NOTES:

INLET GRATE



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2. All metal components shall be stainless steel (Type 304).
3. Refer to application chart for catch basin and filter sizing.
4. Filter medium shall be *Fossil Rock™* installed and maintained in accordance with manufacturer recommendations.
5. Refer to Manufacturer's recommendations for maintenance program.
6. *Flo-Gard™* inserts may be installed without adsorbent pouches during course of construction as a sedimentation control device. After construction, remove the sediment and install the adsorbent pouches.

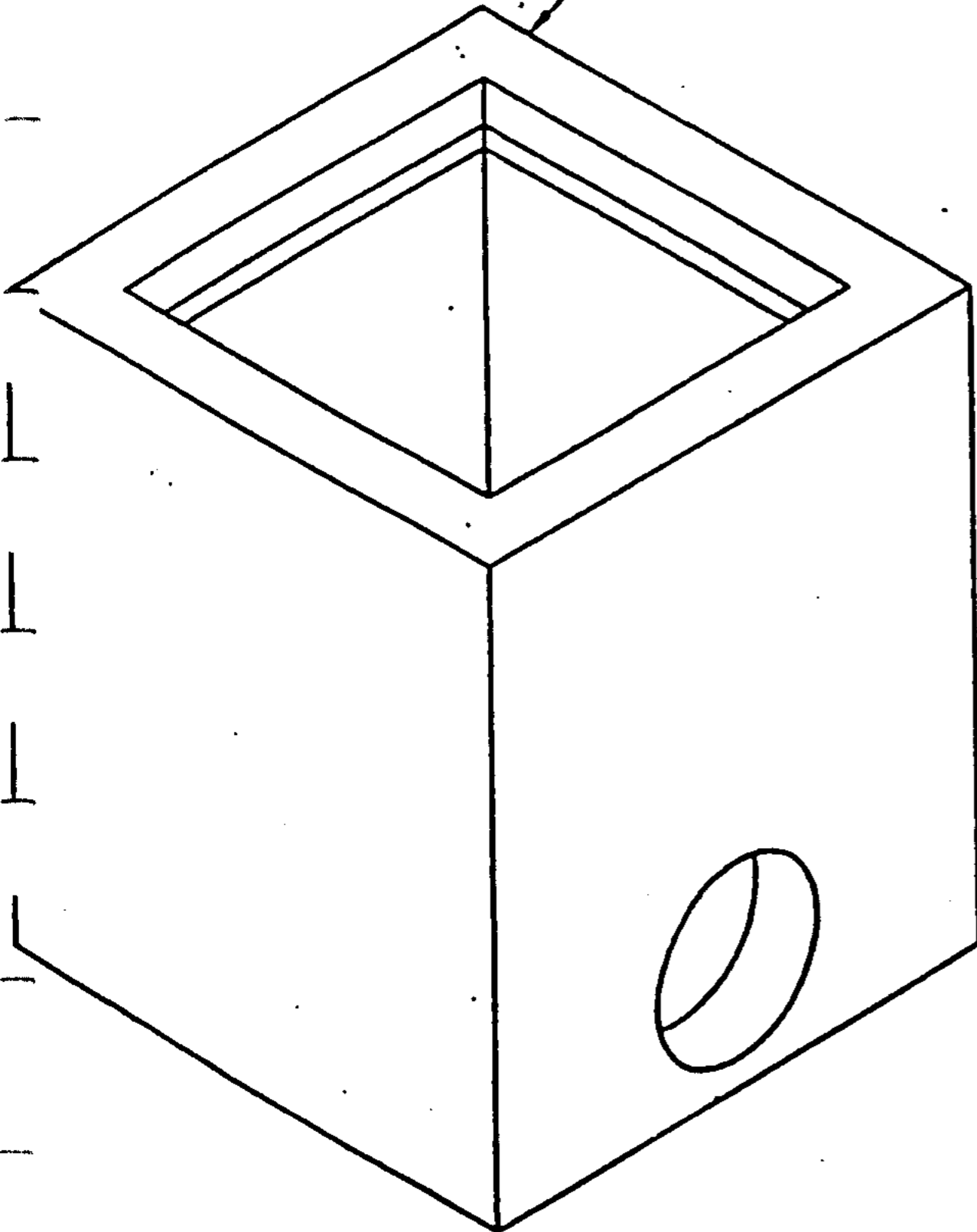
FLO-GARD™ INSERT
(SEE APPLICATION CHART)



APPLICATION CHART*

MODEL NO.	Inlet I.D.	Grate O.D.	COMMENTS
FF-16D	16" x 16"	18" x 18"	GRATED INLET
FF-18D	18" x 18"	20" x 20"	GRATED INLET
FF-1836SD	18" x 36"	18" x 40"	GRATED INLET
FF-1836DGO	18" x 36"	18" x 40"	COMBINATION INLET
FF-24D	24" x 24"	26" x 26"	GRATED INLET
FF-2436D	24" x 36"	24" x 40"	GRATED INLET
FF-RF24D	24" Dia.	25" Dia.	CIRCULAR INLET
FF-24DGO	24" x 24"	18" x 26"	COMBINATION INLET
FF-2436DGO	24" x 36"	24" x 40"	COMBINATION INLET

CATCH BASIN



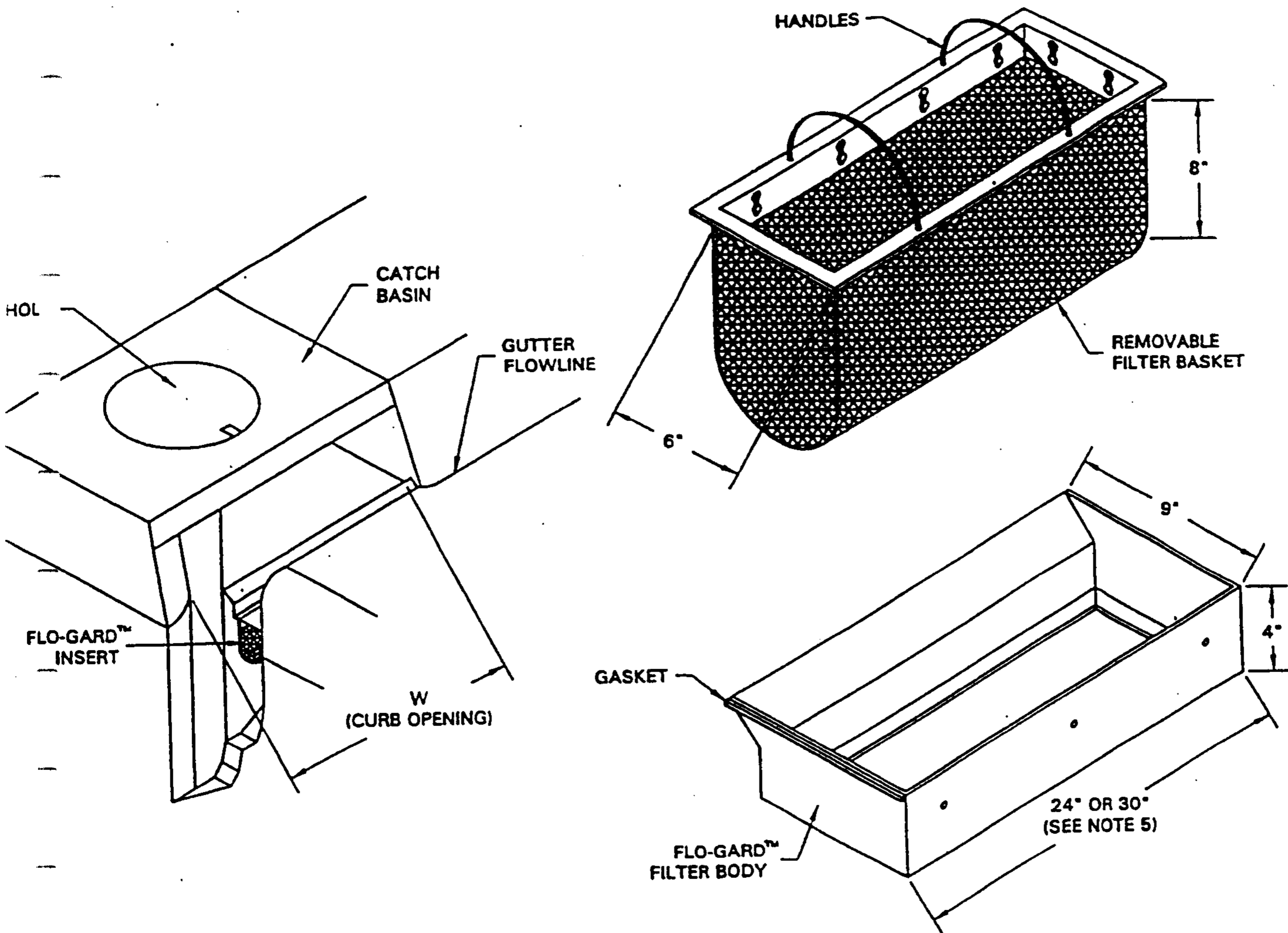
* Flo-Gard Filter™ inserts are designed to fit catch basins with approximate dimensions shown.

FOSSIL FILTER™
FLO-GARD™
CATCH BASIN INSERT
INSTALLATION DETAIL

(SHEET 2 OF 2)

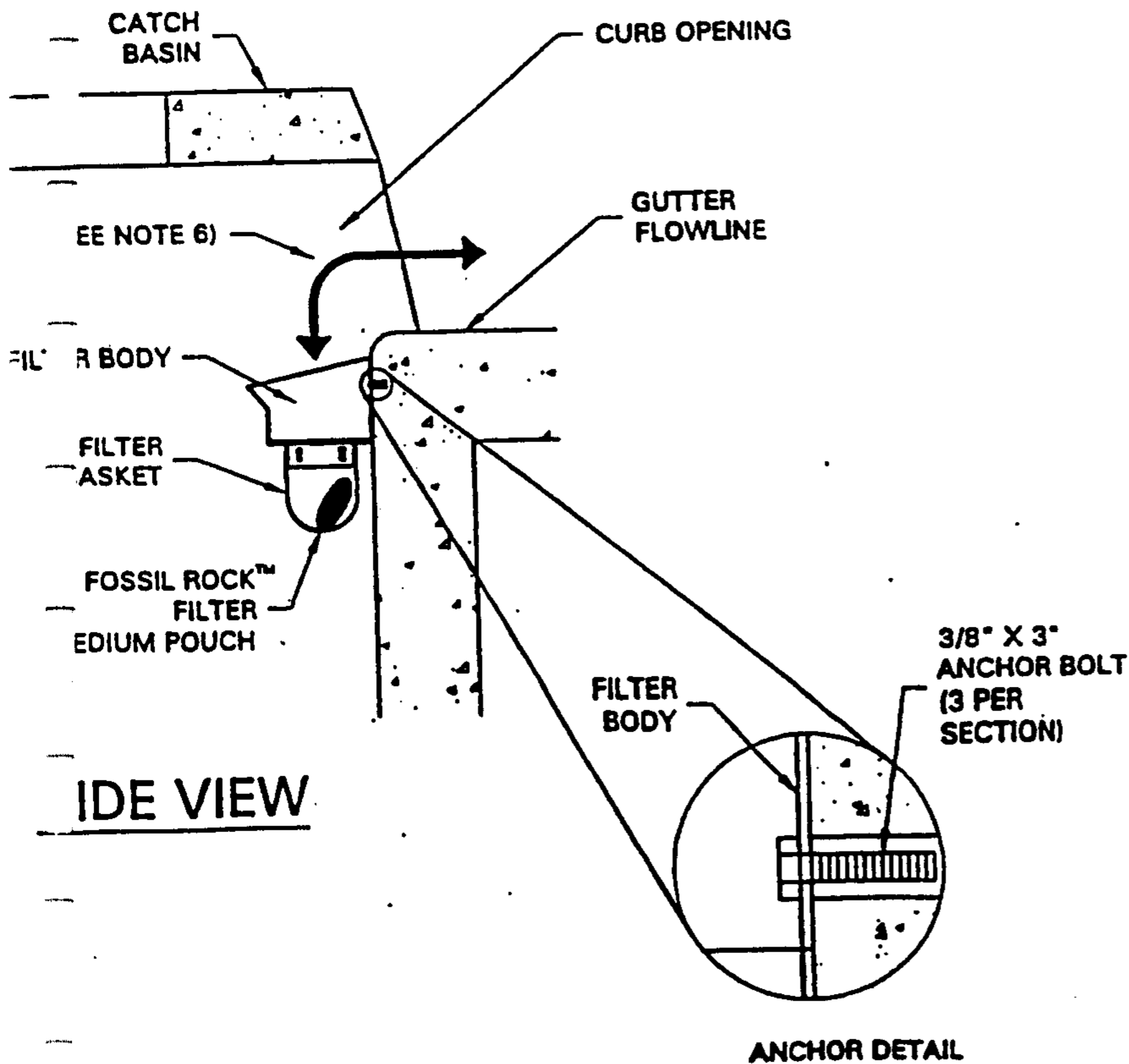
KriStar Enterprises, Inc., Santa Rosa, CA (800) 679-8819

PATENT PENDING



NOTES:

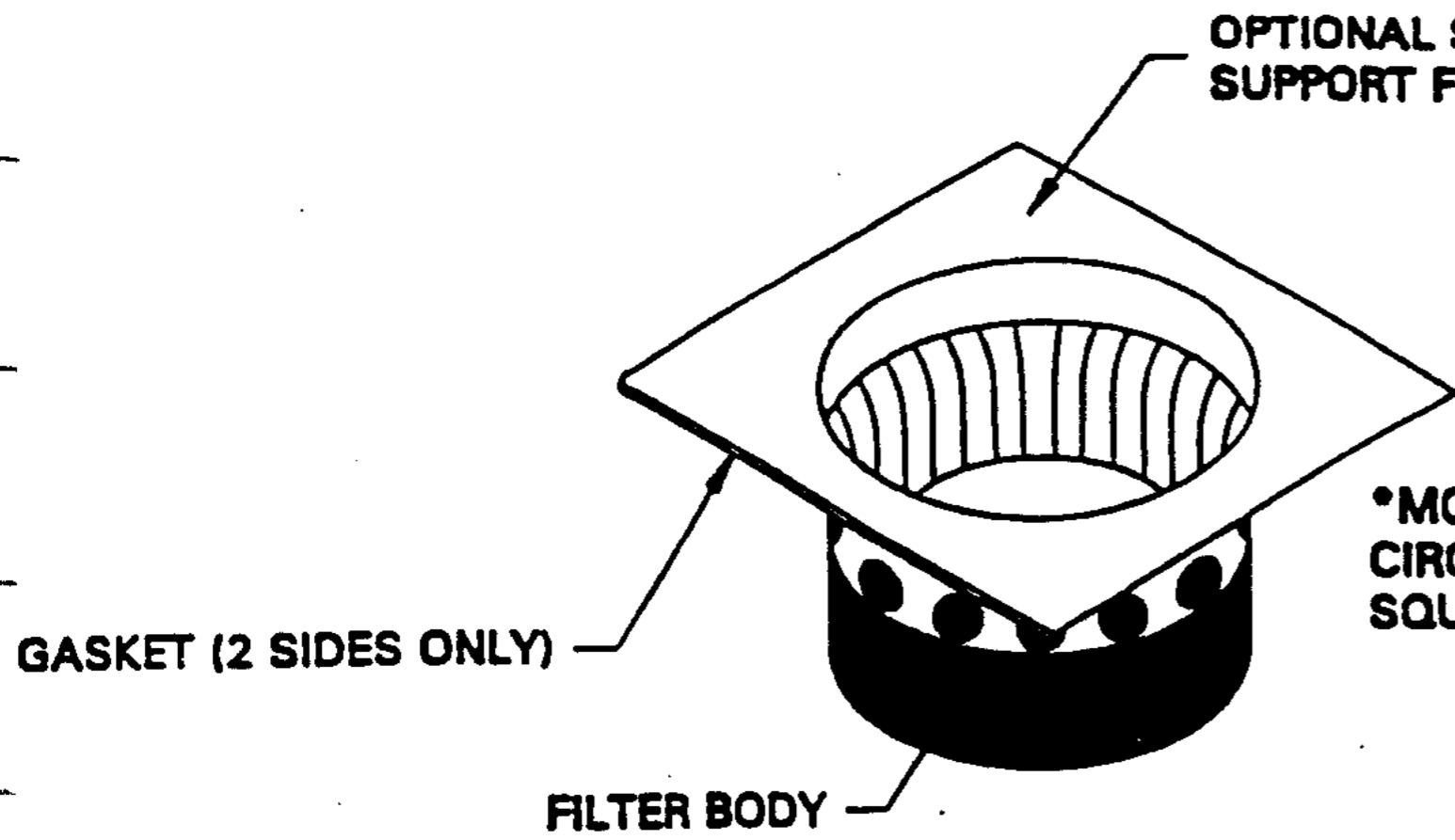
1. "Flo-Gard" filter body shall be manufactured from petroleum resistant fiberglass which meets or exceeds PS 15-69.
2. All metal components shall be stainless steel (Type 304).
3. Removeable filter basket shall be constructed from durable polypropylene woven monofilament geotextile.
4. "Flo-Gard" filter body shall be secured to catch basin wall with expansion anchor bolts and washer. (See detail)
5. "Flo-Gard" inserts are available in 24" or 30" length sections and may be installed in various combinations (end-to-end) to fit most catch basin widths.
6. Filter basket may be removed through curb opening for ease of maintenance.
7. Filter medium shall be *Fossil Rock™* in disposable pouches, installed and maintained in accordance with manufacturer recommendations.



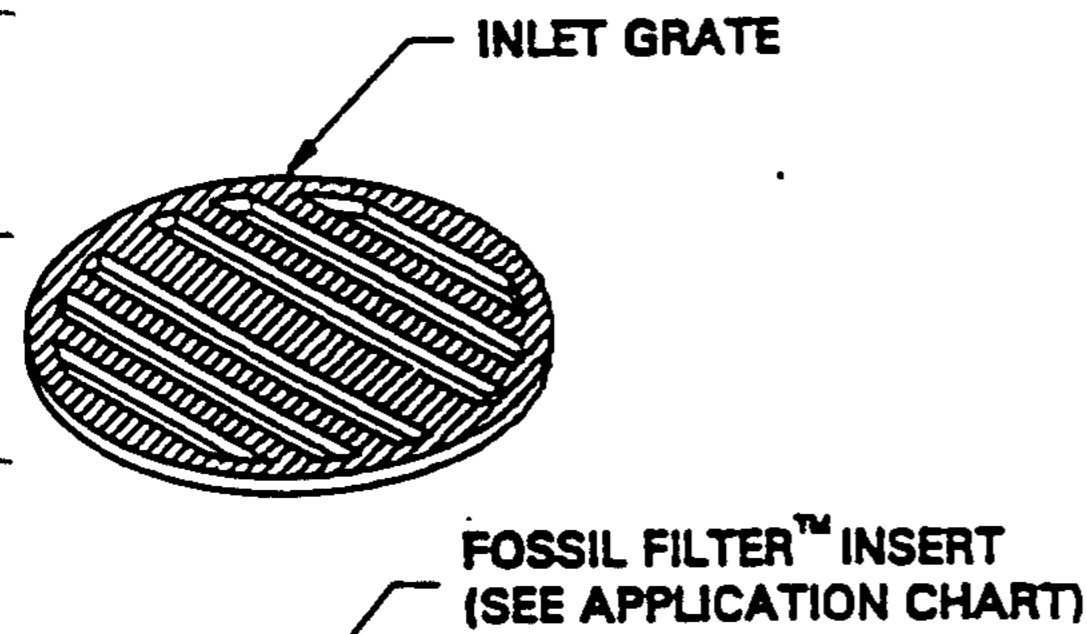
**FOSSIL FILTER™
FLO-GARD™
CATCH BASIN INSERT
(CURB OPENING INLET)**

KriStar Enterprises, Inc., Santa Rosa, CA (800) 579-8819

PATENT PENDING

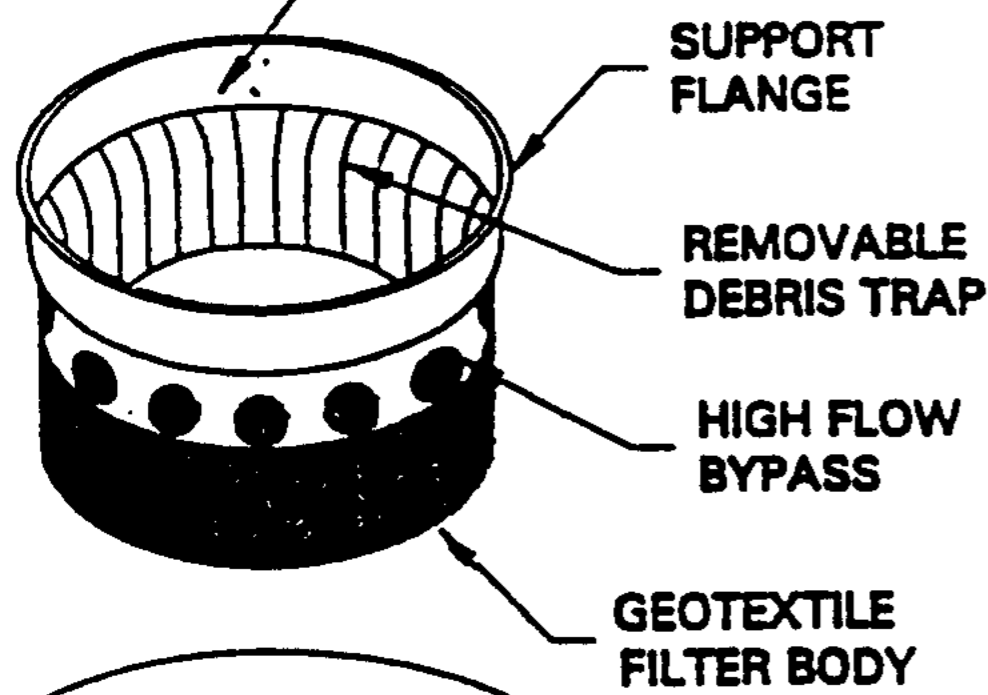


*MODEL RF-24HC-S OR RF-20HC-S
CIRCULAR FILTER WITH
SQUARE SUPPORT FLANGE



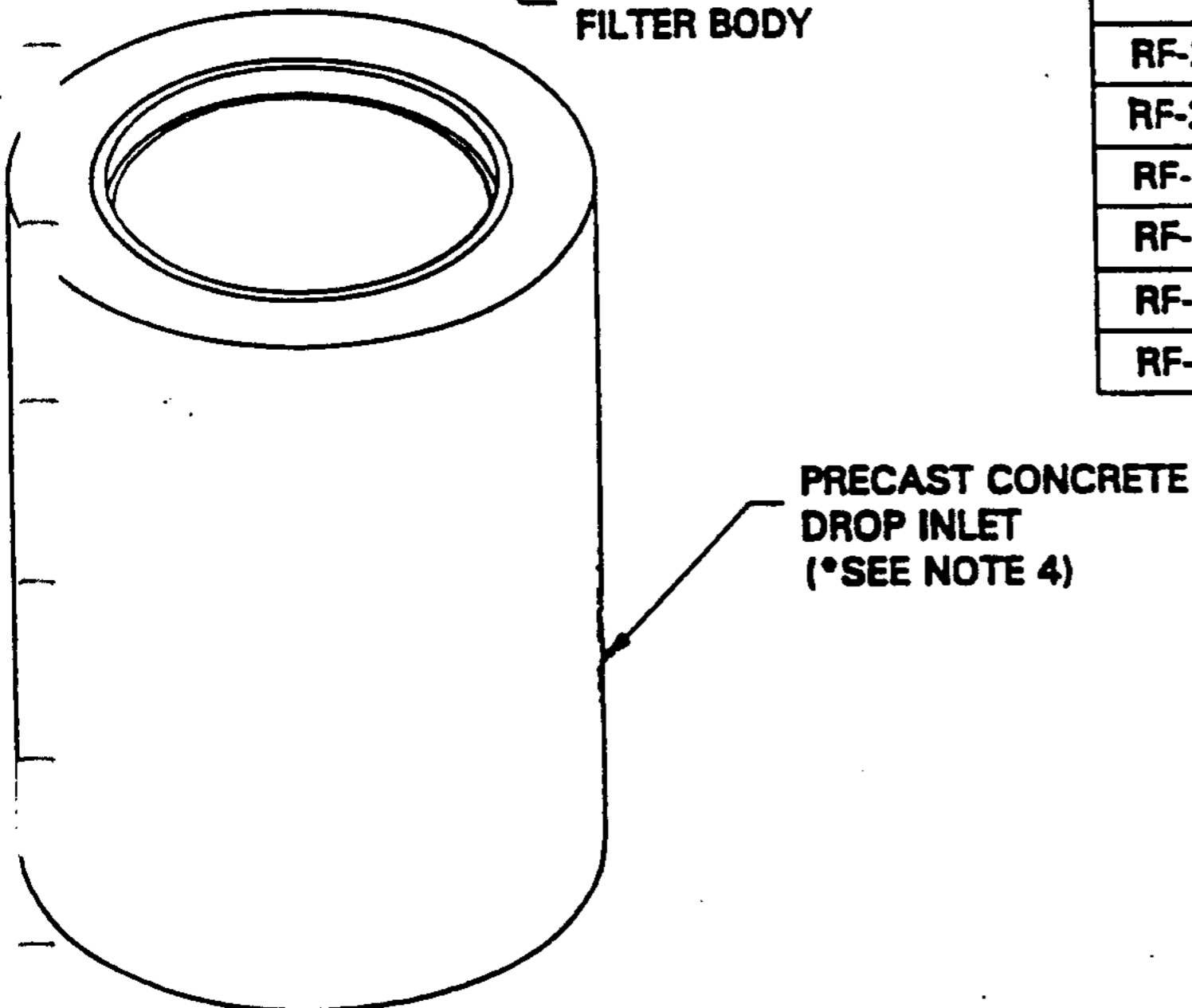
NOTES:

1. *Fossil Filter™* insert body shall be one piece manufactured from either High Density Polyethylene (HDPE) or petroleum resistant fiberglass which meets or exceeds PS 15-69.
2. All metal components shall be a stainless steel (Type 304).
3. Refer to application chart for catch basin and filter sizing.
4. Model RF-24HC-S and RF-20HC-S circular filters are available with square top flange to fit square (24"x24") or square-to-round (24") drop inlet. Other sizes are available by special order.
5. Refer to Manufacturer's recommendations for maintenance program.



APPLICATION CHART

MODEL NO.	Filter O.D.	Inlet I.D.	GRATE O.D.
RF-24HC	23.00"	24.00"	25.00"
RF-24HC-S	23.00"	24.00"	26"X26"
RF-20HC	20.00"	21.00"	24.00"
RF-20HC-S	20.00"	21.00"	24.00"
RF-18HC	17.00"	18.00"	19.00"
RF-15HC	15.00"	16.00"	18.00"

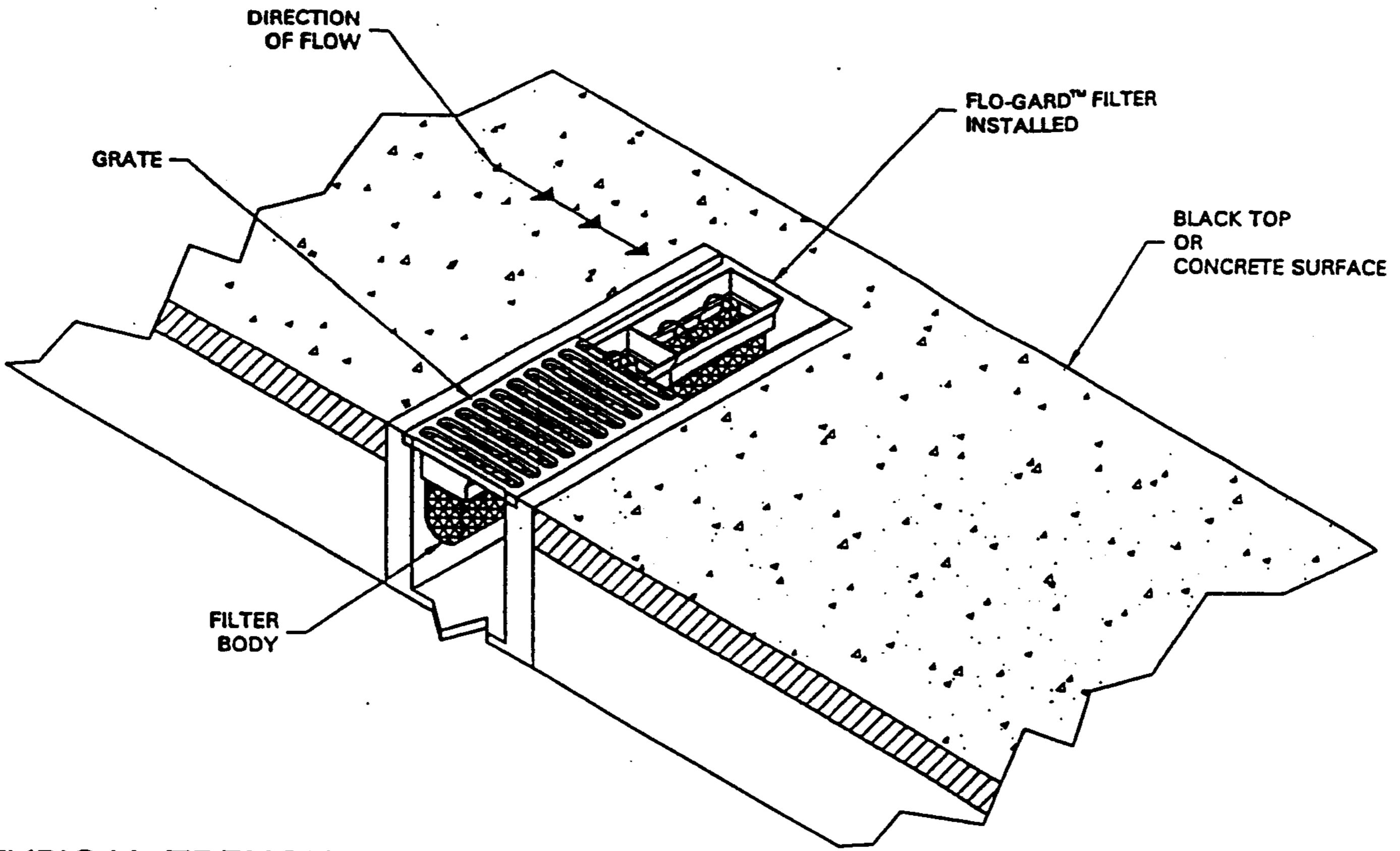


FLO-GARD™ HIGH CAPACITY (CIRCULAR) CATCH BASIN INSERT

KriStar Enterprises, Inc., Santa Rosa, CA (800) 579-8819

"PATENT PENDING"

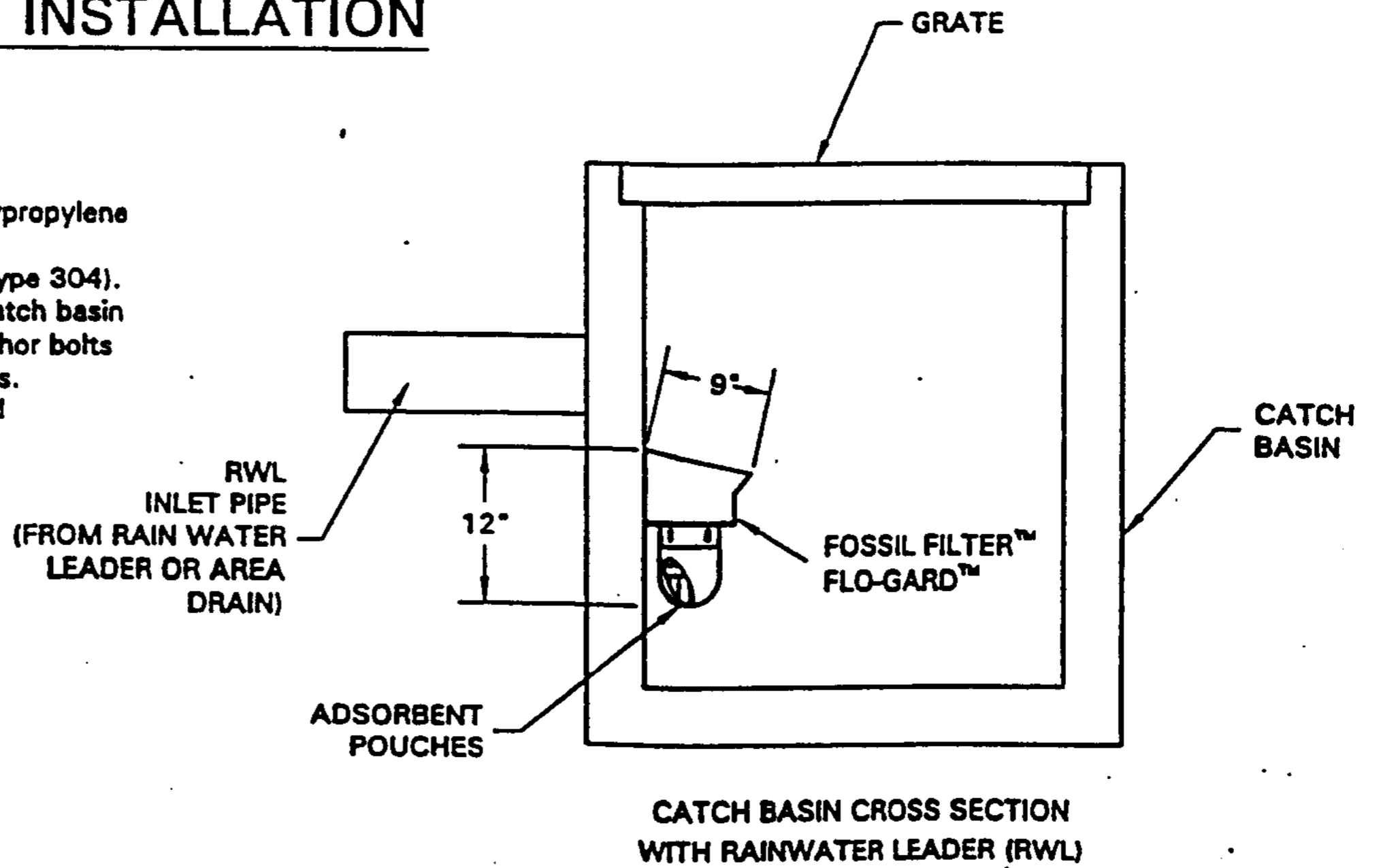
SCALE: NONE



TYPICAL TRENCH DRAIN INSTALLATION

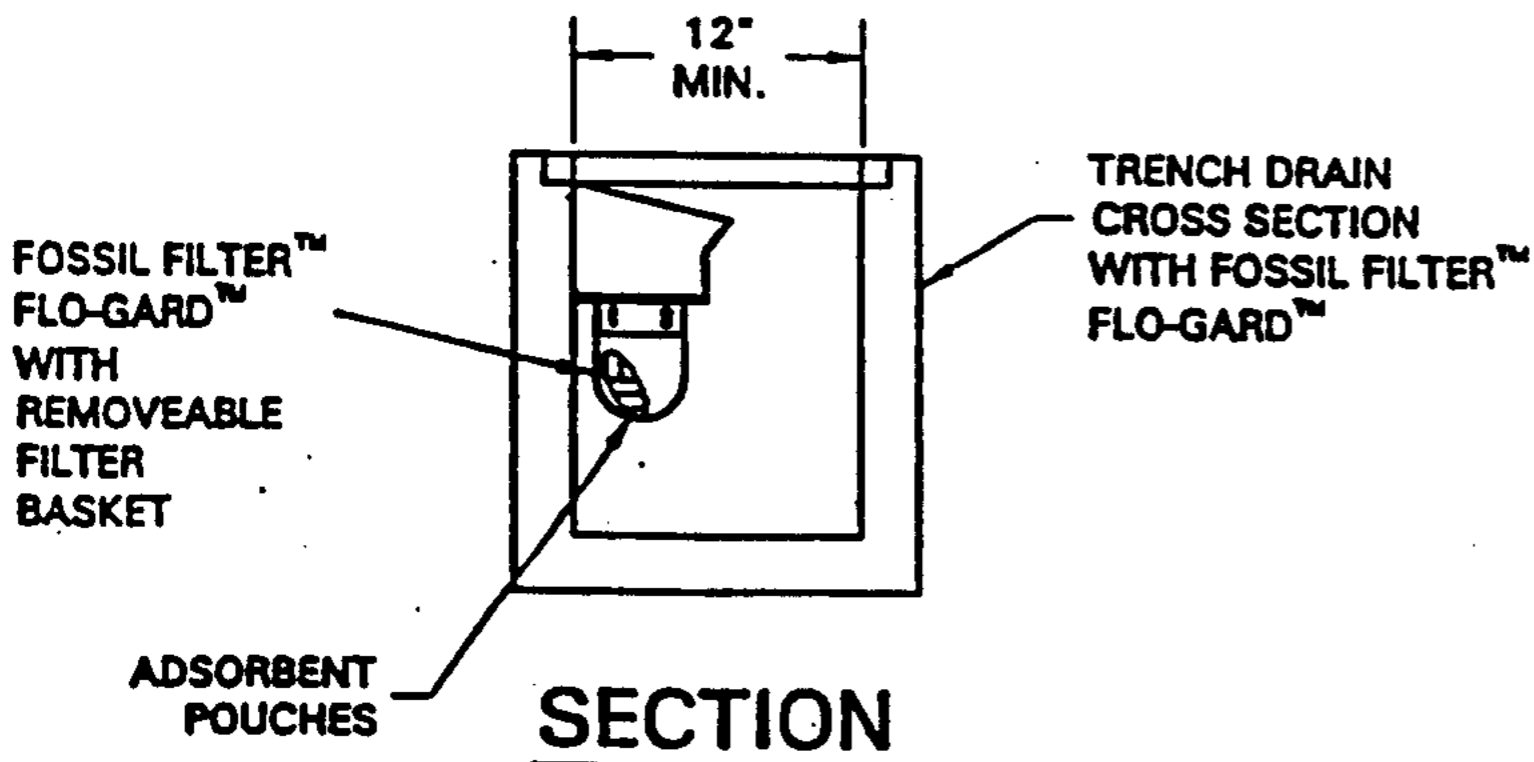
NOTES:

1. *Flo-Gard™* Filter body is prefabricated from polypropylene woven monofilament geotextile.
2. All metal components shall be stainless steel (Type 304).
3. Filter body shall be secured to trench drain or catch basin wall with a minimum of three (3) expansion anchor bolts (1/2" x 3") and stainless steel bolts and washers.
4. Filter medium shall be *Fossil Rock™* installed and maintained in accordance with manufacturer recommendations.



CATCH BASIN CROSS SECTION WITH RAINWATER LEADER (RWL)

SIDE VIEW



SECTION

**FOSSIL FILTER™
FLO-GARD™
SUPPLEMENTAL FILTER
(TRENCH DRAIN)**

KfiStar Enterprises, Inc., Santa Rosa, CA (800) 579-8819

PATENT PENDING

**GENERAL SPECIFICATIONS FOR *FOSSIL FILTER*TM
FLO-GARD STANDARD AND FLO-GARD HIGH CAPACITY
CATCH BASIN INSERTS**

Scope:

This specification describes a **Catch Basin Filtration Device** that removes sediment, debris, trash and petroleum hydrocarbons from water flowing into the drainage inlet during low flows (first flush) without impeding the inlet's maximum design flow. Hydraulic bypass calculations shall be supplied upon request.

The filtration device shall incorporate a silicate adsorbent filter medium capable of collecting and containing non-soluble pollutants including, but not limited to, petroleum hydrocarbons (oil and grease). Filter medium shall be contained in separate removable containers that can easily be replaced without removing the filter liner. Filtration device shall not rely on collected sediment, debris, trash or filter liner as the medium for hydrocarbon collection.

High capacity filtration devices shall be supplied with removable debris trap for the retention of floatable pollutants during high flow periods.

Material Properties:

Filtration device support frame and hardware shall be manufactured from Type 304 stainless steel. It shall be designed to support maximum anticipated loads from the collected pollutants and water, without anchoring to inlet. Structural calculations or laboratory tests shall be supplied upon request.

Filtration device body, debris trap and related support components shall be constructed from corrosion resistant materials (HDPE plastic, petroleum resistant fiberglass or Type 304 stainless steel).

Device liner shall be made from woven polypropylene monofilament geotextile with a maximum clean flow rate of 140 gpm/ft².

Filter medium shall be hydrophobic silicate adsorbent material treated to attract and retain petroleum hydrocarbons and other non-soluble pollutants. It shall be non-biodegradable and non-leaching and contain no hazardous ingredients as defined by the U.S. Environmental Protection Agency (EPA), U.S. Occupational Safety and Health Administration (OSHA), and the World Health Organization (WHO).

Installation:

Installation of filtration device shall not require extensive modification of the catch basin and shall be performed by a manufacturer-approved installation contractor. Installation contractor shall be licensed and insured in accordance with agency requirements.

PAGE 2 – GENERAL SPECIFICATIONS

Filtration devices installed into grated or combination grate with curb opening inlets shall be self-supporting and installed without the use of anchoring devices.

Devices for curb opening inlets (no grate) shall have a removable filter basket that can be removed for maintenance without physically entering drainage inlet. Device shall be secured to inlet wall, across and beneath curb opening, using corrosion-resistant anchors in accordance with manufacturer recommendations. The use of chains or cables shall not be allowed. All anchoring devices shall be installed within the interior of the drainage inlet. Anchoring devices shall not be installed outside the drainage inlet in areas subject to foot or vehicle traffic.

Filtration devices shall be installed in such a manner as to direct all flows into the device. Distance (gaps) between inlet wall and device shall not exceed one inch (1"). Gaps of less than 1" shall be sealed with a flexible weatherproof sealant, as approved by agency.

Installation contractor shall supply agency with an installation record, denoting the date of installation, drainage inlet location, type of drainage inlet and type and/or size of filtration device.

(Rev.03/01)

**FOSSIL FILTER™
MANUFACTURER
REPRESENTATIVES**

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SO. CALIFORNIA

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Fax: (858) 560-5273

ARIZONA

TRESCO
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Phoenix AZ 85005
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UTAH, NEW MEXICO**

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Parker CO 80134
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Fax: (303) 840-3303

**CONNECTICUT, DELAWARE,
MAINE, MARYLAND, MASS., NEW
HAMPSHIRE, NEW JERSEY,
PENN. & RHODE ISLAND**

Knight Treatment Systems
Contact: Mark Noga
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Oswego NY 13126
Phone: (800) 560-2454
Fax: (315) 343-6114

**GEORGIA, NORTH & SOUTH
CAROLINA & ALABAMA**

Abzorbit
Contact: Jesse Cross
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Conover NC 28613
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Fax: (828) 464-4952

TEXAS

Tom Bartlett and Associates
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Plano TX 75075
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Fax: (972) 881-2810

**WASHINGTON, OREGON, IDAHO
ALASKA, HAWAII, PACIFIC ISLANDS**

Frontier Sales, Inc.
Contact: David Luke
3439 NE Sandy Blvd., Suite 377
Portland, OR 97232
Phone: (503) 281-9225
Fax: (503) 281-9227

**For Oregon & Washington:
Frontier Sales, Inc.**
Contact: Chuck Richardson
1410 NE 124th St. #122
Kirkland WA 98034
Phone: (425) 820-8984
Fax: (425) 820-2347

OHIO

SSECO
Contact: David Chrien
1294 E. 55th St.
Cleveland OH 44103
Phone: (216) 431-6100
Fax: (216) 432-0230

**INSTALLATION
AND
MAINTENANCE
REPRESENTATIVES**

CALIFORNIA

**NORTHERN
CALIFORNIA
Drainage Protection System**
Contact: Sandy Matos
P.O. Box 7352
Santa Rosa CA 95407
(888) 950-8826
Fax: (707) 524-8186

**SAN DIEGO &
IMPERIAL COUNTIES**

Downstream Services
Contact: Bill Roseberry
2855 Progress Place
Escondido CA 92029
Phone: (760) 746-2544
Fax: (760) 746-2667

**SAN BERNARDINO &
RIVERSIDE COUNTIES**

Storm Drain Filters
Contact: Todd Parker
5086 Brookburn Drive
San Diego CA 92130
Phone: (858) 509-9592
Fax: (858) 509-9592

**LOS ANGELES,
VENTURA,
& SAN LUIS OBISPO
COUNTIES**

Hydro Filtration Dynamics
Contact: Darcey Beach
240 N. Donna
Oak View CA 93022
Phone: (805) 312-1563
Fax: (805) 649-5226

ORANGE COUNTY
Cascade Environmental
Contact: Ron Crawford
2087 Valley Road
Costa Mesa CA 92627
Phone: (888) 935-2786
Fax: (949) 720-8650

**CONTRA COSTA,
FRESNO, MODESTO SAN
JOAQUIN COUNTIES**

**S&S Environmental
Drainage Systems**
Contact: Don Lemings
1460 Washington Ave - C3
Concord CA 94521
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Fax: (925) 672-0120

**MARIN, NAPA &
SONOMA COUNTIES**

Oak Grove Construction
Contact: Roger Hermsmeyer
3354 Regional Parkway
Santa Rosa CA 95403
Phone: (707) 525-1910
Fax: (707) 525-0592

**SACRAMENTO & EL
DORADO
COUNTIES**

Performance Piping Co.
Contact: Mike Holman
3255A Monier Circle
Rancho Cordova CA 95742
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Fax: (916) 635-4397

**CONTRA COSTA AND
SOLANO COUNTIES**

SMC Construction
Contact: Steve Wintch
122 La Sonoma Way
Alamo CA 94507
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Fax: (925) 552-0389

**14 NORTHEASTERN
COUNTIES**

Sonoma Fabricators
Contact: Jim Holzer
7936 Charlene Way
Citrus Heights CA 95610
Phone: (916) 969-8111
Fax: (916) 722-1053

**STATES OF INDIANA &
ILLINOIS**

**Petroleum Equipment of
Indiana**
Contact: Rod Armes
7630 North Fox Hollow Road
Bloomington IN 47408
Phone: (812) 331-2318
Fax: (812) 331-2495

FOSSIL FILTER™ MAINTENANCE GUIDELINES

THE NEED FOR AN EFFECTIVE POLLUTION PREVENTION PROGRAM

When installed in a drainage inlet catch basin or tank, Fossil Filter™, Flo-Gard or any of the associated line of products are effective tools in the effort to reduce pollution of lakes, rivers, streams and oceans caused by pollutants borne in urban water runoff.

Within the United States, the federal Environmental Protection Agency (EPA) has, via the Clean Water Act (CWA), mandated that states and cities implement Storm Water Pollution Prevention Programs (SWPPP) to curtail pollution from water runoff. The EPA cites Best Available Technology (BAT) criteria for states and cities to use. Fossil Filter™ meets the BAT criteria.

Once installed, the Fossil Filter™ becomes subject to the provisions of the EPA's Clean Water Act and its Best Management Practices (BMP) dictates. According to the EPA, BMP's include the development of a plan to prevent pollution from urban water runoff. Responsibility for developing the plan ultimately rest with the landowner. A natural component of any plan is the establishment of an overall maintenance program.

Note: Phase II of the Clean Water Act mandates maintenance of installed systems. Further, without an established maintenance program, KriStar Enterprises cannot warrant the effectiveness of the Fossil Filter™.

An effective maintenance program, where Fossil Filter™ is installed, should include the following key components:

1. REGULAR SWEEPING AND REMOVAL OF DEBRIS:

Vehicle parking lots, corporation yards, and so forth should be swept on a regular basis. Sediment and debris (litter, leaves, papers and cans, etc.) within the area, especially around the drainage inlet, should be collected and removed. The frequency of sweeping should be based on the amount of sediment and debris generated.

2. REGULAR INSPECTIONS:

The Fossil Filter™ installation should be inspected on a regular basis. The frequency of inspection should be based on pollutant loading, amount of debris, leaves, etc., and amount of runoff. Manufacturer recommendations include no less than three inspections per year.

Manufacturer guidelines for timing of inspections are:

- a. For areas with a definite rainy season: Prior to, during and following the rainy season.
- b. For areas subject to year-round rainfall: On a recurring (preferably scheduled) basis.
- c. For areas with winter snow and summer rain: Prior to and just after the snow season and during the summer rain season.
- d. For filters not subject to the elements (washracks, parking garages, etc.), inspections should be on a regular basis.

3. CONDUCT OF THE VISUAL INSPECTION:

- a. After broom sweeping and removing debris from around the inlet, the catch basin grate should be removed and the condition of the screens checked.
- b. The installed adsorbent should be inspected. For Hydrocarbon (Drop-In) units with screens covering the adsorbent, the screen's condition should be checked and the adsorbent visually inspected through the screen. If excessive silt covers the top of the adsorbent or if the adsorbent granules are more than one-half coated with a dark gray or black substance, the adsorbent should be replaced (see 4 below). For Flo-Gard units with adsorbent pouches, the condition of the pouches should be checked and a visual inspection made of the enclosed adsorbent. As above, if the granules are covered, the pouches should be replaced.

PAGE 2 – MAINTENANCE GUIDELINES

- c. For the FloGard filters, which have a fabric filter body, the serviceability of the fabric should be determined and, if called for, replaced with a new one.
- d. The filter components should be replaced in the inlet and the grate replaced.

4. REPLACEMENT OF THE EXPOSED ADSORBENT FILTER MEDIUM:

- a. To avoid spilling the exposed (and clean) adsorbent filter medium into or onto the surrounding surface, the person replacing the adsorbent should move away from the inlet and work over a large work cloth.
- b. All exposed adsorbent and collected debris must be dumped into a DOT-approved container for later disposal. The method of replacing the adsorbent depends on the type of filter: 1) For filters with removable filter cartridges, the cartridges need to be removed from the filter, the end caps removed and the exposed material poured out. 2) For filters with one-piece top screens, the entire filter needs to be removed to the work area, the top screen removed and the exposed material poured out. 3) For filters with adsorbent pouches, the pouches need to be removed and disposed of. 4) For 1) and 2) above, new adsorbent will be poured into the adsorbent containment area to a level about 1 ½ inches from the top screen when the filter cartridge or filter is level.
Note: Overfilling will result in decreased filtering efficiency. For 3) above, new adsorbent pouches are snapped into place.

5. DISPOSAL OF THE EXPOSED ADSORBENT:

The exposed adsorbent is non-biodegradable, non-leaching and non-carcinogenic so, with proper handling and documentation, it can usually be disposed of at a landfill. However, because disposal regulations vary by area, it is recommended that the persons disposing of the material contact their local regulatory agency and landfill to ensure compliance with local and state environmental regulations.

Note: As the generator, the landowner is ultimately responsible for the proper disposal.

6. REPLENISHMENT OF ADSORBENT MATERIAL SUPPLY:

Persons responsible for maintaining Fossil Filters should keep a sufficient amount of Fossil Rock adsorbent on hand to replace the installed adsorbent plus an additional amount to be used in case of dry land oil spills. To reorder Fossil Rock, see below.

Note: Fossil Rock adsorbent is the only tested and approved material for use in Fossil Filter™ products. KriStar Enterprises, the manufacturer of Fossil Filter, cannot guarantee a similar level of filter efficiency with the use of other materials.

If you have questions about the Fossil Filter products or Fossil Rock adsorbent, please call KriStar Enterprises at (800) 579-8819.

(Rev03/01)

DRAINAGE PROTECTION SYSTEMS*

GENERAL SPECIFICATIONS FOR MAINTENANCE OF STORMWATER INTERCEPTOR FILTER UNITS

Scope:

Federal, State and Local Clean Water Act regulations and those of insurance carriers require that Stormwater Filtration Systems be maintained and serviced on a regular basis. The intent of the regulations is to ensure that the systems efficiently perform their function of removing petroleum hydrocarbons, chemicals, silt and other harmful pollutants from stormwater runoff.

Recommended Frequency of Service:

Manufacturers of Stormwater Interceptors recommend that the units be serviced every six months. The codes of some cities may require more frequent service. Cost quotes for service are available on request.

Service and Maintenance Procedures:

Each service will include removal of debris and broom cleaning around the inlet. The inlet manhole cover will be removed and a visual inspection made for oils and other hydrocarbons on the surface. The unit will be inspected for damage, the standing water will be checked for clarity, the depth of the collected sand and silt will be measured and the filter replaced. The area will be broom cleaned once more and the manhole cover replaced. Subsequent to the service, the landowner and the city involved will be furnished certificates of service.

Disposal of Exposed Filters:

The exposed filters will be placed in a DOT approved container and disposed of in accordance with local regulatory agency specifications to ensure compliance with all local and state environmental regulations. When required, an EPA number will be assigned verifying proper disposal.

Additional Services, If Required:

Services not included in the standard maintenance contract but which may be required on an as-needed basis are: pumping and removal of silt and sand when the depth is 12 inches (manufacturer recommended) or more and repair of the interceptor structure.

***Drainage Protection Systems (DPS) is a dba of KriStar Enterprises, Inc.**

DRAINAGE PROTECTION SYSTEMS*
GENERAL SPECIFICATIONS FOR MAINTENANCE OF
CATCH BASIN FILTRATION SYSTEMS

Scope:

Federal, State and Local Clean Water Act regulations and those of insurance carriers require that stormwater filtration systems be maintained and serviced on a regular basis. The intent of the regulations is to ensure that the systems efficiently filter petroleum hydrocarbons, chemicals, sediment and other harmful pollutants from stormwater runoff.

Recommended Frequency of Service:

The manufacturers of catch basin filtration systems recommend that the systems be inspected, serviced and the filter medium changed on a regular basis. The frequency depends on the amount of runoff, pollutant loading and interference from debris (leaves, cans, papers, etc.). As a minimum, Drainage Protection Systems (DPS) recommends that each installation be inspected and serviced a minimum of three times and the filter medium changed two times per year. Custom plans, with cost quotations, are available from DPS on request.

Inspection, Service and Media Change Procedures:

- **Inspection:** Inspection of an installed filtration device consists of traveling to the site, broom cleaning and a visual inspection of the area. Debris will be removed from around the drainage inlet, the grate will be removed and debris will be collected from the top of the filter and on the grate ledge. The visible areas of the filter will be inspected for damage and serviceability, the grate will be replaced and the collected debris properly disposed of.
- **Service:** Servicing of the device consists of the foregoing inspection procedures plus removal of the filter assembly. The assembly structure will be inspected for serviceability and brush cleaned. The filter medium containers will be brush cleaned, the installed filter medium will be mixed up and inspected for remaining useful life. The assembly will be replaced in the inlet and the grate replaced.
- **Media Change Procedures:** Changing the filter medium involves the foregoing inspection and service procedures plus, when the filter medium containers are removed, the exposed medium will be disposed of in a DOT approved container and new media installed.

Disposal of the Exposed Adsorbent and Debris:

The exposed adsorbent and debris will be placed in a DOT approved container. Disposal will comply with local, state and federal regulatory agency requirements. When appropriate, an EPA number will be assigned verifying proper disposal.

Additional Services, If Required:

Services not included in the foregoing but may be necessary are removal and disposal of waste at the bottom of the catch basin, repair of the filter or catch basin, or, in areas of heavy silting or excessive tree leaves, more frequent inspections and services.

***Drainage Protections Systems (DPS) is a dba of KriStar Enterprises, Inc.**

(Rev.03/01)



FOSSIL FILTER™



MAINTENANCE RECORD

WHITE - Client

YELLOW - Distributor

PINK - Installer

PROJECT NAME: _____

OWNER/CONTACT: _____ PHONE: _____

PROJECT ADDRESS: _____

DISTRIBUTOR: _____

INSTALLED BY: _____

Quantity/type installed: _____

Approx. Dimensions: _____

Required *Fossil Rock™* refill: _____

Date: _____ Maintained By: _____

Comments: _____

Date: _____ Maintained By: _____

Comments: _____

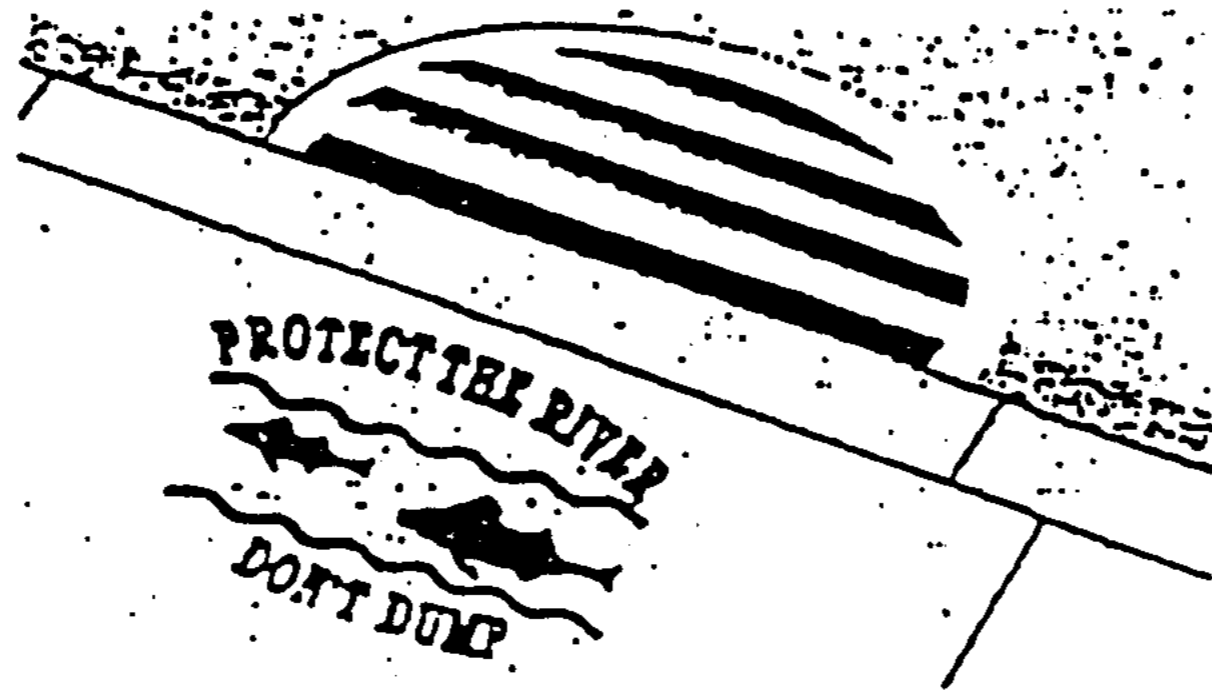
Date: _____ Maintained By: _____

Comments: _____

Date: _____ Maintained By: _____

Comments: _____

ACTIVITY: NON-STORM WATER DISCHARGES TO DRAINS



DESCRIPTION

Eliminate non-storm water discharges to the storm water collection system. Non-storm water discharges may include: process wastewaters, cooling waters, wash waters, and sanitary wastewater.

APPROACH

The following approaches may be used to identify non-storm water discharges:

- Visual Inspection
 - The easiest method is to inspect each discharge point during dry weather.
 - Keep in mind that drainage from a storm event can continue for three days or more and groundwater may infiltrate the underground storm water collection system.
- Piping Schematic Review
 - The piping schematic is a map of pipes and drainage systems used to carry wastewater, cooling water, sanitary wastes, etc.
 - A review of the "as-built" piping schematic is a way to determine if there are any connections to the storm water collection system.
 - Inspect the path of floor drains in older buildings.
- Smoke Testing
 - Smoke testing of wastewater and storm water collection systems is used to detect connections between the two systems.
 - During dry weather the storm water collection system is filled with smoke and then traced to sources. The appearance of smoke at the base of a toilet indicates that there may be a connection between the sanitary and the storm water system.
- Dye Testing
 - A dye test can be performed by simply releasing a dye into either your sanitary or process wastewater system and examining the discharge points from the storm water collection system for discoloration.

REQUIREMENTS

Costs (Capital, O&M)

- Can be difficult to locate illicit connections especially if there is groundwater infiltration.

LIMITATIONS

- Many facilities do not have accurate, up-to-date schematic drawings.
- TV and visual inspections can identify illicit connections to the storm sewer, but further testing is sometimes required (e.g. dye, smoke) to identify sources.

Applications

- Manufacturing
- Material Handling
- Vehicle Maintenance
- Construction
- Commercial Activities
- Roadways
- Waste Containment
- Housekeeping Practices

Targeted Constituents

- Sediment
- Nutrients
- Heavy Metals
- Toxic Materials
- Floatable Materials
- Oxygen Demanding Substances
- Oil & Grease
- Bacteria & Viruses
- Likely to Have Significant Impact
- Probable Low or Unknown Impact

Implementation Requirements

- Capital Costs
- O&M Costs
- Maintenance
- Training

- High
- Low

SC1



Additional Information — Non-Storm Water Discharges to Drains

Facilities subject to storm water permit requirements must include a certification that the storm water collection system has been tested or evaluated for the presence of non-storm water discharges. The State's General Industrial Storm Water Permit requires that non-storm water discharges be eliminated prior to implementation of the facility's SWPPP.

Non-storm water discharges to the storm water collection system may include any water used directly in the manufacturing process (process wastewater), air conditioning condensate and coolant, non-contact cooling water, cooling equipment condensate, outdoor secondary containment water, vehicle and equipment wash water, sink and drinking fountain wastewater, sanitary wastes, or other wastewaters. Table 4.1 presents disposal option information for specific types of wastewaters.

To ensure that the storm water system discharge contains only storm water, industry should:

- Locate discharges to the municipal storm sewer system or waters of the United States from the industrial storm sewer system from:
 - "as-built" pipeline schematics, and
 - visual observation (walk boundary of plant site).
- Locate and evaluate all discharges to the industrial storm sewer system (including wet weather flows) from:
 - "as-built" pipeline schematics,
 - visual observation,
 - dye tests,
 - TV camera,
 - chemical field test kits, and
 - smoke tests.
- Develop plan to eliminate illicit connections:
 - replumb sewer lines,
 - isolate problem areas, and
 - plug illicit discharge points.
- Develop disposal options.
- Document that non-storm water discharges have been eliminated by recording tests performed, methods used, dates of testing, and any on-site drainage points observed.

REFERENCES

- General Industrial Storm Water Permit, SWRCB, 1992.
- NPDES General Permit for Discharges of Storm Water Associated with Industrial Activity in Santa Clara County to South San Francisco Bay or its Tributaries, SFBRWQCB, 1992.
- Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans, and Best Management Practices, EPA 832-R-92-006, USEPA, 1992.

SC1



TABLE 4.1 QUICK REFERENCE - DISPOSAL ALTERNATIVES
(Adopted from Santa Clara County Nonpoint Source Pollution Control Program - December 1992)

All of the waste products on this chart are prohibited from discharge to the storm drain system. Use this matrix to decide which alternative disposal strategies to use. ALTERNATIVES ARE LISTED IN PRIORITY ORDER.

Key: HHW Household hazardous waste (Government-sponsored drop-off events)
 POTW Publically Owned Treatment Plant
 Reg.Bd. Regional Water Quality Control Board (Oakland)
 "Dispose to sanitary sewer" means dispose into sink, toilet, or sanitary sewer clean-out connection.
 "Dispose as trash" means dispose in dumpsters or trash containers for pickup and/or eventual disposal in landfill.
 "Dispose as hazardous waste" for business/commercial means contract with a hazardous waste hauler to remove and dispose.

DISCHARGE/ACTIVITY	BUSINESS/COMMERCIAL		RESIDENTIAL
	Disposal Priorities	Approval	
General Construction and Painting; Street and Utility Maintenance			
Excess paint (oil-based)	1. Recycle/reuse. 2. Dispose as hazardous waste.		1. Recycle/reuse. 2. Take to HHW drop-off.
Excess paint (water-based)	1. Recycle/reuse. 2. Dry residue in cans, dispose as trash. 3. If volume is too much to dry, dispose as hazardous waste.		1. Recycle/reuse. 2. Dry residue in cans, dispose as trash. 3. If volume is too much to dry, take to HHW drop-off
Paint cleanup (oil-based)	Wipe paint out of brushes, then: 1. Filter & reuse thinners, solvents. 2. Dispose as hazardous waste.		Wipe paint out of brushes, then: 1. Filter & reuse thinners, solvents. 2. Take to HHW drop-off.
Paint cleanup (water-based)	Wipe paint out of brushes, then: 1. Rinse to sanitary sewer.		Wipe paint out of brushes, then: 1. Rinse to sanitary sewer.
Empty paint cans (dry)	1. Remove lids, dispose as trash.		1. Remove lids, dispose as trash.
Paint stripping (with solvent)	1. Dispose as hazardous waste.		1. Take to HHW drop-off.
Building exterior cleaning (high-pressure water)	1. Prevent entry into storm drain and remove offsite 2. Wash onto dirt area, spade in 3. Collect (e.g. mop up) and discharge to sanitary sewer	POTW	
Cleaning of building exteriors which have HAZARDOUS MATERIALS (e.g. mercury, lead) in paints	1. Use dry cleaning methods 2. Contain and dispose washwater as hazardous waste (Suggestion: dry material first to reduce volume)		

Table 4.1 (Continued)
Page 2

DISCHARGE/ACTIVITY	BUSINESS/COMMERCIAL		RESIDENTIAL
	Disposal Priorities	Approval	
General Construction and Painting; Street and Utility Maintenance (cont'd)			
Non-hazardous paint scraping/sand blasting	1. Dry sweep, dispose as trash		1. Dry sweep, dispose as trash
HAZARDOUS paint scraping/sand blasting (e.g. marine paints or paints containing lead or tributyl tin)	1. Dry sweep, dispose as hazardous waste		1. Dry sweep, take to HHW drop-off
Soil from excavations during periods when storms are forecast	<ol style="list-style-type: none"> Should not be placed in street or on paved areas Remove from site or backfill by end of day Cover with tarpaulin or surround with hay bales, or use other runoff controls Place filter mat over storm drain Note: Thoroughly sweep following removal of dirt in all four alternatives.		
Soil from excavations placed on paved surfaces during periods when storms are not forecast	1. Keep material out of storm conveyance systems and thoroughly remove via sweeping following removal of dirt		
Cleaning streets in construction areas	<ol style="list-style-type: none"> Dry sweep and minimize tracking of mud Use silt ponds and/or similar pollutant reduction techniques when flushing pavement 		
Soil erosion, sediments	<ol style="list-style-type: none"> Cover disturbed soils, use erosion controls, block entry to storm drain. Seed or plant immediately. 		
Fresh cement, grout, mortar	<ol style="list-style-type: none"> Use/reuse excess Dispose to trash 		<ol style="list-style-type: none"> Use/reuse excess Dispose as trash
Washwater from concrete/mortar (etc.) cleanup	<ol style="list-style-type: none"> Wash onto dirt area, spade in Pump and remove to appropriate disposal facility Settle, pump water to sanitary sewer 		<ol style="list-style-type: none"> Wash onto dirt area, spade in Pump and remove to appropriate disposal facility Settle, pump water to sanitary sewer
Aggregate wash from driveway/patio construction	<ol style="list-style-type: none"> Wash onto dirt area, spade in Pump and remove to appropriate disposal facility Settle, pump water to sanitary sewer 	POTW	<ol style="list-style-type: none"> Wash onto dirt area, spade in Pump and remove to appropriate disposal facility Settle, pump water to sanitary sewer

Table 4.1 (Continued)
Page 4

DISCHARGE/ACTIVITY	BUSINESS/COMMERCIAL Disposal Priorities	Approval	RESIDENTIAL Disposal Priorities
General Construction and Painting; Street and Utility Maintenance (cont'd)			
Leaks from construction debris bins	1. Insure that bins are used for dry nonhazardous materials only (Suggestion: Fencing, covering help prevent misuse)		
Dumpster cleaning water	1. Clean at dumpster owner's facility and discharge waste through grease interceptor to sanitary sewer 2. Clean on site and discharge through grease interceptor to sanitary sewer	POTW POTW	
Cleaning driveways, paved areas * (Special Focus = Restaurant alleys Grocery dumpster areas) * Note: Local drought ordinances may contain additional restrictions	1. Sweep and dispose as trash (Dry cleaning only). 2. For vehicle leaks, restaurant/grocery alleys, follow this 3-step process: a. Clean up leaks with rags or absorbents. b. Sweep, using granular absorbent material (cat litter). c. Mop and dispose of mopwater to sanitary sewer (or collect rinsewater and pump to the sanitary sewer). 3. Same as 2 above, but with rinsewater (2c)(no soap) discharged to storm drain.		1. Sweep and dispose as trash (Dry cleaning only). 2. For vehicle leaks, follow this 3-step process: a. Clean up leaks with rags or absorbents; dispose as hazardous waste. b. Sweep, using granular absorbent material (cat litter). c. Mop and dispose of mopwater to sanitary sewer.
Steam cleaning of sidewalks, plazas * * Note: Local drought ordinances may contain additional restrictions	1. Collect all water and pump to sanitary sewer. 2. Follow this 3-step process: a. Clean oil leaks with rags or absorbents b. Sweep (Use dry absorbent as needed) c. Use no soap, discharge to storm drain		
Potable water/line flushing Hydrant testing	1. Deactivate chlorine by maximizing time water will travel before reaching creeks		
Super-chlorinated (above 1 ppm) water from line flushing	1. Discharge to sanitary sewer 2. Complete dechlorination required before discharge to storm drain		

Table 4.1 (Continued)
Page 3

DISCHARGE/ACTIVITY	BUSINESS/COMMERCIAL		RESIDENTIAL, Disposal Priorities
	Disposal Priorities	Approval	
General Construction and Painting; Street and Utility Maintenance (cont'd)			
Rinsewater from concrete mixing trucks	<ol style="list-style-type: none"> 1. Return truck to yard for rinsing into pond or dirt area 2. At construction site, wash into pond or dirt area 		
Non-hazardous construction and demolition debris	<ol style="list-style-type: none"> 1. Recycle/reuse (concrete, wood, etc.) 2. Dispose as trash 		<ol style="list-style-type: none"> 1. Recycle/reuse (concrete, wood, etc.) 2. Dispose as trash
Hazardous demolition and construction debris (e.g. asbestos)	<ol style="list-style-type: none"> 1. Dispose as hazardous waste 		<ol style="list-style-type: none"> 1. Do not attempt to remove yourself. Contact asbestos removal service for safe removal and disposal 2. Very small amounts (less than 5 lbs) may be double-wrapped in plastic and taken to HHW drop-off
Saw-cut slurry	<ol style="list-style-type: none"> 1. Use dry cutting technique and sweep up residue 2. Vacuum slurry and dispose off-site. 3. Block storm drain or berm with low weir as necessary to allow most solids to settle. Shovel out gutters; dispose residue to dirt area, construction yard or landfill. 		
Construction dewatering (Nonturbid, uncontaminated groundwater)	<ol style="list-style-type: none"> 1. Recycle/Reuse 2. Discharge to storm drain 		
Construction dewatering (Other than nonturbid, uncontaminated groundwater)	<ol style="list-style-type: none"> 1. Recycle/reuse 2. Discharge to sanitary sewer 3. As appropriate, treat prior to discharge to storm drain 	POTW	
Portable toilet waste	<ol style="list-style-type: none"> 1. Leasing company shall dispose to sanitary sewer at POTW 	Reg. Bd.	
Leaks from garbage dumpsters	<ol style="list-style-type: none"> 1. Collect, contain leaking material. Eliminate leak, keep covered, return to leasing company for immediate repair 2. If dumpster is used for liquid waste, use plastic liner 	POTW	

Table 4.1 (continued)
Page 5

DISCHARGE/ACTIVITY	BUSINESS/COMMERCIAL Disposal Priorities	Approval	RESIDENTIAL Disposal Priorities
Landscape/Garden Maintenance			
Pesticides	<ol style="list-style-type: none"> 1. Use up. Rinse containers use rinsewater as product. Dispose rinsed containers as trash 2. Dispose unused pesticide as hazardous waste 		<ol style="list-style-type: none"> 1. Use up. Rinse containers, use rinsewater as pesticide. Dispose rinsed container as trash. 2. Take unused pesticide to HHW drop-off
Garden clippings	<ol style="list-style-type: none"> 1. Compost 2. Take to Landfill 		<ol style="list-style-type: none"> 1. Compost 2. Dispose as trash.
Tree trimming	<ol style="list-style-type: none"> 1. Chip if necessary, before composting or recycling 		<ol style="list-style-type: none"> 1. Chip if necessary, before composting or recycling
Swimming pool, spa, fountain water (emptying)	<ol style="list-style-type: none"> 1. Do not use metal-based algicides (i.e. Copper Sulfate) 2. Recycle/reuse (e.g. irrigation) 3. Determine chlorine residual = 0, wait 24 hours and then discharge to storm drain. 	POTW	<ol style="list-style-type: none"> 1. Do not use metal-based algicides (i.e. Copper Sulfate) 2. Recycle/reuse (e.g. irrigation) 3. Determine chlorine residual = 0, wait 24 hours and then discharge to storm drain.
Acid or other pool/spa/fountain cleaning	<ol style="list-style-type: none"> 1. Neutralize and discharge to sanitary sewer 	POTW	
Swimming pool, spa filter backwash	<ol style="list-style-type: none"> 1. Reuse for irrigation 2. Dispose on dirt area 3. Settle, dispose to sanitary sewer 		<ol style="list-style-type: none"> 1. Use for landscape irrigation 2. Dispose on dirt area 3. Settle, dispose to sanitary sewer
Vehicle Wastes			
Used motor oil	<ol style="list-style-type: none"> 1. Use secondary containment while storing, send to recycler. 		<ol style="list-style-type: none"> 1. Put out for curbside recycling pickup where available 2. Take to Recycling Facility or auto service facility with recycling program 3. Take to HHW events accepting motor oil
Antifreeze	<ol style="list-style-type: none"> 1. Use secondary containment while storing, send to recycler. 		<ol style="list-style-type: none"> 1. Take to Recycling Facility
Other vehicle fluids and solvents	<ol style="list-style-type: none"> 1. Dispose as hazardous waste 		<ol style="list-style-type: none"> 1. Take to HHW event
Automobile batteries	<ol style="list-style-type: none"> 1. Send to auto battery recycler 2. Take to Recycling Center 		<ol style="list-style-type: none"> 1. Exchange at retail outlet 2. Take to Recycling Facility or HHW event where batteries are accepted

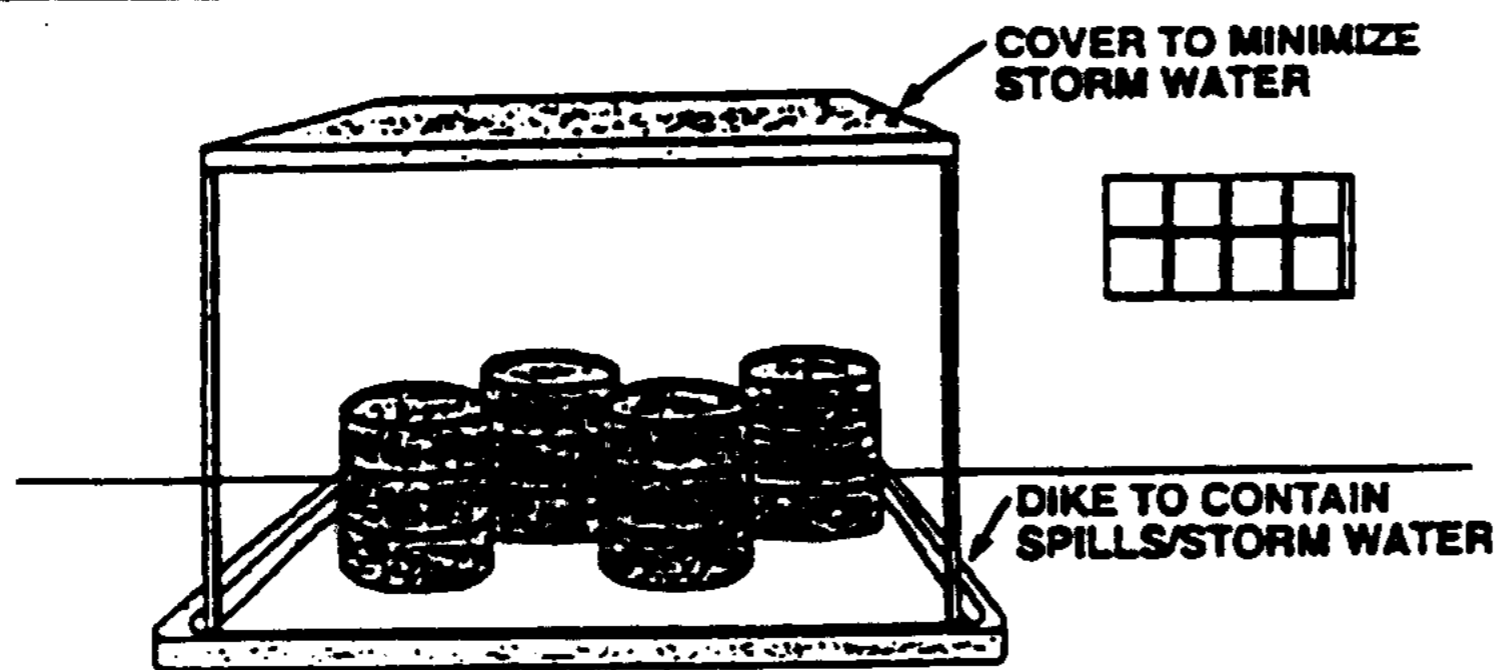
Table 4.1 (Continued)
Page 6

DISCHARGE/ACTIVITY	BUSINESS/COMMERCIAL		RESIDENTIAL
	Disposal Priorities	Approval	
Vehicle Wastes (cont'd)			
Vehicle Washing	<ol style="list-style-type: none"> 1. Recycle 2. Discharge to sanitary sewer, never to storm drain 	POTW	<ol style="list-style-type: none"> 1. Take to Commercial Car Wash. 2. Wash over lawn or dirt area 3. If soap is used, use a bucket for soapy water and discharge remaining soapy water to sanitary sewer.
Mobile Vehicle Washing	<ol style="list-style-type: none"> 1. Collect washwater and discharge to sanitary sewer. 	POTW	
Rinsewater from dust removal at new car fleets	<ol style="list-style-type: none"> 1. Discharge to sanitary sewer 2. If rinsing dust from exterior surfaces from appearance purposes, use no soap (water only); discharge to storm drain. 	POTW	
Vehicle leaks at Vehicle Repair Facilities	<p>Follow this 3-step process:</p> <ol style="list-style-type: none"> 1. Clean up leaks with rags or absorbents 2. Sweep, using granular absorbent material (cat litter) 3. Mop and dispose of mopwater to sanitary sewer. 	POTW	
Other Wastes			
Carpet cleaning solutions & other mobile washing services			
Roof drains	<ol style="list-style-type: none"> 1. Dispose to sanitary sewer 	POTW	<ol style="list-style-type: none"> 1. Dispose to sanitary sewer
Cooling water Air conditioning condensate	<ol style="list-style-type: none"> 1. If roof is contaminated with industrial waste products, discharge to sanitary sewer 2. If no contamination is present, discharge to storm drain 		
Pumped groundwater, infiltration/foundation drainage (contaminated)	<ol style="list-style-type: none"> 1. Recycle/reuse 2. Discharge to sanitary sewer 	POTW	
Fire fighting flows	<ol style="list-style-type: none"> 1. Recycle/reuse (landscaping, etc.) 2. Treat if necessary; discharge to sanitary sewer 3. Treat and discharge to storm drain <p>If contamination is present, Fire Dept. will attempt to prevent flow to stream or storm drain</p>	Reg. Bd. POTW Reg. Bd.	

Table 4.1 (Continued)
Page 7

DISCHARGE/ACTIVITY	BUSINESS/COMMERCIAL Disposal Priorities	Approval	RESIDENTIAL, Disposal Priorities
Other Wastes (cont'd)			
Kitchen Grease	<ol style="list-style-type: none"> 1. Provide secondary containment, collect, send to recycler. 2. Provide secondary containment, collect, send to POTW via hauler. 	POTW	1. Collect, solidify, dispose as trash
Restaurant cleaning of floor mats, exhaust filters, etc.	<ol style="list-style-type: none"> 1. Clean inside building with discharge through grease trap to sanitary sewer. 2. Clean outside in container or bermed area with discharge to sanitary sewer. 		
Clean-up wastewater from sewer back-up	<ol style="list-style-type: none"> 1. Follow this procedure: <ol style="list-style-type: none"> a. Block storm drain, contain, collect, and return spilled material to the sanitary sewer. b. Block storm drain, rinse remaining material to collection point and pump to sanitary sewer. (no rinse-water may flow to storm drain) 		

ACTIVITY: OUTDOOR CONTAINER STORAGE OF LIQUIDS



Applications

Manufacturing

Material Handling

Vehicle Maintenance

Construction

Commercial Activities

Roadways

Waste Containment

Housekeeping Practices

DESCRIPTION

Prevent or reduce the discharge of pollutants to storm water from outdoor container storage areas by installing safeguards against accidental releases, installing secondary containment, conducting regular inspections, and training employees in standard operating procedures and spill cleanup techniques.

APPROACH

- Protect materials from rainfall, runoff, and wind dispersal:
 - Store materials indoors.
 - Cover the storage area with a roof.
 - Minimize storm water runoff by enclosing the area or building a berm around it.
 - Use "doghouse" for storage of liquid containers.
 - Use covered dumpsters for waste product containers.
- Storage of oil and hazardous materials must meet specific Federal and State standards including:
 - Spill Prevention Control and Countermeasure Plan (SPCC) Plan,
 - secondary containment,
 - integrity and leak detection monitoring, and
 - emergency preparedness plans.
- Train operator on proper storage.
- Safeguards against accidental releases:
 - overflow protection devices to warn operator or automatic shut down transfer pumps,
 - protection guards (bollards) around tanks and piping to prevent vehicle or forklift damage, and
 - clear tagging or labeling, and restricting access to valves to reduce human error.
- Berm or surround tank or container with secondary containment system:
 - dikes, liners, vaults, or double walled tanks.
- Some municipalities require that secondary containment areas be connected to the sanitary sewer, prohibiting any hard connections to the storm drain.
- Facilities with "spill ponds" designed to intercept, treat, and/or divert spills should contact the appropriate regulatory agency regarding environmental compliance.

REQUIREMENTS

- Cost (Capital, O&M)
 - Will vary depending on the size of the facility and the necessary controls.
- Maintenance: Conduct routine weekly inspections.

LIMITATIONS

- Storage sheds often must meet building and fire code requirements.

Targeted Constituents

- Sediment
 - Nutrients
 - Heavy Metals
 - Toxic Materials
 - Floatable Materials
 - Oxygen Demanding Substances
 - Oil & Grease
 - Bacteria & Viruses
- Likely to Have Significant Impact
 - Probable Low or Unknown Impact

Implementation Requirements

- Capital Costs
- O&M Costs
- Maintenance
- Training

High Low

SC6



Additional Information — Outdoor Container Storage of Liquids

Accidental releases of materials from aboveground liquid storage tanks, drums, and dumpsters present the potential for contaminating storm waters with many different pollutants. Materials spilled, leaked or lost from storage containers and dumpsters may accumulate in soils or on the surfaces and be carried away by storm water runoff. These source controls apply to containers located outside of a building used to temporarily store liquid materials. It should be noted that the storage of reactive, ignitable, or flammable liquids must comply with fire codes.

Container Management

To limit the possibility of storm water pollution, containers used to store dangerous waste or other liquids should be kept inside the building unless this is impractical due to site constraints. If the containers are placed outside, the following procedures should be employed:

- Dumpsters used to store items awaiting transfer to a landfill should be placed in a lean-to structure or otherwise covered. dumpsters shall be kept in good condition without corrosion or leaky seams.
- Garbage dumpsters shall be replaced if they are deteriorating to the point where leakage is occurring. It should be kept undercover to prevent the entry of storm water. Employees should be made aware of the importance of keeping the dumpsters covered and free from leaks.
- A fillet should be placed on both sides of the curb to facilitate moving the dumpster.
- Waste container drums should be kept in an area such as a service bay. If drums are kept outside, they must be stored in a lean-to type structure, shed or walk-in container to keep rainfall from reaching the drums.

Storage of reactive, ignitable, or flammable liquids must comply with the fire codes of your area. Practices listed below should be employed to enhance the fire code requirements.

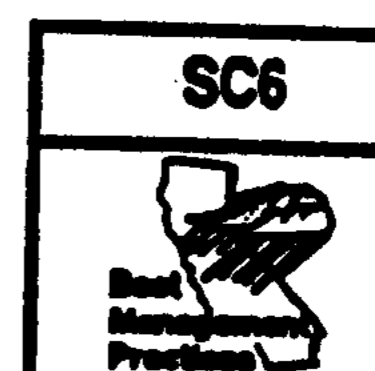
- Containers should be placed in a designated area.
- Designated areas should be paved, free of cracks and gaps, and impervious in order to contain leaks and spills.
- Liquid waste should be surrounded by a curb or dike to provide the volume to contain 10 percent of the volume of all of the containers or 110 percent of the volume of the largest container, whichever is greater.
- The area inside the curb should slope to a drain.
 - For used oil or dangerous waste, a dead-end sump should be installed in the drain.
 - All other liquids should be drained to the sanitary sewer if available. The drain must have a positive control such as a lock, valve, or plug to prevent release of contaminated liquids.
- The designated storage area should be covered.
- Containers used for liquid removal by an employees must be placed in a containment area.
 - A drip pan should be used at all times.
- Drums stored in an area where unauthorized persons may gain access must be secured to prevent accidental spillage, pilferage, or any unauthorized use.
- Employees trained in emergency spill cleanup procedures should be present when dangerous waste, liquid chemicals, or other wastes are loaded or unloaded.

The most common causes of unintentional releases:

- External corrosion and structural failure,
- Installation problems,
- Spills and overfills due to operator error,
- Failure of piping systems (pipes, pumps, flanges, couplings, hoses, and valves), and
- Leaks during pumping of liquids or gases from truck or railcar to a storage facility or vice versa.

Operator Training/Safeguards

Well-trained employees can reduce human errors that lead to accidental releases or spills. Employees should be familiar with the Spill Prevention Control and Countermeasure Plan. The employee should have the tools and knowledge to



Additional Information — Outdoor Container Storage of Liquids

immediately begin cleaning up a spill if one should occur. Operator errors can be prevented by using engineering safe guards and thus reducing accidental releases of pollutant. Safeguards include:

- Overflow protection devices on tank systems to warn the operator to automatically shutdown transfer pumps when the tank reaches full capacity,
- Protective guards (bollards) around tanks and piping to prevent vehicle or forklift damage, and
- Clearly tagging or labeling all valves to reduce human error.

Tank systems should be inspected and tank integrity tested regularly. Problem areas can often be detected by visually inspecting the tanks frequently. Problems or potential problems should be corrected as soon as possible. Registered and specifically trained professional engineers can identify and correct potential problems such as loose fittings, poor welding, and improper or poorly fitted gaskets for newly installed tank systems. The tank foundations, connections, coatings, and tank walls and piping systems also should be inspected. Inspection for corrosion, leaks, cracks, scratches in protective coatings, or other physical damage that may weaken the tank system should be a part of regular integrity testing.

Secondary Containment

Tanks should be bermed or surrounded by a secondary containment system. Leaks can be detected more easily and spills can be contained when a secondary containment systems are installed. Berms, dikes, liners, vaults, and double-wall tanks are examples of secondary containment systems.

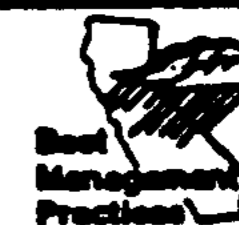
One of the best protective measures against contamination of storm water is diking. Containment dikes are berms or retaining walls that are designed to hold spills. Diking is an effective pollution prevention measure for above ground storage tanks and railcar or tank truck loading and unloading areas. The dike surrounds the area of concern and holds the spill, keeping spill materials separated from the storm water side of the dike area. Diking can be used in any industrial facility, but it is most commonly used for controlling large spills or releases from liquid storage areas and liquid transfer areas.

For single-wall tanks, containment dikes should be large enough to hold the contents of the storage tank for the facility plus rain water. For trucks, diked areas should be capable of holding an amount equal to the volume of the tank truck compartment. Diked construction material should be strong enough to safely hold spilled materials. Dike materials can consist of earth, concrete, synthetic materials, metal, or other impervious materials. Strong acids or bases may react with metal containers, concrete, and some plastics. Where strong acids or bases are stored, alternative dike materials should be considered. More active organic chemicals may need certain special liners for dikes. Dikes may also be designed with impermeable materials to increase containment capabilities. Dikes should be inspected during or after significant storms or spills to check for washouts or overflows. Regular checks of containment dikes to insure the dikes are capable of holding spills should be conducted. Inability of a structure to retain storm water, dike erosion, soggy areas, or changes in vegetation indicate problems with dike structures. Damaged areas should be patched and stabilized immediately. Earthen dikes may require special maintenance of vegetation such as mulching and irrigation.

Curbing is a barrier that surrounds an area of concern. Curbing is similar to containment diking in the way that it prevents spills and leaks from being released into the environment. The curbing is usually small scaled and does not contain large spills like diking. Curbing is common at many facilities in small areas where handling and transfer liquid materials occur. Curbing can redirect contaminated storm water away from the storage area. It is useful in areas where liquid materials are transferred from one container to another. Asphalt is a common material used for curbing; however, curbing materials include earth, concrete, synthetic materials, metal, or other impenetrable materials. Spilled materials should be removed immediately from curbed areas to allow space for future spills. Curbs should have manually-controlled pump systems rather than common drainage systems for collection of spilled materials. The curbed area should be inspected regularly to clear clogging debris. Maintenance should also be conducted frequently to prevent overflow of any spilled materials as curbed areas are designed only for smaller spills. Curbing has the following advantages:

- Excellent runoff control,
- Inexpensive,
- Ease of installment,
- Provides option to recycle materials spilled in curb areas, and
- Common industry practice.

SC6



Additional Information — Outdoor Container Storage of Liquids

Maintenance

- Weekly inspection should be considered and include:
 - Check for external corrosion and structural failure,
 - Check for spills and overfills due to operator error,
 - Check for failure of piping system (pipes, pumps, flanges, coupling, hoses, and valves),
 - Check for leaks or spills during pumping of liquids or gases from truck or rail car to a storage facility or vice versa,
 - Visually inspect new tank or container installation loose fittings, poor welding, and improper or poorly fitted gaskets, and
 - Inspect tank foundations, connections, coatings, and tank walls and piping system. Look for corrosion, leaks, cracks, scratches, and other physical damage that may weaken the tank or container system.

Examples of Effective Programs

The "doghouse" design has been used to store small liquid containers. The roof and flooring design prevent contact with direct rain or runoff. The doghouse has two solid structural walls and two canvas covered walls. The flooring is wire mesh about secondary containment. The unit has been used successfully at Lockheed Missile and Space Company in Sunnyvale.

REFERENCES

Best Management Practices for Industrial Storm Water Pollution Control, Santa Clara Valley Nonpoint Source Pollution Control Program, 1992.

Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans, and Best Management Practices, EPA 832-R-92-006, USEPA, 1992.

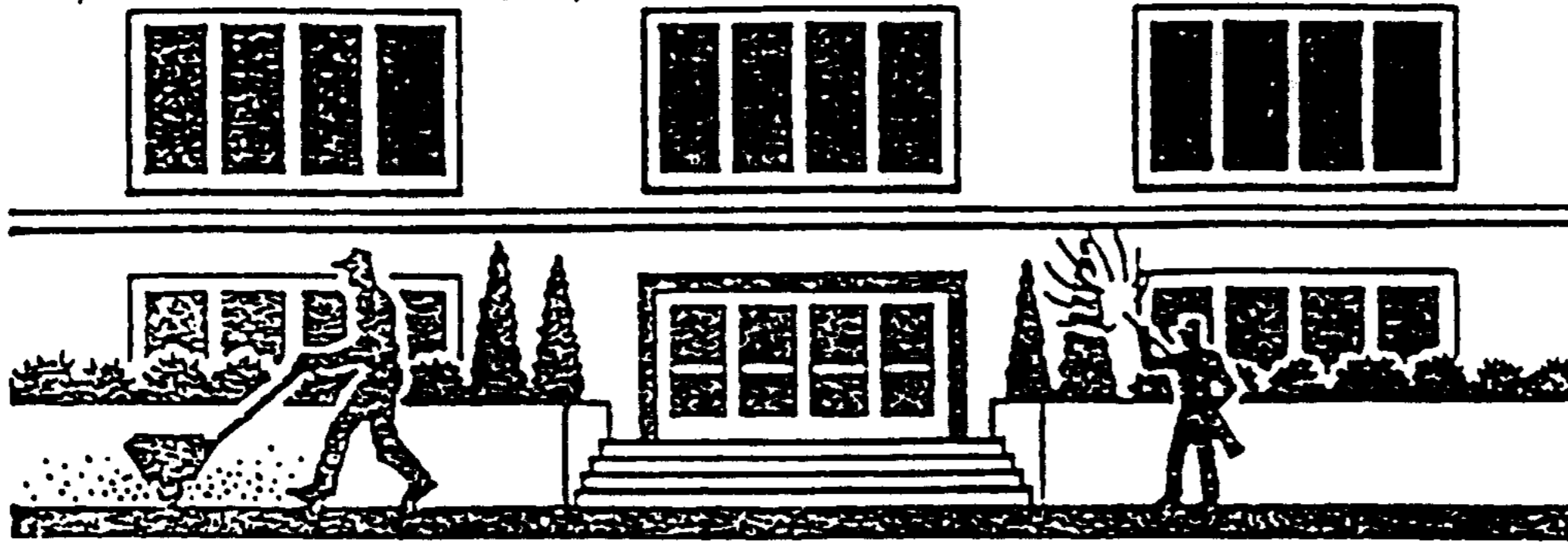
Water Quality Best Management Practices Manual, City of Seattle, 1989.

SC6



ACTIVITY: BUILDING AND GROUNDS MAINTENANCE

Graphic: North Central Texas COG, 1993



DESCRIPTION

Prevent or reduce the discharge of pollutants to storm water from buildings and grounds maintenance by washing and cleaning up with as little water as possible, preventing and cleaning up spills immediately, keeping debris from entering the storm drains, and maintaining the storm water collection system.

APPROACH

- Leaving or planting native vegetation to reduce water, fertilizer, and pesticide needs.
- Careful use of pesticides and fertilizers in landscaping.
- Integrated pest management where appropriate.
- Sweeping of paved surfaces.
- Cleaning of the storm drainage system at appropriate intervals.
- Proper disposal of wash water, sweepings, and sediments.
- For a quick reference on disposal alternatives for specific wastes see Table 4.1, SC1.

REQUIREMENTS

- Costs (Capital, O&M)
 - Cost will vary depending on the type and size of facility.
 - Overall costs should be low in comparison to other BMPs.
- Maintenance
 - The BMPs themselves relate to maintenance and do not require maintenance as they do not involve structures.

LIMITATIONS

- Alternative pest/weed controls may not be available, suitable, or effective in every case.

Applications

- Manufacturing
- Material Handling
- Vehicle Maintenance
- Construction
- Commercial Activities**
- Roadways**
- Waste Containment
- Housekeeping Practices**

Targeted Constituents

- Sediment
- Nutrients
- Heavy Metals
- Toxic Materials
- Floatable Materials
- Oxygen Demanding Substances
- Oil & Grease
- Bacteria & Viruses

- Likely to Have Significant Impact
- Probable Low or Unknown Impact

Implementation Requirements

- Capital Costs
- O&M Costs
- Maintenance
- Training

- High Low

SC11



Additional Information — Building and Grounds Maintenance

Buildings and grounds maintenance includes taking care of landscaped areas around the facility, cleaning of parking lots and pavement other than in the area of industrial activity, and the cleaning of the storm drainage system. Painting and other minor or major repairs of buildings is covered in SC12 (Building Repair, Remodeling, and Construction). Certain normal maintenance activities can generate materials that must be properly disposed. Other maintenance activities can enhance water quality if they are carried out more frequently and/or in a more deliberate fashion.

Pesticide/Fertilizer Management

Landscape maintenance involves the use of pesticides and fertilizers. Proper use of these materials will reduce the risk of loss to storm water. In particular, do not apply these materials during the wet season as they may be carried from the site by the next storm. When irrigating the landscaped areas, avoid over-watering not only to conserve water but to avoid the discharge of water which may have become contaminated with nutrients and pesticides.

It is important to properly store pesticides and application equipment, and to dispose the used containers in a responsible manner, consistent with state regulations. Personnel who use pesticides should be trained in their use. The California Department of Pesticide Regulation and county agricultural commissioners license pesticide dealers, certify pesticide applicators, and conduct on-site inspections.

Written procedures for the use of pesticides and fertilizers relevant to your facility would help maintenance staff understand the "do's" and "don'ts". If you have large vegetated areas, consider the use of integrated pest management (IPM) techniques to reduce the use of pesticides.

Parking/Storm Sewer Maintenance

A parking area that drains to the same storm drainage system as the industrial activity that is to be permitted must also be evaluated for suitable BMPs. Storm water from parking lots may contain undesirable concentrations of oil, grease, suspended particulates, and metals such as copper, lead, cadmium, and zinc, as well as the petroleum byproducts of engine combustion. Deposition of air particulates, generated by the facility or by adjacent industries, may contribute significant amounts of pollutants.

The two most appropriate maintenance BMPs are periodic sweeping and cleaning catch basins if they are part of the drainage system. A vacuum sweeper is the best method of sweeping, rather than mechanical brush sweeping which is not as effective at removing the fine particulates.

Catch basins in parking lots generally need to be cleaned every 6 to 12 months, or whenever the sump is half full. A sump that is more than half full is not effective at removing additional particulate pollutants from the storm water. If the storm drain lines have a low gradient, less than about 0.5 feet in elevation drop per 100 feet of line, it is likely that material is settling in the lines during the small, frequent storms. If you have not cleaned the storm drain system for some time, check the lines as well. If they are not cleaned, the catch basins will likely be filled during the next significant storm by material that is washed from the lines. Also, install "turn-down" elbows or similar devices on the outlets of the catch basins; they serve to retain floatables, oil and grease.

Clearly mark the storm drain inlets, either with a color code (to distinguish from process water inlets if you have them) or with the painted stencil of "DO NOT DUMP WASTE". This will minimize inadvertent dumping of liquid wastes.

Sweepings and sediments from these maintenance activities are generally low in metals and other pollutants and therefore can be disposed on-site or to a construction debris landfill. Test the material if there is a reasonable doubt whether metals or other pollutants are present. If concentrations of contaminants are high, it indicates that other BMPs may be needed to eliminate or reduce emissions from the source. If a vector truck is used to clean the storm drainage system,

SC11



Additional Information — Building and Grounds Maintenance

dirty water will be generated. This water should not be discharged to the storm drainage system as it is silt laden and contains much of the pollutants that were removed by the catch basins. The water should be disposed to the process wastewater system, if you have one, or to the public sewer if permission is granted by the local sewer authority. Alternatively, the water can be placed somewhere on the site where it can evaporate.

The cleaning of the paved surfaces and catch basins in the areas of industrial activity has been discussed previously in SC5 (Loading and Unloading of Materials), SC7 (Outdoor Process Equipment Operations and Maintenance), and SC8 (Outdoor Storage of Raw Materials, Products, and Byproducts).

If some employees have cars that are leaking abnormal amounts of engine fluids, encourage them to have the problem corrected.

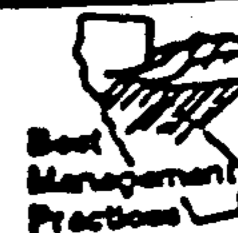
Examples of Effective Programs

Information on integrated pest management may be obtained from the Bio-Integral Resource Center, P.O. Box 7414, Berkeley, CA 94707, 510-524-2467.

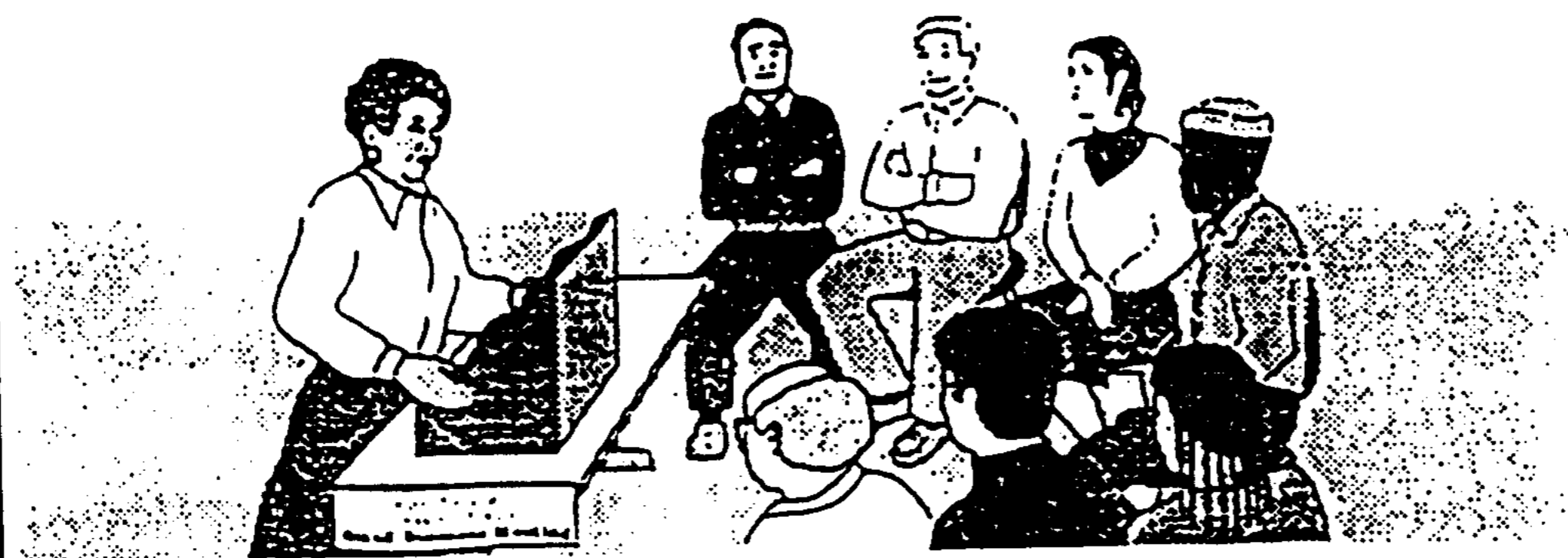
REFERENCES

Best Management Practices for Industrial Storm Water Pollution Control, Santa Clara Valley Nonpoint Source Pollution Control Program, 1992.

SC11



ACTIVITY: EMPLOYEE TRAINING



Applications

- Manufacturing
- Material Handling
- Vehicle Maintenance
- Construction
- Commercial Activities
- Roadways
- Waste Containment
- Housekeeping Practices

DESCRIPTION

Employee training, like equipment maintenance, is not so much a best management practice as it is a method by which to implement BMPs. This fact sheet highlights the importance of training and of integrating the elements of employee training from the individual source controls into a comprehensive training program as part of a facility's Storm Water Pollution Prevention Plan (SWPPP).

The specific employee training aspects of each of the source controls are highlighted in the individual fact sheets. The focus of this fact sheet is more general, and includes the overall objectives and approach for assuring employee training in storm water pollution prevention. Accordingly, the organization of this fact sheet differs somewhat from the other fact sheets in this chapter.

OBJECTIVES

Employee training should be based on four objectives:

- Promote a clear identification and understanding of the problem, including activities with the potential to pollute storm water;
- Identify solutions (BMPs);
- Promote employee ownership of the problems and the solutions; and
- Integrate employee feedback into training and BMP implementation.

APPROACH

- Integrate training regarding storm water quality management with existing training programs that may be required for your business by other regulations such as: the Illness and Injury Prevention Program (IIPP) (SB 198) (California Code of Regulations Title 8, Section 3203), the Hazardous Waste Operations and Emergency Response (HAZWOPER) standard (29 CFR 1910.120), the Spill Prevention Control and Countermeasure (SPCC) Plan (40 CFR 112), and the Hazardous Materials Management Plan (Business Plan) (California Health and Safety Code, Section 6.95).
- Businesses, particularly smaller ones that are not regulated by Federal, State, or local regulations, may use the information in this Handbook to develop a training program to reduce their potential to pollute storm water.

LISTING OF INDUSTRIAL ACTIVITIES

Employee training is a vital component of many of the individual source control BMPs included in this chapter. Following is a compilation of the training aspects of the source control fact sheets.

SC14



ACTIVITY — EMPLOYEE TRAINING (Continue)

- SC1 Non-Storm Water Discharges to Drains**
- Use the quick reference on disposal alternatives (Table 4.1) to train employees in proper and consistent methods for disposal.
 - Consider posting the quick reference table near storm drains to reinforce training.
- SC2 Vehicle and Equipment Fueling**
- Train employees in proper fueling and cleanup procedures.
 - The SPCC Plan may be an effective program to reduce the number of accidental spills from fueling.
- SC3 Vehicle and Equipment Washing and Steam Cleaning**
- Train employees in standard operating procedures and spill cleanup techniques described in the fact sheet.
- SC4 Vehicle and Equipment Maintenance and Repair**
- Train employees in standard operating procedures and spill cleanup techniques described in the fact sheet.
 - Paint stencils to remind employees not to pour waste down storm drains.
- SC5 Outdoor Loading/Unloading of Materials**
- Use a written operations plan that describes procedures for loading and/or unloading.
 - Have an emergency spill cleanup plan readily available.
 - Employees trained in spill containment and cleanup should be present during loading/unloading.
 - Make sure fork lift operators are also properly trained.
- SC6 Outdoor Container Storage of Liquids**
- Registered and specifically trained professional engineers can identify and correct potential problems such as loose fittings, poor welding, and improper or poorly fitted gaskets for newly installed tank systems.
 - Employees trained in emergency spill cleanup procedures should be present when dangerous waste, liquid chemicals, or other wastes are handled.
- SC7 Outdoor Process Equipment Operations and Maintenance**
- The preferred and possibly most economical action to reduce storm water pollution is to alter the activity. This may mean training employees to perform the activity during dry periods only or substituting benign materials for more toxic ones.
- SC8 Outdoor Storage of Raw Materials, Products, and By-Products**
- Train employees in standard operating procedures and spill cleanup techniques described in the fact sheet.
- SC9 —Waste Handling and Disposal**
- Train employees in standard operating procedures and spill cleanup techniques described in the fact sheet.
 - Paint stencils to remind employees not to pour waste down storm drains.
- SC10 Contaminated or Erodible Surface Areas**
- Training is not a significant element of this best management practice.

SC14



ACTIVITY — EMPLOYEE TRAINING (Continue)

SC11 Building and Grounds Maintenance

- Personnel who use pesticides should be trained in their use. The California Department of Pesticide Regulation and county agricultural commissioners license pesticide dealers, certify pesticide applicators, and conduct on-site inspections.
- Written procedures for the use of pesticides and fertilizers relevant to your facility would help maintenance staff understand the "do's" and "don'ts". If you have large vegetated areas, consider the use of integrated pest management (IPM) techniques to reduce the use of pesticides.

SC12 Building Repair, Remodeling, and Construction

- Proper education of off-site contractors is often overlooked. The conscientious efforts of well trained employees can be lost by unknowing off-site contractors, so make sure they are well informed about what they are expected to do.

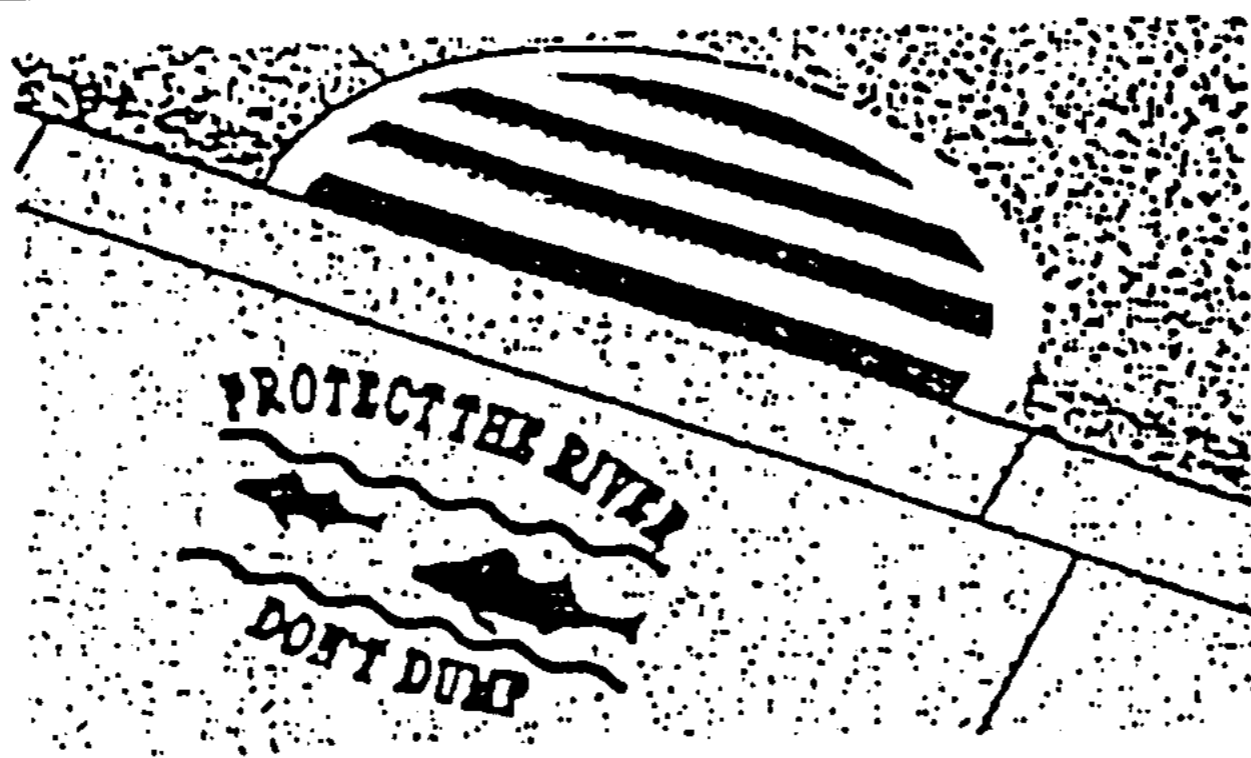
SC13 Over-Water Activities

- Post signs to indicate proper use and disposal of residual paints, rags, used oil, and other engine fluids.
- Educate tenants and employees on spill prevention and cleanup.
- Include appropriate language in tenant contracts indicating their responsibilities.

SC14



BMP: STORM DRAIN SYSTEM SIGNS



Program Elements

- New Development
- Residential
- Commercial Activities
- Industrial Activities
- Municipal Facilities
- Illegal Discharges

DESCRIPTION

Stenciling of the storm drain system (inlets, catch basins, channels, and creeks) with prohibitive language/graphic icons discourages the illegal dumping of unwanted materials.

APPROACH

- Create a volunteer work force to stencil storm drain inlets, and use municipal staff to erect signs near drainage channels and creeks.
- For a quick reference on disposal alternatives for specific wastes, see Table 4.1, SC50, Illegal Dumping Control.

REQUIREMENTS

- Cost Considerations
 - Volunteer work force serves to lower program cost.
 - Stenciling kits require procurement of durable/disposable items.
 - Need for storage/maintenance of stenciling kits requires planning.
 - Program can aid in the cataloging of the storm drain system.
- Regulations
 - Develop and enforce an ordinance that requires inlets, catch basins, channels, and creeks to be fitted with anti-dumping, pollution prevention signs.
- Administrative/Staffing
 - Primary staff demand is for program setup to provide marketing and training.
 - Ongoing/follow-up staff time is minimal because of volunteer services.
 - Minimum 2 persons are required for high traffic areas, commercial and industrial zones.
 - Staff requirement at program headquarters for emergencies, questions, etc.
- Equipment
 - Storm drain stenciling kits.
- Training
 - Training sessions of approximately 10-15 minutes will cover stenciling procedures, including how to stencil, record keeping, problem drain notation, etc.
 - Proper health and safety protocol (buddy system, traffic, health concerns, etc.).

PUBLIC EDUCATION/PARTICIPATION

- Promote volunteer services (individual and business) through radio/television and mail-out campaigns.
- Public reporting of improper waste disposal by a HOTLINE number stenciled onto the storm drain inlet.

Targeted Constituents

- Sediment
 - Nutrients
 - Heavy Metals
 - Toxic Materials
 - Floatable Materials
 - Oxygen Demanding Substances
 - Oil & Grease
 - Bacteria & Viruses
- Likely to Have Significant Impact
 - Probable Low or Unknown Impact

Implementation Requirements

- Capital Costs
 - O&M Costs
 - Regulatory
 - Staffing
 - Training
 - Administrative
- High Low

SC30



BMP: STORM DRAIN SYSTEM SIGNS (Continue)

LIMITATIONS

- Private property access limits stenciling to publicly-owned areas.
- Program is highly dependent on volunteer response.
- Storm drain inlets that are physically blocked will be missed or require follow-up.
- High traffic/commercial/industrial zones will be responsibility of city staff.
- Ongoing maintenance to maintain readable signs.

SC30



Additional Information — Storm Drain System Signs

Storm drain system signs act as highly visible source controls that are typically stenciled directly adjacent to storm drain inlets. The signs contain brief statements that discourage the dumping of improper materials into the storm drain system. Graphical icons, either illustrating anti-dumping symbols or images of receiving water fauna, are effective supplements to the anti-dumping message. The intent of such a storm drain system stenciling program is to enhance public awareness of the pollutant effect on local receiving waters from storm water runoff and also to discourage individual's habitual waste disposal actions (e.g. automotive fluids and landscaping wastes).

Approach

An effectively implemented stenciling program encourages change in personal behavior and helps minimize non-point source pollutants from entering the storm drain system. An additional benefit is that waste and catch basin maintenance is minimized through the reduction of disposed materials into storm drain inlets. Finally, some stenciling programs include posting of community hotline numbers for effective reporting and monitoring of improper disposal practices, plus the encouragement of use of household hazardous waste collection and used oil recycling programs.

An important aspect of a stenciling program is the distribution of informational flyers that educate the neighborhood (business or residential) about storm water pollution, the storm drain system, and the watershed, and that provides information on alternatives such as recycling, household hazardous waste disposal, and safer products.

Storm drain inlet stenciling programs are generally handled through community volunteer efforts. Municipal staff must first organize, market, and provide training for program initialization. However, through an aggressive public education program, the majority of the labor should be generated through volunteer services. Successful programs have involved substantial input from business, civic, school, neighborhood, and environmental organizations. Encourage schools, churches, girl/boy scout troops, and environmental groups to add storm drain stenciling as a lesson/field trip to existing activities. This provides a ready-made labor force to use the stenciling materials developed by the municipality.

The stenciling project can be part of a larger volunteer "watershed awareness" public education program. Stenciling should be the easiest volunteer activity, or the first step in "watershed awareness" education, ultimately leading to an all volunteer water quality monitoring program. Municipal staff must initially provide an inventory of curb inlets and develop the stencil. The stenciled language is most effective if it represents a consistent message adopted from the city's public education department. Communities in California have used messages such as: "No Dumping, Flows to Bay", "Protect the Bay, Don't Dump", and "Dump No Waste, Flows to Bay." Program logos and generalized drawings of a fish or a bird may be added to provide a visual aid as well. Once the storm inlet language is determined, stencil painting kits must be ordered and training programs/instruction sheets may be developed.

The storm drain stenciling kits include stencil, paint, paint brush, plastic gloves, catch basin map, clipboard, instructions, liability release form, identification form, rags, whisk broom or brush, paper towels, trash bags, safety vests, and a 5-gallon bucket to hold materials.

Readability of stencils is critical to their effectiveness. Wherever possible stencils should be painted on a smooth surface such as cement, as opposed to asphalt. As with any painting, surface preparation is key to paint adhesion and thus readability and durability. Extra effort expended to clean the surface during the initial painting helps reduce the need for re-painting. Some programs have gone so far as to paint a background color first followed by the stencil in a contrasting color to increase readability.

Many communities use water-based latex exterior paint from their traffic control departments. Brands include: Fuller O'Brien, Arvoe Stripping Paint, Sherman-Williams Metalex, and All-Kids Traffic Paint. Spray paints should have a VOC rating of less than 250 (required by EPA). If there is concern over spray paints, a refillable paint brush called

SC30



Additional Information — Storm Drain System Signs

"Quick-Painter" may be used. It is easier to handle (children can use it), it is more legible than spray paint, and it also avoids the environmental problem of having to properly dispose of spray cans.

Because a stenciling program involves primarily volunteer services, liability release forms and volunteer identification notices should also be administered. Training sessions should be restricted to residential or low traffic areas for safety purposes. Municipal staff should be responsible for stenciling efforts in most commercial and industrial land use sectors. Regardless of the manpower, an attempt should be made to accurately log all curb inlets that have been stenciled, which will also aid the municipality's efforts to catalog the storm sewer system. Tracking of stenciled inlets and the overall cost of the program is necessary to monitor the success of the program. Municipal staff may be accessible during non-work hours to handle questions, provide instruction, and respond to emergency situations. Program generated waste materials should be centrally collected by municipal staff to ensure proper waste disposal.

Costs

One municipality from the State of Washington has estimated that stenciling kits cost approximately \$50 each. Stencils may cost about \$8 each including the die cost on an order of 1,000. Re-orders cost about \$1/stencil. Stencil designs may be available from other communities. Stencil kits should be provided on a loan basis to volunteer groups free of charge with the understanding that kit remnants are to be returned.

Channel/Creek Signs

Channel and creek signs are another way of providing a pollution prevention message near the point of discharge. These signs can use the same language as the stencil, but are affixed to a metal or wood placard and mounted to a post. Sign installation requires a level of expertise and equipment that most volunteers do not possess, so public works staff time is an additional implementation cost.

New Development

For the private areas of a new development, the municipality may consider requiring developers to purchase and paint stencils near new inlets or catch basins, and to install channel/creek signs with a pollution prevention message. As an alternative, the developer could reimburse the municipality's costs to perform the work. In addition, the municipality can develop and enforce an ordinance that requires inlets, catch basins, channels, and creeks in new developments, both public and private, to be fitted with signs with a pollution prevention message.

Examples of Effective Programs

The City of Palo Alto has a combined volunteer/contractor program which greatly facilitates storm drain stenciling. The City retained the Conservation Corps to paint approximately 75% (2,000) of its storm drains, leaving the 25% (700) of its drains in more residential areas to be done by volunteers. This strategy speeds up the stenciling, reduces the City's liability, supports a worthwhile program, and still allows plenty of storm drains for volunteers to paint.

The Association of Bay Area Governments (ABAG) sponsored a nine-county stenciling effort on Earth Day 1992. ABAG has up-to-date information on stencil and program development.

The stencil for the City of Huntington Beach includes the municipal code section number for illegal dumping to facilitate incident reporting and enforcement. In Santa Monica, the city provides a packet of material regarding storm water pollution including a catch basin stencil kit.

REFERENCES

Best Management Practices Program for Pollution Prevention, City and County of San Francisco, Uribe & Associates, Oakland, California, 1990.

SC30



Additional Information — Storm Drain System Signs

Municipal Storm Water Discharge Management Program, City of Stockton, California, Camp Dresser & McKee, Walnut Creek, 1992.

Regional Water Quality Control Plants' News, City of Palo Alto, California, 1991.

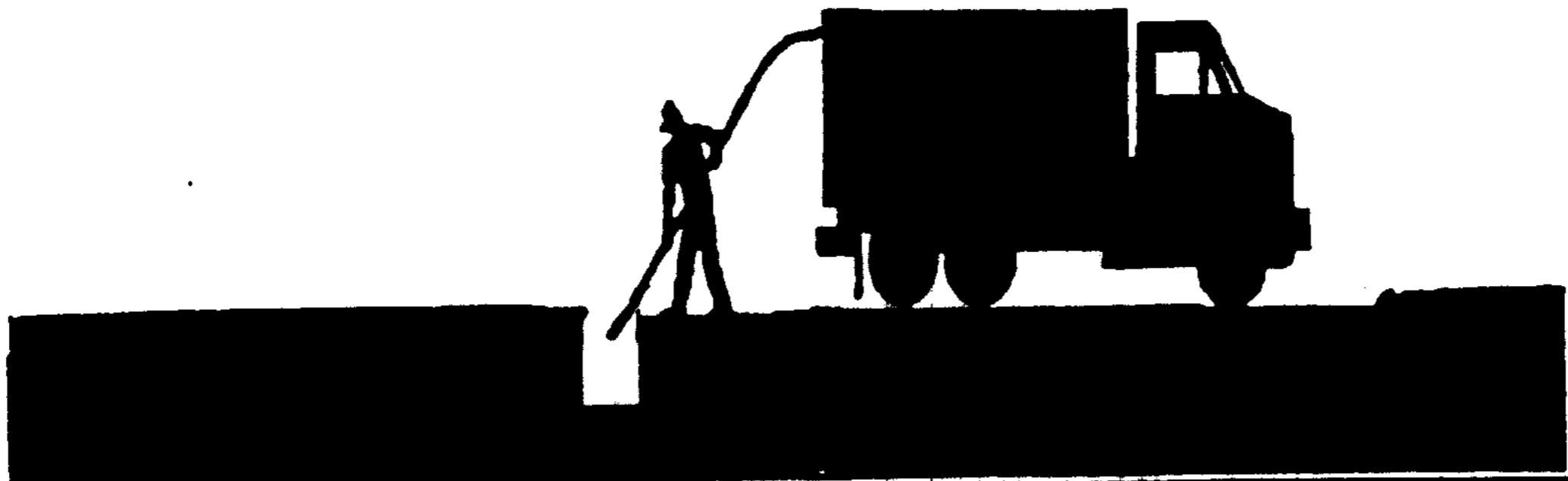
Storm Water Program Guidance Manual for the Puget Sound Basin, (Draft), City of Seattle, Washington, Drainage and Wastewater Utility, 1992.

Urban Runoff: A Pollution Abatement Program, Heal the Bay, Santa Monica, California, 1992.

SC30



BMP: CATCH BASIN CLEANING



Program Elements

New Development

Residential

Commercial Activities

Industrial Activities

Municipal Facilities

Illegal Discharges

DESCRIPTION

Maintain catch basins and storm water inlets on a regular basis to remove pollutants, reduce high pollutant concentrations during the first flush of storms, prevent clogging of the downstream conveyance system, and restore the catch basins' sediment trapping capacity. A catch basin is distinguished from a storm water inlet by having at its base a sediment sump designed to catch and retain sediments below the overflow point. This fact sheet focuses on the cleaning of accumulated sediments from catch basins.

APPROACH

- Aggressively enforce anti-littering and illegal dumping ordinances.
- Catch basins should be cleaned regularly to reduce the possibility of sediment and pollutant loading from the flushing effect of storm water inflow.
- Prioritize maintenance to clean catch basins and inlets in areas with the highest pollutant loading.
- Keep accurate operation logs to track program.

REQUIREMENTS

- **Cost Considerations**
 - An aggressive catch basin cleaning program could require a significant capital and O&M budget. A careful study of cleaning effectiveness should be undertaken before increased cleaning is implemented.
- **Regulations**
 - There are no regulatory requirements for this BMP. Municipal codes should include sections prohibiting the disposal of soil, debris, refuse, hazardous waste, and other pollutants into the storm drain system, and prohibiting littering.
- **Administrative / Staffing**
 - Two-person teams may be required to clean catch basins with vector trucks.
 - Arrangements must be made for proper disposal of collected wastes.
- **Equipment**
 - Except for small communities with relatively few catch basins that may be cleaned manually, most municipalities will require mechanical cleaners such as eductors, vacuums, or bucket loaders.
- **Training**
 - Crews must be trained in proper maintenance, including record keeping and disposal.

PUBLIC EDUCATION / PARTICIPATION

- Educate contractors (cement, masonry, painting) and utility employees (telephone, cable, gas and electric) about proper waste (solid and liquid) disposal.

LIMITATIONS

- There are no major limitations to this best management practice.

Targeted Constituents

- Sediment
 - Nutrients
 - Heavy Metals
 - Toxic Materials
 - Floatable Materials
 - Oxygen Demanding Substances
 - Oil & Grease
 - Bacteria & Viruses
- Likely to Have Significant Impact
 - Probable Low or Unknown Impact

Implementation Requirements

- Capital Costs
 - O&M Costs
 - Regulatory
 - Staffing
 - Training
 - Administrative
- High Low

SC71



Additional Information — Catch Basin Cleaning

Regular maintenance of public and private catch basins and inlets is necessary to ensure their proper functioning. Clogged catch basins are not only useless but may act as a source of sediments and pollutants. In general, the keys to effective catch basins are:

- At least annual inspections. Municipal staff should inspect public and private facilities to ensure compliance with the following:
 - Immediate repair of any deterioration threatening structural integrity.
 - Cleaning before the sump is 40% full. Catch basins should be cleaned as frequently as needed to meet this standard.
 - Stenciling of catch basins and inlets (see SC30, Storm Drain System Signs).
- Clean catch basins in high pollutant load areas just before the wet season to remove sediments and debris accumulated during the summer.
- Keep accurate logs of the number of catch basins cleaned.
- Record the amount of waste collected.
- Consider implementing employee deputization and spill tracking measures in SC50, Illegal Dumping Control, in conjunction with this BMP to facilitate control of illegal dumping.

Public education should be implemented in conjunction with the public education effort in SC50, Illegal Dumping Control, to raise awareness of the problem. Information in the Construction Handbook regarding waste management (BMPs CA20-CA24) may be used to develop a program for contractors.

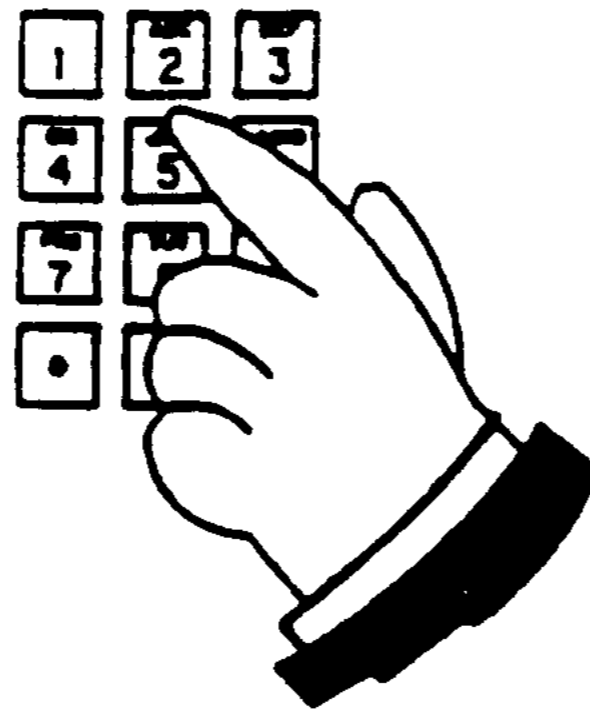
REFERENCES

- Best Management Practices for Storm Drainage Facilities (Draft), Maintenance Subcommittee, Alameda County Urban Runoff Clean Water Program, 1992.
- Protecting Water Quality in Urban Areas: Best Management Practices for Minnesota, Minnesota Pollution Control Agency, 1989.
- Stormwater Management Manual for the Puget Sound Basin (The Technical Manual): Volume IV - Urban Land Use BMPs, Washington State Department of Ecology, 1992.
- Street Cleaning Practice, American Public Works Association, 1978.

SC71



ACTIVITY: SPILL PREVENTION AND CONTROL



Objectives

Housekeeping Practices

- Contain Waste
- Minimize Disturbed Areas
- Stabilize Disturbed Areas
- Protect Slopes/Channels
- Control Site Perimeter
- Control Internal Erosion

DESCRIPTION

Prevent or reduce the discharge of pollutants to storm water from leaks and spills by reducing the chance for spills, stopping the source of spills, containing and cleaning up spills, properly disposing of spill materials, and training employees.

This best management practice covers only spill prevention and control. However, CA10 (Material Delivery and Storage) and CA11 (Material Use), also contain useful information, particularly on spill prevention. For information on wastes, see the waste management BMPs in this chapter.

APPROACH

The following steps will help reduce the storm water impacts of leaks and spills:

Define "Significant Spill"

- Different materials pollute in different amounts. Make sure that each employee knows what a "significant spill" is for each material they use, and what is the appropriate response for "significant" and "insignificant" spills.

General Measures

- Hazardous materials and wastes should be stored in covered containers and protected from vandalism.
- Place a stockpile of spill cleanup materials where it will be readily accessible.
- Train employees in spill prevention and cleanup.
- Designate responsible individuals.

Cleanup

- Clean up leaks and spills immediately.
- On paved surfaces, clean up spills with as little water as possible. Use a rag for small spills, a damp mop for general cleanup, and absorbent material for larger spills. If the spilled material is hazardous, then the used cleanup materials are also hazardous and must be sent to either a certified laundry (rags) or disposed of as hazardous waste.
- Never hose down or bury dry material spills. Clean up as much of the material as possible and dispose of properly. See the waste management BMPs in this chapter for specific information.

Reporting

- Report significant spills to local agencies, such as the Fire Department; they can assist in cleanup.
- Federal regulations require that any significant oil spill into a water body or onto an adjoining shoreline be reported to the National Response Center (NRC) at 800-424-8802 (24 hour).

Targeted Pollutants

- Sediment
- Nutrients
- Toxic Materials
- Oil & Grease
- Floatable Materials
- Other Construction Waste

- Likely to Have Significant Impact
- Probable Low or Unknown Impact

Implementation Requirements

- Capital Costs
- O&M Costs
- Maintenance
- Training
- Suitability for Slopes >5%

- High
- Low

CA12



ACTIVITY: SPILL PREVENTION AND CONTROL (Continue)

Use the following measures related to specific activities:

Vehicle and Equipment Maintenance

- If maintenance must occur on-site, use a designated area and/or a secondary containment, located away from drainage courses, to prevent the runoff of storm water and the runoff of spills.
- Regularly inspect on-site vehicles and equipment for leaks, and repair immediately.
- Check incoming vehicles and equipment (including delivery trucks, and employee and subcontractor vehicles) for leaking oil and fluids. Do not allow leaking vehicles or equipment on-site.
- Always use secondary containment, such as a drain pan or drop cloth, to catch spills or leaks when removing or changing fluids.
- Place drip pans or absorbent materials under paving equipment when not in use.
- Use adsorbent materials on small spills rather than hosing down or burying the spill. Remove the adsorbent materials promptly and dispose of properly.
- Promptly transfer used fluids to the proper waste or recycling drums. Don't leave full drip pans or other open containers lying around.
- Oil filters disposed of in trash cans or dumpsters can leak oil and pollute storm water. Place the oil filter in a funnel over a waste oil recycling drum to drain excess oil before disposal. Oil filters can also be recycled. Ask your oil supplier or recycler about recycling oil filters.
- Store cracked batteries in a non-leaking secondary container. Do this with all cracked batteries, even if you think all the acid has drained out. If you drop a battery, treat it as if it is cracked. Put it into the containment area until you are sure it is not leaking.

Vehicle and Equipment Fueling

- If fueling must occur on-site, use designated areas, located away from drainage courses, to prevent the runoff of storm water and the runoff of spills.
- Discourage "topping-off" of fuel tanks.
- Always use secondary containment, such as a drain pan, when fueling to catch spills/leaks.

REQUIREMENTS

- Costs (Capital, O&M)
 - Prevention of leaks and spills is inexpensive. Treatment and/or disposal of contaminated soil or water can be quite expensive.
- Maintenance
 - Keep ample supplies of spill control and cleanup materials on-site, near storage, unloading, and maintenance areas.
 - Update your spill prevention and control plan and stock cleanup materials as changes occur in the types of chemicals on-site.

LIMITATIONS

- If necessary, use a private spill cleanup company.

REFERENCES

Blueprint for a Clean Bay-Construction-Related Industries: Best Management Practices for Storm Water Pollution Prevention; Santa Clara Valley Nonpoint Source Pollution Control Program, 1992; Santa Clara Valley Nonpoint Source Pollution Control Program, 1992.

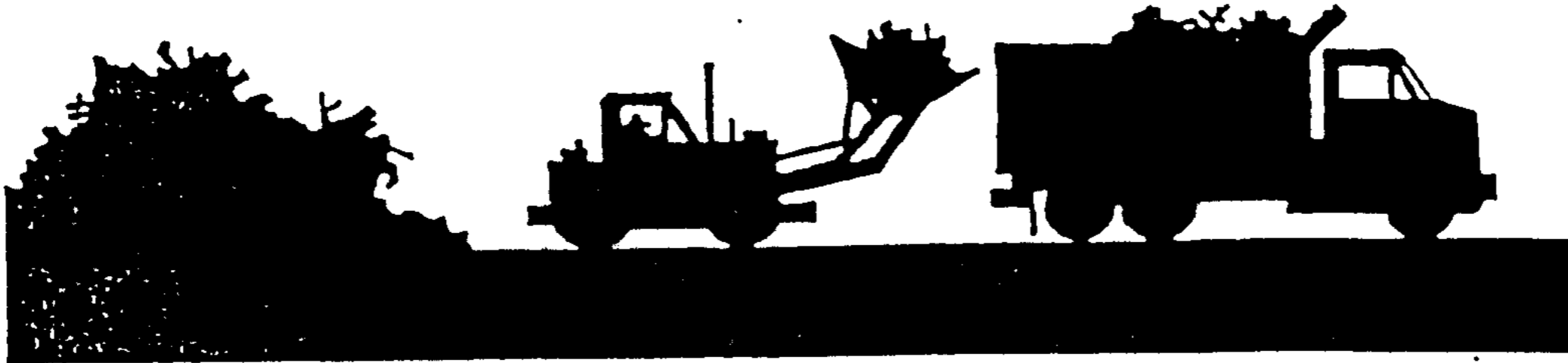
Storm Water Management for Construction Activities, Developing Pollution Prevention Plans and Best Management Practices, EPA 832-R-92005; USEPA, April 1992.

CA12



ACTIVITY: SOLID WASTE MANAGEMENT

Graphic: North Central Texas COG, 1993



DESCRIPTION

Prevent or reduce the discharge of pollutants to storm water from solid or construction waste by providing designated waste collection areas and containers, arranging for regular disposal, and training employees and subcontractors.

APPROACH

Solid waste is one of the major pollutants resulting from construction. Construction debris includes:

- Solid waste generated from trees and shrubs removed during land clearing, demolition of existing structures (rubble), and building construction;
- Packaging materials including wood, paper and plastic;
- Scrap or surplus building materials including scrap metals, rubber, plastic, glass pieces, and masonry products; and
- Domestic wastes including food containers such as beverage cans, coffee cups, paper bags, and plastic wrappers, and cigarettes.

The following steps will help keep a clean site and reduce storm water pollution:

- Select designated waste collection areas on-site.
- Inform trash hauling contractors that you will accept only water-tight dumpsters for on-site use. Inspect dumpsters for leaks and repair any dumpster that is not water tight.
- Locate containers in a covered area and/or in a secondary containment.
- Provide an adequate number of containers with lids or covers that can be placed over the container to keep rain out or to prevent loss of wastes when it's windy.
- Plan for additional containers and more frequent pickup during the demolition phase of construction.
- Collect site trash daily, especially during rainy and windy conditions.
- Erosion and sediment control devices tend to collect litter. Remove this solid waste promptly.
- Make sure that toxic liquid wastes (used oils, solvents, and paints) and chemicals (acids, pesticides, additives, curing compounds) are not disposed of in dumpsters designated for construction debris.
- Salvage or recycle any useful material. For example, trees and shrubs from land clearing can be used as a brush barrier (see ESC53), or converted into wood chips, then used as mulch on graded areas (see ESC11).
- Do not hose out dumpsters on the construction site. Leave dumpster cleaning to trash hauling contractor.
- Arrange for regular waste collection before containers overflow.

Objectives

Housekeeping Practices

Contain Waste

Minimize Disturbed Areas

Stabilize Disturbed Areas

Protect Slopes/Channels

Control Site Perimeter

Control Internal Erosion

Targeted Pollutants

- Sediment
- Nutrients
- Toxic Materials
- Oil & Grease
- Floatable Materials
- Other Construction Waste

- Likely to Have Significant Impact
- Probable Low or Unknown Impact

Implementation Requirements

- Capital Costs
- O&M Costs
- Maintenance
- Training
- Suitability for Slopes >5%

- High
- Low

CA20

Best Management Practices

ACTIVITY: SOLID WASTE MANAGEMENT (Continue)

- If a container does spill, clean up immediately.
- Make sure that construction waste is collected, removed, and disposed of only at authorized disposal areas.
- Train employees and subcontractors in proper solid waste management.
- For a quick reference on disposal alternatives for specific wastes, see Table 4.2, CA40, Employee/Subcontractor Training.

REQUIREMENTS

- Costs (Capital, O&M)
 - All of the above are low cost measures.
- Maintenance
 - Collect site trash daily.
 - Inspect construction waste area regularly.
 - Arrange for regular waste collection.

LIMITATIONS

- There are no major limitations to this best management practice.

REFERENCES

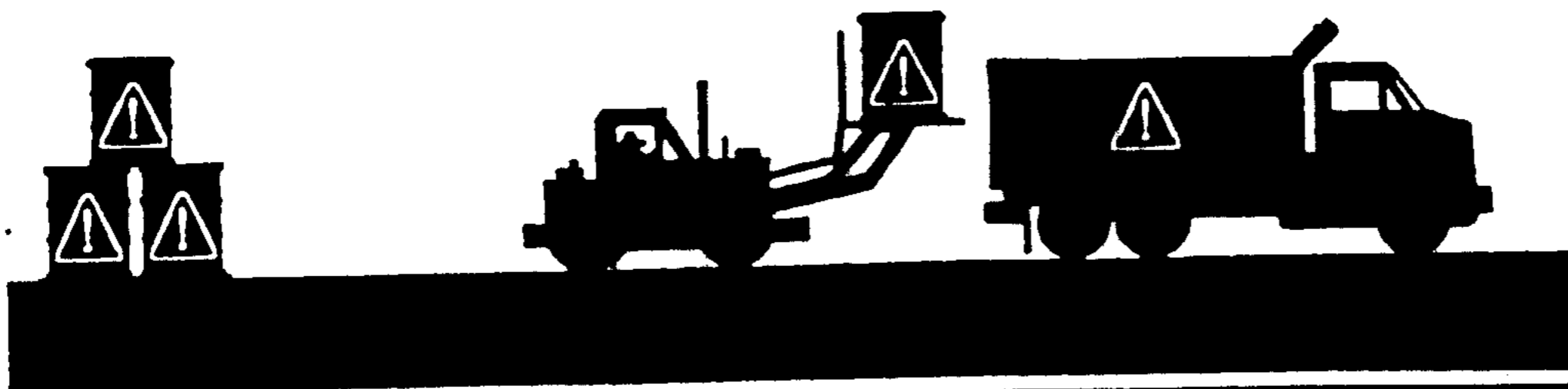
- Best Management Practices and Erosion Control Manual for Construction Sites; Flood Control District of Maricopa County, AZ, September 1992.
- Processes, Procedures, and Methods to Control Pollution Resulting from all Construction Activity; USEPA, 430/9-73-007, 1973.
- Storm Water Management for Construction Activities, Developing Pollution Prevention Plans and Best Management Practices, EPA 832-R-92005; USEPA, April 1992.

CA20



ACTIVITY: HAZARDOUS WASTE MANAGEMENT

Graphic: North Central Texas COG, 1993



DESCRIPTION

Prevent or reduce the discharge of pollutants to storm water from hazardous waste through proper material use, waste disposal, and training of employees and subcontractors.

APPROACH

Many of the chemicals used on-site can be hazardous materials which become hazardous waste upon disposal. These wastes may include:

- Paints and solvents;
- Petroleum products such as oils, fuels, and grease;
- Herbicides and pesticides;
- Acids for cleaning masonry; and
- Concrete curing compounds.

In addition, sites with existing structures may contain wastes which must be disposed of in accordance with Federal, State, and local regulations. These wastes include:

- Sandblasting grit mixed with lead-, cadmium-, or chromium-based paints;
- Asbestos; and
- PCBs (particularly in older transformers).

The following steps will help reduce storm water pollution from hazardous wastes:

Material Use

- Use all of the product before disposing of the container.
- Do not remove the original product label, it contains important safety and disposal information.
- Do not over-apply herbicides and pesticides. Prepare only the amount needed. Follow the recommended usage instructions. Over-application is expensive and environmentally harmful. Apply surface dressings in several smaller applications, as opposed to one large application, to allow time for infiltration and to avoid excess material being carried off-site by runoff. Do not apply these chemicals just before it rains. People applying pesticides must be certified in accordance with Federal and State regulations.
- Do not clean out brushes or rinse paint containers into the dirt, street, gutter, storm drain, or stream. "Paint out" brushes as much as possible. Rinse water-based paints to the sanitary sewer. Filter and re-use thinners and solvents. Dispose of excess oil-based paints and sludge as hazardous waste.

Objectives

Housekeeping Practices

Contain Waste

Minimize Disturbed Areas

Stabilize Disturbed Areas

Protect Slopes/Channels

Control Site Perimeter

Control Internal Erosion

Targeted Pollutants

- Sediment
- Nutrients
- Toxic Materials
- Oil & Grease
- Floatable Materials
- Other Construction Waste

- Likely to Have Significant Impact
- Probable Low or Unknown Impact

Implementation Requirements

- Capital Costs
- O&M Costs
- Maintenance
- Training
- Suitability for Slopes >5%

- High
- Low

CA21



ACTIVITY: HAZARDOUS WASTE MANAGEMENT (Continue)

Waste Recycling/Disposal

- Select designated hazardous waste collection areas on-site.
- Hazardous materials and wastes should be stored in covered containers and protected from vandalism.
- Place hazardous waste containers in secondary containment.
- Do not mix wastes, this can cause chemical reactions, make recycling impossible, and complicate disposal.
- Recycle any useful material such as used oil or water-based paint.
- Make sure that toxic liquid wastes (used oils, solvents, and paints) and chemicals (acids, pesticides, additives, curing compounds) are not disposed of in dumpsters designated for construction debris.
- Arrange for regular waste collection before containers overflow.
- Make sure that hazardous waste (e.g. excess oil-based paint and sludges) is collected, removed, and disposed of only at authorized disposal areas.
- For a quick reference on disposal alternatives for specific wastes, see Table 4.2, CA40, Employee/Subcontractor Training.

Training

- Train employees and subcontractors in proper hazardous waste management.
- Warning signs should be placed in areas recently treated with chemicals.
- Place a stockpile of spill cleanup materials where it will be readily accessible.
- If a container does spill, clean up immediately.

REQUIREMENTS

- Costs (Capital, O&M)
 - All of the above are low cost measures.
- Maintenance
 - Inspect hazardous waste receptacles and area regularly.
 - Arrange for regular hazardous waste collection.

LIMITATIONS

- Hazardous waste that cannot be reused or recycled must be disposed of by a licensed hazardous waste hauler.

REFERENCES

Blueprint for a Clean Bay-Construction-Related Industries: Best Management Practices for Storm Water Pollution Prevention; Santa Clara Valley Nonpoint Source Pollution Control Program, 1992.

Processes, Procedures, and Methods to Control Pollution Resulting from all Construction Activity; USEPA, 430/9-73-007, 1973.

Storm Water Management for Construction Activities, Developing Pollution Prevention Plans and Best Management Practices, EPA 832-R-92005; USEPA, April 1992.

CA21

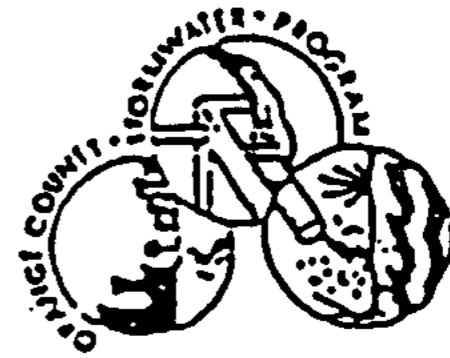


The Ocean Begins At Your Front Door

Did you know that dumping one quart of motor oil down a storm drain contaminates 250,000 gallons of water?

Storm Water Quality Management Programs have been developed by the Orange County Environmental Management Agency, local cities, and other agencies which participate in the National Pollutant Discharge Elimination System (NPDES). Their responsibilities involve encouraging the public to help protect water quality, monitoring runoff in the storm drain system, managing the NPDES permit process for municipalities, investigating illegal disposals and maintaining storm drains.

The support of Orange County residents, businesses and industries is needed to improve water quality and reduce the threat of Storm Water & Urban Runoff Pollution (SWURP). Proper use and disposal of materials we use everyday will help stop this form of pollution before it reaches the storm drain and the ocean.



A Cooperative Project between the County of Orange, its Cities and the Orange County Environmental Management Agency.



The Orange County Environmental Management Agency would like to thank the Santa Clara Valley Water District and artist John Finger for the artwork and concept of this brochure. Funding by Orange County Flood Control District and Orange County Storm Water Program.

County Storm Water Program Participants:

Anaheim Public Works/Engineering.....	254-5259
Irma Engineering.....	990-7760
Buena Park Public Works.....	562-3701
Costa Mesa Public Services.....	754-5248
Cypress Engineering.....	229-6752
Dana Point Public Works.....	248-3560
Fountain Valley Public Works.....	965-4478
Fullerton Engineering Dept.....	738-6322
Garden Grove Development Services.....	741-5181
Huntington Beach Public Works.....	536-5242
Irvine Public Works.....	724-6715
La Habra Public Services.....	(310) 905-9792
La Palma Public Works.....	523-1140
Laguna Beach Municipal Services.....	497-0711
Laguna Hills Engineering.....	707-2600
Laguna Niguel Public Works.....	362-4337
Lake Forest Public Works.....	707-5583
Lus Amnitus Community Dev.....	827-8670 ext.301
Mission Viejo Public Works.....	582-2489 ext.2711
Newport Beach Public Works.....	644-3311
Orange Public Works.....	744-5551
Placentia Engineering.....	993-8131
San Clemente Engineering.....	498-2533 ext.3414
San Juan Capistrano Engineering.....	493-1171
Santa Ana Public Works.....	647-3320
Seal Beach Engineering.....	(310) 431-2527 ext.218
Stanton Public Works.....	379-9222 ext.204
Tustin Public Works /Engineering.....	573-3150
Villa Park Engineering.....	998-1500
Westminster Public Works/Eng.....	898-3311 ext.229
Yorba Linda Engineering.....	961-7170 ext.174
EMA Storm Water Program.....	567-6371
For Additional Brochures.....	834-2884

Other Important Phone Numbers:

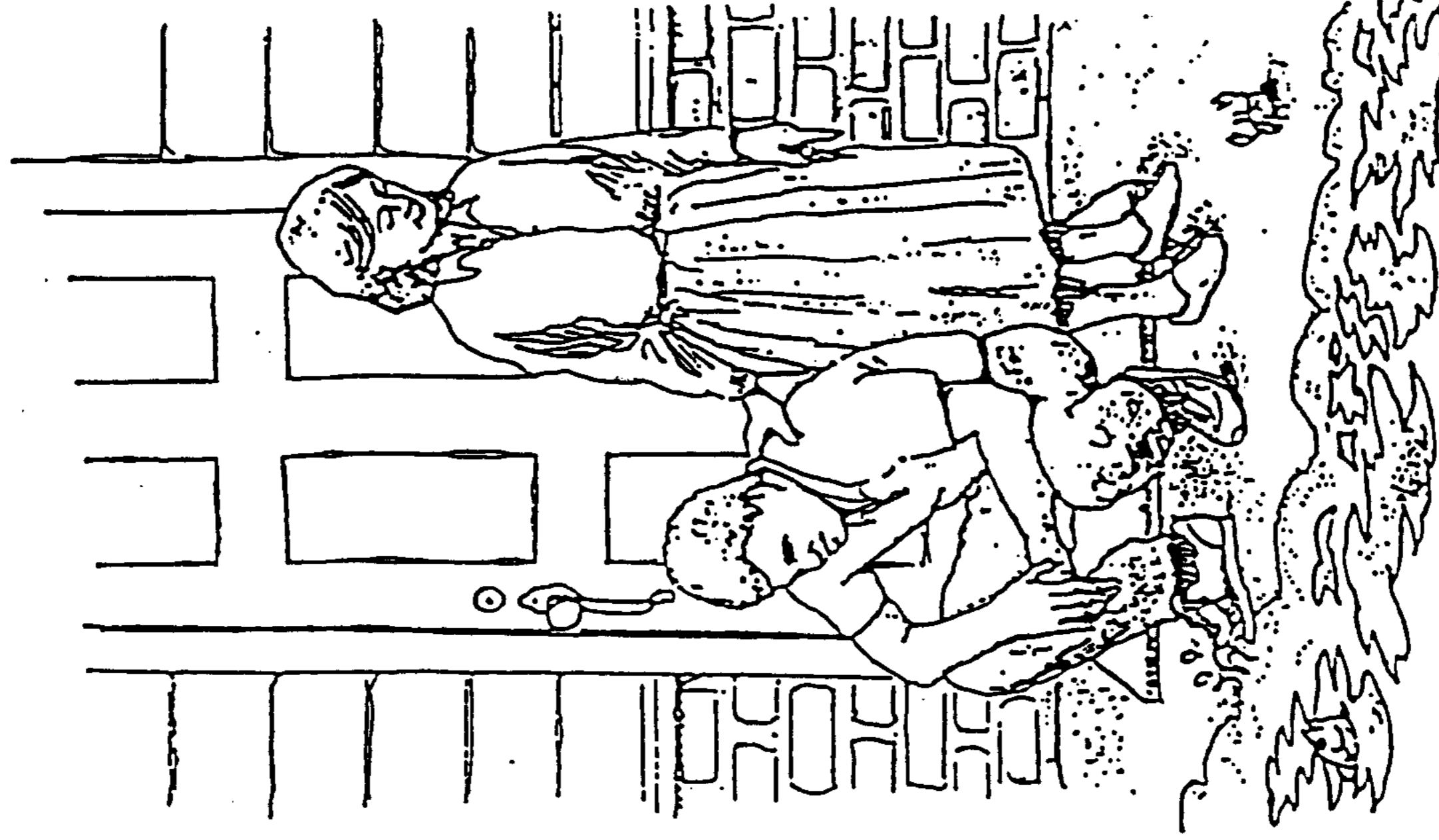
Orange County Hazardous Materials Hotline (714) 834-6752
Hazardous Materials Spills (Severe Emergencies Only) 911

For information on service stations that accept used motor oil.
California Integrated Waste Management Board
(800) 553-2962

For information on agriculture chemicals, pesticides and possible alternatives, O.C. Agriculture Commissioner
(714) 447-7100

Information for industries regarding Hazardous Waste And Underground Storage Tank Requirements: O.C. Health Care Agency / Environmental Health Division / Hazardous Materials Management Section (714) 667-3700

The Clean begins at your front door!



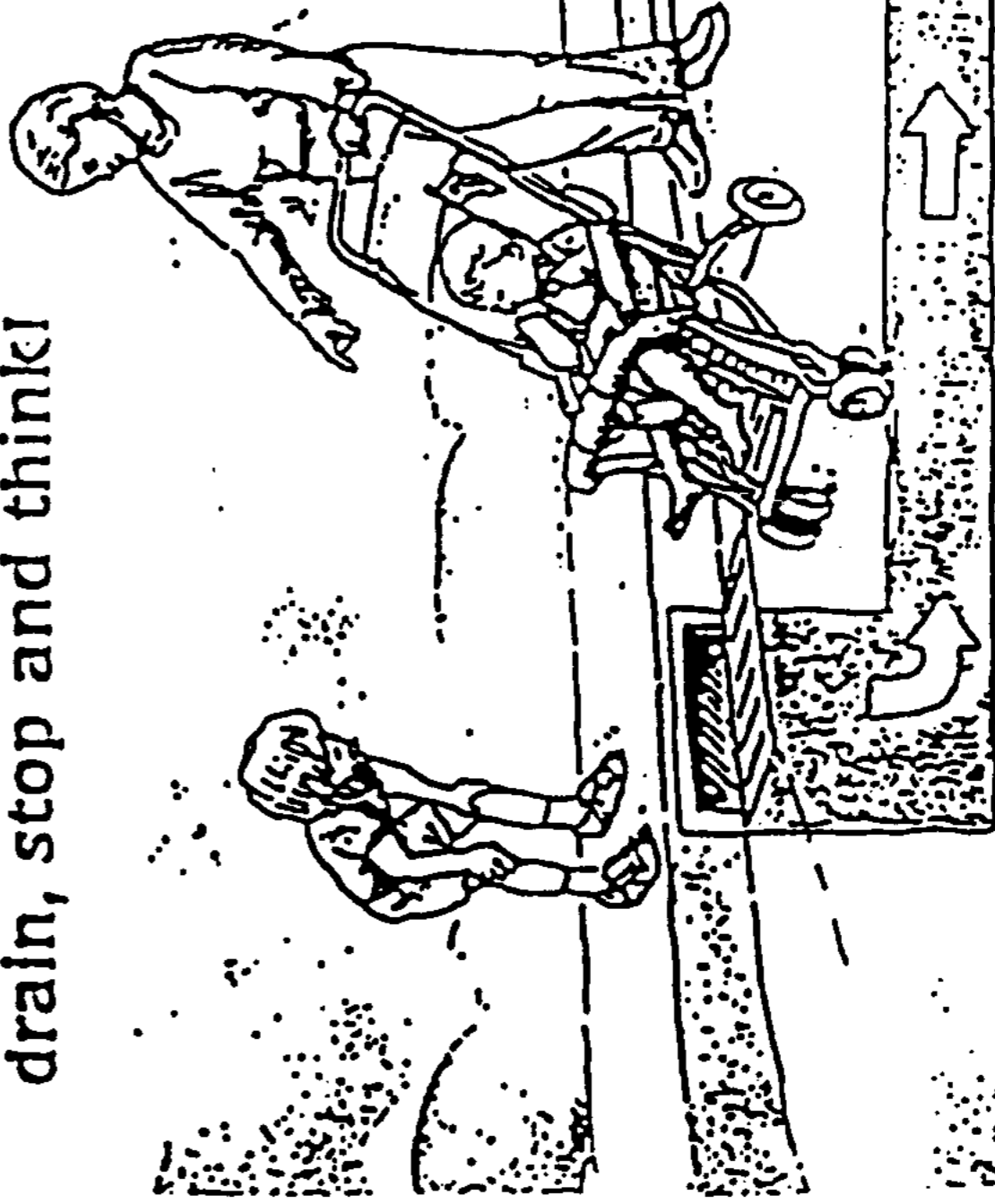
Storm Water & Urban Runoff Pollution (SWURP)
And What You Can Do To Stop It!

Did You Know...

Anything we use in our home, car and business like motor oil, paint, pesticides, fertilizers and cleaners can wind up in the street.

A little water from rain or a garden hose can carry automotive and household materials through the storm drain polluting bays, wetlands and the ocean. Storm drains are there to drain water off the street - not for disposal of hazardous materials.

Before you pour anything into the gutter or down the drain, stop and think!



Because storm drains are separate from our sewer system, SWURP can flow into the ocean without treatment.

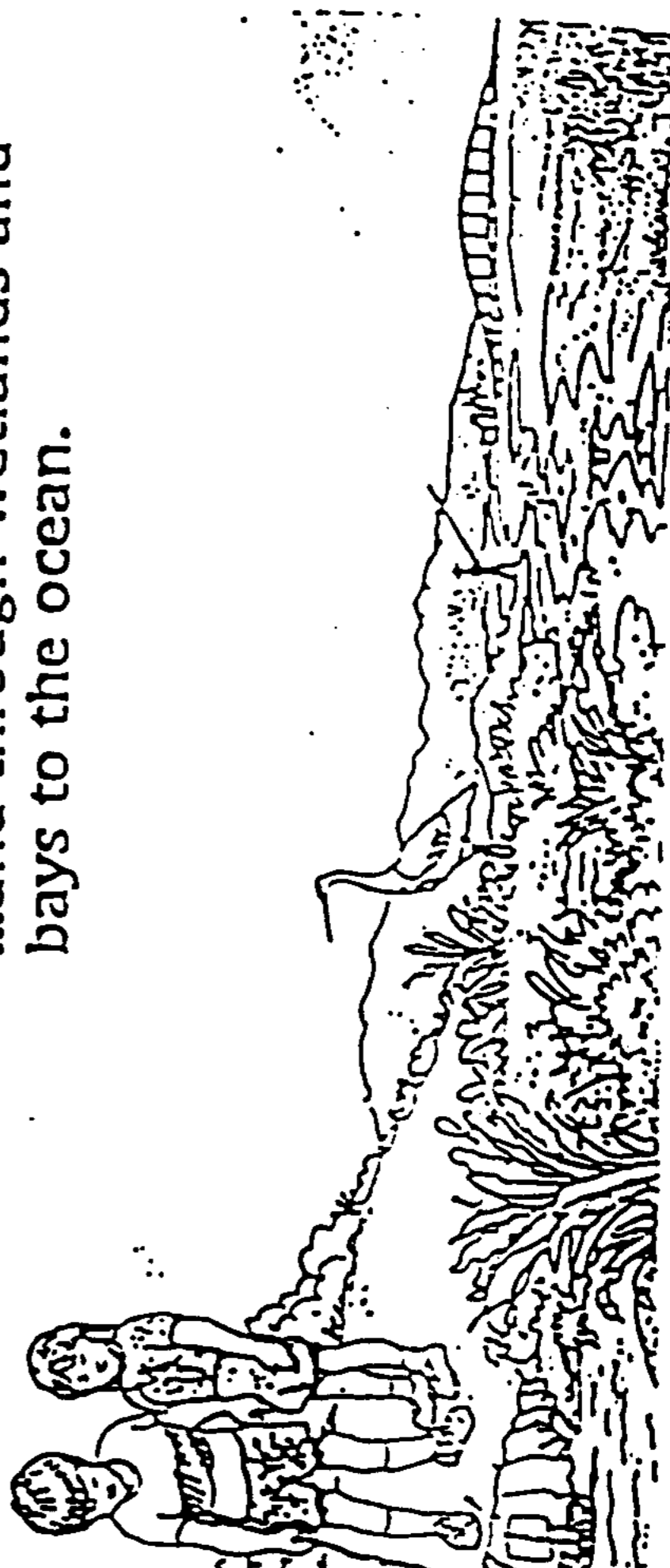
What Is Storm Water & Urban Runoff Pollution (SWURP)?

Storm water runoff refers to seasonal rainfall flows. It is very noticeable during a heavy rain storm when large volumes of water drain off paved areas. Urban runoff can happen anytime of the year when excessive water use from irrigation, car washing and other sources carries litter, lawn clippings and other urban pollutants into storm drains. Even an automobile leaking motor oil 20 miles inland can still pollute the ocean.

How Is It Different From Other Forms of Water Pollution?

SWURP can include anything that washes into the storm drain from the community. Unlike water pollution linked to factories or sewage treatment plants, SWURP can come from city streets, neighborhoods, farms, construction sites and parking lots.

Storm drains go directly into channels and creeks...



...and through wetlands and bays to the ocean.

Impacts of oil and other engine fluids down the storm drain.

Metals found in vehicle exhaust, weathered paint, rust, metal plating and tires.

Pesticides, herbicides and fertilizers from lawns, gardens and farms.

Improper disposal of cleaners, paint and paint removers.

Soil erosion and dust debris from landscape and construction activities.

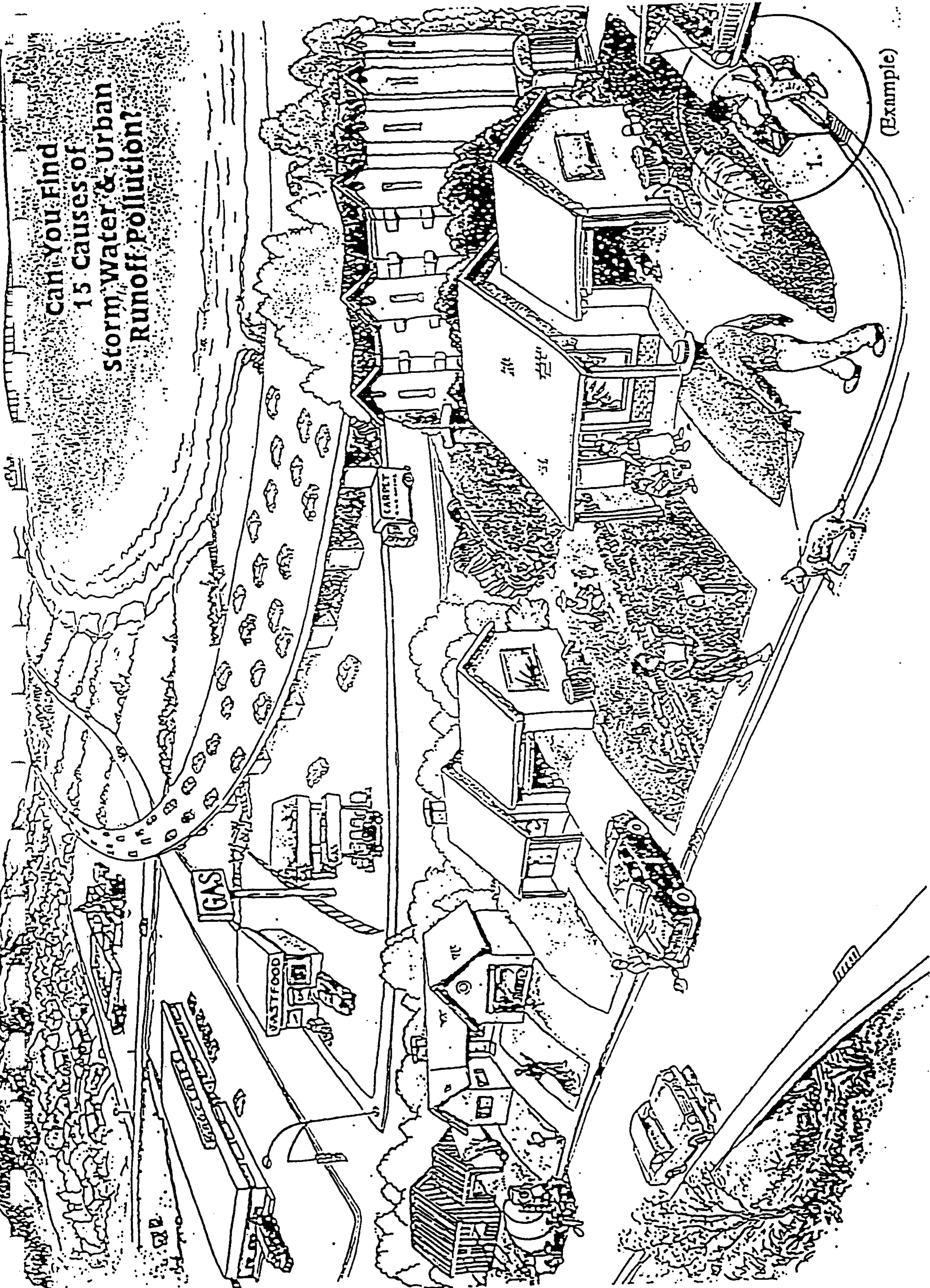
Litter, lawn clippings, animal waste and other organic matter.

Oil stains on parking lots and paved surfaces.

Storm Water & Urban Runoff Pollution And The Ocean:

SWURP may have a serious impact on water quality in Orange County. Pollutants from the storm drain system can harm marine life as well as coastal and wetland habitats. It can also degrade recreation areas such as beaches, harbors and bays.

Can You Find 15 Causes of Storm, Water & Urban Runoff Pollution?



(Example)

The picture shows how materials improperly used and disposed can go down the storm drain and flow into the ocean!

STORM & URBAN RUNOFF POLLUTION

Here are ways to reduce SWURP!

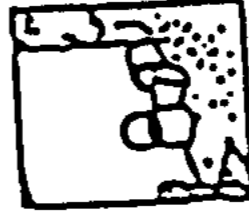
Home Maintenance



Buy household products such as cleaners and furniture polish labeled "non toxic". Use small quantities and purchase only the amount you need.



Properly use and store all toxic products, including cleaners, solvents and paints. Use up paint cleaners and other products or share leftovers with a neighbor.



Take household hazardous materials and containers to a hazardous material collection center.*

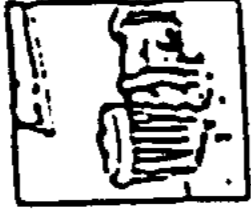


Use kitty litter or other absorbent materials to clean spills. Depending on the substance, dispose absorbents in the trash can or at a hazardous materials collection center.*

* For more information, see Telephone Numbers on the back of this brochure.



Rinse water based paint brushes in the sink. Filter and reuse paint thinner or brush cleaners. Dispose of used thinner, oil and latex paint at a hazardous materials collection center.*



Recycle reusable materials. Throw litter into trash cans and keep cans tightly covered to prevent foraging by animals.

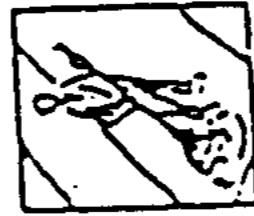


Control erosion at construction and landscape sites to prevent dirt and debris from entering storm drains.

Lawn and Garden



Use pesticides, herbicides and fertilizers in accordance with label instructions. Do not apply before rain and dispose leftovers at a hazardous materials collection center.*



Use a broom rather than a hose to clean up garden clippings. Put leaves and clippings in a trash can or a compost pile.



Divert rain spouts and garden hoses from paved surfaces onto grass to allow water to filter through the soil. Water only your lawn and garden. Caution! do not use this suggested action in areas with steep slopes or landslide potential.



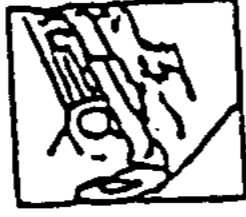
Pick up animal waste and dispose in the trash can.



Automotive



Take used motor oil and antifreeze to gas stations that accept recyclable automotive fluids, or to a hazardous materials collection center.*



Have your car maintained regularly to prevent oil, antifreeze and other fluid leaks.



Reduce automotive emissions through routine auto maintenance, ride sharing and public transportation.

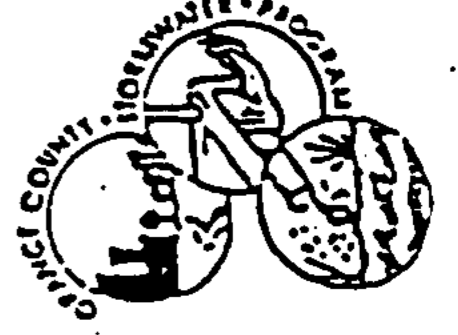


Conserve water when washing your car and use biodegradable soap. Clean engines at a "Do It Yourself Car Wash" where the drainage is not connected to the storm drain.

You can control SWURP by supporting city and county activities to keep your streets clean. You can help by participating in recycling, beach clean-ups, and the proper disposal of hazardous materials.

Since many businesses and residents are unaware of the storm water & urban runoff problem, encourage neighbors and co-workers to be careful in not polluting the storm drain system.

Together, you, your neighbors and city can make a difference in keeping the ocean and beaches clean for ourselves and wildlife. Contact the Storm Water Participant in your area to share ideas or ask questions on keeping storm drains clean.



A Cooperative Project between the County of Orange, its Cities and the Orange County Environmental Management Agency.

Orange County Urban Stormwater Pollution Prevention Program

Orange County Storm Water Program

Participants:

Anaheim Public Works/Engineering	(714) 765-5259
Ilraa Engineering	(714) 990-7666
Buena Park Public Works	(714) 562-3655
Costa Mesa Public Services	(714) 754-5248
Cypress Engineering	(714) 229-6752
Dana Point Public Works	(949) 248-3560
Fountain Valley Public Works	(714) 593-4400 x347
Fullerton Engineering Dept	(714) 738-6853
Garden Grove Development Services	(714) 741-5554
Huntington Beach Public Works	(714) 536-5132
Irvine Public Works	(949) 724-6115
La Habra Public Services	(562) 905-9792
La Palma Public Works	(714) 523-1140 x102
Laguna Beach Municipal Services	(949) 497-0711
Laguna Hills Engineering	(949) 707-2600
Laguna Niguel Public Works	(949) 362-4337
Lake Forest Public Works	(949) 461-3480
Los Alamitos Community Dev	(562) 431-3538 x101
Mission Viejo Public Works	(949) 470-3095
Newport Beach Public Works	(949) 644-3311
Orange Public Works	(714) 744-5551
Maricella Engineering	(714) 993-8131
San Clemente Engineering	(949) 361-6100
San Juan Capistrano Engineering	(949) 493-1171
Santa Ana Public Works	(714) 617-3320
Seal Beach Engineering	(562) 431-2527 x318
Stanton Public Works	(714) 379-9222 x204
Tustin Public Works Engineering	(714) 573-3150
Villa Park Engineering	(714) 998-1500
Westminster Public Works Eng.	(714) 898-3311 x229
Yorba Linda Engineering	(714) 961-7170 x174
O. C. Storm Water Program	(714) 567-6363
O. C. Urban Runoff Plan Review	(714) 834-3526
24 Hour Water Pollution Problem Reporting Hotline	(714) 567-6363 or E-mail information to rnh101@prfd.ci.orange.ca.us

Other Important Phone Numbers:
 For Additional Drawings (714) 834-2884
 For Recycling Tips www.ciwmh.ca.gov/wmprog.htm

O. C. Household Hazardous Waste Information
 (714) 834-6752 or www.oc.gov/IWMH

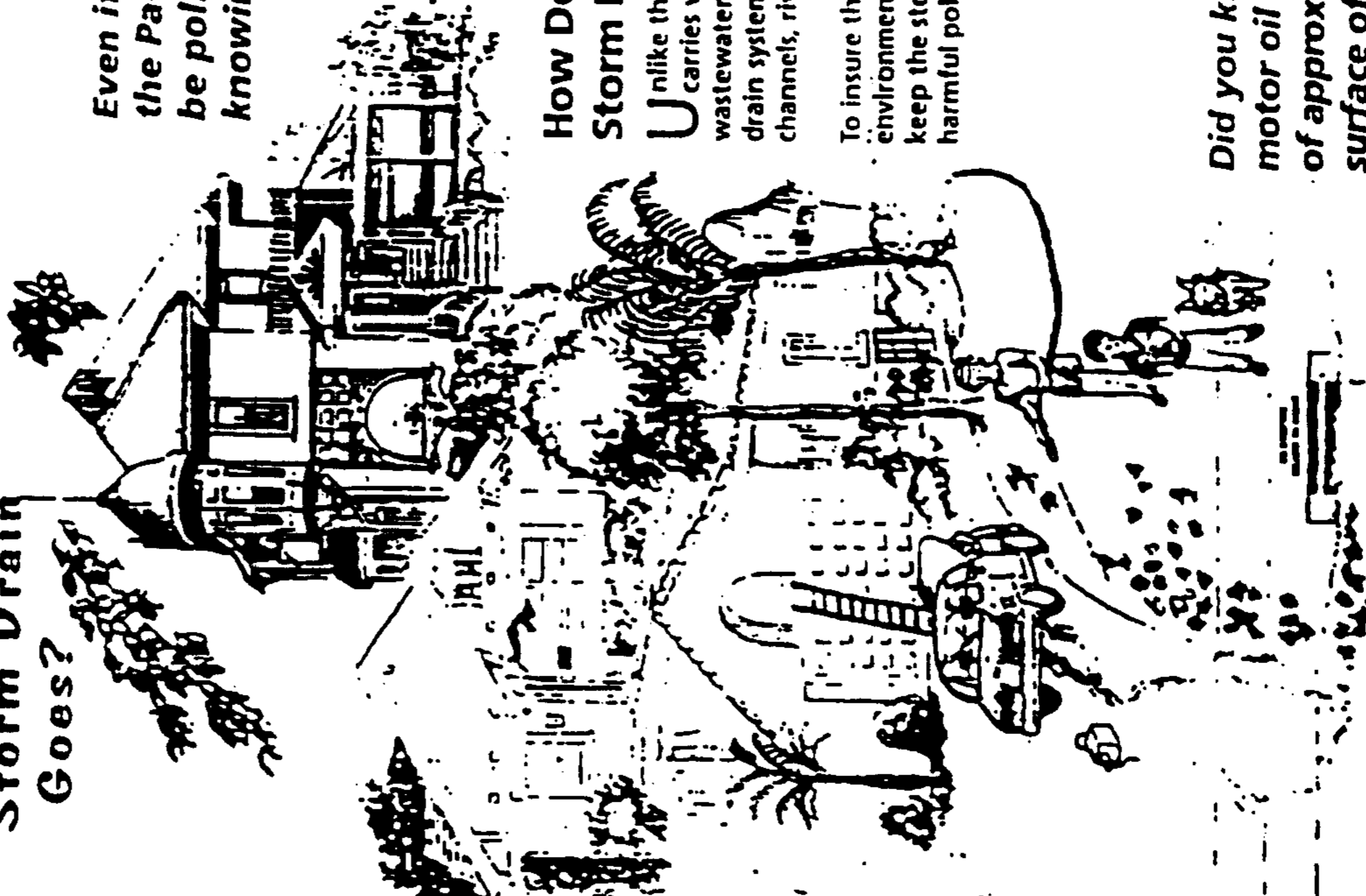
Chemical and Hazardous Material Spill Emergencies 911

Information on locations that accept used motor oil.
 California Integrated Waste Management Board
 (800) 653-2862 or www.CIWMB.ca.gov

Information on agriculture chemicals, pesticides and possible alternatives. O.C. Agriculture Commissioner
 (714) 447-7100

Information for industries regarding Hazardous Waste And Underground Storage Tank Requirements:
 O.C. Health Care Agency / Environmental Health Division/ Hazardous Materials Management Section
 (714) 667-3700

Do You Know Where The Water In Your Storm Drain Goes?



Even if you live miles from the Pacific Ocean you may be polluting it without knowing it.

How Does Orange County's Storm Drain System Work?

Unlike the sewer system, which carries water from your indoor drains to wastewater treatment plants, the storm drain system releases untreated water into channels, rivers and ultimately the ocean.

To insure the safety and enjoyment of our environment, everyone's help is needed to keep the storm drain system free from harmful pollutants...

Did you know that one pint of motor oil can produce an oil slick of approximately one acre on the surface of water?

Orange County Urban Storm Water Pollution Prevention Program

COMMON STORM DRAIN POLLUTANTS

HOME MAINTENANCE

- Detergents, Cleaners and Solvents
- Oil and Latex Paint
- Swimming Pool Chemicals
- Outdoor Trash and Litter

LAWN AND GARDEN

- Pet and Animal Waste
- Pesticides, Insecticides and Herbicides
- Clippings, Leaves and Soil
- Fertilizer

AUTOMOBILE

- Oil and Grease
- Radiator Fluids and Antifreeze
- Cleaning Chemicals
- Brake pad dust



To The Ocean...

Things You Can Do To Protect The Water In Your Storm Drain System

Did you know that dumping anything in the storm drain system is illegal and harmful to the environment?

HOUSEHOLD

Some household products, such as cleaners, insect spray and weed killers, can cause pollution if allowed to drain into a storm drain. Buy household products labeled "nontoxic" whenever possible. Clean up spills with an absorbent material such as kitty litter and check with your disposal carrier or a household hazardous waste collection center for disposal recommendations.

PAINT AND SOLVENTS

Clean water-based paints from rollers, pans and brushes in sinks that go into the sewer system. Use paint thinner to remove oil-based paint from brushes and rollers, then take used thinner and left over paint to a household hazardous waste collection center, or keep the paint for touch ups, or give it to a friend.

AUTOMOTIVE

Keep your autos in good repair and watch for possible leaks. Take left over or used fluids to your household hazardous waste collection center. Clean up leaks and spills with an absorbent material such as kitty litter and check with your disposal carrier or a household hazardous waste collection center for disposal recommendations.

Before you let anything go into the gutter or the storm drain, stop and think!



Storm drain water goes directly into channels and creeks...

SWIMMING POOL AND SPA

Water containing chlorine is harmful to aquatic life. Whenever possible, drain water into the sewer system. There are established guidelines on the amount of residual chlorine, acceptable pH range, coloration, filter media and acid cleaning wastes when draining into the storm drain system, and some areas may require a permit. Check with your city or call the county at 714-567-6363 for a copy of the guidelines.

LAWN AND GARDEN

Use a broom or rake to clean up yard debris and place in trash bins; lawn clippings and leaves should be placed in recycling containers if available - or better yet, leave your grass clippings on the lawn. Follow directions carefully when using pesticides and fertilizers; don't over water or use before a rain. Pesticides and fertilizers may adversely impact our waterways.

TRASH

Place trash and litter that cannot be recycled or reused in trash cans, call your city to find out if your city has a recycling program. Whenever possible, turn trash into useful products and buy recycled products.

Remember: Reduce - Reuse - Recycle

PET CARE

Pick-up pet waste as soon as possible and put it in the trash. Pet waste has harmful bacteria that can get into our waterways. Also, follow label directions for disposal on pet care products like flea shampoo, they can be toxic.

...and through wetlands and bays...



This brochure has been developed as part of the Orange County Storm Water Management Program. Participants include the County of Orange, local cities, and agencies listed in this brochure. You may contact one of them for additional brochures and information.

It's Up To You

Together, you and your neighbors can make a difference to keep gutters, storm drains and waterways clean. To learn more, contact your city or one of the program participants listed in this brochure.

...to the ocean.

Storm Water Pollution and the Solutions

STATE WATER RESOURCES CONTROL BOARD

P.O. BOX 100, Sacramento, CA 95812-0100

Legislative and Public Affairs: (916) 657-1247

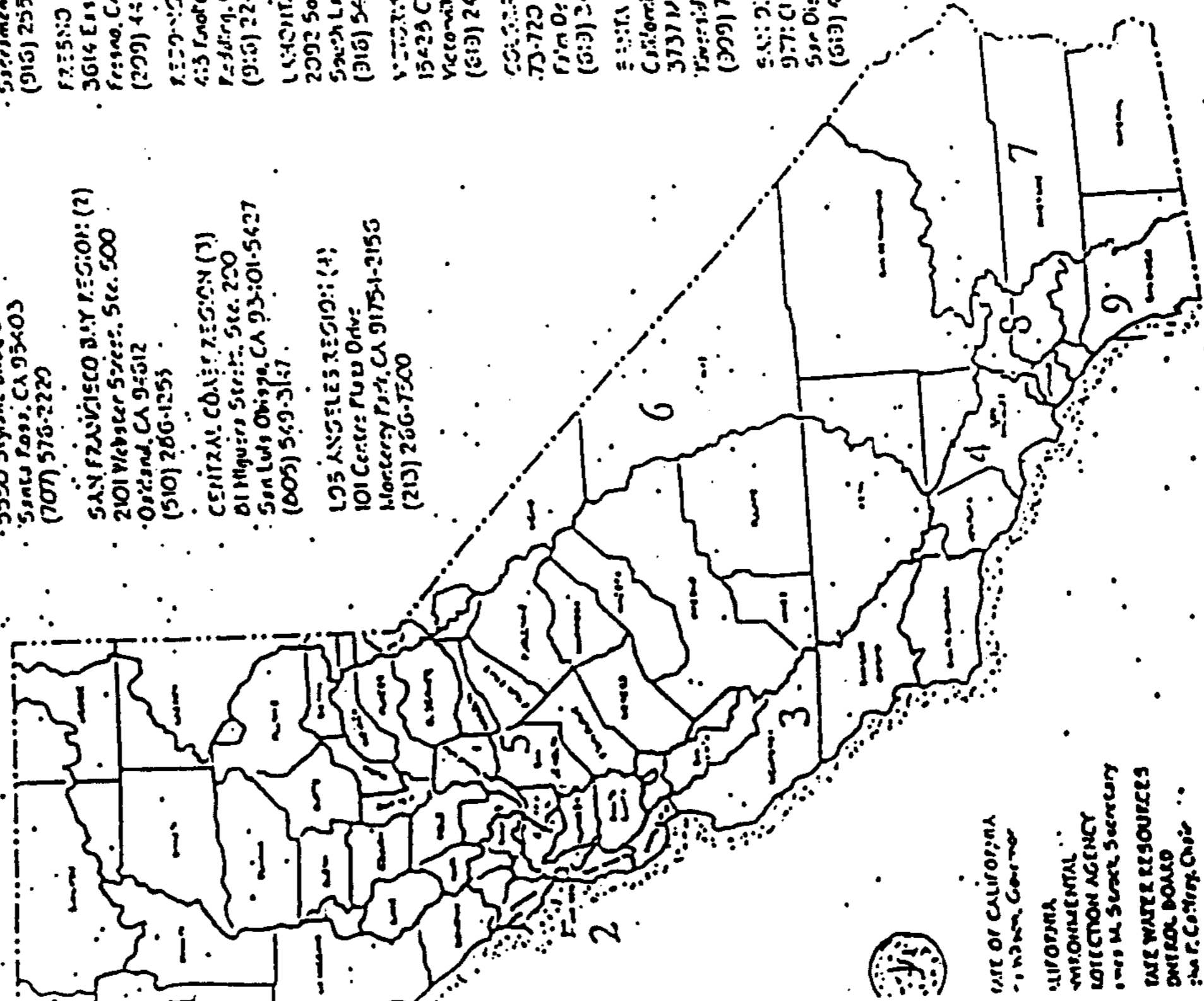
Water Quality Information: (916) 657-0687

Clean Water Programs Information: (916) 227-4400

Water Rights Information: (916) 657-2170

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARDS

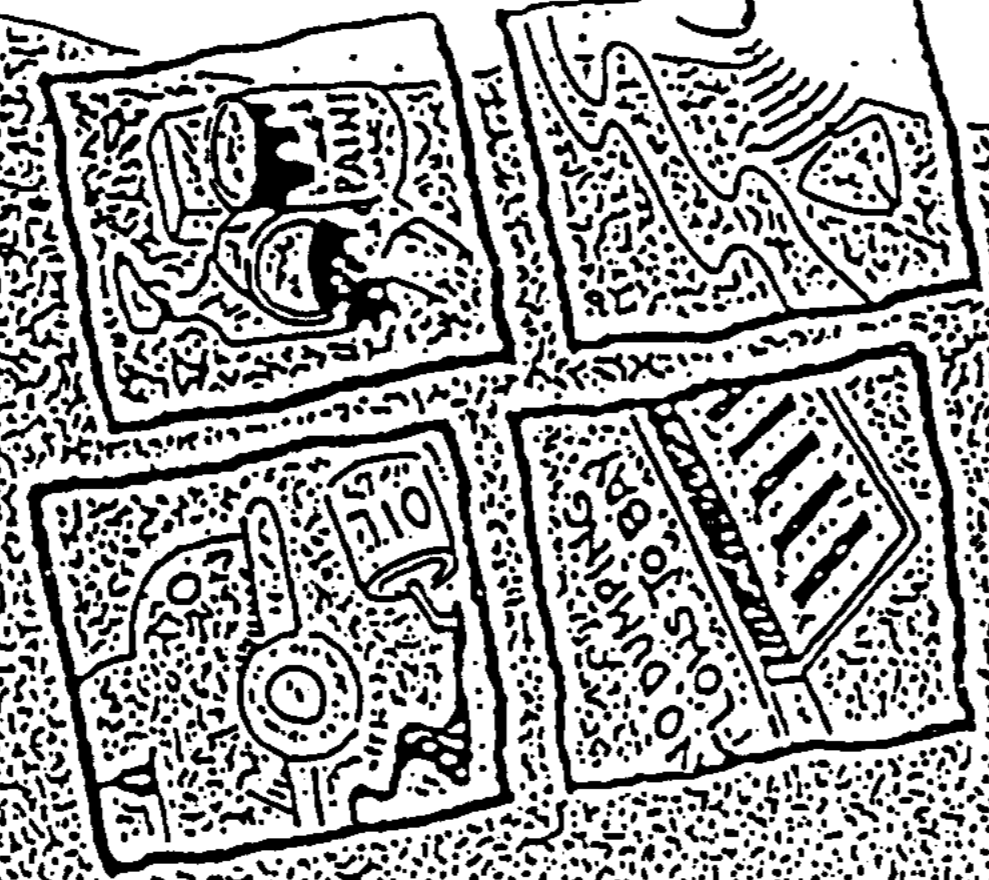
- CENTRAL VALLEY REGION (5)**
3443 Souther Road, Suite A
Sacramento, CA 95827-2000
(916) 255-3000
- FRESNO BRANCH OFFICE**
3614 East Ashlan Avenue
Fresno, CA 93726
(209) 445-5116
- REDFORD BRANCH OFFICE**
443 Redford Drive
Redford, CA 95202
(916) 224-6345
- LAS VEGAS REGION (5)**
2092 South Lake Tahoe Blvd.
South Lake Tahoe, CA 96150
(916) 542-5600
- YUBA VALLEY BRANCH OFFICE**
15425 Civic Drive, Ste. 100
Victorville, CA 92392-2363
(919) 244-6383
- COASTAL VALLEY REGION (7)**
73-720 Fred Waring Dr., Ste. 100
Firm 04157, CA 92250
(619) 245-7431
- SANTA ANA REGION (2)**
California Tower
3737 Main Street, Ste. 500
Irvine, CA 92601-3333
(909) 752-6120
- SAN DIEGO REGION (2)**
977 Chippendale Mesa Blvd., Ste. D
San Diego, CA 92124
(619) 457-2952
- NORTH COAST REGION (1)**
5550 Skyline Blvd., Ste. A
Santa Rosa, CA 95403
(707) 576-2220
- SAN FRANCISCO BAY REGION (1)**
2101 Webster Street, Ste. 500
Oakland, CA 94612
(510) 266-1253
- CENTRAL COAST REGION (1)**
611 Myrtle Street, Ste. 200
San Luis Obispo, CA 93301-5427
(805) 549-3157
- LOS ANGELES REGION (4)**
101 Centre Plaza Drive
Monterey Park, CA 91754-2156
(213) 266-7500



STATE OF CALIFORNIA
GOVERNOR
CALIFORNIA
ENVIRONMENTAL
PROTECTION AGENCY
1989 M. SUTTER, Secretary
STATE WATER RESOURCES
CONTROL BOARD
1989 F. CALVERT, Chair

State Water Resources
Control Board
901 P Street
P.O. Box 100
Sacramento, CA 95812-0100

Stormwater Pollution



...and the solution

State Water Resources Control Board
Regional Water Quality Control Board
California Environmental Protection Agency

Do you know what responsibilities the State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCB) have regarding storm drain water?

The SWRCB is responsible for protecting the quality of water in California and allocating water rights. The RWQCB staff monitors and enforces laws that protect the quality of water in California.

Did you know ...

... a sewer system and a storm drain system are not the same?

These two systems are completely different. The water that goes down a sink or toilet in your home or business flows to a wastewater treatment plant where it is treated and filtered. Water that



flows down driveways and streets and into a gutter goes into a storm drain which flows directly to a lake, river or the ocean. This water may pick up pollutants along the way which are never treated.

... there are many types of pollutants which enter storm drains?

Some common contaminants include motor oil, pesticides, brake dust, pet wastes, paint, and household chemicals.

... the effects of the storm drain pollutants on our water can be harmful? These pollutants can have harmful effects on drinking water supplies, recreational use, and wildlife. Some very popular beaches have even been closed because of contaminated storm water.

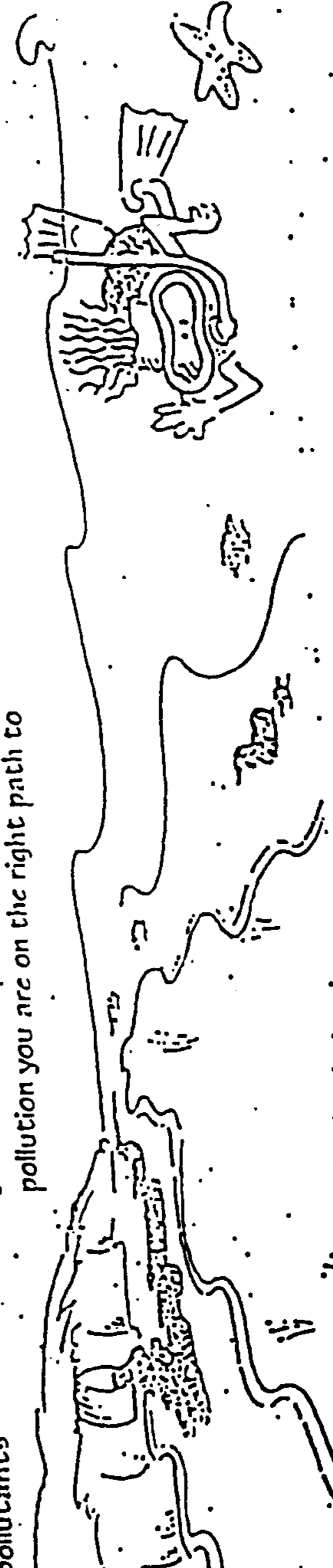
... there are ways you can prevent storm water pollution?

By reading this pamphlet and educating yourself on what causes storm water pollution you are on the right path to



preventing it. Share this knowledge with others:

- Don't dump waste in storm drains.
- Keep yard clippings out of the street.
- Dispose of household chemicals properly (follow the directions on the package or call your local public works department for proper disposal guidelines).
- Clean up oil spills and fix leaking automobiles.
- Sweep driveways clean - do not hose them down.



What else is being done to control storm water pollution?

The Federal Clean Water Act requires various industrial facilities, construction sites, and urban areas with more than 100,000 people to control the amount of pollutants entering their storm drain systems. Industrial facilities and construction sites are regulated by the SWRCB through general storm water permits. Cities and Counties are regulated through permits issued by the RWQCB.

What are some water quality actions you can take to help cover up your paint?

You can either contact your local Regional Water Quality Control Board and speak with a staff member directly or you can find information on one of our electronic bulletin boards (DB5) or through our Internet homepage.

Bulletin Board #1
 SWRCB General Information DB5
 916-657-9722
 Storm Water DB5
 916-657-3692
 Homepage:
[HTTP://WWW.SWRCB.CA.GOV](http://www.swrcb.ca.gov)

When It Rains It Drains

United States Environmental Protection Agency
August 1993
EPA-F-93-002

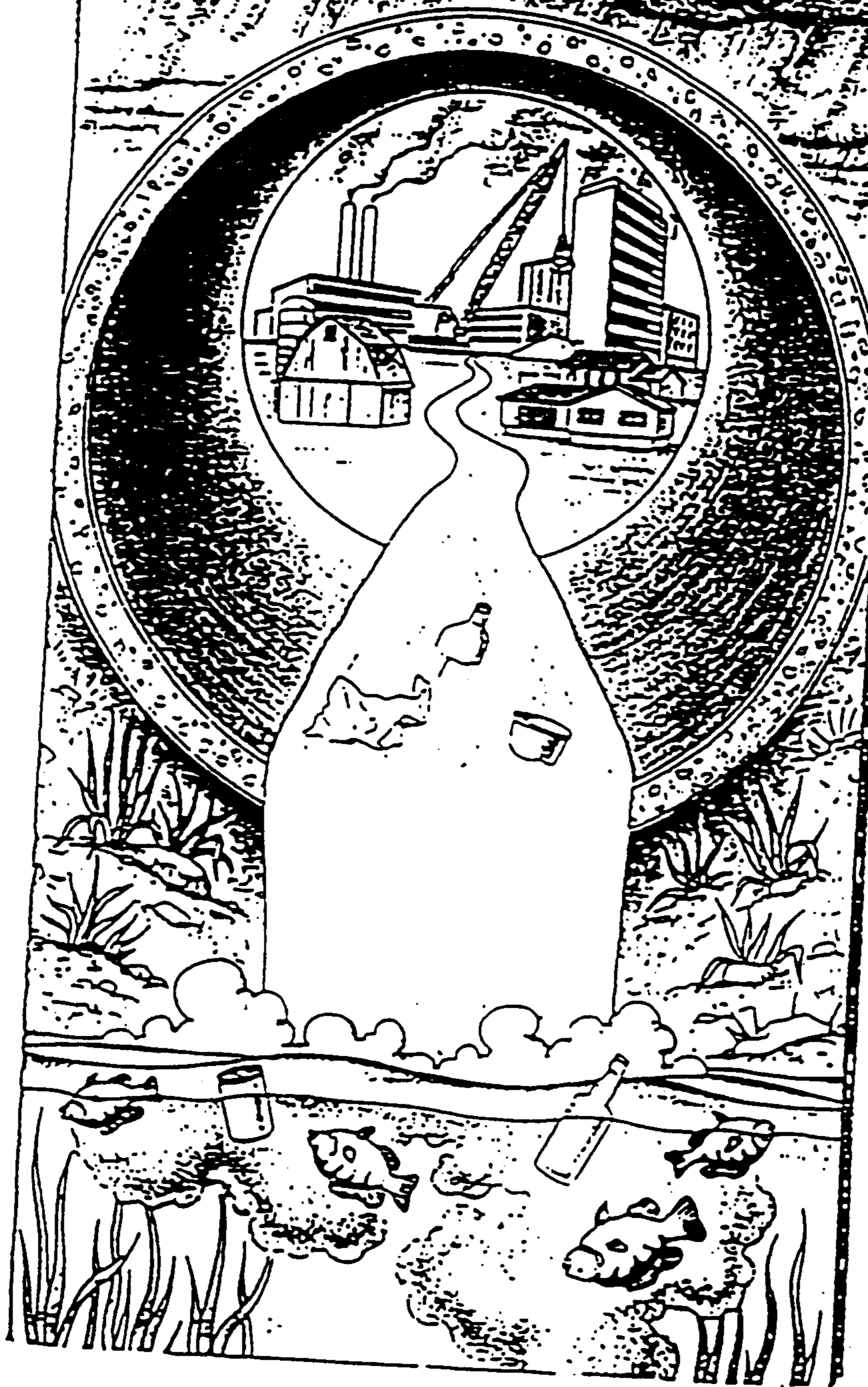
Office of Water

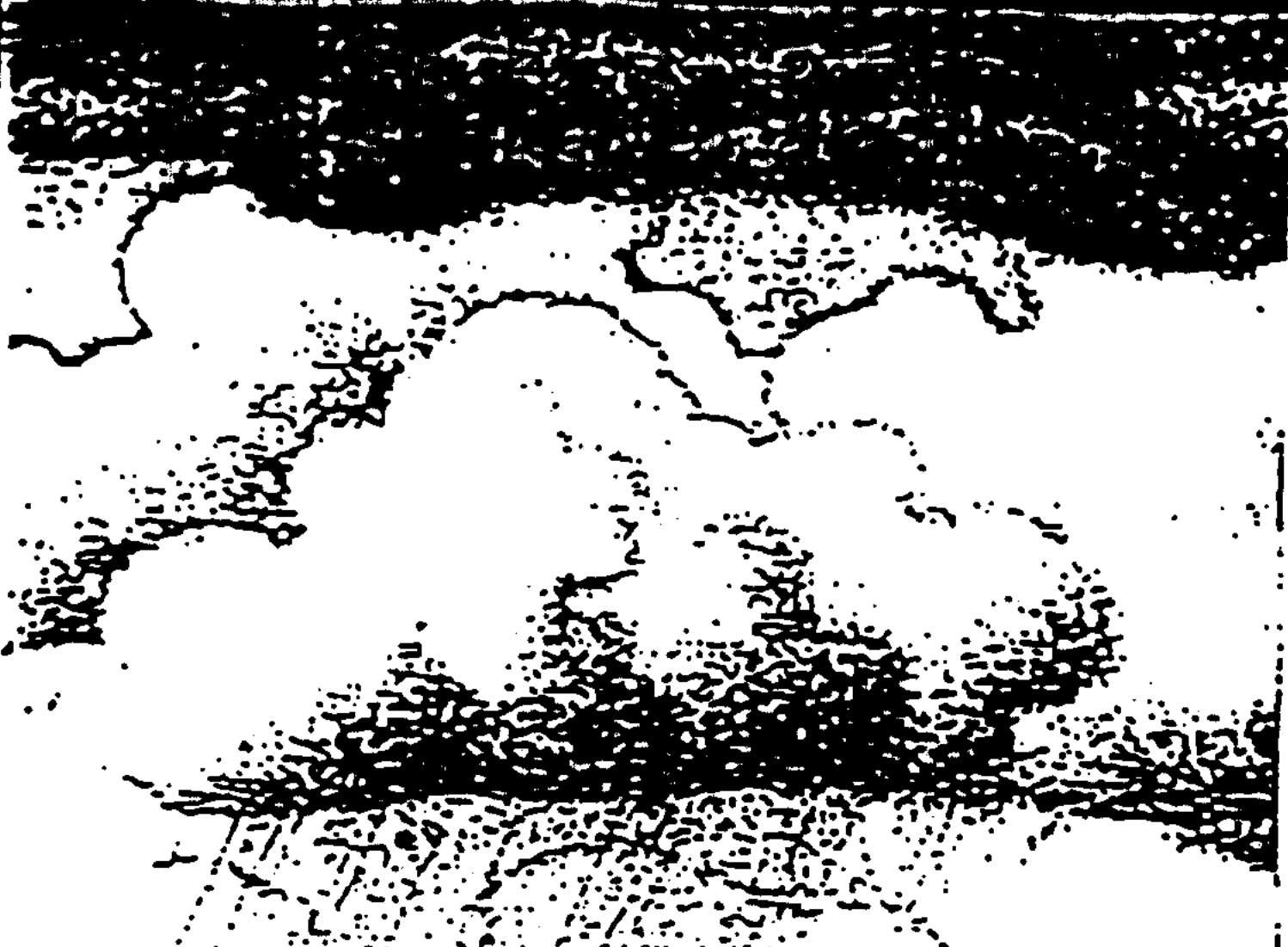
WH-547



When It Rains, It Drains

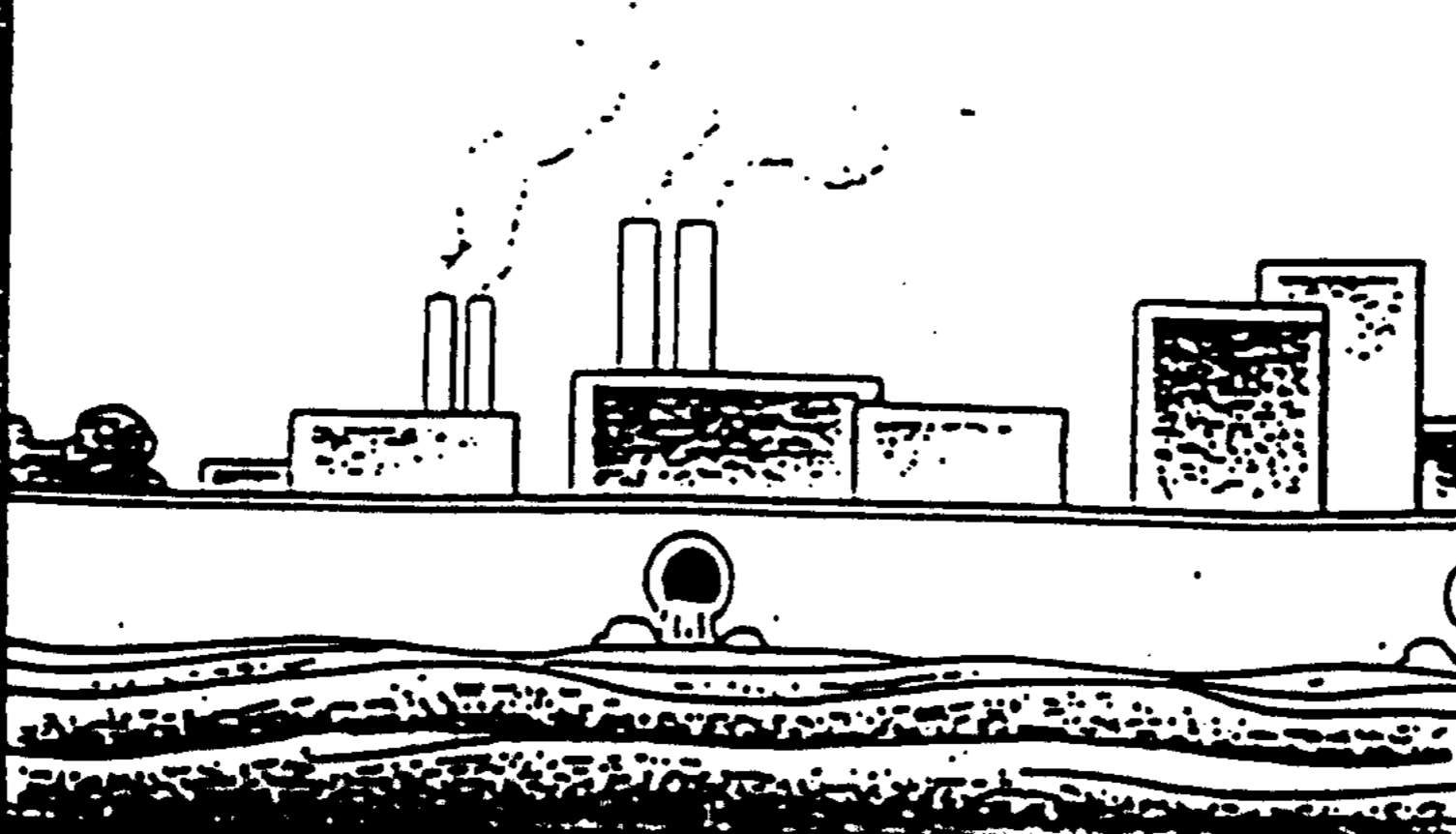
What Everyone Should
Know About Storm Water.





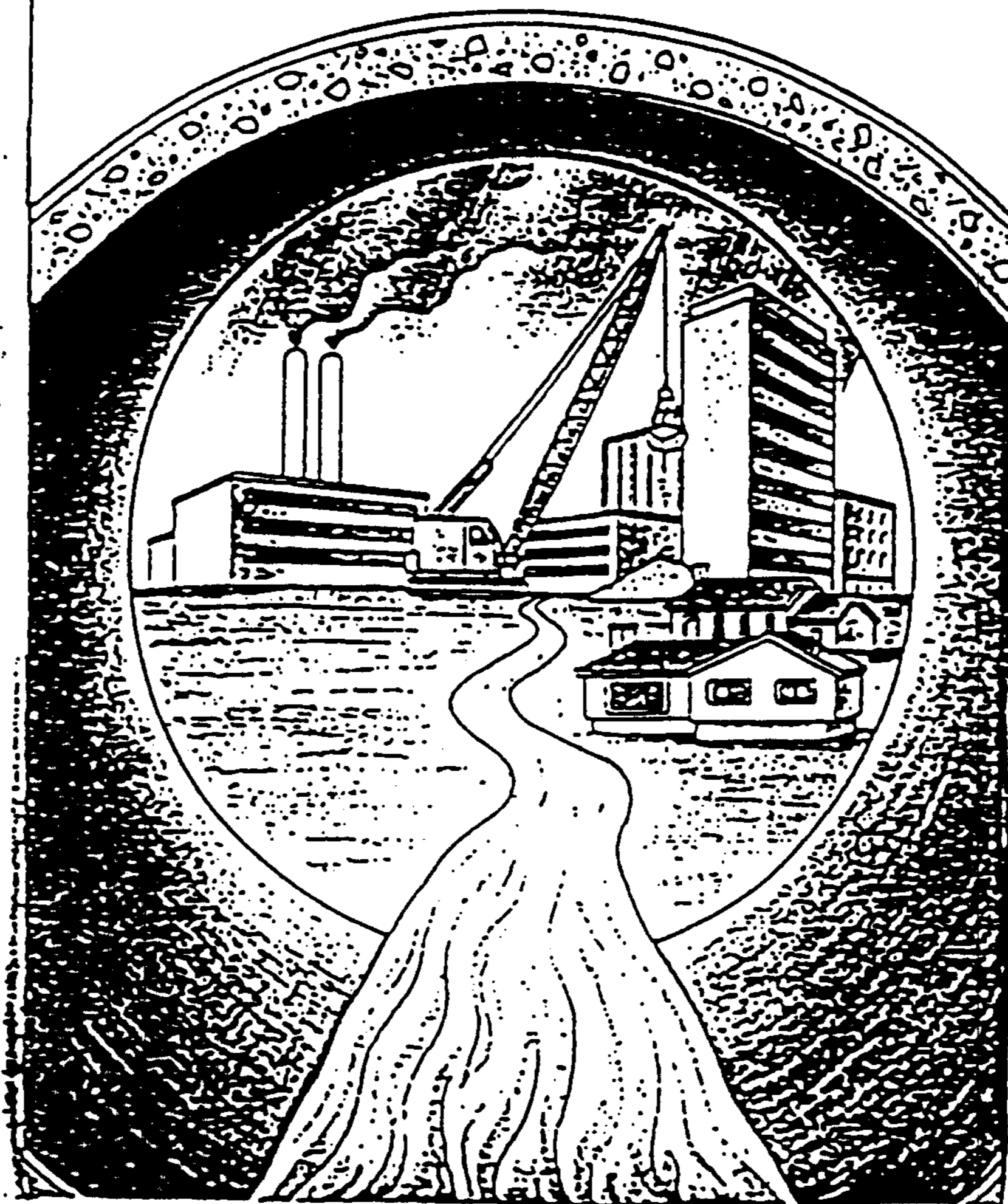
WHAT IS STORM WATER?

Storm water is water from precipitation that flows across the ground and pavement when it rains or when snow and ice melt. The water seeps into the ground or drains into what we call storm sewers. These are the drains you see at street corners or at low points on the sides of your streets. Collectively, the draining water is called storm water runoff and is a concern to us in commercial and industrial sites as well as your neighborhood because of the pollutants it carries.



STORM WA

We can agree that the best way to protect water quality is to avoid polluting it in the first place. EPA has a National Storm Water Permit Program that focuses on municipal and industrial pollution prevention to help control storm water pollution. This program involves issuing permits to certain municipalities and industries to control storm water pollution. Development of State and local storm water management programs can help to achieve the Clean Water Act goals of fishable and swimmable waters.

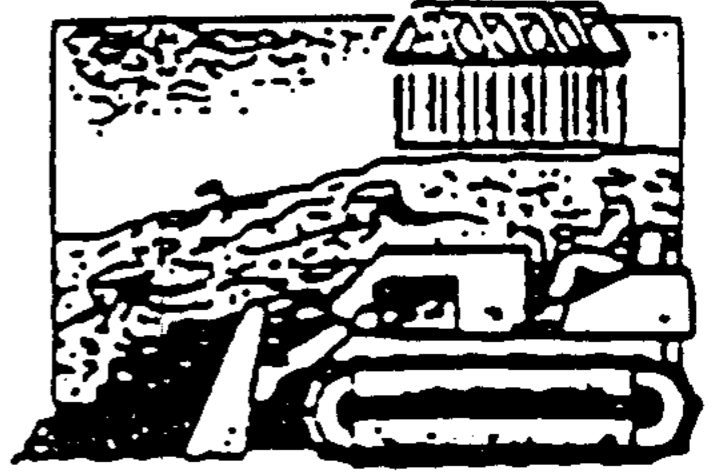


WATER PROGRAM

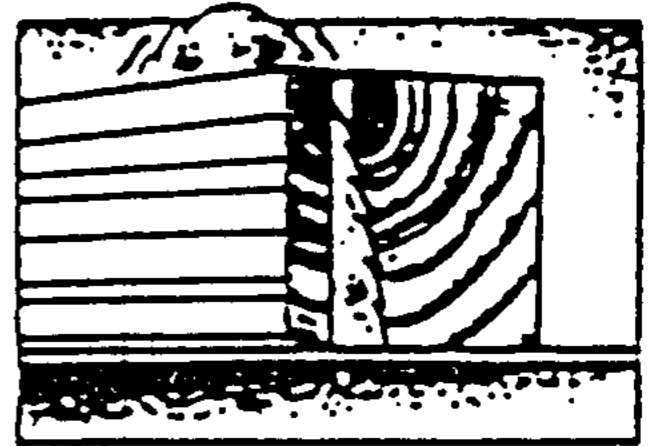
INDUSTRIAL PROGRAM

Storm water permits require many industrial facilities to prepare and implement storm water pollution prevention plans. Listed below are examples of industries and their pollution prevention activities.

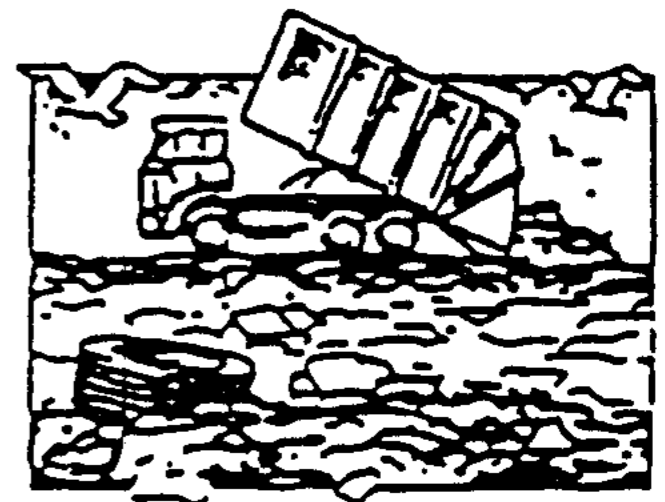
Owners of construction sites that disturb 5 or more acres must develop a plan before beginning construction. The plan must limit the area of disturbed soil and provide controls — like sediment basins — to keep sediment from running off.



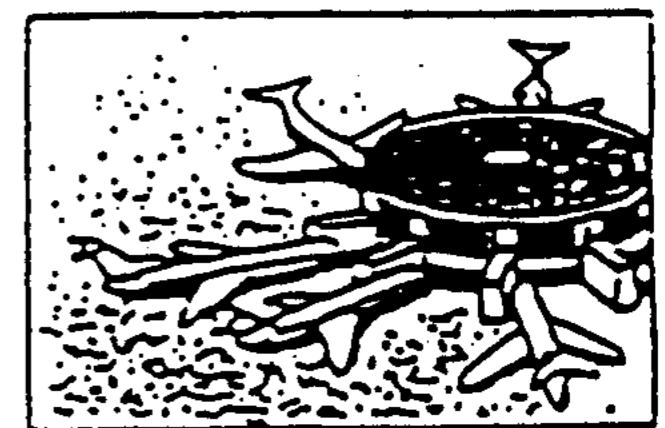
Operators of saw mills can reduce pollution by storing their materials and processing their products indoors; and removing any by-products from outdoor areas before these products come in contact with storm water runoff.



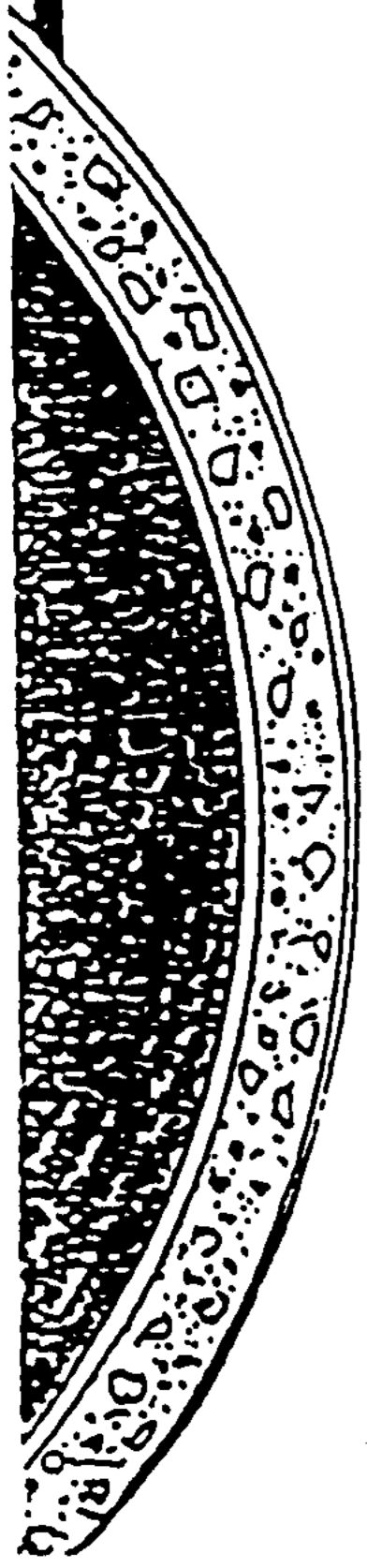
Operators of landfills should keep the storm water runoff from flowing over the pollutants and carrying them off the landfill site.



Airport employees can reduce storm water runoff pollution by using de-icing chemicals only in designated collection areas and by cleaning oil and grease spills from pavement immediately.



Chemical plant operators should develop spill prevention plans and use



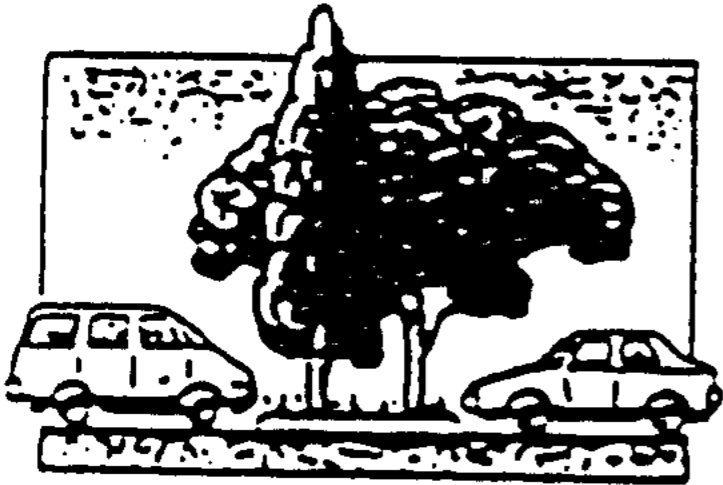
EPA NATIONAL

MUNICIPAL PROGRAM

Here are some of the most important steps your community can take to control storm water pollution:



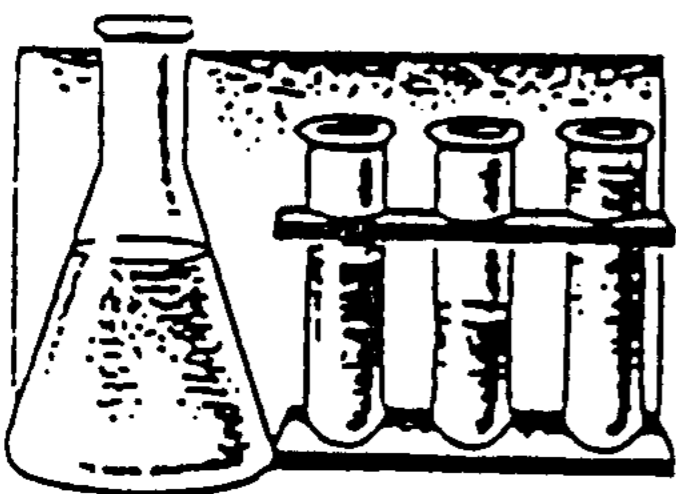
Prevent the release into the storm sewer system of hazardous substances such as used oil or household or yard chemicals



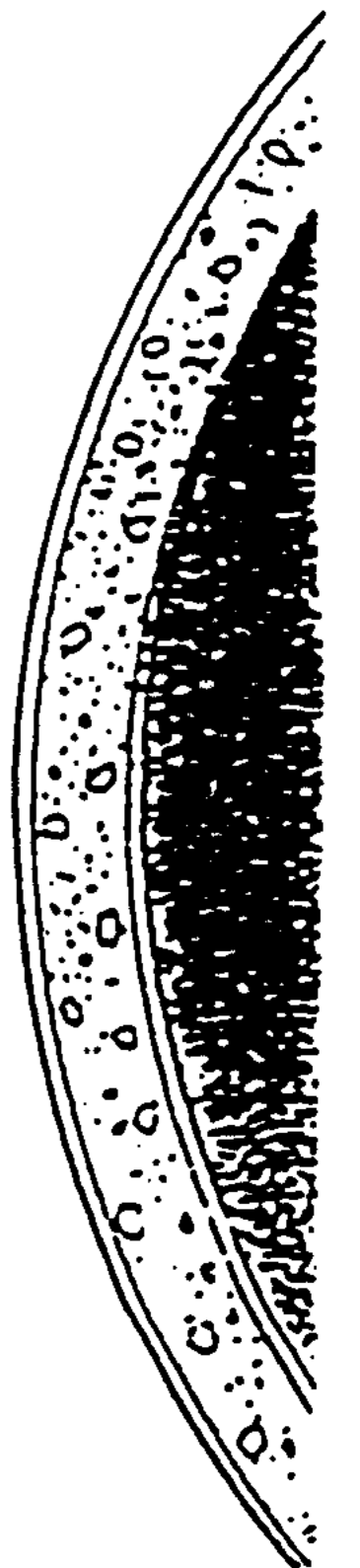
Make sure new commercial and residential developments include storm water management controls, such as reducing areas of paved surfaces to allow storm water to seep into the ground.

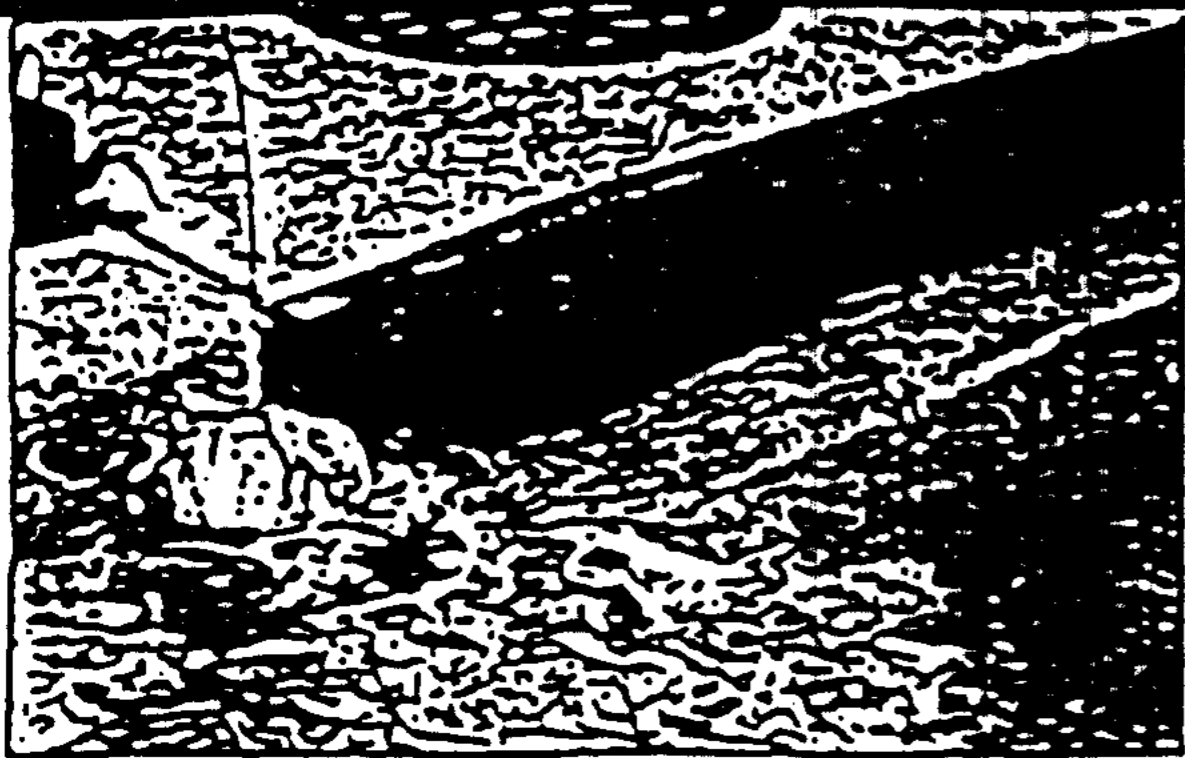


Promote practices such as street sweeping, limiting use of road salt, picking up litter, and disposing of leaves and yard wastes quickly.



Collect samples of storm water from industrial sites to see whether pollutants are being released. If so, identify the type and quantity of pollutants being released.





Debris along street picked up by storm water.

WHY IS STORM WATER A PROBLEM?

Storm water is a problem when it picks up debris, chemicals, and other pollutants as it flows or when it causes flooding and erosion of stream banks. The pollutants are deposited untreated into our waterways. The result can be the closing of our beaches; no swimming, fishing or boating; and injury to the plants and animals that live in or use the water.

WHAT ARE THESE POLLUTANTS? WHERE DO THEY COME FROM? WHAT ARE SOME OF THEIR EFFECTS ON PLANTS, ANIMALS, AND HUMANS?

The following information will answer these questions and let you know what you and your community can do to help recognize where there could be a problem and what to do to help solve it!

EPA has a storm water program that, with your help, can keep our rivers, lakes, streams, and oceans open to use and enjoyment, and healthy for plants and animals to live in.

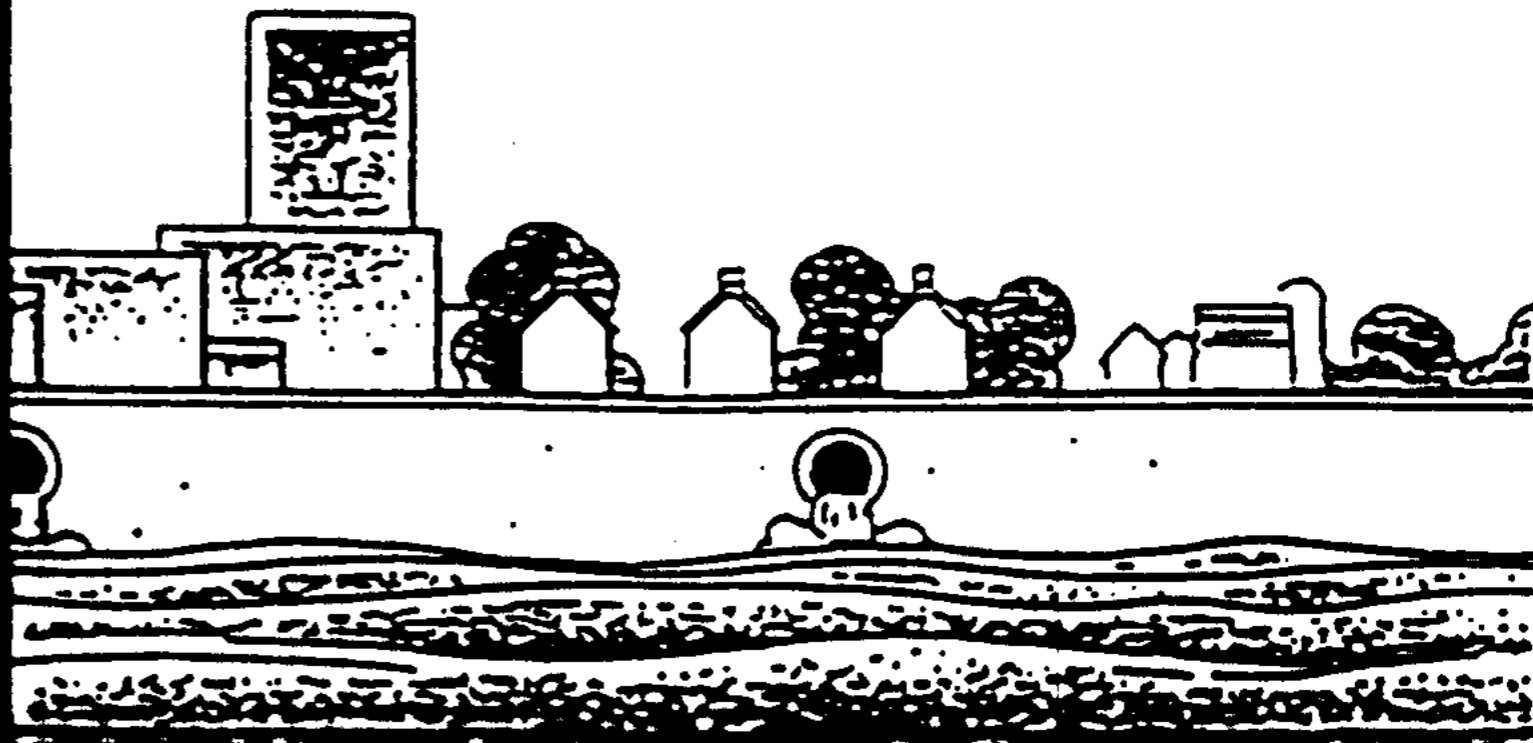


Debris washed up on the beach by storm water.

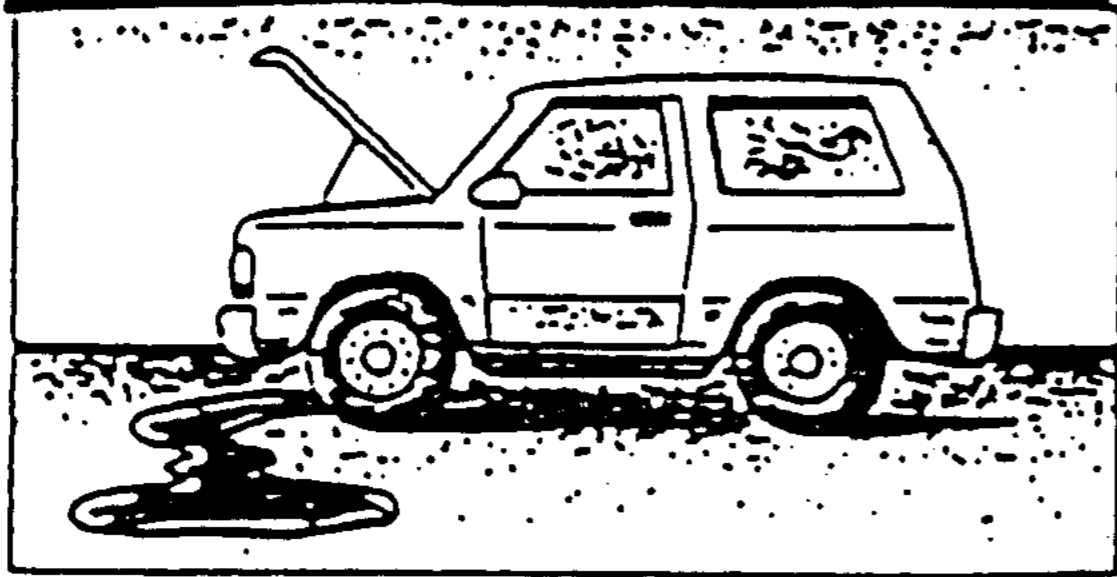


WHERE DOES THE STORM WATER GO AFTER IT DRAINS INTO STORM SEWERS?

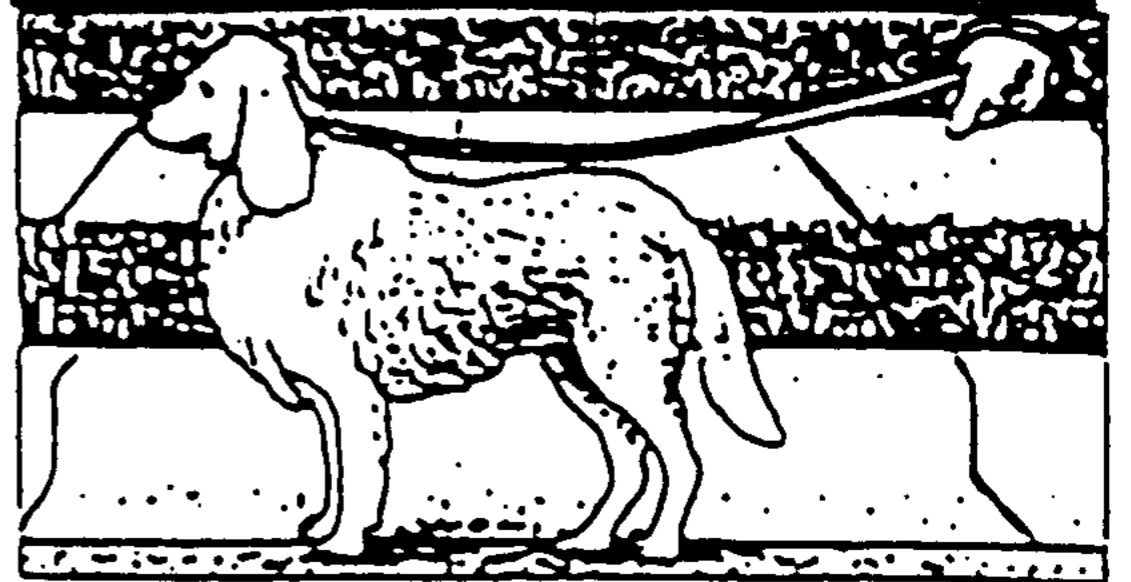
Storm water that does not seep into the ground, drains into systems of underground pipes or roadside ditches and may travel for many miles before being released into a lake, river, stream, wetland area, or coastal waters.



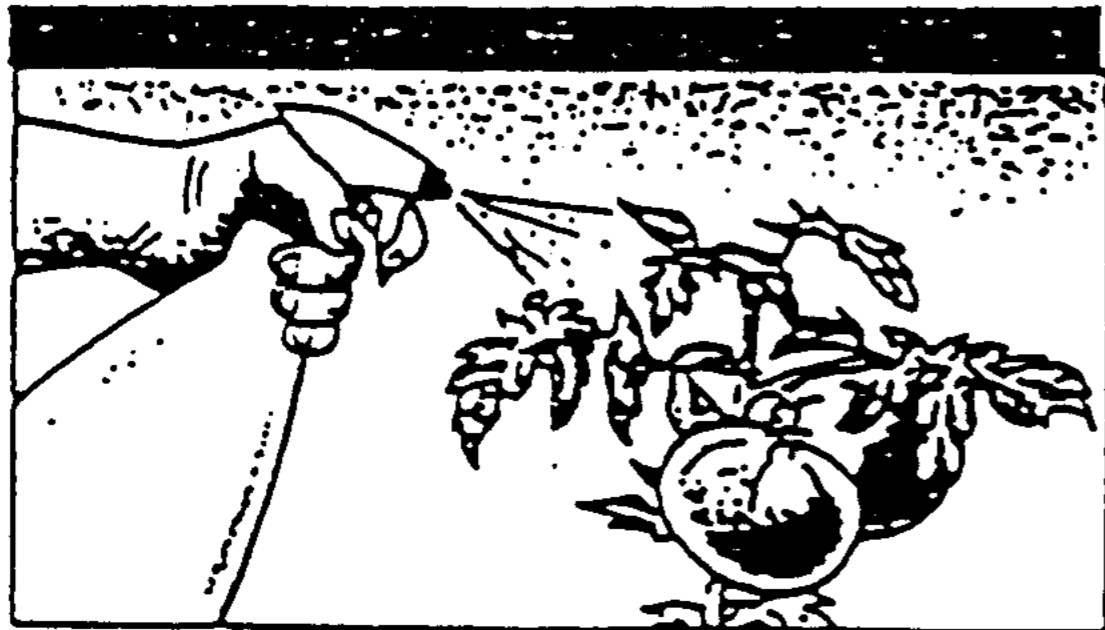
10 STORM WATER POLLUTION



HOUSEHOLD - Vehicles drip fluids (oil, grease, gasoline, antifreeze, brake fluids, etc.) onto paved areas where storm water runoff carries them through our storm drains and into our waterways.



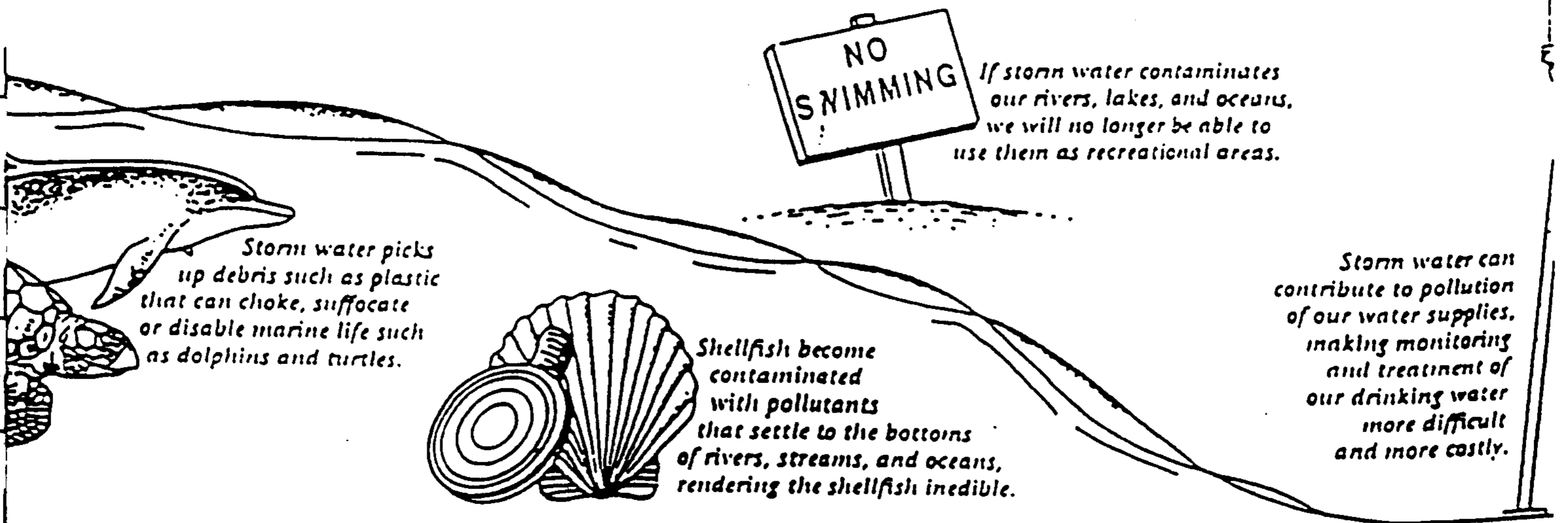
HOUSEHOLD - Pet wastes left on the ground get carried away by storm water, contributing harmful bacteria, parasites and viruses to our waterways.



HOUSEHOLD - Chemicals used to grow and maintain beautiful lawns and gardens, if not used properly, can run off into the storm drains when it rains or when we water our lawns and gardens.

OTHER COMMON HOUSEHOLD PRODUCTS THAT COULD CAUSE POLLUTION IF CARRIED OFF BY STORM WATER RUNOFF OR DUMPED DOWN STORM SEWERS:

- Ammonia-based cleaners, drain cleaners
- Car care products such as detergents with phosphates and car waxes
- Paint, paint thinners, varnish, furniture refinishing products, paint brush cleaners
- Concrete or wood sealants
- Degreasers
- Chlorine bleaches and disinfectants (for swimming pools, etc.)



Storm water picks up debris such as plastic that can choke, suffocate or disable marine life such as dolphins and turtles.

Shellfish become contaminated with pollutants that settle to the bottoms of rivers, streams, and oceans, rendering the shellfish inedible.

NO SWIMMING

If storm water contaminates our rivers, lakes, and oceans, we will no longer be able to use them as recreational areas.

Storm water can contribute to pollution of our water supplies, making monitoring and treatment of our drinking water more difficult and more costly.

***Preventing Pollution Through
Efficient Water Use***

United States
Environmental Protection
Agency

EW-0002
July 1990

OW/WH 556

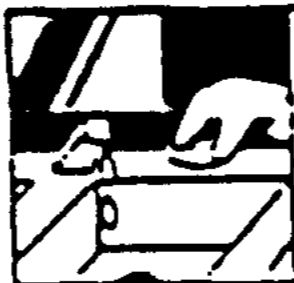
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EPA Preventing Pollution Through Efficient Water Use



**How Efficient Water Use
Helps Prevent Pollution**



**Other Reasons to Use
Water Wisely**



**What Individuals
Can Do**



**What Communities
Can Do**



Other Reasons to Use Water Wisely

Preventing pollution is only one reason why using water efficiently makes sense. Here are a few more:

Money Saved

- ☞ Less water use results in fewer pumping and treatment costs.
- ☞ Saving money on water and wastewater operations frees money for meeting water quality, public health and water treatment goals.
- ☞ Water saved is also energy, and money, saved for you and your community.

Improved Reliability

- ☞ Water conservation provides a hedge against drought impacts.
- ☞ Improving water efficiency may be quicker and cheaper than developing a new supply.
- ☞ Reduced water use may extend the life of your water or wastewater facility.
- ☞ Reduced water use may increase the efficiency of wastewater treatment, and reduce overflows during storms.
- ☞ Communities which use water efficiently are better prepared to cope with effects of possible future climate change.



What Individuals Can

More efficient water use begins with individuals, the home and place of work. Taking these and steps, and encouraging others to do so, makes economic as well as environmental sense.

In The Home

- ☞ Install a toilet dam or plastic bottle in your toilet tank.
- ☞ Install a water-efficient showerhead (2.5 gallons or less per minute).
- ☞ When you buy a new toilet, purchase a low flow model (1.6 gallons or less per flush).

Outdoors

- ☞ Water in the morning or evening, to minimize evaporation.
- ☞ Install a drip-irrigation watering system for valuable plants.
- ☞ Use drought-tolerant plants and grasses for landscaping, and reduce grass-covered areas.

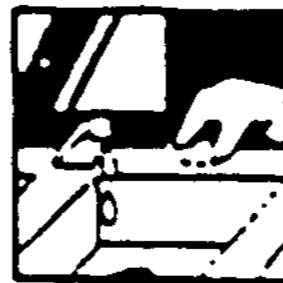
At Work or School

- ☞ Adopt the same water-saving habits that are effective at home.
- ☞ Ask about installing water-efficient equipment and reducing outdoor water use.
- ☞ Encourage employers to explore the use of recycled "gray-water" or reclaimed wastewater.



*For more information on what you and your
community can do to use water more
efficiently, contact:*

**U.S. Environmental Protection Agency
Office of Water
401 M Street, S.W.
Washington, D.C. 20460**



*For more information on pollution
prevention programs at U.S. EPA, contact:*

**U.S. Environmental Protection Agency
Office of Pollution Prevention
401 M Street, S.W.
Washington, D.C. 20460**

***Your Business and the County
Partners in Protecting the Ocean***



PARTNERS IN PROTECTING THE OCEAN

Steps You Can Take Now

COVER AREAS WHERE POTENTIAL POLLUTANTS ARE STORED.

Pollutants such as trash, grease, paints, detergents and metals can come into contact with storm water or water from other sources and create polluted runoff. Keep these materials covered, labeled and stored in appropriate containers.

SEAL LEAKING STORAGE AND DUMPSTER CONTAINERS.

Prevent substances like grease, liquids and food products from coming into contact with rainfall and entering the storm drains.

PREVENT SPILLS AND LEAKS

Maintain a regular inspection and repair schedule for vehicles and equipment. Take appropriate precautions in loading and unloading materials. Look for and correct any potential leaks or spills.

DEVELOP PLANS TO MANAGE SPILLS SHOULD THEY OCCUR

Propose a Spill Contingency Plan for hazardous spills, or an Accident Spill Plan for food or other spills. Clean any spills promptly, not allowing them to evaporate. Clean spills without water whenever possible. Rags, damp mops, and dry, absorbent materials are recommended for clean up. Dispose of any spill waste and clean-up materials promptly and legally.

KNOW YOUR WASTE HAULER'S PRACTICES.

Avoid waste haulers that accept your payment and dump your waste illegally. You are liable for illegal dumping of your waste. Your waste should be disposed of at a landfill if not hazardous or other appropriate facility.

SWEEP PARKING LOTS AND OUTDOOR STORAGE AREAS REGULARLY.

Sweep these areas at least once per week to maintain a debris-free facility. Dispose of debris, do not sweep it into the gutter. Never hose off paved surfaces.

LANDSCAPE MAINTENANCE

Pick up and properly dispose of waste; don't allow waste to be blown into the street gutter. Avoid over-irrigation and over-application of herbicides and pesticides that could create run-off to the storm drains.

RECYCLE OR DISPOSE OF FLUIDS PROPERLY.

Many automotive fluids can be recycled, others must be disposed of as hazardous materials. For photo processors, treat spent chemicals on site, if possible, to remove silver.

WASH VEHICLES AND EQUIPMENT IN DESIGNATED AREAS ONLY.

Wash areas must be paved and fitted to drain only to sanitary sewers. A commercial car wash may be an alternative if your facility is not properly equipped.

LABEL STORM DRAIN INLETS.

Stenciling storm drains with "No Dumping! Drains to Ocean," alerts employees and customers that no dumping is allowed. Contact Marti, NPDES Coordinator, for information on stenciling of storm drains near your facility: (714) 834-3526.

INSPECT STORM DRAIN INLETS PERIODICALLY.

Prevent accumulated pollutants from washing down storm drains on your property and periodically inspect, remove and properly dispose of any debris.

CHECK FOR AND CORRECT ILLICIT CONNECTIONS TO STORM DRAINS.

Any discharged waste water must be carried by the sanitary sewer to a treatment plant, never by storm drains to the ocean.

EDUCATE CUSTOMERS AND TRAIN EMPLOYEES TO IMPLEMENT STORM WATER MANAGEMENT PRACTICES.

Post notices of appropriate practices, provide convenient labeled, covered, disposal containers and train employees to implement these management practices.

ADDITIONAL INFORMATION.

The California Integrated Waste Management Board Recycling Hotline offers information on local recycling services: (800) 553-2952.

If you would like more information about the County of Orange Clean Storm Water Program and Best Management Practices (BMPs), please call Marti Guerra Serizawa, NPDES Coordinator, Subdivision and Grading, NPDES Section, at (714) 834-3526.

***County Of Orange, Management Guidelines
For Use Of Fertilizers And Pesticides***

COUNTY OF ORANGE

ENVIRONMENTAL MANAGEMENT AGENCY

SANTA ANA, CALIFORNIA

REGULATION FUNCTION

Robert F. Wingard, Director

Prepared by

Chris Crompton, Manager, Environmental Resources Division

Richard Boon, Supervisor, Stormwater Section

and Ward Allebach, Environmental Resources Specialist

**MANAGEMENT GUIDELINES
FOR USE OF FERTILIZERS AND PESTICIDES**

March 12, 1993

MIKE RUANE

Director

ORANGE COUNTY BOARD OF SUPERVISORS

ROGER R. STANTON

First District

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Fifth District

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APPENDIX A

**Annual Progress Report
For Fertilizer and Pesticide Management**

EXECUTIVE SUMMARY

This document was prepared to fulfill the commitment in the Orange County Drainage Area Management Plan (DAMP), Sections 5.2.9 and 5.2.10, which requires that co-permittees establish guidelines for the management of fertilizers and pesticides.

The main objective of these guidelines is to safeguard to "the maximum extent practicable" against unnecessary discharges of fertilizers and pesticides into surface and groundwater systems and to establish safe and reasonable standards for handling those materials. The guidelines are based on state and federal laws, environmental policies and "best management practices" established by various public and private agencies.

The County and many of the cities have already been following many of these guidelines. However, through this document, it is envisaged that these practices will be adopted by the County and all of the co-permittees to establish a set of uniform standards and procedures.

In addition to management guidelines, this document also includes a summary of the findings of the June 2 fertilizer and pesticide survey, specifically outlining and comparing different aspects of the policies and procedures of the co-permittees.

1.0 INTRODUCTION

1.1 Status of Fertilizer and Pesticide Use

Fertilizers and pesticides are primary tools of vegetation management. Used properly, fertilizers provide important nutrient supplies for vegetation and agriculture, and pesticides help to protect those resources from potential harm.

Used improperly, fertilizers and pesticides can become an impairment to surface and groundwater supplies. Careless application, mixing, transportation, storage and disposal allow chemicals to enter surface and groundwater through runoff and infiltration; the same handling problems endanger human health through exposure to toxic chemicals; soil degradation often results from overuse and misuse of pesticides and fertilizers. Even under ideal conditions, there is still a high level of risk, and consequently, there is a need for considerable professional planning and management.

1.2 Management Options

Because of the risk involved in using fertilizers and pesticides, the development of management guidelines for use of fertilizers and pesticides is an essential element of the Drainage Area Management Plan (DAMP). These guidelines are designed not only to comply with National Pollutant Discharge Elimination System (NPDES) permitting, but also to minimize any threat to human health and environmental resources from improper use of fertilizers and pesticides. It is envisaged that consideration of these guidelines by the co-permittees will cause public agencies to re-evaluate their approach to using fertilizers and pesticides and move toward reducing dependence on them.

The guidelines that follow are intended for the use of the co-permittees, although they may ultimately be used on a broaderscale. They are based on the laws, management guidelines and "best management practices" established by other federal, state and local agencies. They recognize that the safe management of fertilizers and pesticides is a shared responsibility between the field worker and management. These guidelines address the concern for fertilizer and pesticide use at a basic level, and if followed, they should reasonably prevent environmental damage to the highest degree possible.

1.3 Definitions

For the purpose of these guidelines, fertilizers may be referred to as "nutrients" or "soil nutrients," and the term "pesticides" will encompass all herbicides, insecticides, fungicides and rodenticides. The California Food and Agricultural Code and the California Code of Regulations Title 3 (3 CCR) constitute the laws and regulations referenced in this plan. They are referenced often and usually referred to as the "State Code." Also, co-permittees in the NPDES permits shared by the County and its incorporated cities will be referred to as "public agencies," and employees working for these public agencies who handle fertilizers and pesticides will be referred to as "workers" or "public employees."

6. Storage facilities should be covered and have impermeable foundations so that potential spills don't have the opportunity to runoff into surface water or leach into groundwater systems.

7. Fertilizers that may be carried by the wind should be stored in areas away from open loading spaces and entrances of storage warehouses.

8. Fertilizers should be securely covered in the vehicle before being taken to application sites so that none can spill or fly out during transport.

9. Use slow release fertilizers -- such as water soluble nitrogen fertilizers, coated fertilizers and fertilizers of limited solubility -- wherever possible to reduce the chances of leaching.

2.3 Planning for Use of Fertilizers

2.3.1 Soil Testing

Most fertilizers travel quickly through water. Therefore, fertilizers will leach through soil and potentially contaminate groundwater more quickly after excess watering or irrigation, after heavy rains and where the water table is high. For this reason, soil testing is an important management technique to determine the safest fertilizer application rate.

The California Landscape Contractors Association (CLCA) has a complete list of organizations in Southern California that offer soil testing and analyzing for fertilizer use. To get a copy of that list, CLCA can be contacted at (916) 448-2522. If a reliable soil analyst is not already known, it is advisable for public agencies to consult CLCA and research a specialist who can make recommendations for fertilizer use.

2.3.2 Application Rates

The amount of fertilizer needed for different applications depends on a number of factors. For specific recommendations, a qualified specialist should be consulted. However, some factors to be considered include:

- the vegetation's ability to use fertilizer;
- the amount of nutrients already in the soil, including fertilizer that may still be present from a previous application;
- the amount of soil nutrients that will or can be obtained from natural processes;
- expected loss of nutrients from the soil, and
- temperature at the time of application.

2.4.4 Fertigation

Although not likely to be used by public agencies for fertilizer applications, this method is common among Californian farmers who incorporate fertilizers into irrigation water. The potential for nutrient leaching using this method, though, appears to be high.

2.5 Storage and Handling of Fertilizers

2.5.1 General Description

When stored and handled properly, fertilizers present no hazard to the users' health. Public employees responsible for storage and handling of fertilizers should be aware that some fertilizers have properties that can result in dangerous chemical reactions if mixed with other substances or under unusual conditions. For example, ammonium nitrate may become explosive if it becomes mixed in diesel fuel; a dehumidifier may be necessary for storage areas where sensitive fertilizers are stored. Also, because most fertilizers tend to be corrosive, concrete structures are preferred for fertilizer storage facilities.

2.5.2 Dry Fertilizer

In most cases, dry fertilizers are safe to store, transport and handle. However, because some fertilizers have unique, potentially dangerous properties, it is advisable for public agencies to consult a qualified fertilizer specialist for the safest storage and handling procedures for specific fertilizers.

2.5.3 Liquid Fertilizer

Fertilizers in liquid form are potentially more hazardous than dry fertilizer. Public employees responsible for storage and handling need to be aware of the specific properties of each liquid fertilizer in use, including corrosivity and tolerable temperature and pressure ranges. Protective equipment may be necessary for workers handling fertilizers such as sulfuric or phosphoric acid. A qualified fertilizer specialist should be consulted for recommending the safest handling and storage procedures for specific liquid fertilizers.

MSDS sheets include chemical identifications, hazardous ingredients, physical data, fire and explosion data, health hazards, reactivity data, spill or leak cleanup procedures, special protection and special precautions.

3.2.3 General Recommendations

1. Public agencies should maintain a complete list of all chemicals and their uses.
2. Public agencies should thoroughly investigate and consider all alternatives to pesticide use.
3. Workers shall use pesticides only according to label instructions.
4. Work crews should bring to the work site only the amount of chemical to be used during the application and use only the minimum amount of the chemical that is necessary.
5. Workers should consider weather conditions that could affect application (for example, they shouldn't spray when winds are exceeding 5 mph, when raining or when rain is likely).
6. Workers should consider area drainage patterns (for example, they shouldn't apply near wetlands, streams and lakes or ponds unless it is for an approved maintenance activity).
7. Workers should consider soil conditions before applying pesticides (for example, they shouldn't apply to bare or eroded ground).
8. Workers shall triple-rinse empty pesticide containers before disposal and use the leftover wash as spray.
9. Workers should never clean or rinse pesticide equipment and containers in the vicinity of storm drains.
10. Pesticides should only be stored in areas with cement floors and in areas insulated from temperature extremes.
11. Workers shall secure chemicals and equipment during transportation to prevent tipping or excess jarring in a part of the vehicle completely isolated from people, food and clothing.
12. Workers or their supervisors should inspect pesticide equipment, storage containers and transportation vehicles daily.
13. Public agencies should adopt a plan for dealing with potential accidents before they happen.

encouraged to participate in continuing pesticide education programs whenever programs are available.

3.3.4 Accident Mitigation

Public agencies using pesticides should have plans for dealing with potential accidents before they happen. These plans should consider:

1. Labels and MSDS Sheets -- All workers handling pesticides must be familiar with these instructions. The steps for accident mitigation are spelled out on chemical labels and MSDS sheets.

2. Spill Cleanup Kits -- Any time pesticides are being handled, there should be a cleanup kit on hand in case of an accident. This means there should always be a cleanup kit located in pesticide storage areas, on vehicles used to transport pesticides and on location where the chemicals are being applied. Although these kits may vary in what they contain depending on the chemical type and the situation, at a minimum they should include:

- * spill-control procedures;
- * a five gallon drum with sealable lid;
- * a dust pan and broom;
- * a squeegee;
- * a shovel;
- * protective goggles, gloves, boots, coveralls;
- * a tarp (for covering dry spills);
- * detergent and water (check label or MSDS for proper use);
- * barricade tape, florescent traffic safety cones or string to cordon off an area, and
- * large sponges, containment booms or some other absorbent material.

3. Cleanup Procedures -- Spilled pesticides must be prevented from entering the local surface and/or groundwater supplies. Specific recommendations for spill cleanup should be available on each chemical label or MSDS. Specific recommendations for the sequence of procedures may also vary depending on the situation. However, generally, in case of a spill, the responsible worker(s) should:

EVALUATE the accident and quickly determine the most immediate concerns (medical and/or environmental).

CONTAIN OR CONTROL the spill.

NOTIFY the supervisor in charge who should, in turn, notify the proper authorities. If contact cannot be made, dial 911.

Because of these factors, regardless of the category of chemicals being used, pesticide advisors should periodically test the soil for compatibility with specific chemicals before recommending pesticides for a specific area.

Furthermore, because the effect of these uses is not always immediately apparent, public agencies should periodically test areas that could be particularly vulnerable to contamination or deterioration. The results of these tests should be kept on public record.

3.4 Application of Pesticides

3.4.1 Supervision

1. In cases where supervision of pesticide applications is required by the State Code, supervision must be handled by a state-licensed or certified pesticide applicator. For all other pesticides applications, supervision may be handled by workers with equivalent training.
2. Public agencies that contract for pesticide applications should periodically inspect contracted work crews to be certain that contractors are following proper management guidelines. Public agencies handling their own applications should likewise inspect their own work crews on a regular basis to ensure that safety standards are being met.

3.4.2 Proper Techniques

1. Read the label carefully and follow application instructions. Be absolutely certain that the right chemical is being used for the right job before applying.
2. To prevent potentially harmful runoff, only the absolute minimum amount of pesticides should be used to ensure vegetation safety.
3. Recommendations for best weather conditions to prevent pesticide spray drift are outlined in the State Code, Chapter 2, Subchapter 4, Article 2.

3.4.3 User Safety and Protection

1. Public agencies shall have on hand equipment for application of pesticides including eye protection, gloves, respiratory gear and impervious full-body, chemical resistant clothing when called for by the chemical label.
2. Even when wearing respiratory gear or masks, when dealing with spray applications of pesticides, workers should avoid directly inhaling in the spray mist.
3. Workers should avoid working alone, especially at night.
4. Workers should clean equipment, clothing and self thoroughly after each application.

GLOSSARY

TERMS, ABBREVIATIONS, ACRONYMS

RELATED TO THE MANAGEMENT GUIDELINES FOR USE OF FERTILIZERS AND PESTICIDES

Best Management Practices (BMPs)

Schedules of activity, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of "waters of the United States." BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

California Code of Regulations Title 3, Division 6 (3 CCR)

The State of California code regulating pesticides and pest control operations.

California Fertilizer Association (CFA)

An organization promoting progress in the fertilizer industry in the interest of an efficient and profitable agricultural community. Activities of CFA include developing and disseminating new information to its members and others; supporting production-oriented research programs to identify maximum yield systems for farmers; promoting agronomic topics at our schools, colleges and universities; and maintaining open communications among the industry, universities and other state and federal agencies.

Chemical Labels

As required by federal law, manufacturers of pesticides must provide chemical labels on the containers of all pesticides distributed. These labels include all necessary information on the chemical constituents of the pesticide, including recommendations and instructions for use, toxicity classification and the appropriate warning statements and emergency procedures in case of acute exposures. As required by state law, labels must be kept in good, readable condition and be attached to all pesticide containers at all times.

Co-permittee

A permittee to an NPDES permit that is responsible for permit conditions relating to the discharge for which it is operator. As used in the Stormwater Permit Implementation Agreement, co-permittees are the County of Orange, its incorporated cities and the Orange County Flood Control District.

Drainage Area Management Plan (DAMP)

A document required under the municipal NPDES stormwater permits granted to the co-permittees by the Santa Ana and San Diego Regional Water Quality Control Boards.

SECTION VIII

***Appendix G of the Orange County Drainage
Area Management Plan***

**BEST MANAGEMENT PRACTICES FOR
PUBLIC WORKS CONSTRUCTION**

**September 2000
(Revision to September 1993)**

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3.0 BMP SELECTION

Candidate control measures have been selected from review of technical literature, review of existing control programs, and input from consulting firms and municipalities already involved in control program implementation. As required by First Term Permit Terms, consideration was given to:

- **Structural Controls:** First flush diversion, detention/retention basins, infiltration trenches/basins, porous pavement, oil/grease separators, grass swales, swirl concentrators, and engineering and design modification of existing structures.
- **Non-structural Controls:** Programs to educate the public on proper disposal of hazardous/toxic wastes, regulatory approaches, street sweeping and facility maintenance, and detection and elimination of illicit connections and illegal dumping.

Each new development will be required to implement appropriate non-structural BMPs in keeping with the size and type of development, to minimize the introduction of pollutants into the drainage system.

Each new development will also be required to implement appropriate "routine" structural BMPs in keeping with the size and type of development. "Routine" structural BMPs are economical, practicable, small scale-measures, which can be feasibly applied at the smallest unit of development.

A wide variety of documents from other jurisdictions, including the State BMP Manuals, as well as a number of new development BMP plans approved in the unincorporated area (plus a number in Cities) have been reviewed. The measures identified in **Tables 1 and 2** are to be deemed "standard practice" to be required on new developments, as specified.

Later, "special" structural BMPs may be installed to address specific water quality problems identified in the watershed planning process. "Special" structural BMPs are engineered facilities designed to address specific pollutant problems identified in the water quality planning process, runoff management plan, CEQA process, or similar water quality planning. Thus, there will be the future need to revisit these requirements at an as-yet-unspecified date or frequency.

3.1 Routine Non-structural BMPs

- N1. Education for Property Owners, Tenants and Occupants – For developments with no Property Owners Association (POA)¹ or with POAs of less than fifty (50) dwelling units, practical information materials will be provided to the first residents/occupants/tenants on general good housekeeping practices that contribute to protection of storm water quality initially these materials will be provided by the developer. Thereafter such materials will be available through the Permittees' education program. Different materials for residential, office commercial, retail commercial, vehicle-related commercial, and industrial uses will be involved.**

For developments with POA and residential projects of more than fifty (50) dwelling units, project conditions of approval will require that the POA provide environmental awareness education materials, made available by the municipalities, to all members periodically. Among other things, these materials will describe the use of chemicals (including household type) that should be limited to the property, with no discharge of specified wastes via hosing or other direct discharge to gutters, catch basins and storm drains.

- N2. Activity Restrictions – If a POA is formed, conditions, covenants, and restrictions shall be prepared by the developer for the purpose of surface water quality protection. Alternatively, use restrictions may be developed by a building operator through lease terms, etc.**
- N3. Common Area Landscape Management – Ongoing maintenance consistent with County Water Conservation Resolution or city equivalent, plus fertilizer and pesticide usage consistent with County Management Guidelines for Use of Fertilizers and Pesticides (DAMP Appendix F), or city equivalent.**
- N4. BMP Maintenance – Identification of responsibility for implementation of each non-structural BMP and scheduled cleaning of all BMP structural facilities.**
- N5. Title 22 CCR Compliance – Compliance with Title 22 of the California Code of Regulations and relevant sections of the California Health & Safety Code regarding hazardous waste management, to be enforced by County Environmental Health on behalf of State.**
- N6. Local Industrial Permit Compliance – Provides for clean storm water discharges from fuel dispensing areas, and requires permission to discharge industrial wastes to public properties.**

¹ The term "Property Owners' Association" or POA as used herein means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development [from California Civil Code Sec. 1351(a)].

storm drain system. Solvents/degreasers may be used on a spot basis but must be wiped off before the vehicle is rinsed.

3.2 Routine Structural BMPs

- S1. Filtration – Surface runoff shall be directed to landscaped areas wherever practicable and as recommended by the engineer of record.
- S2. Common Area Efficient Irrigation – Physical implementation of landscape plan consistent with County Water Conservation Resolution or city equivalent, which may include provision of water sensors, programmable irrigation times (for short cycles), etc.
- S3. Common Area Runoff-Minimizing Landscape Design – Group plants with similar water requirements in order to reduce excess irrigation runoff and promote surface filtration.
- S4. Community Car Wash Racks – In complexes larger than 100 units where car washing is allowed, a designated car wash area that does not drain to a storm drain system shall be provided for common usage. Wash waters from this area may be directed to the sanitary sewer (in accordance with **Attachment A** and with the prior approval of the sewerage agency); to an engineered infiltration system; or to an equally effective alternative.
- S5. Wash Water Controls for Food Preparation Areas – Food establishments (per State Health & Safety Code 27520) shall have either contained areas, sinks, each with sanitary sewer connections for disposal of wash waters containing kitchen and food wastes. If located outside, the contained areas, sinks shall also be structurally covered to prevent entry of stormwater.
- S6. Trash Container (dumpster) Areas – Trash container (dumpster) areas to have drainage from adjoining roofs and pavements diverted around the area(s), and:
 - A. For trash container areas associated with fuel dispensing, vehicle repair/maintenance, and industry, such areas are to be roofed over or drained to a water quality inlet (see S16), engineered infiltration/filtration system, or equally effective alternative.
 - B. For trash container areas associated with restaurants and warehouse/grocery operations such areas are to be screened or walled to prevent off-site transport of trash.
- S7. Self-contained Areas for Washing/Steam Cleaning/Maintenance Repair/Material Processing – Self-contained areas are required for washing/steam cleaning, wet material processing, and maintenance activities, specifically:

- A. For businesses where washing of vehicles without steam cleaning occurs, provide wash racks constructed in accordance with the guidelines in **Attachment A** and with the prior approval of the sewerage agency (Note: Discharge monitoring may be required by the sewerage agency). Alternatively, refer to N16.
 - B. Where steam cleaning occurs, provide wash racks as in S7A or structurally contain (with a cover for rain events) runoff from such areas on site for commercial waste removal.
 - C. Where wet material processing occurs (eg. Electroplating), secondary containment structures (not double wall containers) shall be provided to hold spills resulting from accidents, leaking tanks or equipment, or any other unplanned releases (Note: If these are plumbed to the sanitary sewer, the structures and plumbing shall be in accordance with **Attachment B** and with the prior approval of the sewerage agency). Also see N10.
 - D. Where vehicle repair/maintenance occurs, impermeable berms, drop inlets, trench catch basins, or overflow containment structures shall be provided around repair bays to prevent spilled materials and wash-down waters from entering the storm drain system.
- S8. **Outdoor Storage** – Where a plan of development contemplates or building plans incorporate outdoor containers for oils, fuels, solvents, coolants, wastes, and other chemicals, these shall be protected by secondary containment structures (not double wall containers). Also see N10. For outdoor vehicle and equipment salvage yards, and outdoor recycling the entire storage area shall drain through water quality inlets (see S16).
- S9. **Motor Fuel Concrete Dispensing Areas** – Areas used for fuel dispensing shall be paved with concrete (no use of asphalt). Concrete surfacing to extend 6 ½” from the corner of each fuel dispenser in any direction. This distance may be reduced to OR the maximum length that the fuel dispensing hose and nozzle assembly may be operated in any direction plus one (1) foot. In addition, the fuel dispensing area shall be graded and constructed so as to prevent drainage flow either through or from the fuel dispensing area (also see S11).
- S10. **Motor Fuel Dispensing Area Canopy** – All motor fuel concrete dispensing areas are to have a canopy structure for weather protection, extending over the motor fuel concrete fuel dispensing area as defined in No. 9.
- S11. **Motor Fuel Concrete Dispensing Area Interruptible Drainage** – The concrete motor fuel dispensing area will be graded and constructed so as to drain to an underground clarifier/ sump/tank equipped with a shut-off valve that can stop the further draining of stormwater or spilled material therefrom into the street or storm drain system. Spills will be immediately cleaned up according to Spill Contingency Plan

- S12. **Energy Dissipaters – Energy dissipaters are to be installed at the outlets of new storm drains, which enter unlined channels, in accordance with applicable agency specifications.**
- S13. **Catch Basin Stenciling - Phrase “No Dumping – Drains to Ocean” or equally effective phrase to be stenciled on catch basins to alert the public to the destination of pollutants discharged into stormwater.**

- S14. Diversion of Loading Dock Drainage – Below grade loading docks for grocery stores and warehouse/distribution centers of fresh food items – will drain through water quality inlets (see S16), or to an engineered infiltration system, or an equally effective alternative.
- S15 Inlet trash racks – Where appropriate to reduce intake and transport through the storm drain system of large floatable debris, trash racks shall be provided where drainage from open areas enters storm drains (County PFRD Standard Plan 1305 & 1327, CalTrans Standard Plan D96 & D98-C, or City equivalent).
- S16. Water Quality Inlets – Water Quality Inlets designed to remove free phase liquid petroleum compounds, grease, floatable debris, and settleable solids can be used in the following applications: S6, S8, S14.

4.0 CONSTRUCTION REGULATORY REQUIREMENTS

The First Term Permits stated that ... “industrial/commercial construction operations that result in a disturbance of one acre or more of total land area...and residential construction sites that result in the disturbance of five acres or more...shall be required to develop and implement BMPs...to control erosion and siltation and contaminated runoff from the construction sites”.

Construction activities disturbing five acres or more of land are required to comply with a general Construction NPDES Storm Water Permit from the State Water Resources Control Board. The following is therefore required as a result of the wording of the NPDES permits and applies only to commercial/industrial operations disturbing land areas of one to five acres.

Permittees shall ensure that the following requirements are defined on permit plan cover sheets as either general or special notes.

1. Construction sites shall be maintained in such a condition that an anticipated storm does not carry wastes or pollutants off the site.

Discharges of material other than stormwater are allowed only when necessary for performance and completion of construction practices and where they do no: cause or contribute to a violation of any water quality standard; cause or threaten to cause pollution, contamination, or nuisance; or contain a hazardous substance in a quantity reportable under Federal Regulations 40 CFR Parts 117 and 302.

Potential pollutants include but are not limited to: solid or liquid chemical spills; wastes from paints, stains, sealants, glues, limes, pesticides, herbicides, wood preservatives and solvents; asbestos fibers, paint flakes or stucco fragments; fuels, oils, lubricants, and hydraulic, radiator or battery fluids; fertilizers, vehicle/equipment wash water and concrete wash water; concrete, detergent or floatable wastes; wastes from any engine; equipment steam cleaning or chemical degreasing; and superchlorinated potable water line flushings.

During construction disposal of such materials should occur in a specified and controlled temporary area on-site, physically separated from potential storm water run-off, with ultimate disposal in accordance with local, state and federal requirements.

2. Dewatering of contaminated groundwater, or discharging contaminated soils via surface erosion is prohibited. Dewatering of non-contaminated groundwater requires a National Pollutant Discharge Elimination System Permit from the respective state Regional Water Quality Control Board.

5.0 DEVELOPMENT PLANNING

NPDES Stormwater Permit compliance requires that storm water quality management is considered during a project's planning phase, implemented during construction, and ultimately maintained for the life of the project. In addition, the program must be adopted and uniformly implemented by all Permittees.

Applying this concept to new development, it is intended that each new development will incorporate the approved program of BMPs to minimize the amount of pollution entering the drainage system.

Standard Conditions of Approval were developed to be implemented countywide to address land use areas of concern. The requirement for a post-construction storm water quality management plan will be specified in each Permittee's standard conditions of approval. These conditions will require project proponents to submit for approval a proposal identifying the BMPs that will be incorporated into the project to control pollutants after construction.

Each Permittee will require BMPs for specified new development through similar processes. The typical process is outlined as follows:

1. The present municipal procedure for approval of grading, building, and similar permits will be modified to include incorporation of the BMPs listed in **Tables 1 and 2**, as applicable.
2. Permittees will make this Appendix, detailing implementation of BMPs, available to applicants through the permitting process. Applicants will be informed at the earliest possible point of processing of these requirements.
3. Applicants will be required to submit a Water Quality Management Plan (WQMP) at appropriate discretionary and ministerial permit issuance levels. The Plan shall include a description of the discretionary and ministerial permit issuance levels. The Plan shall include a description of the project and an outline of which BMPs apply to the project pursuant to this Appendix. A sample Plan outline is provided in **Attachment C**. The Plan shall also include a location map and a project map identifying storm drain facilities and receiving waters.

As increasing detail concerning the nature of specific uses within the project becomes available, the WQMP shall be refined.

4. Upon review of the WQMP, each municipality will require project incorporation of the identified routine structural and non-structural BMPs.

GENERAL CONDITIONS to be applied by municipalities:

Upon discretionary actions that include a precise plan of development:

1. Prior to issuance of building permits, permit applicant shall submit for approval of City/PFRD Official(s), a water quality management plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used on site to control predictable pollutant run-off.

This WQMP shall identify the: structural and non-structural measures specified in this Appendix detailing implementation of BMPs whenever they are applicable to the project (when the project has a below grade loading dock, for example); the assignment of long-term maintenance responsibilities (specifying the developer, parcel owner, maintenance association, lessee, etc.); and, shall reference the location(s) of structural BMPs.

Upon Subdivisions of Land:

2. Prior to Recordation and if determined applicable by City/PFRD Official(s), applicant shall submit a WQMP that identifies the application and incorporation of those routine structural and non-structural BMPs outlined in the Countywide NPDES Drainage Area Management Plan Appendix detailing implementation of BMPs not dependent on specific land uses, for approval of City/PFRD Officials.

Upon projects whose discretionary or grading or surface mining or grubbing and clearing or paving approval could result in the surface disturbance of more than five (5) acres, or which is an integral part of an earlier such approval not yet fully implemented (for example, a development area, road, or channel being graded/improved in phases):

3. Prior to issuance of grading or grubbing and clearing or surface mining or paving permits, applicant shall obtain coverage under the NPDES Statewide Industrial Stormwater Permit for General Construction Activities from the State Water Resources Control Board. Evidence this has been attained shall be submitted to City/PFRD Official(s).

All three conditions also functionally apply to public projects where the local jurisdiction technically chooses not to issue formal permits to themselves or hired-contractors, but nonetheless undertakes the work.

SPECIAL CONDITIONS

To address unusual situations, particularly when an unanticipated element of land use or occupancy is proposed after a basic building has already been completed, the County itself applies and recommends application of language similar to the following condition upon permit issuance decisions that involve projects constructed for an unspecified use:

Prior to issuance of certificates of use and occupancy or building permits for individual tenant improvements or construction permits for a tank or pipeline, uses shall be identified and, for specified uses, the applicant shall propose plans and measures for chemical management (including, but not limited to, storage, emergency response employee training, spill contingencies and disposal) to the satisfaction of the PFRD Official(s).

The PFRD Official(s) and other specified agencies such as County Fire, the Health Care Agency, and sewerage agencies to ensure implementation of each agency's respective requirements shall approve chemical management plans. Further, a copy of the approved "Chemical Management Plans" shall be furnished to the PFRD Building Official, prior to the issuance of any certificates of use and occupancy.

Certificates or permits may be ministerially withheld if features needed to properly manage chemicals cannot be incorporated into a previously completed building, center, or complex.

For the County, the Health Care Agency Environmental Health and Fire Department have provided a list of specified uses/occupancies of concern to Building Plan Check.

6.0 EDUCATIONAL PROGRAM FOR DEVELOPERS AND CONTRACTORS

The following defines the required educational program for developers and contractors.

This Appendix with its attachments will contain the legal, administrative, and technical information needed to acquaint developers and contractors with the NPDES program. Orange County developers and contractors have been implementing erosion control plans for many years and are familiar with that portion of the program. New requirements resulting from the NPDES Permit and the DAMP are contained herein.

The Building Industry Association and the Associated General Contractors have been asked to assume responsibility for alerting their members of the information contained in this Appendix. The County and Cities will make the Appendix text available as part of the development review process.

Table 1: Appropriate Nonstructural BMPs

Appropriate Nonstructural BMPs	Residential	Industrial	Retail/Office Center	Restaurants Warehouse/Grocery	Fuel Dispensing	Vehicle Repair/Maintenance
Homeowner/Tenant Education (N1)	X	X	X			
Activity Restrictions (N2)	X	X	X	X	X	X
Common Area Landscape Management (N3)	X	X	X			
BMP Maintenance (N4)	X	X	X	X	X	X
Title 22 CCR Compliance (N5)		X			X	
Local Industrial Permit Compliance (N6)		X			X	
Spill Contingency Plan (N7)		X			X	
Underground Storage Tank Compliance (N8)		X			X	X
Haz-Mat Disclosure Compliance (N9)		X			X	X
Uniform Fire Code Implementation (N10)		X			X	X
Litter Control (N11)	X	X	X	X	X	X
Employee Training (N12)		X	X	X	X	X
Housekeeping of Loading Docks (N13)		X		X		
Catchbasin Inspection (N14)	X	X	X	X	X	X
Private Street/Lot Sweeping (N15)	X	X	X			
Commercial Vehicle Washing (N16)		X				X

Table 2: Routine Structural BMPs

Routine Structural BMPs	Residential	Industrial	Retail/Office Center	Restaurants Warehouse/Grocery	Fuel Dispensing	Vehicle Repair/ Maintenance
Filtration (S1)	X	X	X	X		
Common Area Efficient Irrigation (S2)	X	X	X			
Common Area Runoff-Minimizing Landscape (S3)	X	X	X			
Community Car Wash Racks (S4)	X					
Wash Water Controls For Food Preparation Areas (S5)				X		
Trash Container (Dumpster) Areas (S6)		X		X	X	X
Self-Contained Areas for Washing/Steam Cleaning/Repair/Mat Processing (S7)		X				X
Outdoor Storage (S8)		X				
Concrete Fuel Dispensing Area (S9)					X	
Extended Fuel Dock Canopy (S10)					X	
Interr. Flow from Motor Fuel Dispensing Areas (S11)					X	
Energy Dissipators (S12)	X	X	X			
Catchbasin Stenciling (S13)	X	X	X			
Diversion of Loading Dock Drainage (S14)				X		
Inlet Trash Racks (S15)	X	X	X			
Water Quality Inlets (S16)		X		X	X	X

ATTACHMENT A

County Sanitation Districts of Orange

Guidelines for Preventing Sewer Discharge of Surface Runoff Through Wash Pads

August 1992

Purpose and Scope

These guidelines are established pursuant to Section 203 of the Districts' Wastewater Discharge Regulations (Ordinance) as amended February 7, 1992. Section 203 provides that

No person shall discharge groundwater, surface runoff, or subsurface drainage to the Districts' sewerage facilities except as provided herein. Pursuant to section 305, et. Seq., the Districts may approve the discharge of such water only when no alternate method of disposal is reasonably available or to mitigate an environmental risk or health hazard.

The Guidelines presented herein are intended for the implementation of this policy as it applies to preventing surface runoff from entering the Districts' sewerage system through exposed wash pads.

Application

Two sources from which surface runoff can potentially enter the Districts' sewerage system are the exposed area around the wash pad and the wash pad itself.

Exposed Area Around the Wash Pad: Appropriate measures must be taken to insure that surface runoff from the exposed area around the wash pad (e.g. parking lot, storage areas) does not enter the sewer. Surface runoff must be directed away from the sewer. Appropriate measures include grading the open area to redirect surface runoff to the storm drain; berming around the wash pad; or trenching around the wash pad with grating over the trench, and directing the collected water to a storm drain in accordance with stormwater discharge requirements.

The Wash Pad: Appropriate measures must be taken to insure that surface runoff from the wash pad itself does not enter the sewer. Provided that local regulations are satisfied, roofing will be required for all exposed wash pads, which have a total area exceeding 150 square feet. If the roof structure does not include walls, then the roof's overhang must extend a minimum of 20 percent of the roof's height. All roof drains must be routed to a storm drain.

Where roofing of exposed areas is infeasible or prohibited by local regulations, the Districts may accept the use of an automated surface runoff diversion system. [Note: This diversion system will not substitute for the appropriate measures cited above for surface runoff from the exposed area around the wash pad]. In cases where a diversion system is installed, only the first 0.1 inch of rainwater will be allowed to enter the sewer. After the first 0.1 inch of rainfall, excess rainwater must be diverted to an appropriate drainage system by use of an automated diversion system. The diversion system is subject to acceptance by the Districts. Manual methods of diversion (e.g. manual gates, removable plugs) are not acceptable. Companies are responsible for maintaining the automated diversion system in proper operating condition to ensure that no excess surface runoff from the wash pad is discharged to the sewer.

ATTACHMENT B

County Sanitation Districts of Orange

Minimum Requirements for Spill Containment

1. Elimination of all floor drains in the wet process area.
2. Installation of containment facilities to hold any drag-out process materials or spills resulting from employee accidents, leaking tanks or other equipment, or any other accidental releases. Installation of structures to seal the floor at any potential wastewater discharge points.
3. Provide direct plumbing of all overflow or final rinse tanks and concentrated waste/ wastewater to the pretreatment system or holding tank. Regulated process wastewater may be plumbed to downstream of the pretreatment system, but upstream of the sample point, if it can be shown by sampling and analysis to meet permit limitations. An analysis report of these waste streams bypassing treatment must be submitted for Districts' approval.
4. Spill containment (SC) volume requirements:
 - If the SC is inside (covered), the volume must be equal to 110% of the largest tank or 10% of the total process tank volume inside the bermed area (whichever is larger). An additional 1" of freeboard or height must be added.
 - If SC is outside (outdoors), use the inside criteria plus capacity to hold a rainfall of 24 hours based on a 25-year storm. An additional 1" of freeboard or height must be added.
 - Appropriate deductions to the spill containment volume shall be made for tanks and/or equipment occupying the same spill containment area.
5. Separation of incompatible chemicals with a berm or other impermeable barrier.
6. All berm penetrations or leaks must be sealed.
7. The floor and berm must be made or coated with material capable of withstanding spills of the chemicals being stored.
8. Spill containment is also required in the pretreatment system area to prevent hazardous chemicals used in the pretreatment system and untreated wastes from entering the sample point.

ATTACHMENT C

WATER QUALITY MANAGEMENT PLAN OUTLINE

COVER PAGE

Name of Project
Name of Company
Date

NEXT PAGE

Signed Statement (with/date) certifying that the applicant has accepted the provisions of the WQMP and that the applicant will strive to have the plan carried out by all future successors.

REPORT TABLE OF CONTENTS

- I. Tract or Discretionary permit number(s) and condition number(s). Spell out conditions verbatim.
- II. Project Description
 - 1. Type of project
 - 2. Project size
 - 3. Homeowners Association or Property Owner's Association Formation
- III. Site Description
 - 1. Identify the watershed the project is in.
 - 2. Is there a pre-existing water quality problem that has been identified in the watershed planning process?
- IV. Best Management Practices (BMPs)
 - 1. List and describe applicable structural and non-structural BMPs from DAMP Appendix that are applicable to your project, depending on the proposed land use, size, and use of a property owners association.
- V. Inspection/Maintenance Responsibility for BMPs
- VI. Figures
 - 1. Location Map
 - 2. Site Plan (reduced drainage map acceptable) identifying storm drain facilities and receiving waters.