

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> South side of Katella Avenue between Brookhurst Street and Euclid Street, at 10418 Katella Avenue
<b>HEARING DATE:</b> May 16, 2013	<b>GENERAL PLAN:</b> Low Density Residential
<b>CASE NOS.:</b> Planned Unit Development No. PUD-129-13, Site Plan No. SP-475-13, Tentative Tract Map No. TT-17521, & Development Agreement No. DA-190-13	<b>EXISTING ZONE:</b> R-1 (Single-Family Residential) <b>PROPOSED ZONE:</b> Planned Unit Development No. PUD-129-13
<b>APPLICANT:</b> Brandywine Homes	<b>APN:</b> 089-542-26
<b>PROPERTY OWNER:</b> Lutheran Church Extension Fund	<b>CEQA DETERMINATION:</b> Negative Declaration

## **REQUEST:**

A request to rezone a 1.99-acre lot, located at 10418 Katella Avenue, from R-1 (Single-Family Residential) to Residential Planned Unit Development No. PUD-129-13 to allow the construction of an 18-unit single-family residential small-lot subdivision; a Site Plan to construct 18 single-family homes along with street and open space improvements; a Tentative Tract Map to subdivide the subject property into 18 separate lots; and a Development Agreement.

## **PROJECT STATISTICS:**

	<b>Provided</b>	<b>Code</b>
<b>Lot Size</b>	1.99 Acres	1.0 Acre
<b>Density</b>	9 units/acre	9 units/acre
<b>Private/Common Open Space</b>	3,618 sq. ft.	3,600 sq. ft. (200 sq. ft. per unit)
<b>Parking</b>		
Enclosed Garage	36	36
Guest	32	32
Total	68	68
<b>Building Height</b>	26'-6"	35'-0"

<b>Building Type Summary</b>	<b>Number of Bedrooms/Baths</b>	<b>Unit Size</b>	<b># of Units</b>
Plan A1	4 Bed, 3 Baths	2,023 sq. ft.	5
Plan A2	4 Bed, 3 Baths	2,042 sq. ft.	5
Plan B1	3 Bed, 2.5 Baths	1,795 sq. ft.	4
Plan B2	3 Bed, 2.5 Baths	1,795 sq. ft.	4
<b>Total # of Units</b>			<b>18</b>

### **BACKGROUND:**

The subject property is a rectangular shaped lot located on the south side of Katella Avenue between Brookhurst Street and Euclid Street with a street frontage of 290 feet, and with a land area of 1.99 acres. The property has a General Plan Land Use designation of Low Density Residential and is zoned R-1 (Single-Family Residential). The property currently is occupied by a church (Medhane Alem Ethiopian Church). The existing development includes the main sanctuary, offices, and classrooms. Also located on-site is an existing wireless telecommunications facility (cellular tower) disguised as a bell tower. Although the existing cellular/bell tower will be preserved with the site's redevelopment, the design and elevation of the cellular/bell tower will be modified to be architecturally compatible with the design of the new homes of the proposed small-lot subdivision development.

The properties to the north, across Katella Avenue, are located in the City of Anaheim and are developed with single-family homes. The properties to the west and south are zoned R-1 (Single-Family Residential) and are developed with single-family homes. The properties to the east are zoned O-P (Office Professional) and R-1 and are developed with single-family homes and a medical office use.

### **DISCUSSION:**

#### **PLANNED UNIT DEVELOPMENT ZONING:**

The General Plan Land Use designation for the subject property is Low Density Residential. The subject property is currently zoned R-1, which allows for the development of single-family detached residences on individual lots and compatible associated activities. While the General Plan Land Use designation, of Low Density Residential, would allow for the development of residential units, the current zoning would not permit a small-lot subdivision development.

The applicant is proposing to change the zoning designation of the property from R-1 to Planned Unit Development No. PUD-129-13 in order to develop the site with 18 single-family residential units as part of a small-lot subdivision development.

The Planned Unit Development (PUD) zoning designation establishes development standards and uses specific to a particular project, and independent of the Municipal Code, provided that the quality of the project achieved through the PUD zoning is greater than could be achieved through traditional zoning.

SITE PLAN:Site Design and Circulation

The project consists of 18 single-family residential detached units with attached enclosed two-car garages. Each unit is accessible from the private street, which circulates throughout the development. The width of the private street typically ranges from 20'-0" to 24'-0".

Main access to the site will be from the Katella Avenue frontage road via an enhanced entry drive that will include decorative paving and landscaping. There will be a 23'-0" wide vehicular access gate that opens inward toward the interior of the development, and a 14'-0" wide exit gate that opens outwards. Both vehicular access gates will be remote operable. The site will maintain one (1) emergency vehicle access point that will be fitted with a Fire Department Knox box system for emergency access.

Located within this front entry point is a wireless telecommunications facility (cellular tower) disguised as a church bell tower, in an existing planter area, which will be enhanced and modified to be architecturally compatible with the design of the new homes. While a preliminary design has been submitted, the tower redesign has not been finalized. The final design of the tower will be reviewed and approved by the Planning Division, as conditioned.

Between each home, a 4'-0" side yard setback is provided to the property lines providing a total of 8'-0" of separation between units. Sides of units that abut a drive aisle are setback 8'-0" by way of a 5'-0" setback to the property line and a 3'-0" planter area. Depending on the abutting use, each unit provides their respective rear setbacks, ranging from 15'-0" to 26'-0", meeting the minimum required by Code. Each unit meets the minimum driveway depth requirement of 19'-0" in front of each garage. Three (3) of the units (Unit Nos. 5, 12, and 15) feature a sweep-in driveway that have depths of 28'-0".

The 3,619 square foot active recreational open space area is located at the northeast corner of the development and is available for communal use. Within this active open space area is an existing cellular equipment block wall enclosure, which is associated with the existing cellular tower disguised as a church bell tower.

Parking

The project provides a total of 68 parking spaces, which meets the minimum number of parking spaces required by Code; City Code requires a minimum of 68 parking spaces for this proposed development. The parking spaces include: 36 garaged parking spaces, 18 driveway parking spaces, and 14 open guest parking spaces. The guest parking spaces are centrally located within the development.

### Perimeter Walls and Landscaping

A six-foot high block wall will be maintained around the perimeter of the development. The applicant is proposing to construct six-foot high decorative split face block walls along the northerly property line, including the walls, which enclose the active open space area. All blocks walls, which face a public vantage point along the Katella frontage road, will be decorative with decorative caps. Pilasters will have a stone veneer treatment, which will match the enhanced elevation of the tower located at the entrance of the development. An enhanced landscape treatment is proposed between the block wall and the street frontage property lines. The enhanced landscaping within this area will include trees, shrubs, vines, and flowering ground covers and turf in a hierarchical design order.

The passive open space areas within the development will include a combination of palm tree clusters, 42-inch high hedge screens, turf, trees, and flowering ground covers. The active open space area will include children's play area, picnic area with picnic tables, and turf areas for active play.

### Unit Design

The project consists of 18 single-family residential homes with four (4) different two-story floor plans (Plan A1, Plan A2, Plan B1, and Plan B2) and all with attached two-car garages. Plan A1 is a 2,032 square foot unit with four (4) bedrooms and three (3) bathrooms. Plan A2 is a 2,042 square foot unit with four (4) bedrooms and three (3) bathrooms, as well. Plan B1 and B2 are both 1,795 square foot units with three (3) bedrooms and 2 ½ bathrooms. Although the floor plans of Plan B1 and B2 are similar, their respective elevations are different. Each garage will have access from the private driveway within the development.

### Building Architecture

The architectural style of the homes is modern and contemporary, exhibiting multi-toned stucco exteriors, varied rooflines, flat concrete tile roofing, building pop-outs, decorative shutters, stone veneer treatment, and decorative window trims.

### TENTATIVE TRACT MAP:

In accordance with the State Subdivision Map Act, the developer has filed a tentative tract map for the project to subdivide the subject property into 18 separate lots. The Tentative Tract Map is in conformance with the zoning requirements for the site, as well as the City's Subdivision Ordinance and the State Subdivision Map Act.

### DEVELOPMENT AGREEMENT:

The applicant also proposes to enter into a Development Agreement with the City. Pursuant to the proposed Development Agreement, the applicant will be guaranteed four years in which to construct the project in accordance with the approved Site

Plan and Tentative Tract Map, and the City will receive from the developer a Development Agreement fee not to exceed \$34,488.00. Development Agreement payments are designed to reduce the economic costs of new projects to the public and mitigate development-related concerns on the community. The Planning Commission recommendation on the Development Agreement will be forwarded to the City Council for final action.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following actions:

1. Adopt the Negative Declaration; and,
2. Approve Site Plan No. SP-475-13 and Tentative Tract Map No. TT-17521, subject to the recommended Conditions of Approval, and contingent upon City Council adoption of an ordinance approving Planned Unit Development No. PUD-129-13; and,
3. Recommend adoption of the Negative Declaration and approval of Planned Unit Development No. PUD-129-13 and Development Agreement No. DA-190-13 to the City Council.



Karl Hill  
Planning Services Manager

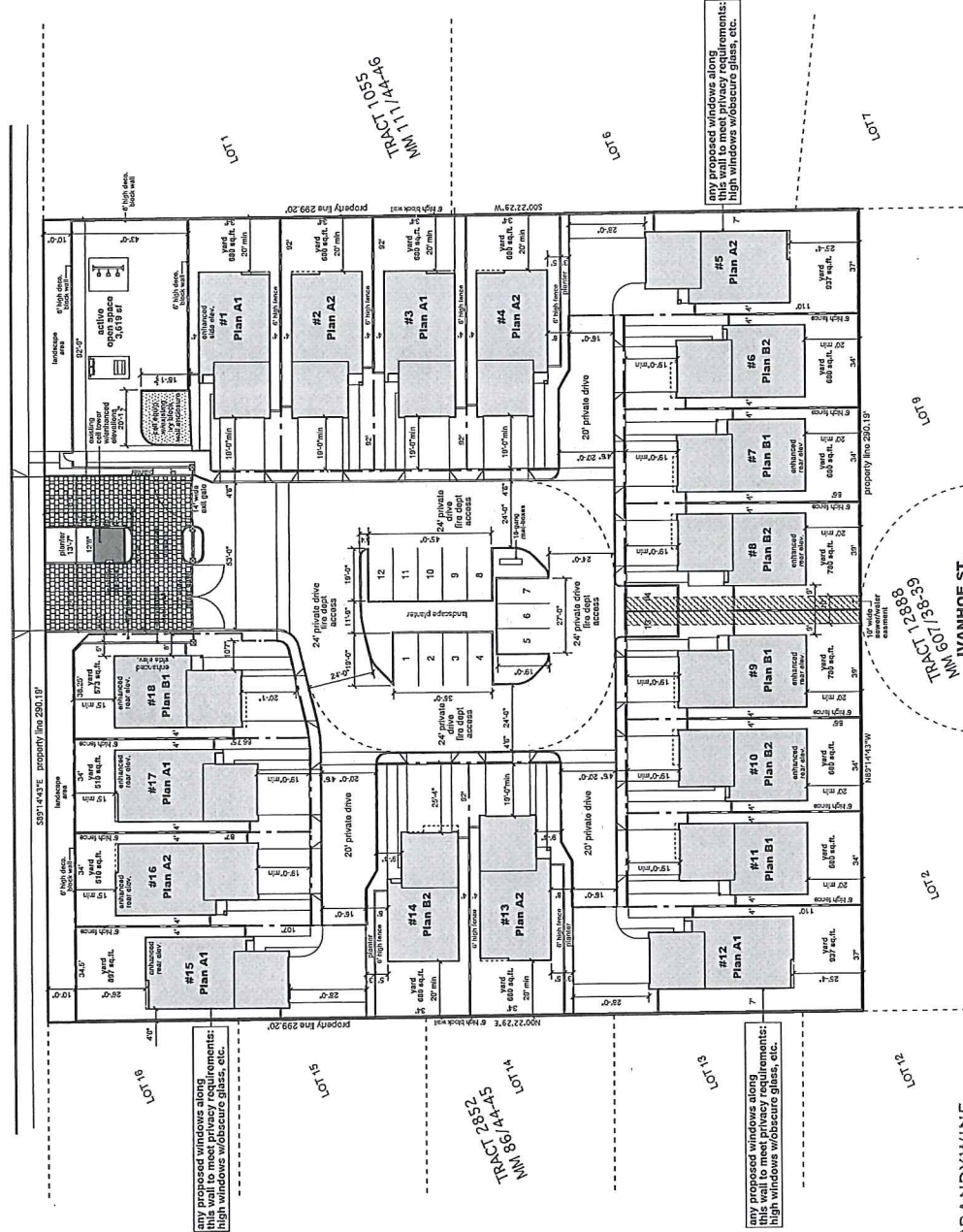


By: Christopher Chung  
Associate Planner



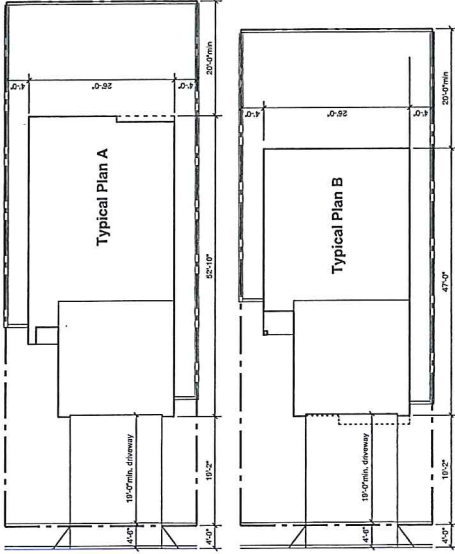
KATELLA AVE

Katella frontage road



any proposed windows along this wall to meet privacy requirements: high windows w/obscure glass, etc.

any proposed windows along this wall to meet privacy requirements: high windows w/obscure glass, etc.



**project data**

Net size of parcel: 86,847 sq. ft. (1.99 acres)  
 Number of units: 18-single family homes  
 Density as sq.ft. per unit: 4,824.8 sq.ft.  
 Density as number of units per acre: 9.04  
 Building height: 26'-6" maximum (2-story)  
 Building coverage: 22,368 sq.ft. (25.75% of site area)  
 Common recreation area: 3,619 sq.ft.  
 Average common area per unit: 201 sq.ft.  
**Landscaping:**  
 Total landscape area within parking area: 1,059 sq.ft.  
 Total landscape area as percent of parking area: 8.2%  
 Total landscape area excluding setbacks & parking areas:  
 Total landscape area, including setbacks & parking areas:  
**Parking:**  
 Total sq.ft. of parking areas: 12,855 sq.ft.  
 (18) 2-car garages (20'x20') 36.0 spaces  
 driveway open spaces (9'x19') 18.0 spaces  
 on-site guest spaces (9'x19') 14.0 spaces  
 Total parking (3.77 spaces/unit) 68.0 spaces  
**Building Area:**  
 Total unit living areas: 34,730 sq. ft.  
 Total unit garage areas: 7,560 sq.ft.  
 Total building area: 42,290 sq.ft.  
 Plan A1 (5-units): 2,032 sq.ft./unit (4-bedroom + 3-baths)  
 Plan A2 (5-units): 2,042 sq.ft./unit (4-bedroom + 3-baths)  
 Plan B1 (4-units): 1,795 sq.ft./unit (3-bedroom + 2.5-baths)  
 Plan B2 (4-units): 1,795 sq.ft./unit (3-bedroom + 2.5-baths)  
 Total number of units: 18

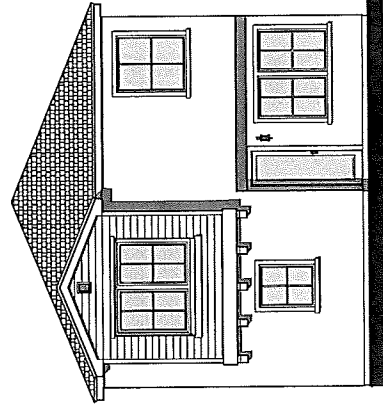
applicant  
**BRANDYWINE HOMES**  
 16580 Aston, Irvine, CA 92606  
 tel: 949.296.2400 fax: 949.296.2420  
**BEGOVICH + HAUG ARCHITECTS**  
 3450 E. SPRING STREET, SUITE 118  
 LONG BEACH, CA 90806  
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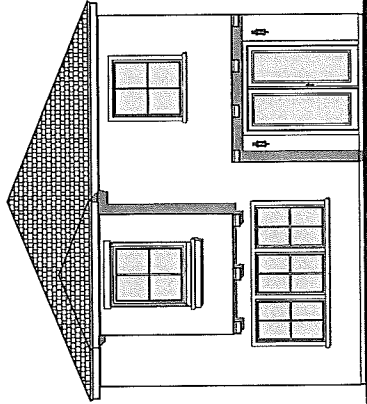
18-lot Home Development  
 10418 Katella Ave  
 Garden Grove, CA

Conceptual Site Plan  
**A-1.1**  
 sheets: 17-20/27

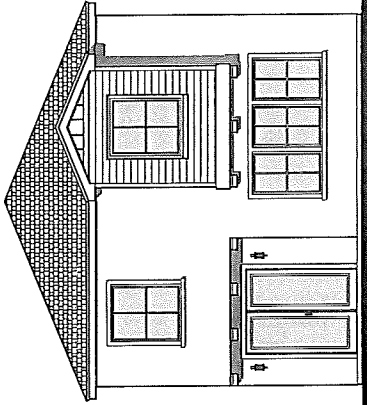
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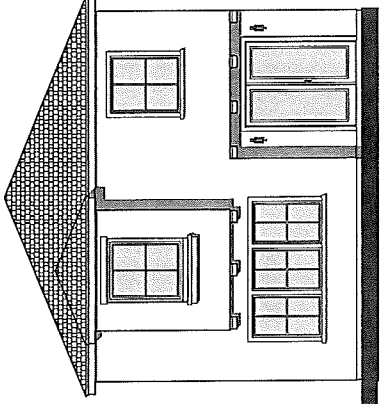
Plan B1



Plan A1

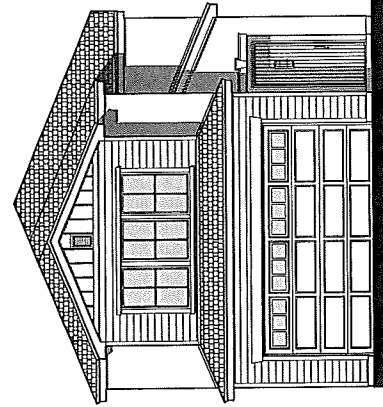


Plan A2

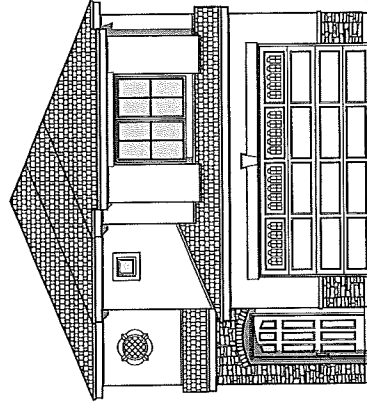


Plan A1

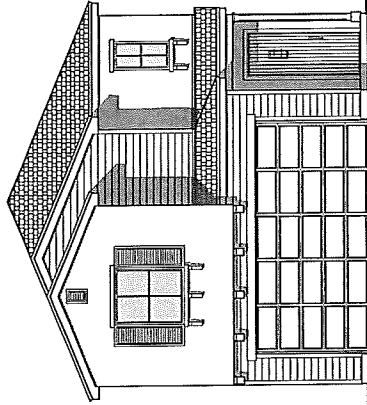
Enhanced Rear Elevations  
Katella Ave Streetscape Elevations



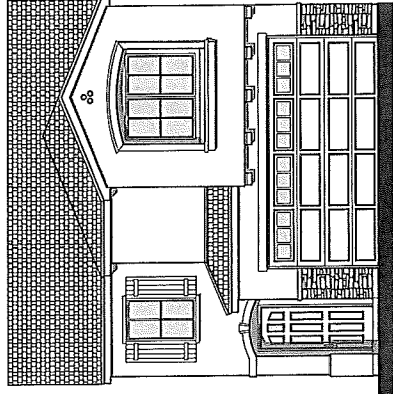
Plan A2



Plan A1

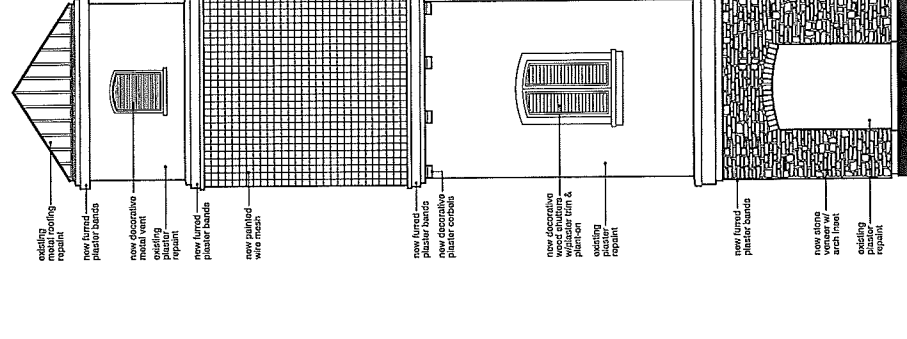
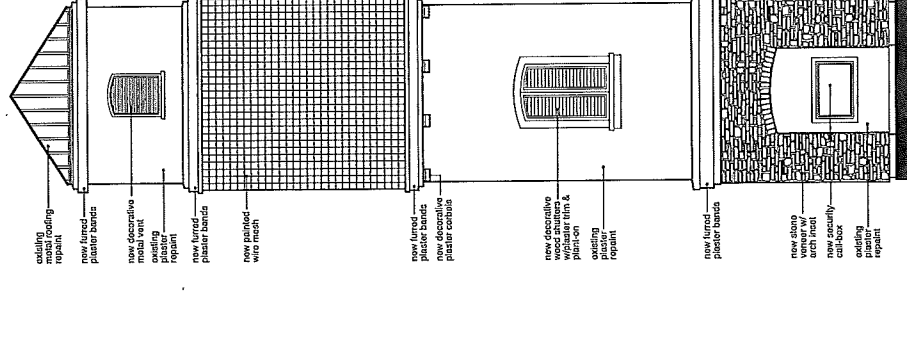
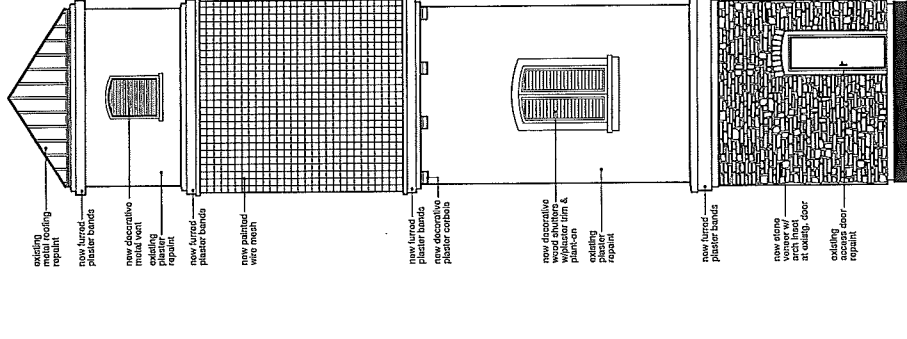
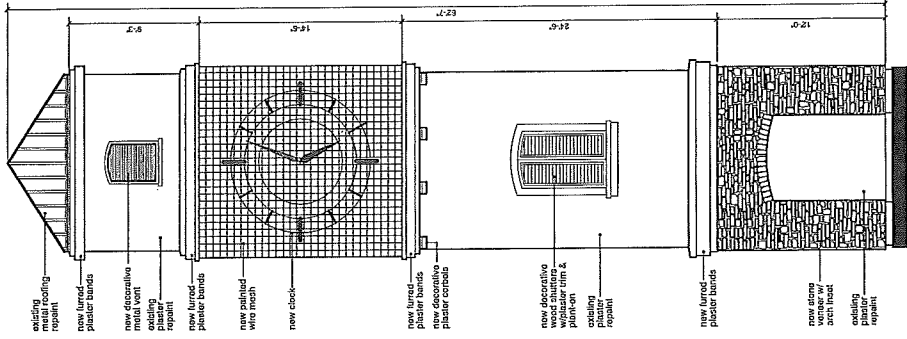
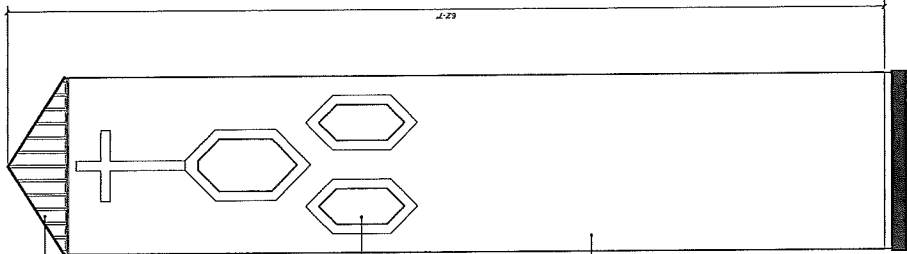


Plan B1



Plan B2





Typ. Existing

Proposed:Katella Ave

Proposed:South side

Proposed:West side

Proposed:East side

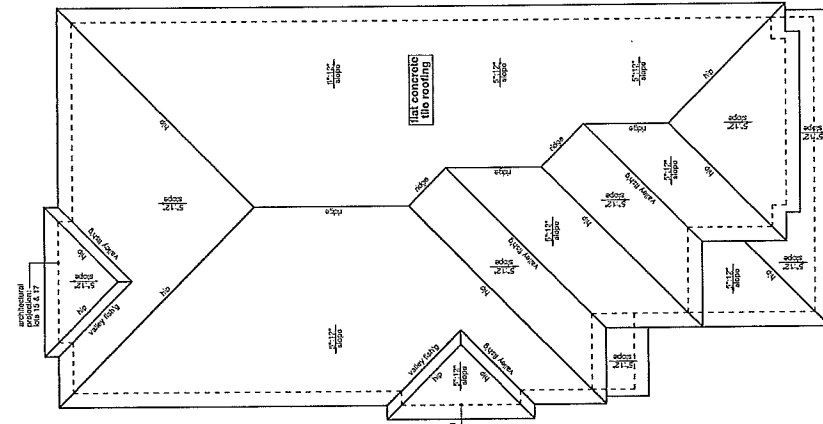
A-1.3  
anna

18-lot Home Development  
10418 Katella Ave  
Garden Grove, CA  
Walden

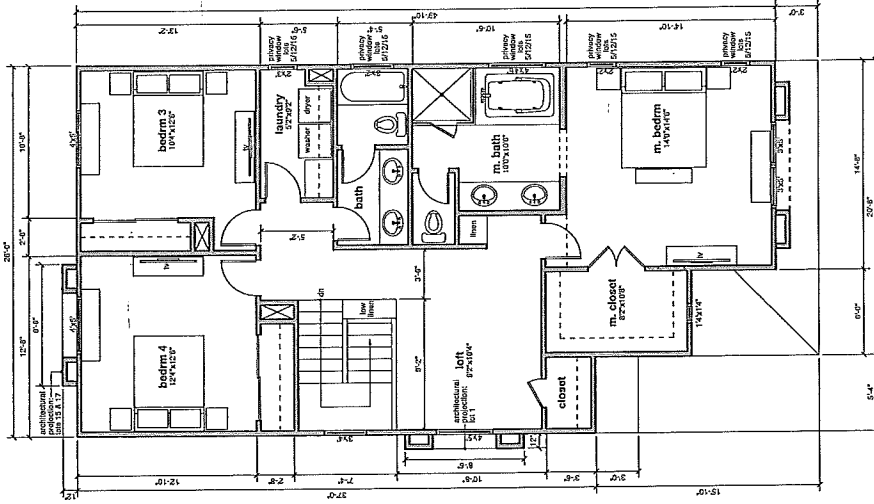
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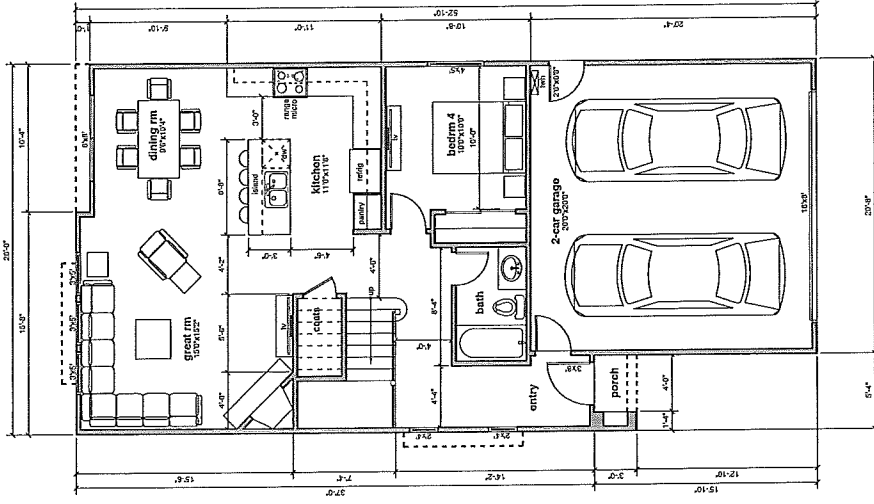
**Roof Plan**



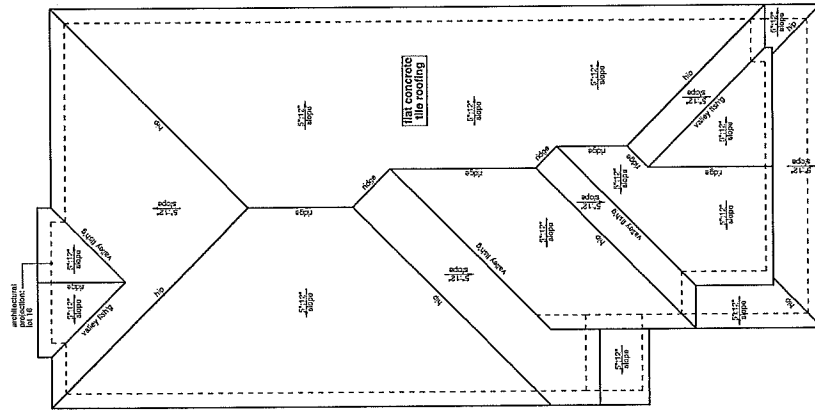
**Second Floor Plan: 1,172 sq.ft.**



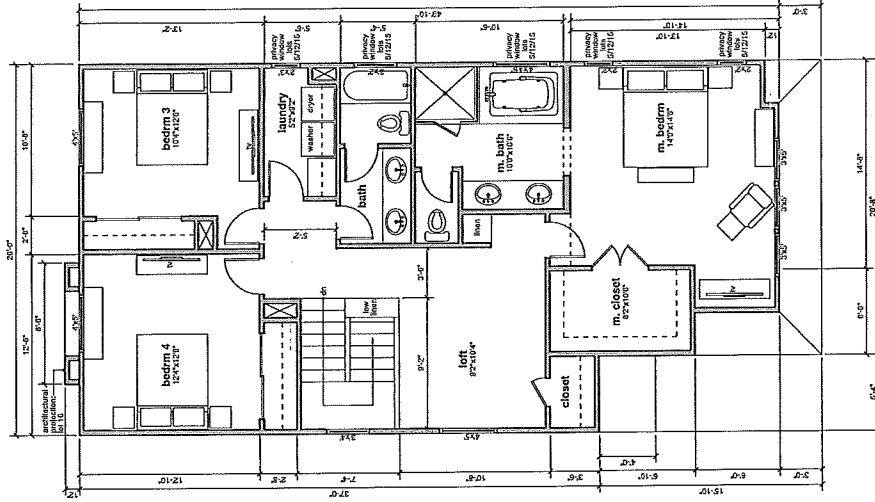
**First Floor Plan: 860 sq.ft.**



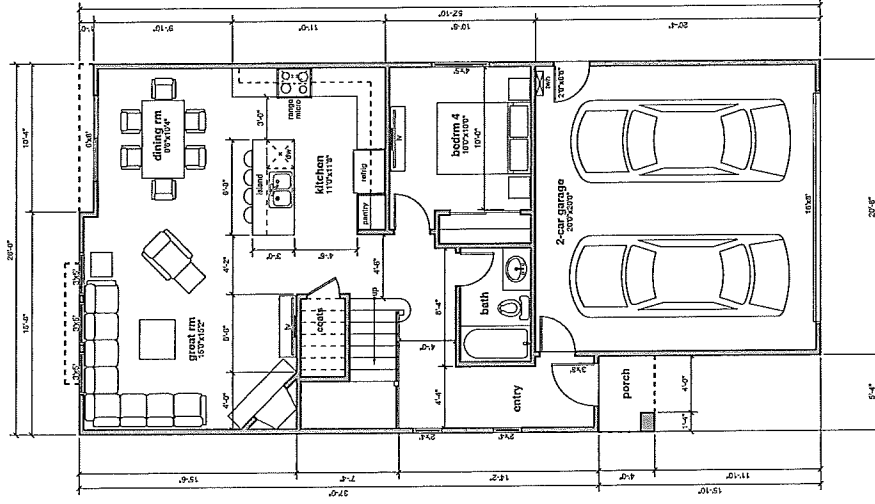
Roof Plan

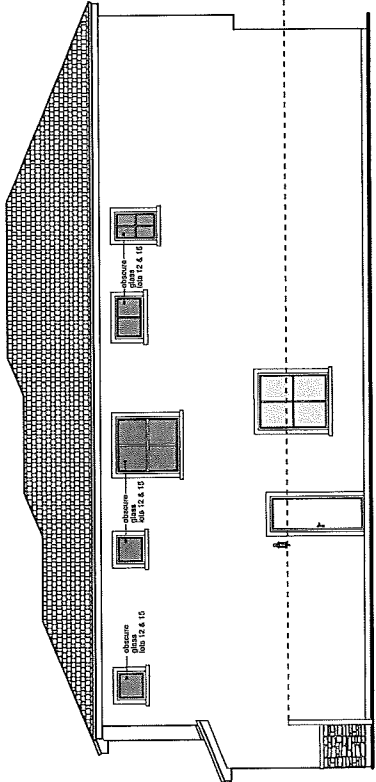


Second Floor Plan: 1,187 sq.ft.

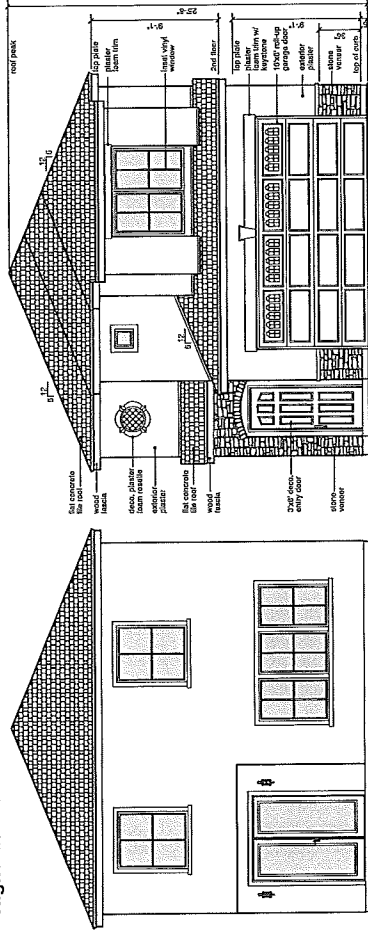


First Floor Plan: 855 sq.ft.

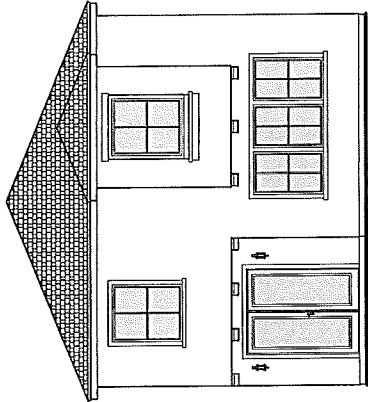




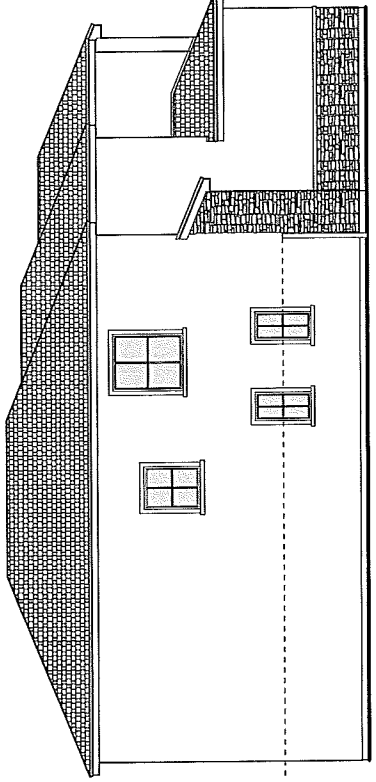
Right Elevation



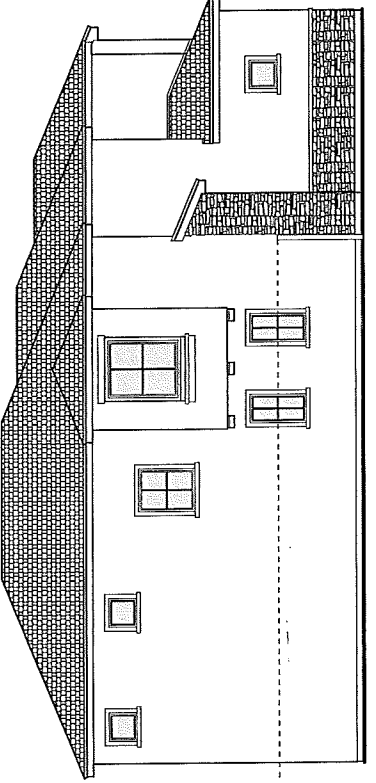
Front Elevation



Enhanced Rear Elevation: lots 15 & 17



Left Elevation



Enhanced Left Elevation: lot 1

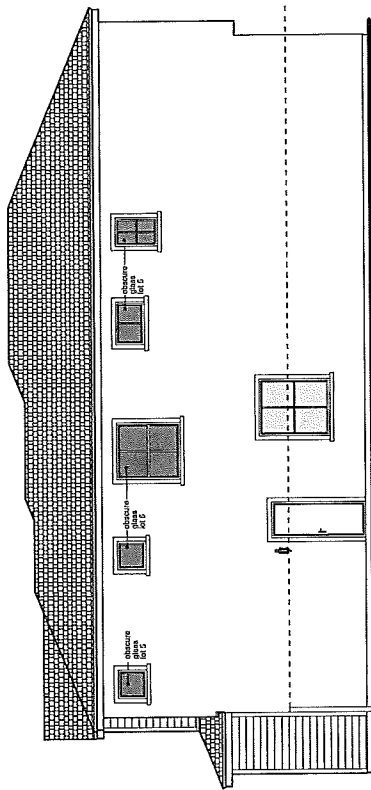
**B BRANDYWINE**

**BECOVICH + HAUG ARCHITECTS**  
becovich-haug.com

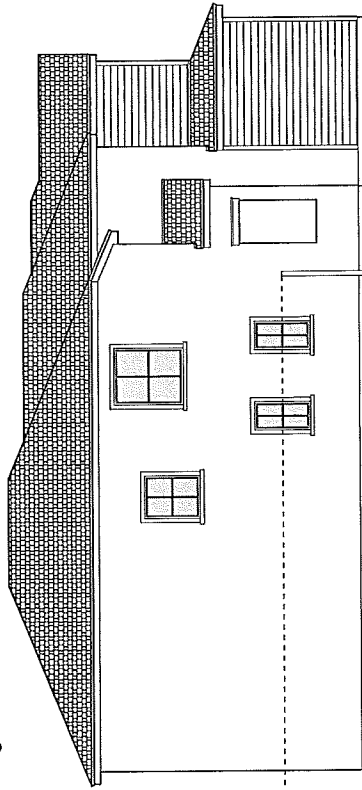
18-lot Home Development  
10418 Katella Ave  
Garden Grove, CA

scale: 1/8"=1'-0"  
**Plan A1: Elevations**  
A-2.3  
2/17/13

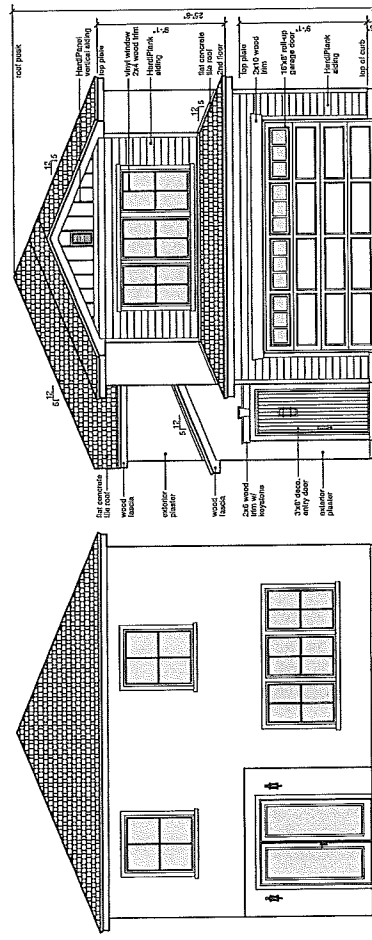
**Walden**



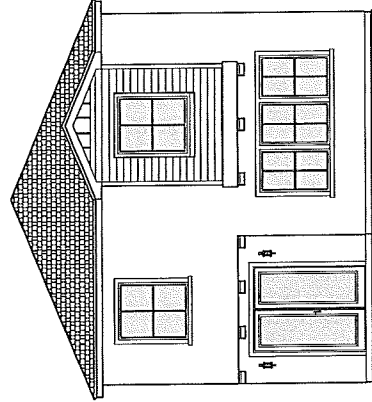
Right Elevation



Left Elevation



Front Elevation



Enhanced Rear Elevation: lot 16

Rear Elevation: lots 2,4,5 & 13

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18-lot Home  
Development

scale: 1/8"=1'-0"

Plan A2: Elevations

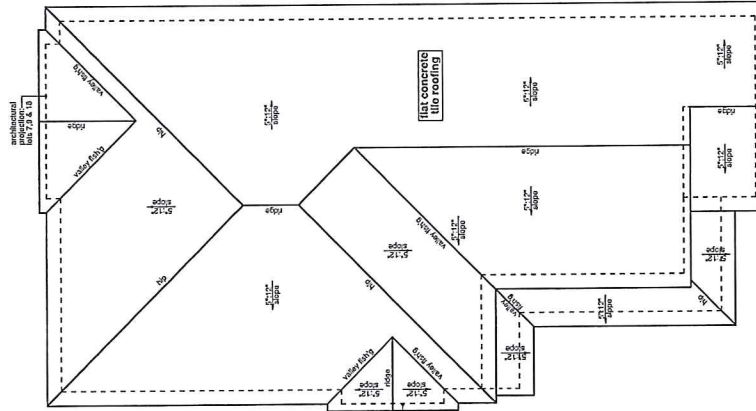
A-2.4

sheets

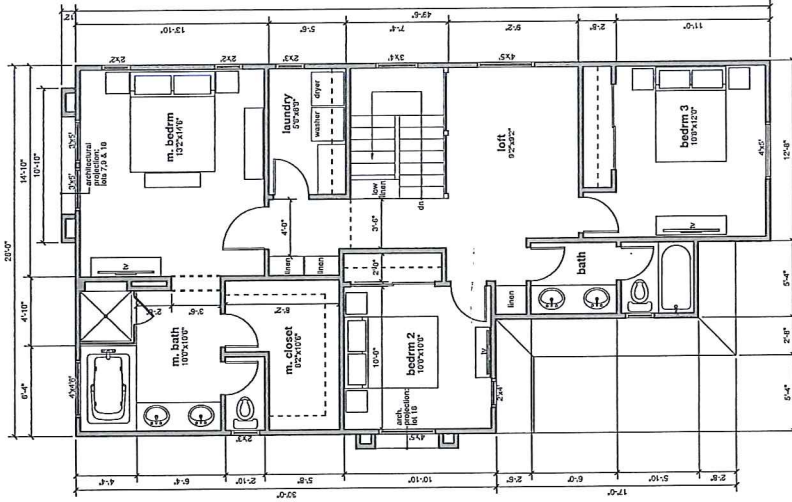
Walden

10478 Katella Ave  
Garden Grove, CA

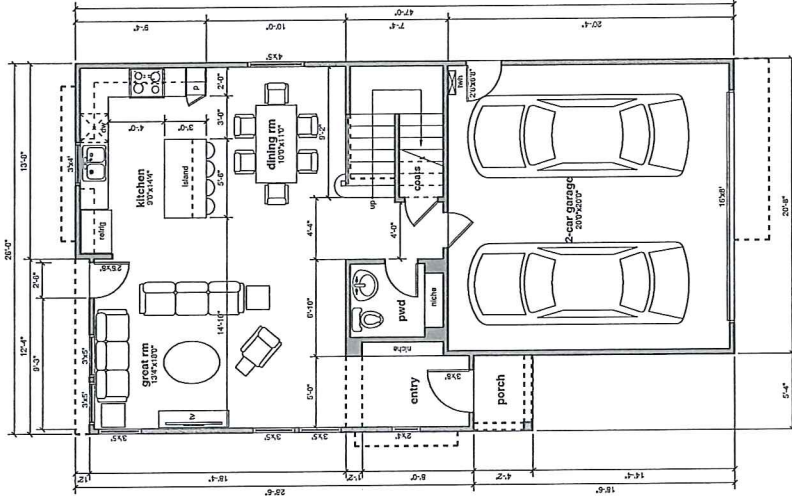
Roof Plan



Second Floor Plan: 1,103 sq.ft.



First Floor Plan: 692 sq.ft.



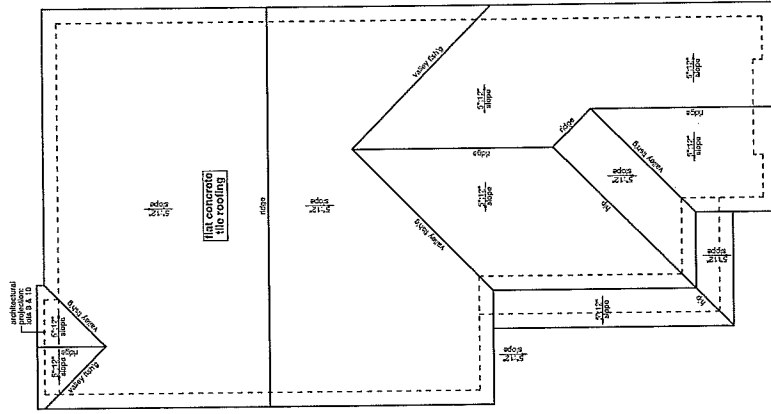
18-lot Home Development  
 10418 Kätella Ave  
 Garden Grove, CA

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**Plan B1: 1,795 sq.ft.**  
**Walden**

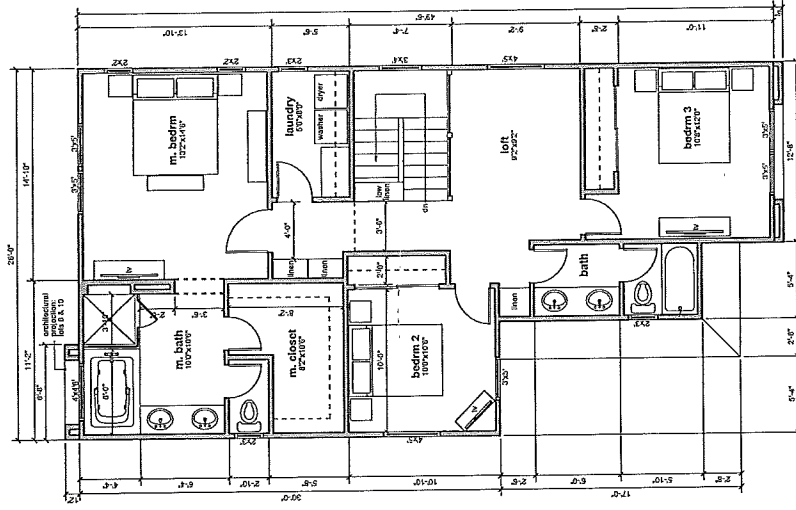
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A-3.1  
 2/20/20

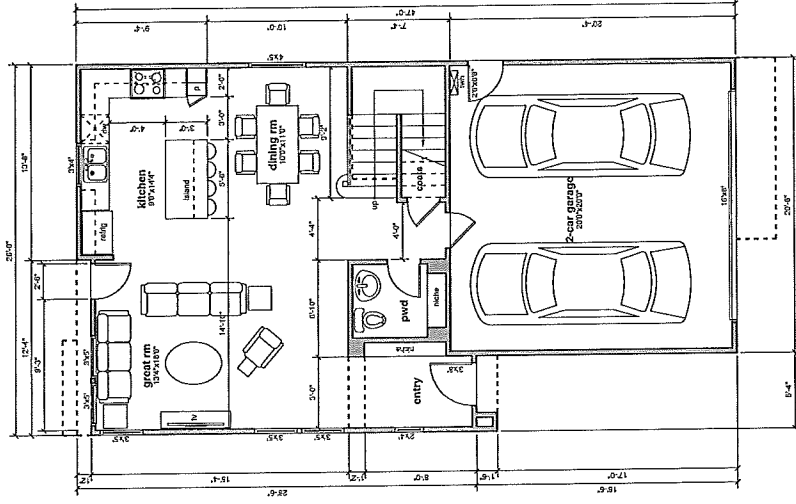
Roof Plan

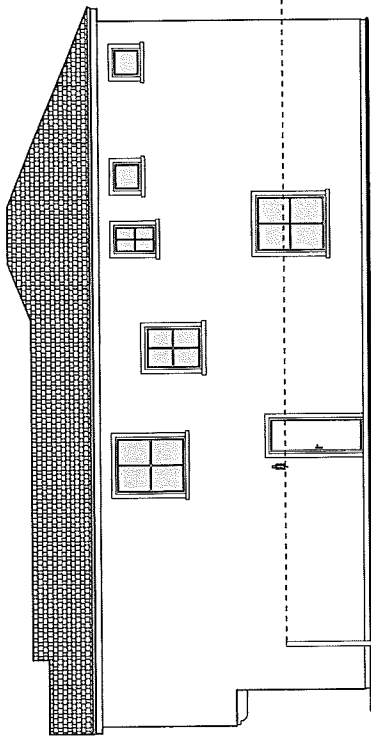


Second Floor Plan: 1,103 sq.ft.

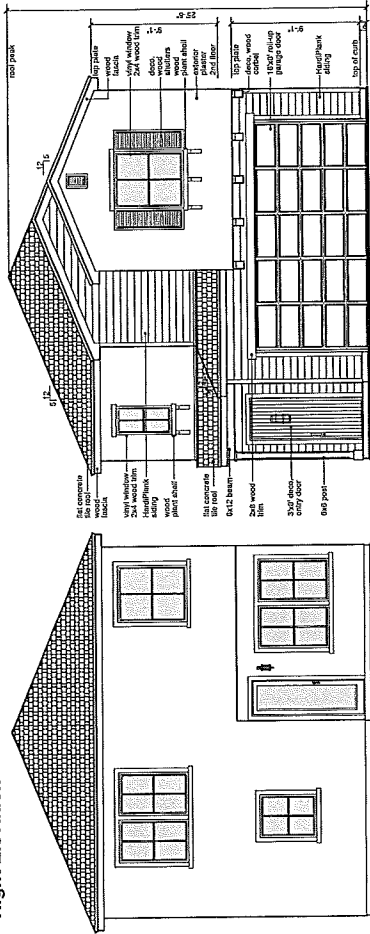


First Floor Plan: 692 sq.ft.

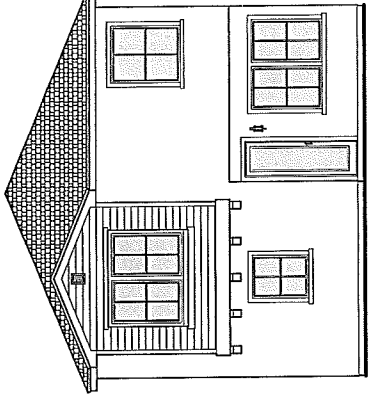




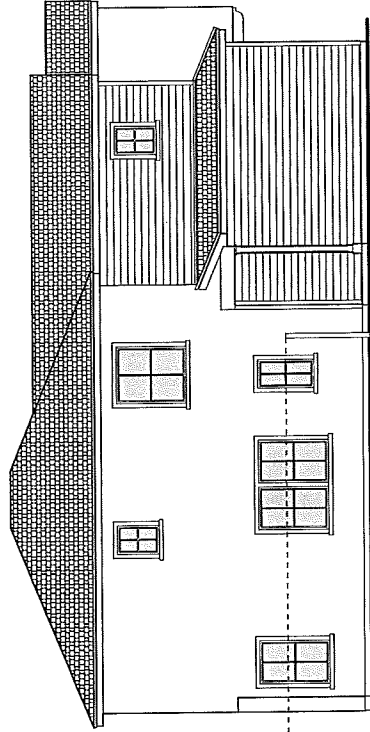
Right Elevation



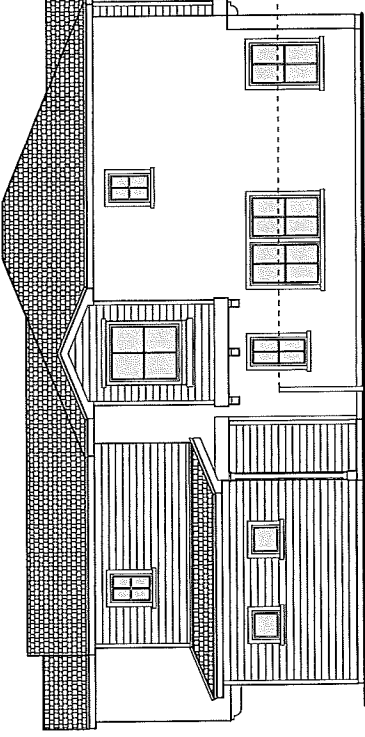
Front Elevation



Enhanced Rear Elevation: lots 7, 9 & 18

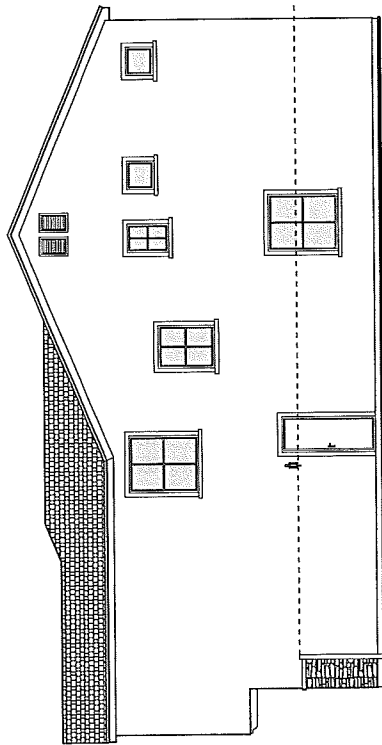


Left Elevation

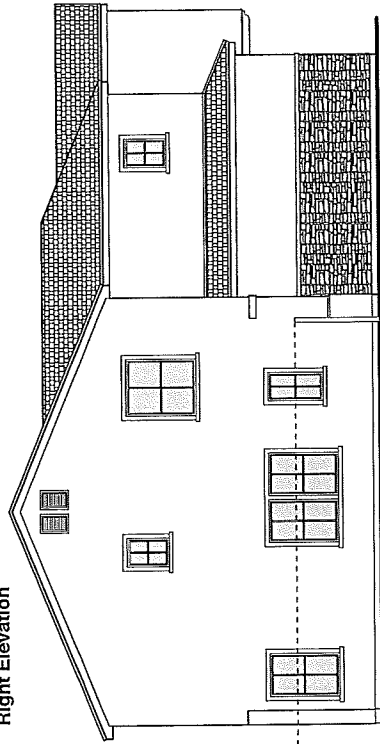


Enhanced Right Elevation: lot 18

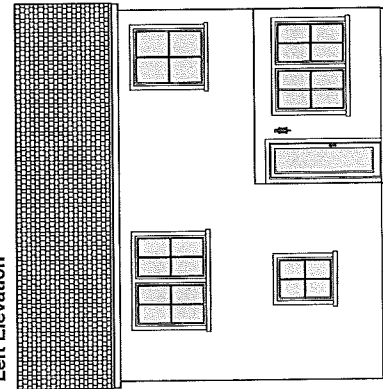




Right Elevation



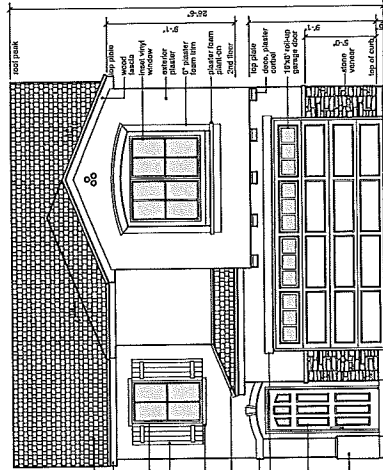
Left Elevation



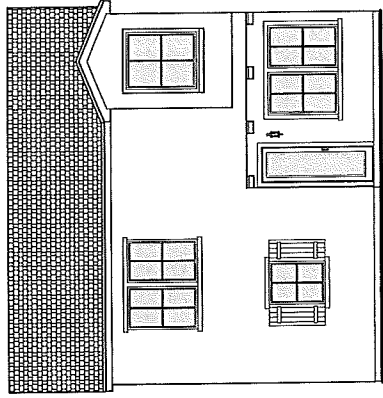
Rear Elevation: lots 6 & 14

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Front Elevation



Enhanced Rear Elevation: lots 8 & 10

18-lot Home  
Development

scale: 1/8"=1'-0"

Plan B2: Elevations

A-3.4

sheet

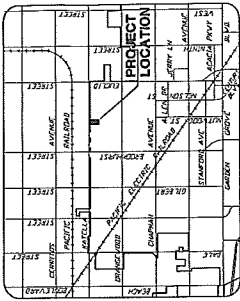
Walden

10478 Katiella Ave  
Garden Grove, CA

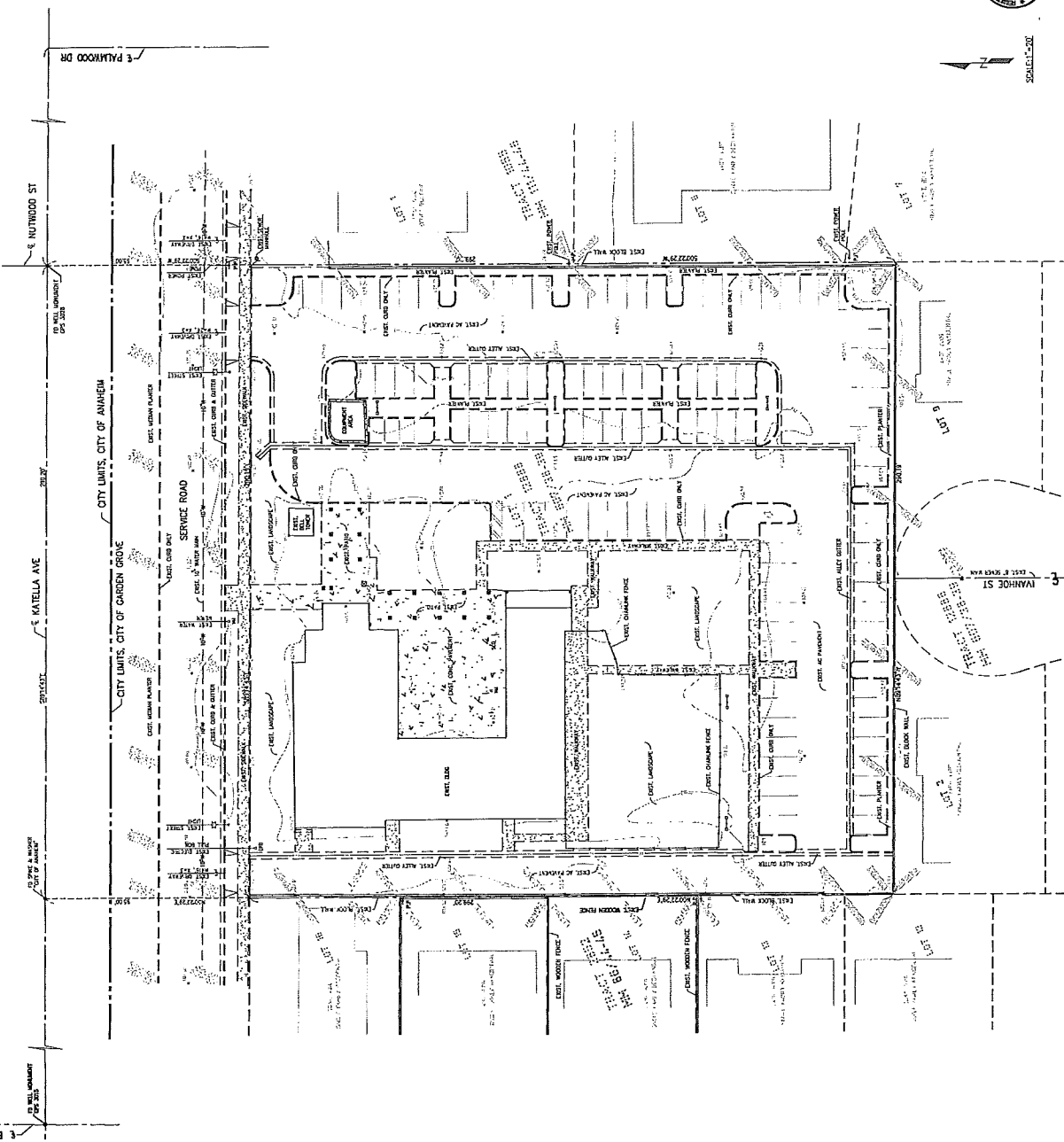
# BOUNDARY MAP/EXISTING FACILITIES PLAN

## TENTATIVE TRACT NO. 17521

### 10418 KATELLA AVE, GARDEN GROVE, CA

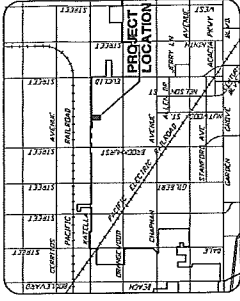


**LEGAL DESCRIPTION:**  
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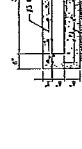
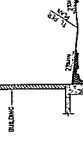
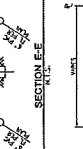
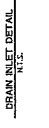
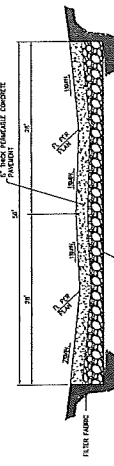
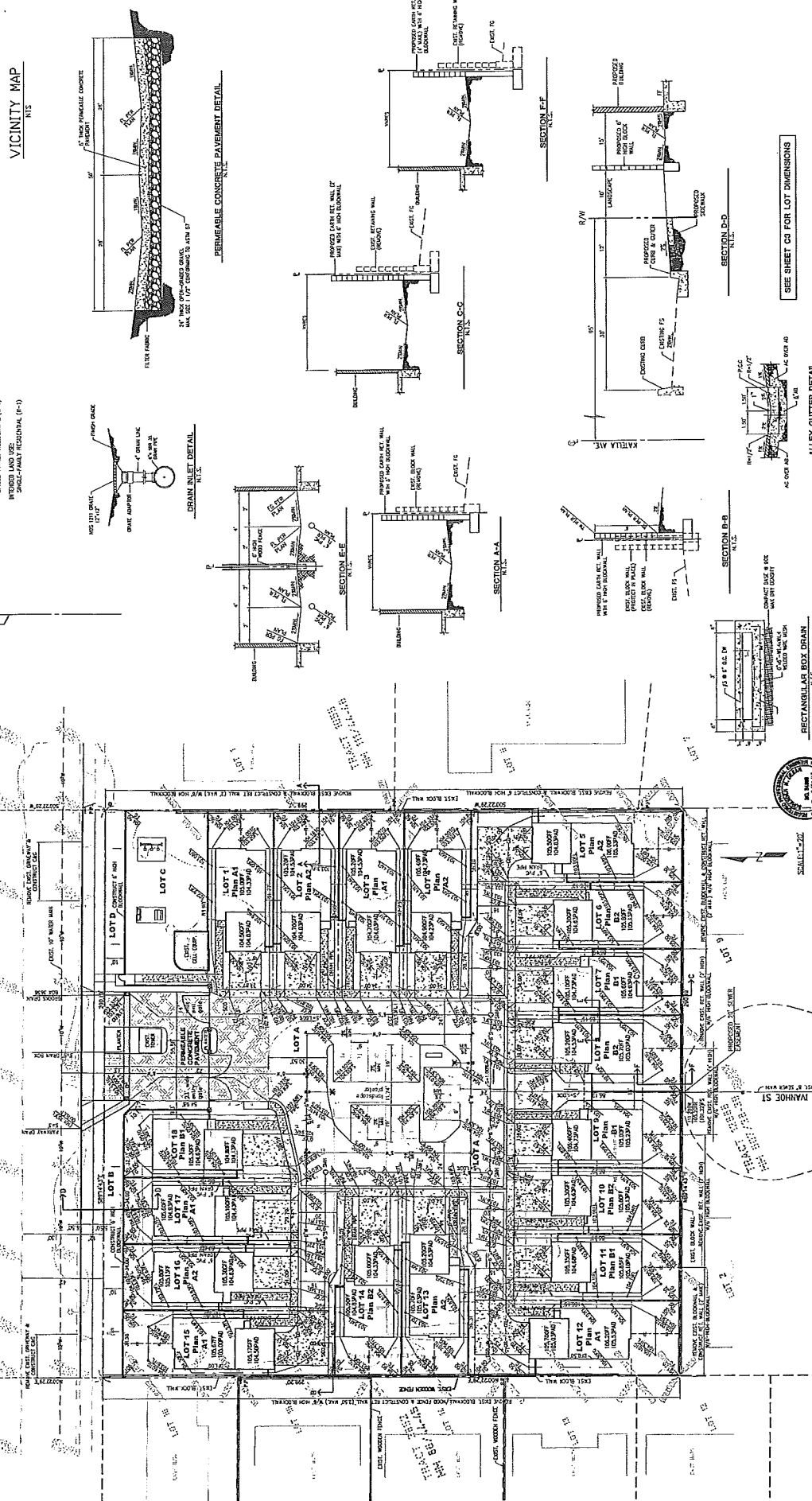
<b>BRANDYWINE</b> ARCHITECTS 18555 Alhambra, CA 91804 Tel: (916) 734-3325 Fax: (916) 734-4022 www.brandywine.com	<b>BEGOVICH &amp; HAUG</b> ARCHITECTS 10418 Katella Ave, Suite 104 Garden Grove, CA 92643 Tel: (714) 941-0100	<b>SAINT MARK'S LUTHERAN CHURCH</b> 10418 Katella Ave, Suite 104 Garden Grove, CA 92643	<b>DMS CONSULTANTS, INC.</b> 10418 Katella Ave, Suite 104 Garden Grove, CA 92643	<b>CITY OF GARDEN GROVE</b>	<b>BOUNDARY MAP/EXISTING FACILITIES PLAN</b> TENTATIVE TRACT NO. 17521 10418 KATELLA AVE, GARDEN GROVE, CA DATE: 09/27/21
DESIGNED BY: _____	DESIGNED BY: _____	DESIGNED BY: _____	DESIGNED BY: _____	DESIGNED BY: _____	DESIGNED BY: _____
DRAWN BY: _____	DRAWN BY: _____	DRAWN BY: _____	DRAWN BY: _____	DRAWN BY: _____	DRAWN BY: _____
CHECKED BY: _____	CHECKED BY: _____	CHECKED BY: _____	CHECKED BY: _____	CHECKED BY: _____	CHECKED BY: _____
DATE: _____	DATE: _____	DATE: _____	DATE: _____	DATE: _____	DATE: _____

# CONCEPT GRADING PLAN TENTATIVE TRACT NO. 17521 10418 KATELLA AVE, GARDEN GROVE, CA



**LEGAL DESCRIPTION:**  
 LOT 1 OF TRACT NO. 17521 IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, APR. 28th 1965-66

**LAND USE:**  
 SINGLE-FAMILY RESIDENTIAL (R-1)  
 MULTIFAMILY RESIDENTIAL (R-1)



<p><b>REMARKS:</b>                  1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF GARDEN GROVE, CALIFORNIA, ORDINANCES AND SPECIFICATIONS.                  2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF GARDEN GROVE AND THE COUNTY OF ORANGE.                  3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.</p>		<p>DESIGNED BY: <b>DMS CONSULTANTS, INC.</b>                  CONSULTANTS IN CIVIL ENGINEERING AND ARCHITECTURE                  10418 KATELLA AVE., GARDEN GROVE, CA 92647                  TEL: (714) 261-1111                  FAX: (714) 261-1112</p>
<p>APPROVED BY: <b>DMS CONSULTANTS, INC.</b>                  CONSULTANTS IN CIVIL ENGINEERING AND ARCHITECTURE                  10418 KATELLA AVE., GARDEN GROVE, CA 92647                  TEL: (714) 261-1111                  FAX: (714) 261-1112</p>	<p>OWNER: <b>SANCTI MARCI LUTHERAN CHURCH</b>                  3400 LUTHER STREET, BOX 118                  GARDEN GROVE, CA 92647                  TEL: (714) 261-1111                  FAX: (714) 261-1112</p>	<p>ARCHITECT: <b>BEGOVICH &amp; HAUG HOMES</b>                  10418 KATELLA AVE., GARDEN GROVE, CA 92647                  TEL: (714) 261-1111                  FAX: (714) 261-1112</p>
<p>DATE: 02/20/21</p>	<p>PROJECT NO: 17521</p>	<p>SCALE: AS SHOWN</p>

**CITY OF GARDEN GROVE**  
 CONCEPT GRADING PLAN/SITE PLAN  
 TENTATIVE TRACT NO. 17521  
 10418 KATELLA AVE, GARDEN GROVE, CA  
 FILE: 07/07/21

PLANS PREPARED FOR  
**BRANDYWINE HOMES**  
 10418 KATELLA AVE, GARDEN GROVE, CA 92647  
 TEL: (714) 261-1111  
 FAX: (714) 261-1112

OWNER: **SANCTI MARCI LUTHERAN CHURCH**  
 3400 LUTHER STREET, BOX 118  
 GARDEN GROVE, CA 92647  
 TEL: (714) 261-1111  
 FAX: (714) 261-1112

ARCHITECT: **BEGOVICH & HAUG HOMES**  
 10418 KATELLA AVE, GARDEN GROVE, CA 92647  
 TEL: (714) 261-1111  
 FAX: (714) 261-1112

DESIGNED BY: **DMS CONSULTANTS, INC.**  
 CONSULTANTS IN CIVIL ENGINEERING AND ARCHITECTURE  
 10418 KATELLA AVE., GARDEN GROVE, CA 92647  
 TEL: (714) 261-1111  
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APPROVED BY: **DMS CONSULTANTS, INC.**  
 CONSULTANTS IN CIVIL ENGINEERING AND ARCHITECTURE  
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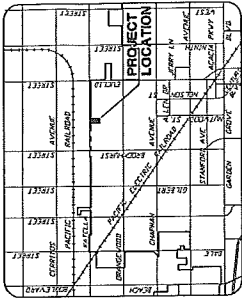
DATE: 02/20/21

PROJECT NO: 17521

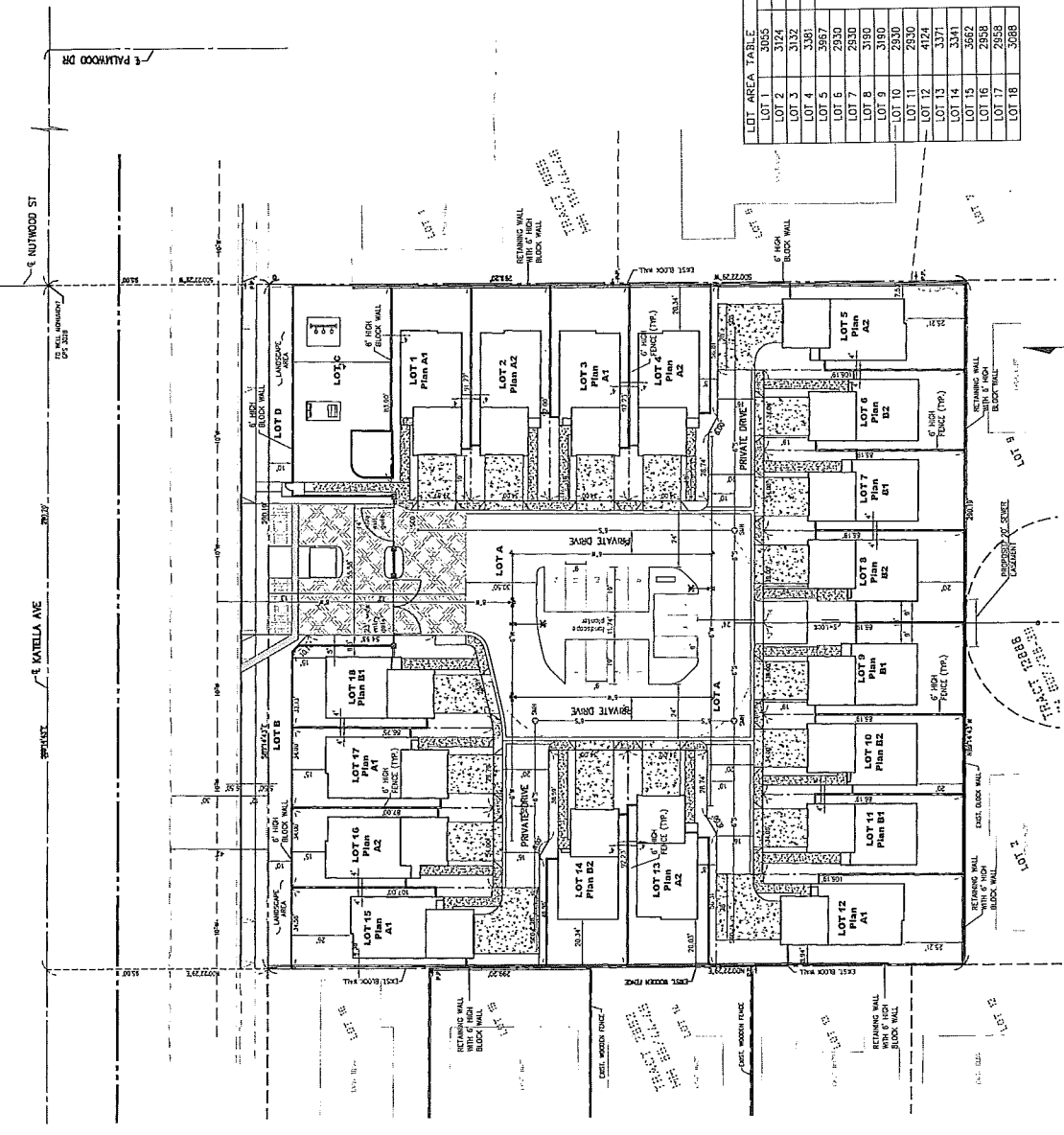
SCALE: AS SHOWN

FILE: 07/07/21

# SITE PLAN TENTATIVE TRACT NO. 17521 10418 KATELLA AVE. GARDEN GROVE, CA



VICINITY MAP  
N.T.S.



NUMBER OF UNITS: 18  
 TOTAL AREA: 4804.87 SQ FT  
 DENSITY: 0.374 UNITS/ACR  
 BUILDING HEIGHT (2 STORY): 20'-0" MAXIMUM  
 BUILDING COVERAGE: 25,286.57 SF  
 AVERAGE COMMON AREA PER UNIT: 201 SF  
 COMMON RECREATION AREA: 3,810 SF

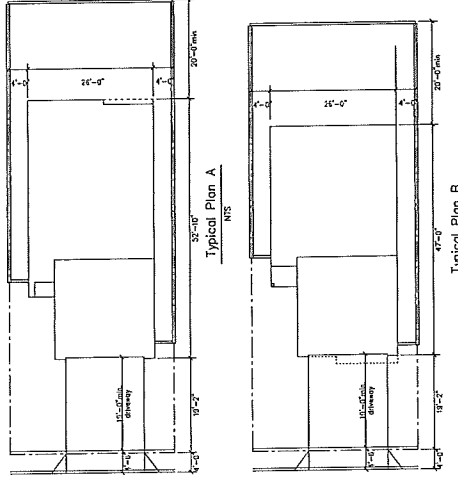
LANDSCAPING:  
 TOTAL LANDSCAPE AREA WITHIN PARKING AREA: 1,028 SF  
 TOTAL LANDSCAPE AREA AS PERCENT OF PARKING AREA: 8.24%

PARKING:  
 TOTAL PARKING AREA: 12,833 SF  
 (10) 2-CAR GARAGE: 36 SPACES  
 DRIVEWAY: 18 SPACES  
 ON-STREET (GUEST): 14 SPACES  
 TOTAL SPACES: 68 SPACES

BUILDING AREA:  
 TOTAL UNIT DWELLING AREA: 34,720 SF  
 TOTAL UNIT COMMON AREA: 1,300 SF  
 TOTAL BUILDING AREA: 32,420 SF

LOT AREA TABLE

LOT #	LOT A	LOT B	LOT C	LOT D
LOT 1	3035	2235		
LOT 2	3124	1445		
LOT 3	3132	3502		
LOT 4	3381			418
LOT 5	3567			
LOT 6	2930			
LOT 7	2930			
LOT 8	3190			
LOT 9	3190			
LOT 10	2930			
LOT 11	2930			
LOT 12	3174			
LOT 13	3341			
LOT 14	3662			
LOT 15	2958			
LOT 16	2958			
LOT 17	2958			
LOT 18	5088			



Typical Plan B  
N.T.S.










SEARCHED: [ ] INDEXED: [ ] SERIALIZED: [ ] FILED: [ ] OCT 20 2023 FEDERAL BUREAU OF INVESTIGATION U.S. DEPARTMENT OF JUSTICE	PREPARED BY: [ ] CHECKED BY: [ ] DATE: 07/20/23 TIME: 10:00 AM	PROJECT NO.: 17521 TRACT NO.: 17521 SHEET NO.: 01 OF 01	CITY OF GARDEN GROVE SITE PLAN TENTATIVE TRACT NO. 17521 10418 KATELLA AVE. GARDEN GROVE, CA DATE: 07/20/23
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# Conceptual Landscape Plan Walden

TT 17521  
10418 Katella Garden Grove, CA

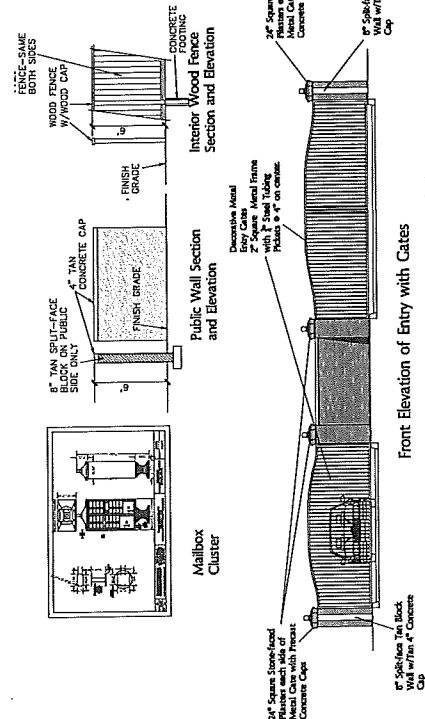
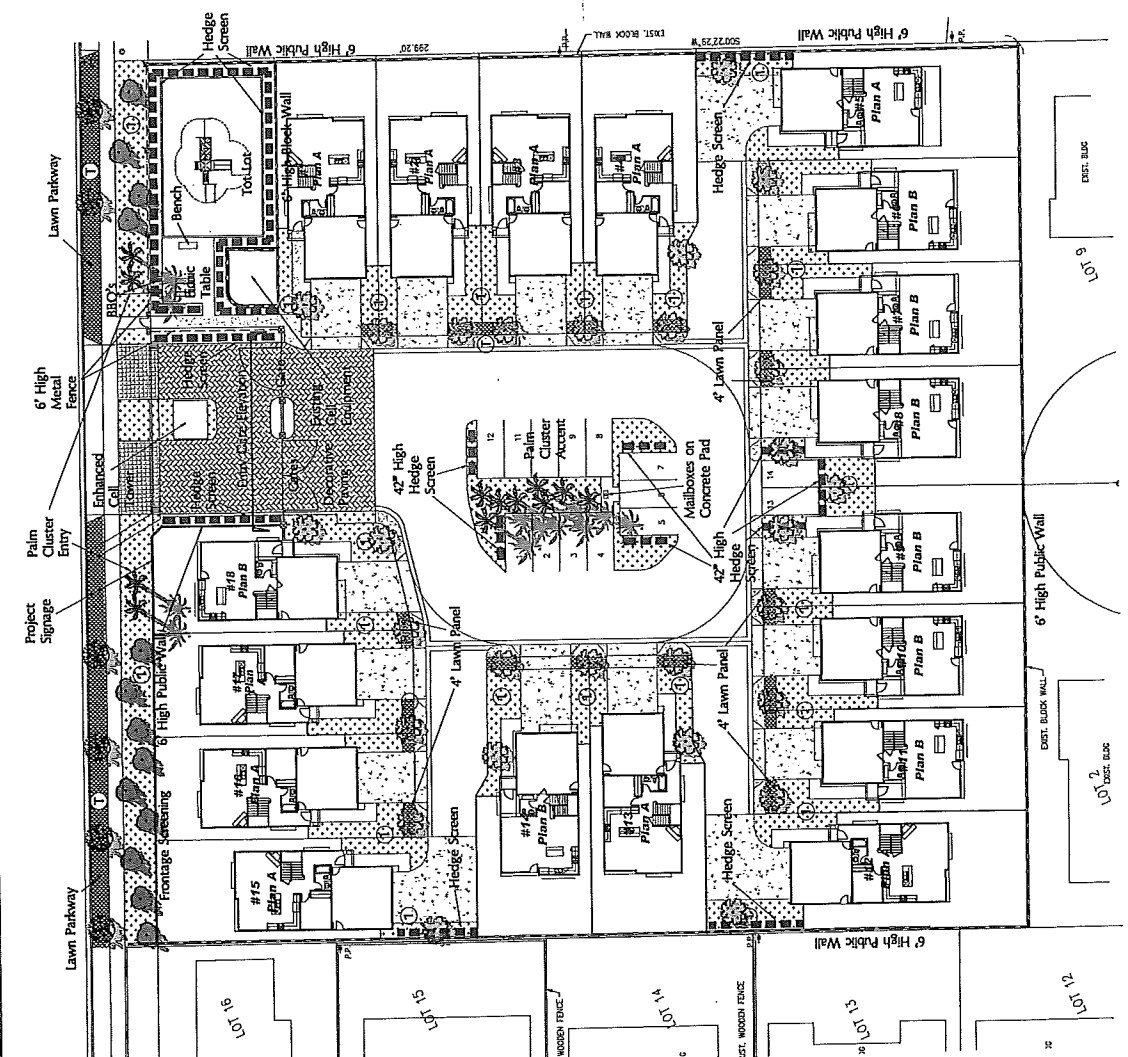
Katella (Frontage Road)

## PLANTING LEGEND

-  **PAUM CLUSTER ENTRY**  
Syagrus romanzoffianum (Queen Palm)
-  **FRONTAGE SCREENING**  
Tristanea lophostemon conferta (Irisbane Box)
-  **PARKWAY TREE**  
to be selected by the City
-  **INTERIOR STREETSCAPE TREE**  
Rhus integrifolia (African Sumac)
-  **EDGE SCREENING**  
Ligustrum texanum (Texas Privet)
-  **INTERIOR PALM CLUSTER ACCENT**  
Syagrus romanzoffianum (Queen Palm)
-  **LAWN PANEL**

## SUGGESTED LIST OF DROUGHT TOLERANT with some CALIFORNIA NATIVE PLANTINGS

- Leaf-Cannery Edge Planting (average height is 42')**
- AGAPANTHUS 'TINKERBELL'
  - AGAVE 'SILVER CHIPS'
  - URUPE MUSCARI (BIG BLUE LILY TURF)
  - CARPENTERIA CALIFORNICA (BUSH ANEMONE)
  - LANTANA 'GOLDEN PRINCESS'
  - LEUCOPHYLLUM FRUTESCENS (TEXAS RANER)
  - HEUROCALYX AURANTIACA (DAY LILY)
  - MAHONIA REPENS (DWARF DRAGON)
  - MAHONIA DOMESTICA (DWARF MAHONIA)
  - RHAPIDOPSEIS BALLERNA 'CANYON PINK'
  - TEUCRIUM CHAMADRYFOLIUM (STAR JASMINE)
  - WESTRINGIA 'MORNING LIGHT' (COAST ROSEMARY)
  - ERICERON KARVINKIANUS (SANTA BARBARA DAISY)



**Maley Land Planning**  
2005 Newport Blvd. #C  
Orange, CA 92668  
949-256-6100

**Brandywine Homes**  
16580 Aston  
Irvine, CA 92606  
949-256-6100

RESOLUTION NO. 5793-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING ADOPTION OF A NEGATIVE DECLARATION AND RECOMMENDING APPROVAL OF PLANNED UNIT DEVELOPMENT NO. PUD-129-13, AND DEVELOPMENT AGREEMENT NO. DA-190-13 FOR PROPERTY LOCATED AT 10418 KATELLA AVENUE, ASSESSOR'S PARCEL NO. 089-542-26.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on May 16, 2013, does hereby recommend adoption of a Negative Declaration and recommends approval of Planned Unit Development No. PUD-129-13 and Development Agreement No. DA-190-13 for land located at the south side of Katella Avenue between Brookhurst Street and Euclid Street, at 10418 Katella Avenue, Assessor's Parcel No. 089-542-26.

BE IT FURTHER RESOLVED that the Planning Commission has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the Planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. Therefore, the Planning Commission recommends City Council adopt the Negative Declaration for this project.

BE IT FURTHER RESOLVED in the matter of Planned Unit Development No. PUD-129-13 and Development Agreement No. DA-190-13, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Brandywine Homes.
2. The applicant requests City Council adoption of Residential Planned Unit Development No. PUD-129-13 for a 1.99-acre lot, located at 10418 Katella Avenue, and currently zoned R-1 (Single-Family Residential), to allow and facilitate the construction of an 18-unit single-family residential small-lot subdivision; Planning Commission approval of a Site Plan to construct 18 single-family homes along with street and open space improvements; Planning Commission approval of a Tentative Tract Map to subdivide the subject property into 18 separate lots; and City Council approval of a Development Agreement.
3. Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq., an initial study was prepared and it has been determined that the proposed project qualifies for a Negative Declaration because the proposed project cannot, or will not, have a significant effect on the

environment. The Negative Declaration was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines.

4. The property has a General Plan Land Use designation of Low Density Residential and is currently zoned R-1 (Single-Family Residential). The subject property is a rectangular shaped lot located on the south side of Katella Avenue between Brookhurst Street and Euclid Street with a street frontage of 290 feet, and with a land area of 1.99 acres.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on May 16, 2013, 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 16, 2013, and considered all oral and written testimony presented regarding the project, the initial study, and the Negative Declaration.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Sections 9.12.020 and 9.24.030, are as follows:

FACTS:

The subject property is a rectangular shaped lot located on the south side of Katella Avenue between Brookhurst Street and Euclid Street with a street frontage of 290 feet, and with a land area of 1.99 acres.

The property has a General Plan Land Use designation of Low Density Residential and is zoned R-1 (Single-Family Residential).

The minimum site requirement for a Planned Unit Development Residential zoning is one (1) acre. The proposed site area is 1.99 acres.

The Planned Unit Development would facilitate the development of the site with eighteen (18) single-family residential units.

The application for the Planned Unit Development (PUD-129-13) and the Development Agreement (DA-190-13) is being processed in conjunction with Site Plan No. SP-475-13 and Tentative Tract Map No. TT-17521.

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 buildings, architectural design, and proposed use are compatible with the character of existing residential development in the vicinity, and the project will be well-integrated into its setting.

The project is designed to be an attractive, modern small-lot, single-family residential community that is within the allowable density for the Low Density Residential General Plan Land Use Designation. The proposed development includes both passive and active open space along with private rear yard areas for the individual property owners. The main entry into the development is from Katella Avenue frontage road and includes decorative paving, enhanced landscaping, fencing, and an enhanced tower element, which houses an existing stealth wireless telecommunications facility. The new development will improve the site and is in keeping with well-designed modern residences. The property is surrounded by single-family residential development to the north, south, east, and west, along with a medical office use to the east. The design of the project provides a community of single-family homes on the site that will improve the appearance of the neighborhood.

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

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

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

The project has been designed in accordance with City Code provisions for providing an adequate amount of public and private open spaces as required by the City's Small-Lot Subdivision Ordinance. The site provides both passive and active open space/recreation areas for the prospective residents.

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 private areas reserved for common use will be in place prior to the start of construction and will be required to be adhered to for the life of the project.

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

The site is 1.99-acres in size. The project was designed to create a residential community with a combination of both active and passive open space areas, landscaped streets, and guest parking areas on the site. The PUD zoning allows the project to be designed as an integrated community on a network of streets and driveways. The project meets City Code standards for parking, vehicle access and circulation, and landscaping. The PUD zoning allows the project to have an overall quality that is greater than the current zoning as it allows a more integrated design of single-family buildings. The design creates a sense of neighborhood with sidewalks, tree-lined streets, and shared open space amenities.

#### INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Planned Unit Development and Development Agreement possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030 (Planned Unit Development) and with Government Code Section 65864 et. seq, provisions for Development Agreements.
2. The implementation provisions for Planned Unit Development No. PUD-129-13 are found under Planning Commission Resolution No. 5795-13 approving Site Plan No. SP-475-13 and Tentative Tract Map No. TT-17521.

ADOPTED this 16th day of May, 2013

/s/ JENNIFER CABRAL  
CHAIR

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 May 16, 2013, by the following votes:

AYES:	COMMISSIONERS:	ALEJANDRO, ALLRED, CABRAL, LAZENBY, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	MARGOLIN, NGUYEN

/s/ JUDITH MOORE  
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 6, 2013.

## RESOLUTION NO. 5795-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND APPROVING SITE PLAN NO. SP-475-13 AND TENTATIVE TRACT MAP NO. TT-17521.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on May 16, 2013, does hereby adopt a Negative Declaration and approves Site Plan No. SP-475-13 and Tentative Tract Map No. TT-17521, for land located at the south side of Katella Avenue between Brookhurst Street and Euclid Street, at 10418 Katella Avenue, Assessor's Parcel No. 089-542-26.

BE IT FURTHER RESOLVED that the Planning Commission has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the Planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. Therefore, the Planning Commission hereby adopts the Negative Declaration for this project.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-475-13 and Tentative Tract Map No. TT-17521, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Brandywine Homes.
2. The applicant requests City Council adoption of Residential Planned Unit Development No. PUD-129-13 for a 1.99-acre lot, located at 10418 Katella Avenue, and currently zoned R-1 (Single-Family Residential), to allow and facilitate the construction of an 18-unit single-family residential small-lot subdivision; Planning Commission approval of a Site Plan to construct 18 single-family homes along with street and open space improvements; Planning Commission approval of a Tentative Tract Map to subdivide the subject property into 18 separate lots; and City Council approval of a Development Agreement for the proposed project.
3. Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq., an initial study was prepared and it has been determined that the proposed project qualifies for a Negative Declaration because the proposed project cannot, or will not, have a significant effect on the

environment. The Negative Declaration was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines.

4. The property has a General Plan Land Use designation of Low Density Residential and is currently zoned R-1 (Single-Family Residential). The subject property is a rectangular shaped lot located on the south side of Katella Avenue between Brookhurst Street and Euclid Street with a street frontage of 290 feet, and with a land area of 1.99 acres.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on May 16, 2013, 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 16, 2013, and considered all oral and written testimony presented regarding the project, the initial study, and the Negative Declaration.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Sections 9.12.020 and 9.24.030, are as follows:

FACTS:

The subject property is a rectangular shaped lot located on the south side of Katella Avenue between Brookhurst Street and Euclid Street with a street frontage of 290 feet, and with a land area of 1.99 acres.

The property has a General Plan Land Use designation of Low Density Residential and is zoned R-1 (Single-Family Residential). A density of up to nine (9) dwelling units per acre with detached units each on their own parcel is permitted in the Low Density Residential General Plan Land Use Designation.

The application for Site Plan No. SP-475-13 and Tentative Tract Map No. TT-17521 is being processed in conjunction with an application for approval of Planned Unit Development No. PUD-129-13 and Development Agreement No. DA-190-13. If approved by the City Council, Planned Unit Development No. PUD-129-13 will create a precise plan zoning for the property with implementation provisions corresponding to the project proposed pursuant to Site Plan No. SP-475-13 and Tentative Tract Map No. TT-17521. The Planned Unit Development would facilitate the development of the site with eighteen (18) single-family residential units.

The application for the Planned Unit Development (PUD-129-13) and the Development Agreement (DA-190-13) is being processed in conjunction with Site Plan No. SP-475-13 and Tentative Tract Map No. TT-17521.

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

FINDINGS AND REASONS:

Site Plan:

1. The Site Plan complies with the spirit and intent of the provisions, conditions and requirements of Title 9 and is consistent with the General Plan.

The General Plan Land Use Designation of the subject site is Low Density Residential, which is intended to create, maintain, and enhance residential areas characterized by detached, single unit structures, and single-family residential neighborhoods that: (i) provide an excellent environment for family life; (ii) preserve residential property values; (iii) provide access to schools, parks, and other community services; and (iv) provide a high-quality architectural design. The proposed project would create a neighborhood of 18 detached single-family homes that satisfies each of these objectives and is within the permitted density of up to nine (9) units per acre for the Low Density Residential Land Use Designation. Approval and effectiveness of the proposed Site Plan is contingent upon City Council approval of a Planned Unit Development that will establish zoning standards for the site consistent with the proposed Site Plan and Tentative Tract Map. In addition, the building facades, site design, parking, and landscaping are consistent with the development standards and spirit and intent of the requirements of the Municipal Code.

2. The project will not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access.

The drive aisles and maneuvering areas are adequate for vehicle access. The number of provided parking spaces meets the Code minimum requirement, and adequate pedestrian access is provided within the project.

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

The existing streets, utilities and drainage facilities within the area are adequate to accommodate the project. The on-site circulation and parking are sufficient for the existing and proposed development.

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

The project has been reviewed by the Public Works Department, which has required various on- and off-site improvements, including sidewalks, driveways, and grading improvements. Issues raised by the project have been addressed in the project design and the conditions of approval.

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

The project has been designed for building appearance, building placement, landscaping, and other amenities to attain an attractive environment.

Tentative Tract Map:

1. The Tentative Tract Map for the proposed eighteen (18) single-family residential dwelling units is consistent with the objectives, policies, general land uses, and programs specified in the Garden Grove General Plan, which encourages land subdivision in order to facilitate new development. The General Plan Land Use Designation of the subject site is Low Density Residential, which permits small lot subdivisions of the scope and density proposed. The site is adequate in size and shape to accommodate the proposed future development of the site.
2. The design and improvements of the proposed subdivision is consistent with the zoning, Title 9 of the Garden Grove Municipal Code, the City's Small-Lot Subdivision Ordinance, and the General Plan provisions for location, proximity to similar uses, lot width, and overall depth for the proposed improvements. The General Plan Land Use Designation of the subject site is Low Density Residential, which is intended to create, maintain, and enhance residential areas characterized by detached, single unit structures, and single-family residential neighborhoods that: (i) provide an excellent environment for family life; (ii) preserve residential property values; (iii) provide access to schools, parks, and other community services; and (iv) provide a high-quality architectural design. The proposed project would create a neighborhood of 18 detached single-family homes that satisfies each of these objectives. Approval and effectiveness of the proposed Site Plan is contingent upon City Council approval of a Planned Unit Development that will establish zoning standards for the site consistent with the proposed Site Plan and Tentative Tract Map. In addition, the building facades, site design, parking, and landscaping proposed as part of the project are consistent with the development standards and spirit and intent of the requirements of the Municipal Code.
3. The site is physically suitable for the proposed development and complies with the spirit and intent of a Residential Planned Unit Development and Title 9 of the

City's Municipal Code. The site is adequate in size and shape to accommodate the proposed future development of the site.

4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, and the requirements of the California Environmental Quality Act ("CEQA") have been satisfied. Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Sec. 15000 et. seq., an initial study was prepared and it has been determined that the proposed project qualifies for a Negative Declaration because the proposed project cannot, or will not, have a significant effect on the environment. The Negative Declaration was prepared and circulated in accordance with CEQA and CEQA's implementation guidelines.
5. The site is physically suitable for the proposed density of the development. The subject property is a rectangular shaped lot located on the south side of Katella Avenue between Brookhurst Street and Euclid Street with a street frontage of 290 feet, and with a land area of 1.99 acres. The site has a General Plan Land Use Designation of Low Density Residential, which allows a density of up to nine (9) units per acre. The resulting density of the proposed project will be nine (9) units per acre, which complies with the permitted maximum density for the property.
6. The design of the 18-unit single-family residential small-lot subdivision, and the proposed improvements, are not likely to cause public health problems. The conditions of approval for on-site and off-site improvements will safeguard the public health.
7. The design of the 18-unit single-family residential small-lot 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; if such easements exist, then alternate easements for access or for use will be provided and these will be substantially equivalent to the ones previously acquired by the public.
8. The design and improvements of the 18-unit single-family residential small-lot subdivision are suitable for the existing site improvements and the subdivision can be developed in compliance with the applicable zoning regulations.
9. The design and improvement of the proposed 18-unit single-family residential small-lot subdivision are suitable for the residential project proposed and the subdivision can be developed in compliance with the applicable zoning regulations.

10. The design of the subdivision, to the extent feasible, does have allowance for future passive or natural heating and cooling opportunities.
11. The design, density, and configuration of the subdivision strikes a balance between the effect of the subdivision on the housing needs of the region and of public service needs, and that the character of the subdivision is compatible with the design of existing structures and lot sizes in the general area.
12. The discharge of waste from the proposed subdivision into the existing sewer system will not result in violation of existing requirements prescribed by the California Regional Water Quality Control Board. The conditions of approval for on and off-site improvements will ensure permitted capacity of the public sewer system is not exceeded.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan and Tentative Tract Map do possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.24.030 (Site Plan) and 9.32.010 (Subdivisions).
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, attached as "Exhibit A", shall apply to Site Plan No. SP-475-13, and Tentative Tract Map No. TT-17521.
3. Approval of this Site Plan and Tentative Tract Map shall be contingent upon the approval of Planned Unit Development No. PUD-129-13 by the Garden Grove City Council.

ADOPTED this 16th day of May, 2013

/s/ JENNIFER CABRAL  
CHAIR



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 May 16, 2013, by the following votes:

AYES:	COMMISSIONERS:	ALEJANDRO, ALLRED, CABRAL, LAZENBY, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	MARGOLIN, NGUYEN

/s/ JUDITH MOORE  
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 6, 2013.

## **EXHIBIT "A"**

### **Site Plan No. SP-475-13 and Tentative Tract Map No. TT-17521**

10418 Katella Avenue

#### **REVISED CONDITIONS OF APPROVAL**

##### **General Conditions**

1. The applicant and each owner of the property shall execute, and the applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required within 30 days of this approval. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Brandywine Homes, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. All Conditions of Approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the Conditions of Approval require approval by the Planning Commission. All Conditions of Approval herein shall apply to Site Plan No. SP-475-13 and Tentative Tract Map No. TT-17521.
2. Approval of Site Plan No. SP-475-13 and Tentative Tract Map No. TT-17521 shall be contingent upon the approval of Planned Unit Development No. PUD-129-13 by the Garden Grove City Council and shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
3. Minor modifications to the Site Plan and/or these Conditions of Approval may be approved by the Community Development Director, in his or her discretion. Proposed modifications, to the project and/or these Conditions of Approval, determined by the Community Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
4. 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 Section. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting. Lighting in the common areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences.

5. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community Development Department for review and approval prior to Building Division Plan Check. The project shall also be subject to the following:
  - a. All on-site and off-site utilities (off-site refers to the areas within public right-of-way to the center line of the streets adjacent to the subject property) within the perimeter of the site and to the centerline of the adjacent streets shall be installed or relocated underground.
  - b. Aboveground utility equipment (e.g., electrical, gas, telephone, cable TV) shall not be located in the street setbacks, within the common areas along Katella Avenue or the Katella Avenue frontage road, or any parking areas, and shall be screened to the satisfaction of the Community Development Department.
  - c. No roof-mounted mechanical equipment, including but not limited to dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
  - d. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.

### **Public Work's Engineering Division**

The following provisions of the Public Work's Engineering Division shall be complied with:

6. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall make recommendations for pavement design of the private street and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including soil compaction, saturation, permeability and groundwater levels.
7. A separate street permit is required for work performed within the public right-of-way.

8. Prior to the issuance of a grading permit, the applicant shall design overhead street lighting within the development in a manner meeting the approval of the City Engineer.
9. All utilities supplying the new development shall be under grounded per Municipal Code Title 9 Chapter 48 Section 30.
10. The applicant shall be subject to Traffic Mitigation Fees in accordance with Chapter 9.44 of the Garden Grove Municipal Code.
11. A grading plan prepared by a registered Civil Engineer is required. The plan shall be based on a current survey of the site, including adjacent properties, and designed to preclude cross-lot drainage. Minimum grades shall be 0.50% for concrete flow lines, 1.25% for asphalt surfaces and 2.0% for landscaped areas. The grading plan shall also include water and sewer improvements.
12. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a *Final* Water Quality Management Plan (WQMP) that:
  - Addresses Site Design BMPs (Best Management Practices) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.
  - Incorporates the applicable Routine Source Control BMPs as defined in the DAMP and provides a detailed description of their implementation.
  - Incorporates Treatment Control BMPs as defined in the DAMP.
  - Includes an Operations and Maintenance (O&M) Plan that (1) generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs; (2) identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs; and (3) describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
  - Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
13. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall demonstrate compliance with the WQMP in a manner meeting the satisfaction of the City Engineer, including:

- Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been implemented, constructed and installed in conformance with approved plans and specifications.
  - Demonstrate that applicant has complied with and/or is prepared to implement all non-structural BMPs described in the Project WQMP.
  - Demonstrate that an adequate number of copies of the approved Project WQMP are available onsite.
  - Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all post-construction BMPs.
  - Demonstrate that the applicant has agreed to and recorded an agreement or another legal instrument approved by the City Attorney that shall require the property owner, successors, tenants (if applicable), and assigns to fund, operate and maintain in perpetuity, the post-construction BMPs described in the Project WQMP and O&M Plan.
14. The two existing drive approaches on Katella Avenue shall be removed. The removed area will be replaced in accordance with City of Garden Grove Standard Plan B-106 and B-113 (D-6) and match existing public improvements.
15. The applicant shall construct the entrance to the development per City of Garden Grove Standard Plan B-121.
16. The applicant shall construct a four foot six (4'-6") concrete sidewalk on all interior streets comprising of "Lot A" per City of Garden Grove Standard Plan B-105. The applicant shall also construct a concrete curb and gutter per City of Garden Grove Standard Plan B-113 (Type D-6).
17. The applicant shall restrict on-street, parallel curb parking in a manner meeting the approval of the City Traffic Engineer.
18. Prior to the recordation of a final map, the applicant shall make the following revisions in a manner meeting the approval of the City Engineer:
- Provide a three-foot (3'-0") public utility easement at the back of sidewalk on all interior streets comprising of "Lot A."
19. TIES TO HORIZONTAL CONTROL: Prior to recordation of a final map, the surveyor/engineer preparing the map shall tie the boundary map into Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub article 18. The

surveyor/engineer shall submit record information to the City on Auto Cad DWG format.

20. DIGITAL MAP SUBMISSION: Prior to recordation of a final tract map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital graphics file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub article 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.
21. The applicant shall be responsible for the maintenance of the landscape in the public right-of-way.
22. Prior to the issuance of any grading or building permits for projects that will result in soil disturbance of one acre or more of land, the applicant shall demonstrate that coverage has been obtained under California's General Permit for Storm Water Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for City review on request.
23. Any new or required block walls and/or retaining walls shall be shown on the grading plans. All block and/or retaining walls shall be designed in accordance with City standards or designed by a professional registered engineer.
24. Prior to issuance of a grading permit, the Applicant shall provide subdivision completion bonds in a manner satisfactory to the City Engineer, City Attorney and the City Finance Department (Risk Management). Alternate forms of security may be considered, solely in the discretion of the City Engineer and with the concurrence of the City Attorney and City Finance Department (Risk Management).

### **Garden Grove Fire Department**

The following provisions of the Garden Grove Fire Department and the California Fire Code shall be met:

25. Fire sprinkler system is required throughout the entire project per the California Fire Code and adopted City standards (NFPA). NFPA 13D compliant system is required throughout with a density and configuration as required by that standard. Sprinkler systems shall meet further City water standards as determined by the fire and water departments (i.e., testable double check valves, fire flow water meters if required).

26. Smoke/CO alarm system shall be provided and interconnected; interconnectivity shall exist with fire sprinkler system also, as per NFPA 72.
27. Fire hydrants shall be provided on site, number of hydrants and locations are subject to Fire Department and Water Services Department approval. The fire hydrants shall be on a loop system approved by the Fire Department. Prior to any combustible material being delivered to the site, the fire hydrants shall be installed and fully operational and an all-weather road must be provided for fire truck access.
28. The final roadway layout and construction shall maintain a minimum width clearance of 20-feet and a minimum height clearance of 13'-6". All designated corners shall meet the Fire Department minimum turning radius. The roadway shall be constructed to support 75,000 pounds (CFC 07102.1). During grading plan preparation, the applicant shall work with the Garden Grove Fire Department in determining the exact location of on-site curb returns, curb locations, and any other related matters pertaining to Fire Truck access and turning maneuvers throughout the entire site. Upon completion of the project, the Homeowner's Association shall become fully responsible for replacing any damaged curbs and gutters throughout the development. All fire related matters/issues referenced on construction plans and documents, and during construction, shall be referenced as "per the Garden Grove Fire Department."
29. All access gates on the site shall be equipped with a Knox rapid entry keyed access system subject to the approval of the Garden Grove Fire Department. Automated gates shall have Knox override system, while manual gates shall have Knox padlocks.
30. All Fire related aspects of the proposed project shall comply with California Fire Codes and the California Building Codes 2010 Edition.
31. Where required, red curbing will be required in designated fire access lanes as directed by the Fire Department and such red curbing and any related Fire Lane signage shall be maintained at all times by the Homeowner's Association.

### **Building Services Division**

32. The homes shall be designed to comply with the California Building Codes.
33. All buildings shall be fire sprinklered.

### **Public Work's Water Services Division**

The following provisions of the Garden Grove Public Works' Water Services Division shall be met:

34. The applicant shall install an eight (8) inch water main system off the twelve (12) inch water main in the Katella frontage road with 1" meters and services, and fire hydrants per City's Standards and dedicate to the City. Bonding will be required.
35. A composite utility site plan shall be part of the water plan approval.
36. City shall determine if existing water service(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
37. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) passes all bacteriological and pressure tests.
38. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed on the landscape system. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
39. It shall be the responsibility of the applicant to abandon any existing private water well(s) per Orange County Health Department requirements. Abandonment(s) shall be inspected by Orange County Health Department inspector after permits have been obtained.
40. The property owner(s) shall dedicate all rights to underground water without the right to surface entry.
41. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
42. No permanent structures, trees, or deep-rooted plants shall be placed over sewer main or water main.
43. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
44. The applicant shall install new eight (8) inch private sewer main and laterals with clean outs per Garden Grove Sanitary District standards. Sewer main in public right-of-way shall be eight (8) inch diameter, extra strength VCP with wedgelock joints.



45. The applicant shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete.

**Planning Services Division**

46. The applicant shall submit a complete landscape plan governing the entire development. The plans shall be consistent with the plans submitted to the Planning Commission for review and approval, except as modified herein. The landscape irrigation plans shall include type, size, location and quantity of all plant material. The landscape plan shall include irrigation plans and staking and planting specifications. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines. The landscape plan is also subject to the following:
- a. A complete, permanent, automatic remote control irrigation system shall be provided for all common area landscaping shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
  - b. The 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. These trees shall be incorporated into the landscaped frontages of all streets. Where clinging vines are considered for covering walls, Boston Ivy shall be used.
  - c. The applicant shall be responsible for installing and maintaining the common area landscaping until such time as the project nears complete sell-out and the Homeowner's Association takes over maintenance responsibility.
  - d. Trees planted within ten feet (10') of any public right of way shall be planted in a root barrier shield. All landscaping along street frontages adjacent to driveways shall be of the low height variety to ensure safe sight clearance. The number of street trees to be planted along the Katella Avenue frontage road shall be incorporated into the front landscape setback, no street trees will be planted in the sidewalk. The street right-of-way plans may be modified to have the sidewalk adjacent to the curb, meeting City Standards, in order to minimize tree overhanging in the street
  - e. The landscape treatment along the street frontages, including the area designated as public right-of-way, shall incorporate the landscape area between the sidewalk and the development wall with ground cover, shrubs

- and bushes, and trees that highlight the project's entrance as well as enhance the exterior appearance along Katella Avenue and the Katella Avenue frontage road. The plant material for the entrances shall be the type to inhibit graffiti such as vines and dense growing shrubs and bushes, and shall be maintained.
- f. All landscape areas are the responsibility of the Homeowner's Association and this includes the landscaped area within the Katella Avenue frontage road right-of-way. Maintenance of this landscape area shall be included within the CC&R's for the project.
  - g. Final design and configuration of the enhanced treatment along the Katella Avenue frontage road shall be reviewed and approved by the Planning Division as part of the required landscape plans.
47. The design of the enhanced tower (currently disguised as a bell tower) shall be submitted for review and approved by the Community Development Department prior to any building permit issuance.
48. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:
- a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
  - b. Sunday and Federal Holidays may work same hours, but subject to noise restrictions as stipulated in section 8.47.010 of the Municipal Code.
49. The approval and effectiveness of Site Plan No. SP-475-13 and Tentative Tract Map No. TT-17521 shall be expressly contingent upon the adoption and effectiveness of a binding Development Agreement between the applicant and the City of Garden Grove.
50. The applicant shall prepare Covenants, Conditions, and Restrictions (CC&R's) for review and approval by the City Attorney's office and Community Development Department prior to the issuance of building permits. The approved CC&R's shall be recorded at the same time that the subdivision map is recorded and two copies of the recorded CC&R's shall be provided to the Planning Division. The CC&R's shall include the following stipulations and/or provisions:
- a. All units shall maintain the ability to park two cars within the garages at all times. Garages shall not be converted to any other use.

- b. There shall be no business activities, day care, or garage sales conducted within or from the garages.
- c. Parking spaces in the garages shall be made available to the occupants of the unit at all times.
- d. Residents shall not park or store vehicles anywhere on the site except within the designated parking spaces in the garages for their dwelling unit. However, the fourteen (14) open parking spaces, located in the center of the development, may be utilized by residents or guests for temporary parking. Any issues arising from the use, application, or restriction of such open parking spaces shall be at the resolve of the Homeowner's Association.
- e. Best Management Practices shall be incorporated to deter and/or abate any graffiti vandalism throughout the project and the life of the project.
- f. Each residence shall be utilized as one (1) dwelling unit. No portion of any residence shall be utilized or rented as a separate dwelling unit.
- g. The CC&R's shall include provisions providing the owners or tenants a means of contacting persons responsible for site maintenance, repairs, trash pick-up, and other related matters for a development of this type. This shall also include scheduling of maintenance of such items as the recreation area, landscape area maintenance, etc. This also includes ensuring tree overhangs do not block or hinder any vehicles such as street sweepers, trash trucks, fire trucks, etc., from maneuvering around the cul-de-sac.
- h. Storage of boats, recreational vehicles, or commercial vehicles on the property is prohibited.
- i. The CC&R's shall include stipulations that maintenance of the private drive aisles, storm drain, sewer system, and open space areas within the interior of the development, the enhanced cellular tower element at the front of the development, and the landscape setback areas outside the development walls adjacent to the Katella Avenue frontage road is the responsibility of the Homeowner's Association, including the common landscaped areas.
- j. Each unit shall have a minimum of 200 cubic feet of storage space, which may be provided in the garage parking areas, and typical closet space within the unit shall not count toward this requirement.
- k. Each unit shall maintain a private open space area with minimum dimensions of 15 feet by 20 feet. This area shall be open and unobstructed from the ground to the sky.

- l. The Conditions of Approval for Planned Unit Development No. PUD-129-13, Site Plan No. SP-475-13, and Tentative Tract Map No. TT-17521 shall be incorporated into the CC&Rs, and provisions corresponding to any applicable Conditions of Approval shall be included in the CC&Rs.
- m. The following provisions shall be included within the CC&R's (in substantially the same form as below or as otherwise approved by the City Attorney):
  - i. Compliance with Stormwater Quality Regulations. The Homeowner's Association shall implement, and fund implementation of, the Operation and Maintenance ("O&M") Plan for the Property, which was approved by the City as part of the Water Quality Management Plan ("WQMP") required for development of the Property, and shall operate and maintain the Best Management Practices ("BMPs") described in the O&M Plan for the Property, which includes:
    - a. Description of all post-construction BMPs (non-structural and structural),
    - b. Description of the Property owner's(s') responsibilities and required training of persons performing BMP implementation, operation and maintenance,
    - c. Implementation frequency and operating schedule,
    - d. Inspection/maintenance frequency and schedule,
    - e. Specific maintenance activities,
    - f. Required permits from resource agencies, if any,
    - g. Forms to be used in documenting implementation, operation and maintenance activities,
    - h. Recordkeeping requirements.

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

The Property shall be, and the Homeowner's Association shall ensure that the Property is, used and maintained in full compliance with the provisions of the O&M Plan and Chapter 6.40 (Stormwater Quality) of the Garden Grove Municipal Code, as it may be amended. The City shall have the right to inspect the Property for the purpose of verifying compliance with this provision. The City of Garden Grove shall be an intended third-party beneficiary to this provision. The City shall have the right and authority, but not the obligation, to enforce this provision by any legal or equitable means, or by any method available to the Property owners as provided elsewhere in the Declaration, against the

Declarant, Homeowner's Association, Owners, their successors and assigns, or other persons in possession of the Property. This provision shall not be amended or terminated without the written approval of the City of Garden Grove Community Development Department.

- ii. Enforcement: The City is hereby made a party to this Declaration solely for purposes of enforcing its provisions and the Conditions of Approval of Planned Unit Development No. PUD-129-13, Site Plan No. SP-475-13, and Tentative Tract Map No. TT-17521. The City, its agents, departments and employees shall have the unrestricted right and authority, but not the obligation, to enforce the provisions of this Declaration and the Conditions of Approval of Planned Unit Development No. PUD-129-13, Site Plan No. SP-475-13, and Tentative Tract Map No. TT-17521. In the enforcement of this Declaration, the City shall not be limited to the procedures or processes described in this Declaration and may use any remedy provided under law or equity, including the City's Municipal Code. The City, its agents, departments and employees may further refuse to issue any building, electrical or plumbing permit that may be in violation of these Declarations or Planned Unit Development No. PUD-129-13, Site Plan No. SP-475-13, and Tentative Tract Map No. TT-17521 approvals. However, the City shall not be liable for failing or refusing to enforce the provisions of these Declarations or the Conditions of Approval of Planned Unit Development No. PUD-129-13, Site Plan No. SP-475-13, and Tentative Tract Map No. TT-17521. The alternative dispute resolution provisions set forth in Section / Article [SECTION] of this Declaration shall not apply to or legally bind the City.
- iii. Assessments: The City may levy special assessments against the properties in connection with its actions to enforce the conditions of this Declaration or Planned Unit Development No. PUD-129-13, Site Plan No. SP-475-13, and Tentative Tract Map No. TT-17521 approvals, or to abate the violation thereof. The City shall have the same power as the Association to levy special assessments pursuant to the provisions of [SECTION] of this Declaration in the event that it incurs expenses in the enforcement of the conditions of these Declarations or Planned Unit Development No. PUD-129-13, Site Plan No. SP-475-13, and Tentative Tract Map No. TT-17521 approvals. Notice of intention to make such assessment shall be mailed by the City to the Owner of each affected [LOT/UNIT] affording the Owner thirty (30) days' notice to satisfy or reimburse the City's expenditure. In the event of the failure of any Owner of any affected [LOT/UNIT] to reimburse the City within thirty (30) days, notice of such assessment shall be mailed by the City to said Owner, and said assessment shall thereafter be due as a separate debt to the City within thirty (30) days following the mailing of such notice. Any such delinquent assessment may be and may become a lien upon the interest of the defaulting Owner in the Lot upon the execution by the

City and the recording in the Orange County Recorder's office of a notice of delinquent assessment under the same conditions that the Association could record the same pursuant to the provisions of [SECTION]. The City may foreclose on such notice of delinquent assessment in the same manner and with the same power as the Association could foreclose on such notice pursuant to the provisions of [SECTION]. It is the intent of Declarant, which intent shall be binding upon all of Declarant's successors in interest in the Properties, that the City shall be deemed an interest holder pursuant to the provisions of these Declarations in order to enforce the rights which have been given to the City generally in these Declarations and specifically pursuant to this Section.

- iv. Attorney Fees: The City shall be entitled to recover its attorney's fees incurred in connection with its actions to enforce the conditions of these Declarations or Planned Unit Development No. PUD-129-13, Site Plan No. SP-475-13, and Tentative Tract Map No. TT-17521 approvals, or to abate the violation thereof.
  - v. Public Safety Access: The Police and Fire Department personnel may enter upon any part of the common area for the purpose of enforcing State and Local laws.
  - vi. Modification/Termination. This Declaration shall not be terminated or substantially amended without the prior written approval of the City of Garden Grove Community Development Department.
51. The applicant shall comply with all provisions of the Community Development Department including, but not limited to, the following:
- a. The facades of the units shall be designed with sound attenuation features including the use of dual pane windows and limiting, when possible, the use of windows and vents. These features shall be approved by the Community Development Department prior to the issuance of building permits.
  - b. Prior to the finalization of working drawings for Planning Division, Engineering Division, and Building Division Plan Check, the applicant shall submit to the Community Development Department detailed and dimensioned plot plans, floor plans, exterior elevations, and landscape plans which reflect the above Conditions of Approval. The plans shall indicate cross-sections of all streets within the development, landscape materials, wall materials, and building materials proposed for the project. Each unit shall have phone jacks and cable-TV outlets in all rooms, except the laundry area, hallways, and bathrooms. Mechanical equipment, including air conditioning units, Jacuzzi spa equipment, sump pump, etc., shall not be located closer than 5-feet of any side or rear property line and shall not be

located in the front landscape setback. Air conditioning units may be placed adjacent to or in front of the dwelling units provided the location does not obstruct, impede, or hinder any vehicle traffic or pedestrian access to any unit.

- c. Should the applicant elect to build the project in more than one phase, then a phasing plan shall be submitted to the Community Development Department prior to releasing units for model purposes. The phasing plan shall include, but not be limited to, a site plan showing the phasing areas, protection of finished units, and protection for related safety issues concerning pedestrians and non-construction vehicles. The perimeter improvements including landscaping, walls, street improvements, and underground utilities, shall be completed in the first phase. The phasing plan shall be approved by the Community Development, Fire, and Public Works Departments prior to issuance of building permits.
52. Any new or required block walls and/or retaining wall(s) shall be shown on the grading plans. Block walls shall be developed to City Standards or designed by a Registered Engineer and shall be measured from on-site finished grade. The applicant shall provide the following:
- a. Decorative masonry walls are required along the west, south, and east property lines and shall be constructed to a minimum height of 6'-0", as measured from highest point of finished grade. These walls shall use decorative masonry or stucco block with decorative caps, subject to the Community Development Department's approval. A minimum 6'-0" high decorative block wall, set back a minimum of 10'-0" from the Katella Avenue frontage road property line shall be installed, behind the homes that back up to the Katella Avenue frontage road, and include split-face or stucco block with pilasters and decorative caps. The pilasters shall be enhanced with stone veneer to match the stone veneer base design of the enhanced cellular tower located at the front of the development.
  - b. The applicant shall work with the existing property owners along the project perimeter in designing and constructing the required perimeter block walls. This requirement is to avoid having double walls and minimize any impact that it might cause to the existing landscaping on the neighbor's side as much as possible. The perimeter block wall shall be constructed and situated entirely within the subject property. In the event that the applicant cannot obtain approval from the property owners, the applicant shall construct the new wall with a decorative cap to be placed between the new and existing walls. In the event the location of a new wall adjacent to an existing wall or fence has the potential to affect the landscape planter, then the applicant shall work with City Staff to address this situation. The Community Development Director shall be authorized to approve minor

alterations the size and/or location of the landscape planter to accommodate the placement of such wall.

53. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, the use of solar or low-emission water heaters, and use of low-sodium parking lot lights, and to ensure compliance with Title 24.
54. The common recreation area improvements shall be reviewed and approved by the Community Development Department, Planning Division prior to issuance of building permits. The common recreation area shall be completed at the time that the applicant completes no more than 50 percent of the units (9 units). The improvements within the main open space shall include a children's playground (tot lot), a picnic table, a bench, turf area, barbeque equipment, a hedge screen around the area, and related equipment and improvements. The common recreational area shall be enclosed with a six (6) foot high wrought iron fence, with decorative pilasters, setback ten (10) feet from the Katella Avenue frontage road property line, a six (6) foot high wrought iron fence with pilasters on the west side of the open space area, and six (6) foot high decorative block walls along the east and west sides of the open space area.
55. Building color and material samples shall be submitted to the Planning Division for review and approval prior to issuance of building permits. The buildings shall include multi-toned stuccoed exteriors, window and door trim, decorative paneled front doors, multi-paned windows, window boxes, shutters, paneled roll-up garage doors, decorative entry, and varied roof lines with tile roofing material. All side and rear elevations that face a street or a common useable open space area shall maintain the same, or enhanced, level of detail as the fronts of the homes, including but not limited, to window trims, multi-paned windows, and shutters.
56. The entry and exit-only drive, off the Katella Avenue frontage road, located along the northerly property line, shall have enhanced concrete treatment subject to the Community Development Department's approval.
57. All recreation areas, landscaping along the interior project street and entryway, landscaped areas outside the perimeter block wall, landscaping within the public right-of-ways, including landscaping in the planter area surrounding the enhanced cellular tower, disguised as a clock tower, shall be maintained for the life of the project and such maintenance provisions shall be included in the CC&R's.



58. Decorative mailboxes shall be provided that include elements that are complimentary to the architectural style of the buildings. All on-site lighting shall be decorative. Final design of the mailboxes and street lighting shall be reviewed and approved by the Planning Division prior to the issuance of building permits.
59. The existing wireless telecommunications facility and tower shall continue to be subject to all conditions of approval of Conditional Use Permit No. CUP-534-01.
60. The applicant shall, as a condition of Project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Site Plan No. SP-475-13, Tentative Tract Map No. TT-17521, Planned Unit Development No. PUD-129-13, and/or Development Agreement No. DA-190-13 (collectively, the "Project entitlements"). The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. Notwithstanding the foregoing, in the event any legal action or proceeding is filed against the City and/or applicant, seeking to attack, set aside, void or annul any of the Project entitlements, applicant shall have the right and obligation to either: (1) defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney; or (2) request that the City rescind the entitlement approvals, in which case the applicant would have no obligation to defend or indemnify the City; however, applicant shall reimburse the City for any costs incurred or assessed against the City as a result of the filing of such legal action or proceeding, provided the City acts promptly to rescind the entitlements.