



**CITY OF GARDEN GROVE  
PLANNING SERVICES DIVISION  
11222 ACACIA PARKWAY  
GARDEN GROVE, CA 92840  
TEL: (714) 741-5312 FAX: (714) 741-5578  
[www.ggcity.org](http://www.ggcity.org)**

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**Senate Bill 35 Housing Streamlining Eligibility Checklist  
(Government Code §65913.4)  
(To Be Completed By Applicant)**

*California Senate Bill 35 (SB 35) created a "streamlined ministerial approval process" for certain housing projects under Government Code §65913.4. To qualify for the "streamlined ministerial approval process," the project must satisfy the eligibility requirements listed in the checklist below, in compliance with the California Department of Housing and Community Development's [Streamlined Approval Process Guidelines](#).*

*Prior to submitting for streamlined ministerial review, the applicant must submit a "Notice of Intent" in the form of a completed Housing Development Pre-Application. Within thirty (30) days of receiving a completed Notice of Intent, City will engage in a scoping consultation with geographically affiliated California Native American tribes, as defined in Section 21080.3.1 of the Public Resources Code. The tribe will have thirty (30) days to accept the invitation to participate in a scoping consultation. The City then has thirty (30) days to commence the scoping consultation. At the conclusion of the scoping consultation, if no potential tribal cultural resource would be affected by the proposed development, then an application for streamlined review may be submitted. If there are potential impacts to tribal cultural resources, an enforceable agreement can be documented between the California Native American tribe and the local government on methods, measures, and conditions for tribal cultural resource treatment, allowing for the submittal of a streamlined review. If there are potential impacts to tribal cultural resources, and no enforceable agreement is documented, the project will not be subject to streamlined review.*

*If an application qualifies under the Senate Bill 35 Eligibility Checklist, the Planning Services Division will determine if the proposed project is eligible for streamlined ministerial approval within 60 days after application submittal for projects of 150 or fewer units, or within 90 days for projects containing more than 150 units. If the Planning Services Division denies the application as incomplete or ineligible for streamlined ministerial review, it will provide the applicant with a written notice containing an explanation of the reasons the proposed project is ineligible and/or the additional information that is needed in order to make an eligibility determination. The denial of an application for streamlined ministerial review does not preclude an applicant from correcting any deficiencies and resubmitting an application for streamlined review, or from applying for land use entitlements for the project under the City's standard processes. Any design review and/or public oversight of the proposed project must be completed within 90 days after application submittal for projects of 150 or fewer units, or within 180 days after application submittal for larger projects. All projects approved pursuant to the SB 35 streamlined ministerial approval process must comply with the Standard Conditions of Approval (Exhibit "A").*

*Applicants intending to invoke the SB 35 streamlined ministerial approval process must fill out this checklist completely, and provide supporting documentation for each question as applicable to demonstrate eligibility. Incomplete checklists that do not include required attachments or supporting documentation will not be processed, and the request will be denied.*

*If any of the answers to the questions below are "No," then the project is not eligible for SB 35 streamlined ministerial review, and the City's standard development review process will apply, per applicable zoning regulations.*

<b>NOTICE OF INTENT</b>					
<b>Applicant</b>		The applicant previously submitted a Notice of Intent and completed Housing Development Pre-Application form?	Staff		
<input type="checkbox"/> Yes	<input type="checkbox"/> No				
		<b>Documentation Required</b> – Provide evidence of prior filing of completed Housing Development Pre-Application.			
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>All relevant California Native American tribes received a formal notice of the applicant’s notice of intent to submit an SB 35 application; and one of the following occurred:</p> <ul style="list-style-type: none"> <li>• All relevant California Native American tribes declined the invitation to engage in scoping consultation pursuant to Government Code §65913.4(b)</li> <li>• All relevant California Native American tribes that requested scoping consultation substantially failed to engage in the scoping consultation despite repeated documented attempts to engage in scoping consultation.</li> <li>• The scoping consultation process concluded with all participating tribes, and all parties conclude that the project will not affect any tribal cultural resources.</li> <li>• The parties to the scoping consultation documented an enforceable agreement concerning methods, measures, and conditions to avoid or address potential impacts to tribal cultural resources that are or may be present; and the applicant agrees to comply with all methods, measures, and conditions under the enforceable agreement.</li> </ul>			
<b>HOUSING TYPE REQUIREMENT (SECTION 400)</b>					
<b>Applicant</b>				The project is a multifamily development with at least two attached residential units.	Staff
<input type="checkbox"/> Yes	<input type="checkbox"/> No				
		<b>Documentation Required</b> – Provide architectural plans.			
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>At least 2/3 of the floor area of the proposed building(s) is dedicated for residential uses.</p> <p><b>Note</b> – For purposes of SB 35, residential uses include: residential units, manager units, and common spaces within the physical boundaries of the project. Structures used by both residential and non-residential uses will be credited proportionally.</p> <p><b>Documentation Required</b> – Show floor area tabulations on plan set.</p>			
<input type="checkbox"/> Yes	<input type="checkbox"/> No				
				<p>The project as proposed meets all required objective development standards of the City of Garden Grove <a href="#">Municipal Code Title 9 Land Use</a>, and the Standard Conditions of Approval (Exhibit “A”).</p> <p><b>Note</b> – If the project will include a density bonus, and will meet all required development standards with the exception of those deviations allowed through the City’s density bonus program, check “Yes.”</p> <p><b>Documentation Required</b> – Provide architectural plans, and incorporate Standard Conditions of Approval – Exhibit “A” – into plans.</p>	
<b>SITE REQUIREMENTS (SECTION 401)</b>					
<b>Applicant</b>		The development is located in a city where the city boundaries include some portion of either an urbanized area or urban cluster, as defined by the <a href="#">US Census Bureau</a> .	Staff		
<input type="checkbox"/> Yes	<input type="checkbox"/> No				
		<b>Documentation Required</b> – Include a vicinity map showing city boundaries on plans.			
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>The site is a legal parcel or parcels.</p> <p>At least 75% of the linear perimeter measurement of the site adjoin parcels that are developed with urban uses.</p> <p><b>Note</b> – For purposes of SB 35, “urban uses” means any current or former residential, commercial, public institutional, transit or transportation passenger facility, retail, or any combination of those uses. Parcels that are only separated by a street or highway shall be considered adjoined.</p> <p><b>Documentation Required</b> – Show adjacent properties and their uses on the site plan, and include lot dimensions.</p>			
<input type="checkbox"/> Yes	<input type="checkbox"/> No				
				<p>The project site is either zoned for residential or residential mixed use, or has a General Plan designation that allows for residential uses.</p>	

		<p><b>Documentation Required</b> – Include the zoning and land use designations on the title sheet of the plans.</p>	
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>The project is located on a property that is outside each of the following areas:</p> <ul style="list-style-type: none"> <li>• A coastal zone, as defined in Division 20 (commencing with section 30000) of the <a href="#">Public Resources Code</a>.</li> <li>• Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for California, and designated on the maps prepared by the <a href="#">Farmland Mapping and Monitoring Program of the Department of Conservation</a>.</li> <li>• Wetlands, as defined in the <a href="#">United States Fish and Wildlife Service Manual, Part 660 FW 2</a> (June 21, 1993).</li> <li>• A very high fire hazard severity zone, as determined by the <a href="#">Department of Forestry and Fire Protection pursuant to Section 51178</a>, or within a high or very high fire hazard severity zone as indicated on maps adopted by the <a href="#">Department of Forestry and Fire Protection</a> pursuant to Section 4202 of the Public Resources Code.</li> <li>• A hazardous waste site that is listed pursuant to <a href="#">Section 65962.5</a> or a hazardous waste site designated by the <a href="#">Department of Toxic Substances Control</a> pursuant to <a href="#">Section 25356 of the Health and Safety Code</a>, unless the <a href="#">Department of Toxic Substances Control</a> has cleared the site for residential use or residential mixed-uses.</li> <li>• A delineated earthquake fault zone as determined by the State Geologist in any <a href="#">official maps published by the State Geologist</a>, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.</li> <li>• Within a special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the <a href="#">Federal Emergency Management Agency</a>. This restriction does not apply if the site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local government, or if the development proponent can demonstrate that they will be able to meet the minimum flood plain management criteria of the <a href="#">National Flood Insurance Program pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations</a>.</li> <li>• A floodway as determined by maps promulgated by the <a href="#">Federal Emergency Management Agency</a>, unless the development has received a no-rise certification in accordance with <a href="#">Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations</a>.</li> <li>• Lands identified for conservation in an adopted natural community conservation plan pursuant to the <a href="#">Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code)</a>, a habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (<a href="#">16 U.S.C. Sec. 1531 et seq.</a>), or some other adopted natural resource protection plan.</li> <li>• <a href="#">Habitat for protected species</a> identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (<a href="#">16 U.S.C. Sec. 1531 et seq.</a>), the California Endangered Species Act (<a href="#">Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code</a>), or the Native Plant Protection Act (<a href="#">Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code</a>).</li> <li>• <a href="#">Lands under a conservation easement</a>.</li> <li>• An existing parcel of land or site that is governed under the Mobilehome Residency Law (<a href="#">Chapter 2.5 (commencing with Section 798) of Title 2 of Part 2 of Division 2 of</a></li> </ul>	

		<p><a href="#">the Civil Code</a>), the Recreational Vehicle Park Occupancy Law (<a href="#">Chapter 2.6 (commencing with Section 799.20) of Title 2 of Part 2 of Division 2 of the Civil Code</a>), the Mobilehome Parks Act (<a href="#">Part 2.1 (commencing with Section 18200) of Division 13 of the Health and Safety Code</a>), or the Special Occupancy Parks Act (<a href="#">Part 2.3 (Commencing with Section 18860) of Division 13 of the Health and Safety Code</a>).</p> <p><b>Note</b> – As the applicant, you are required to verify this information from the websites and government code sections that have been referenced. Checking “Yes” indicates that you have verified compliance.</p> <p><b>Documentation Required</b> – Provide maps identifying the subject site’s location outside of each area listed above.</p>	
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>The project <b>WILL NOT</b> result in the demolition of any of the following:</p> <ul style="list-style-type: none"> <li>• Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.</li> <li>• Housing subject to recorded rent restrictions or price control.</li> <li>• Housing occupied by tenants within the past 10 years.</li> <li>• Any historic structure listed on a local, state, or federal register.</li> </ul> <p><b>Documentation Required</b> –</p> <ul style="list-style-type: none"> <li>• Include a demolition plan showing which structures, if any, are to be demolished.</li> <li>• Provide current title report showing all recorded covenants against the property</li> <li>• If the property the developer proposes to demolish was zoned for residential use only at any point within the last ten years, the applicant must provide verifiable documentary evidence from a government or independent third-party source that no tenant occupied the property.</li> <li>• If the property the developer proposes to demolish was zoned in any matter that allowed for residential use, the applicant must include a description of the previous use and a verification that the demolished property was not a residential property occupied by tenants within the last 10 years.</li> </ul>	
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>The project <b>WILL NOT</b> be located on a site where a residential property was demolished within the last ten years, unless no tenant occupied the residential property within the last ten years.</p> <p><b>Documentation Required</b> –</p> <ul style="list-style-type: none"> <li>• If, at any point in the last 10 years, the demolished property was zoned for residential use only, the applicant must provide verifiable documentary evidence from a government or independent third-party source that no tenant occupied the demolished property.</li> <li>• If the demolished property was zoned in any matter that allowed for residential use, the applicant must include a description of the previous use and a verification that the demolished property was not a residential property occupied by tenants within the last 10 years.</li> </ul>	
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<p>The project <b>WILL NOT</b> be located on a site that both (1) contains housing units occupied by tenants; <u>and</u> (2) contains housing units that are, or were, subsequently offered for sale to the general public by the subdivider or a subsequent owner.</p>	
<input type="checkbox"/> Yes <input type="checkbox"/> N/A	<input type="checkbox"/> No	<p>The project either (1) <b>WILL NOT</b> involve a subdivision of a parcel that is, or would otherwise be subject to the Subdivision Map Act (<a href="#">Division 2 (commencing with Section 66410)</a>), or any other applicable law authorizing the subdivision of land; or (2) is consistent with all objective subdivision standards of the Municipal Code and either of the following apply (a) the development will receive financing or funding by means of a low-income housing tax credit and is subject to the requirement that prevailing wages be paid pursuant to <a href="#">subparagraph (A) of paragraph 8 of subsection (a) of Government Code §65913.4</a>, and/or the development is subject to the requirement that prevailing wages be paid, and a skilled and trained workforce be used, pursuant to <a href="#">paragraph 8 of subsection (a) of Government Code §65913.4</a>.</p>	

		<p><b>Documentation Required</b> – If the project requires a subdivision, complete the Source of Funds Questionnaire – Exhibit “B.” All subdivisions must comply with the City Engineering Division’s <a href="#">submittal requirements</a>.</p>	
<p><b>AFFORDABILITY PROVISIONS (SECTION 402)</b></p>			
<p>Applicant</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>		<p>The proposed development dedicates at least 10% of the units as affordable for households making below 80% of the area median income (AMI).</p> <p><b>Note</b> – 80% AMI or below are those income brackets categorized as lower income, very low income, and extremely low income. Current income limits for Orange County are available on <a href="#">HCD’s website</a>. If the proposed project is ten units or less, check “N/A.”</p> <p><b>Documentation Required</b> – Identify on plans which unit(s) are to be affordable, and which level of affordability, as compared to the overall number of units proposed.</p>	Staff
<p><input type="checkbox"/> No</p>			
<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>		<p>The applicant recorded, or is legally required to record, a land use restriction with minimum durations of 55 years for subsidized rental units in the development, or 45 years for subsidized owned units in the development.</p> <p><b>Note</b> – If recorded, submit documentation otherwise. Checking “Yes” indicates that you are willing to enter into a regulatory agreement to meet affordability requirements. If the proposed project is ten units or less, check “N/A.”</p> <p><b>Documentation Required</b> – Complete and provide the Housing Affordable Housing Agreement – Exhibit “C.”</p>	
<p><input type="checkbox"/> No</p>			
<p><b>LABOR PROVISIONS (SECTION 403)</b></p>			
<p>Applicant</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>		<p>The project applicant certifies that <b>AT LEAST ONE</b> of the following is true:</p> <ul style="list-style-type: none"> <li>• The entirety of the project is a public work as defined in <a href="#">Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code</a>.</li> <li>• The project is not in its entirety a public work and the developer shall comply with prevailing wage (including any reporting) requirements pursuant to <a href="#">Labor Code section 1720 et seq.</a>, <a href="#">Labor Code section 1771 et seq.</a>, and <a href="#">Government Code section 65913.4(8) et seq.</a></li> </ul> <p><b>Note</b> – Checking “Yes” indicates acknowledgment and agreement to comply with prevailing wage requirements. Check N/A if the project includes 10 or fewer units AND is not a public work, AND does not require subdivision of land.</p> <p><b>Documentation Required</b> – Complete the Prevailing Wage Certification - Exhibit “D.”</p>	Staff
<p><input type="checkbox"/> No</p>			
<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A</p>		<p>The applicant certifies that a Skilled and Trained Workforce will be used for any of the following:</p> <ul style="list-style-type: none"> <li>• On and after January 1, 2020, until December 31, 2021, the development consists of more than 50 units with a residential component that is not 100 percent subsidized affordable housing.</li> <li>• On and after January 1, 2022, until December 31, 2025, the development consists of more than 25 units with a residential component that is not 100 percent subsidized affordable housing.</li> </ul> <p><b>Note</b> – Checking “Yes” indicates acknowledgment and agreement to comply with skilled and trained workforce requirements. Check N/A if the project does not consist of either of the above development scenarios.</p> <p><b>Documentation Required</b> – Complete the Skilled and Trained Workforce Certification - Exhibit “E.”</p>	
<p><input type="checkbox"/> No</p>			

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

<b>GENERAL INFORMATION:</b>		
Project Address:		
APN(s):		
Zoning & General Plan Land Use:		
Proposed Number of Residential Units:		
<b>PRIMARY CONTACT INFORMATION:</b>		
Name:		
Contact Type: <input type="checkbox"/> Architect <input type="checkbox"/> Engineer <input type="checkbox"/> Property Owner <input type="checkbox"/> Representative <input type="checkbox"/> Other		
Mailing Address:		
City, State, Zip Code:		
Phone No.:		
E-mail:		
<b>PROPERTY OWNER CONTACT INFORMATION: (If different than Primary Contact)</b>		
Name:		
Mailing Address:		
City, State, Zip Code:		
Phone No.:		
E-mail:		

**CERTIFICATION:**

I certify and declare under penalty of perjury under the laws of the State of California that the answers furnished above, and in the attached exhibits, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. I further understand that additional information may be required to be submitted to the City of Garden Grove to complete my review.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Date

<b>SB 35 STREAMLINING ELIGIBILITY (COMPLETED BY CITY STAFF)</b>		
As demonstrated by the completed SB 35 Preliminary Eligibility Checklist above and submitted supporting documentation, the project is:	<input type="checkbox"/> Eligible	<input type="checkbox"/> Ineligible
Planner: _____	Date: _____	



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**Exhibit "A"**  
**Standard Conditions of Approval**

(For Streamlined Ministerial Review Pursuant to Senate Bill 35)

**General Conditions**

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

**Public Works Engineering Division**

Project Design

4. Any new drive approaches to the site shall be constructed in accordance with Garden Grove Standard B-120 (option #2).
5. Prior to issuance of a grading permit, the applicant shall design overhead street lighting within the frontage of the development in a manner meeting the approval of the City's Lighting Administrator. Location of lighting poles shall be shown on all the improvement plans.
6. The grading plan shall depict an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition.
7. All trash container areas shall meet the following requirements per City of Garden Grove Standard B-502:
  - a. Paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, screened or walled to prevent off-site transport of trash



- b. Provide solid roof or awning to prevent direct precipitation.
  - c. Connection of trash area drains to the municipal storm drain system is prohibited.
  - d. Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control.
  - e. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information.
  - f. The trash shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures.
8. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Cross sections shall show vertical and horizontal relations of improvements and property line. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer. In addition, the following shall apply:
- a. The color and material of all proposed block walls, columns, and wrought iron fencing shall be approved by the Planning Services Division Prior to installation.
9. The applicant shall remove any existing substandard driveway approaches, curbs, sidewalks, and landscaping, and construct street frontage improvements as identified below. All landscape, sidewalk, and lighting improvements installed within the public rights-of-way shall be maintained by the applicant in a manner meeting the approval of the City Engineer, Street Division, and Planning Division.
- a. A separate street improvement plan shall be prepared and submitted to the Engineering Division for the proposed improvements within the public right of way, which should also include proposed landscaping and irrigation plans.
  - b. Remove any existing substandard driveways and construct new curb, gutter, landscape, and sidewalk.
  - c. The new driveway approaches to the site shall be constructed in accordance with City of Garden Grove Standard Plan B-120 (Option #2).
  - d. Construct 6-inch curb and gutter replacing any existing driveway approaches along the property frontage in accordance with City Standard Plan B-114 (Type D-6).
  - e. The applicant shall coordinate with the Planning Services Division and Public Works Street Division before placing any type of tree within public right of way and proposed landscape area.
  - f. Remove and replace any sidewalks and landscape parkways adjacent to the property line in accordance with City Standard B-105.



Permit Issuance

10. The applicant shall be subject to Traffic Mitigation Fees, In-Lieu Park Fees Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
11. A separate street permit is required for work performed within the public right-of-way.
12. Grading and Street improvement plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30' outside the boundary, and designed to preclude cross lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan showing all existing and proposed facilities. Street improvement plans shall conform to all format and design requirements of the City Standard Drawings & Specifications.
13. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
14. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall make recommendations for pavement design the interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels.
15. Prior to the issuance of any grading or building permits, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
  - a. Addresses Site Design BMPs based upon the geotechnical report recommendations and findings such as infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas
  - b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP
  - c. Incorporates structural and Treatment Control BMPs as defined in the DAMP
  - d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs

- e. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs
  - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs
16. The applicant shall identify a temporary parking site(s) for construction crew and construction trailers office staff prior to issuance of a grading permit. No construction parking is allowed on local streets. Construction vehicles should be parked off traveled roadways in a designated parking.
17. In accordance to City of Garden Grove Municipal Code (Chapter 9.48.030), the applicant is required to underground any existing utility poles on the property. All existing improvements and utilities shall be shown as part of the grading submittal package in the topography section.
18. Prior to issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size storm drains per the Orange County RDMD standards. Parkway culverts shall be designed per Orange County standard plan 1309, Type B or City of Garden Grove Standard Plan B-209. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
19. For projects subdividing via a parcel map, the applicant shall complete the following:
- a. Prior to recordation of a final parcel map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.
  - b. Prior to recordation of a final parcel map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital graphics file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.
  - c. Prior to issuance of a grading permit, the applicant shall submit to the Planning Services Division an updated title report along with copies of the recorded instruments listed in the title report, reference maps used to prepare legal description and the plat for review and approval of the parcel map.
  - d. In order to expedite City's approval of the parcel map, the applicant shall forward all plan check comments received from the County of Orange Survey Department to City of Garden Grove's Engineering Division.

Construction

20. In accordance with the Orange County Storm Water Program manual, the applicant and/or its contractors shall provide dumpsters onsite during construction unless an Encroachment Permit is obtained for placement in street.
21. The applicant and his contractor shall be responsible for protecting all existing horizontal and vertical survey controls, monuments, ties (centerline and corner) and benchmarks located within the limits of the project. If any of the above require removal; relocation or resetting, the Contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be reset after completion of construction. Any ties, monuments and bench marks disturbed during construction shall be reset per Orange County Surveyor Standards after construction. Applicant and his contractor shall also re-set the tie monuments where curb or curb ramps are removed and replaced or new ramps are installed. The Applicant and his contractor shall be liable for, at his expense, any resurvey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls.
22. Heavy construction truck traffic and hauling trips, and any required lane closures shall occur outside peak travel periods. Peak travel periods are considered to be from 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.

Operations

23. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
  - a. Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
  - b. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
  - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available onsite.
  - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.

**Public Works Water Services Division**

Project Design

24. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.

25. If fire sprinkler system is required, the meter and service for the new lot shall be installed per City Standard B-719, which specifies a residential fire sprinkler connection (RFSC) on the backside of the meter.
26. If a separate fire connection is required, service shall have above ground backflow device with a double check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above ground assembly shall be screened from public view as required by the Planning Services Division.
27. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) pass all bacteriological and pressure tests.
28. Location and number of fire hydrants shall be as required by the Water Services Division and Orange County Fire Authority.
29. Owner shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 6" minimum diameter, extra strength VCP with wedgelock joints.
30. All perpendicular crossings of the sewer, including laterals, shall maintain a vertical separation of minimum 12" below the water main, outer diameter to outer diameter. All exceptions to the above require a variance from the State Water Resources Control Board.

#### Permit Issuance

31. A composite utility site plan shall be part of the water plan approval.

#### Construction

32. New water service installations 2" and smaller, shall be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services 3" and larger, shall be installed by developer/owner's contractor per City Standards.
33. Water meters shall be located within the City right-of-way. Individual meters for each unit are allowed. Fire services and large water services 3" and larger, shall be installed by contractor with Class A or C-34 license, per City water standards and inspected by approved Public Works inspection.
34. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection, is a large meter for all units is proposed. The landscape system shall also have RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results

to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.

35. It shall be the responsibility of owner/developer to abandon any existing private water well(s) per Orange County Health Department requirements. Abandonment(s) shall be inspected by Orange County Health Department inspector after permits have been obtained.
36. Contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete. Only one sewer lateral per lot is allowed.

### **Orange County Fire Authority**

#### Project Design, Permit Issuance, Construction, & Operations

37. The applicant shall comply with all applicable Orange County Fire Authority requirements, including, but not limited to the Fire Master Plan.

### **Building and Safety Division**

#### Project Design

38. It shall be the applicant's responsibility to verify that any building or site improvements do not impermissibly interfere with any recorded easements on the subject property or the adjacent properties.

#### Permit Issuance

39. The project shall comply with the current edition of the California Building Standards Code, based on the time of submittal of the construction plans to the City for plan check.
40. The project shall comply with the current edition of the California Building Energy Efficiency Standards Code, based on the time of submittal of the construction plans to the City for plan check.
41. Construction plans for the project submitted to the City for plan check shall include a soils report.

### **Planning Services Division**

#### Project Design

42. All landscaping shall be consistent with the landscape requirements of the Landscape Water Efficiency Guidelines (Appendix A), per Title 9 of the Municipal Code. The applicant shall submit a separate and complete Water Efficient Landscape Plan for each property. The water efficient landscape submittals shall include landscape plans, irrigation plans, soils report, grading plans, and all other applicable documentation. The landscape plans shall include type,

size, location, and quantity of all plant material. The landscape plans are also subject to the following:

- a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaping areas shown on the plans. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
  - b. No trees shall be planted closer than five feet (5'-0") from any public right-of-way. Trees planted within ten feet (10'-0") of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontages adjacent to driveways shall be of the low height variety to ensure safe sight clearance.
  - c. Landscape treatments and irrigation shall be installed within the front, side, and rear setback areas of both properties. The landscaping shall incorporate a mixture of ground cover, flowerbeds, shrubs, and trees.
  - d. The applicant shall be responsible for all installation and permanent maintenance of all landscaping on the properties. Said responsibility shall extend to the parkway landscaping, sidewalk, curb, and pavement of the site. All planting areas are to be kept free of weeds, debris, and graffiti.
  - e. All above-ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plans in order to ensure proper screening.
  - f. The landscape plans shall incorporate and maintain, for the life of the project, means and methods to address water run-off, also identified as Low Impact Development (LID) provisions which address water run-off. This is to also be inclusive of any application of Water Quality Management Plans (WQMP), Drainage Area Management Plans (DAMP), and any other water conservation measures applicable to this type of development.
  - g. The applicant shall be responsible for installing and maintaining all landscaped areas.
43. All lighting structures shall be placed so as to confine direct rays to the subject property, per Title 9 of the Municipal Code. All exterior lights shall be reviewed and approved by the Planning Services Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting. Lighting in the common areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences.
44. The applicant shall ensure the development implements second floor privacy mitigation measures, where necessary, as required by Title 9 of the Municipal Code. Window locations shall take into account the location of adjacent single-family developed properties' recreation areas and amenities. Where conflicts occur, visual intrusion mitigation measures shall be provided, such as the use of clerestory/high windows (minimum six feet to the

bottom of the window sill), wing walls, view obscuring window treatments for fixed windows, window alignments, and other acceptable measures, subject to review by the Planning Services Division.

45. Per Title 9 of the Municipal Code, any shared drive aisle shall serve the entire project for vehicular circulation. The applicant shall utilize effective signage, and/or other acceptable means (i.e., a painted/marked red fire lane), to communicate to residents and guests that there shall be no parking in front of garages or anywhere within the drive aisle, except for within the designated guest parking spaces. Additionally, there shall be no long term parking of vehicles in the guest parking spaces nor shall guest parking spaces be reserved for any particular units.
46. For developments required to provide garages, each such garage shall only be utilized for the parking of vehicles, per Title 9 of the Municipal Code. Garages shall not be converted to any other use. There shall be no business activities, day care, or garage sales conducted within or from the garages. Parking spaces in the garages shall be made available to the occupants of the unit at all times. The applicant/property owner shall ensure that this condition is complied with at all times by tenants of the units and shall include notice of this requirement in all lease agreements.
47. Per Title 9 of the Municipal Code, each unit shall have a separate area for storage having a minimum of three hundred (300) cubic feet of private and secure space. This storage may be located within the enclosed garages, provided that it does not interfere with automobile parking.
48. All new block walls, and/or retaining wall(s), including existing block walls to remain, 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, per Title 9 of the Municipal Code:
  - a. Private interior project walls, with a minimum height of 6 feet, and a maximum height of 7 feet, constructed from decorative masonry block or from wood, shall be constructed along the property line of each lot to provide privacy to each unit. The walls shall maintain a minimum setback of 20 feet from the front property line or a 20 feet setback if located adjacent to any driveway. Any wall located within the front setback area shall be limited to a height of 36-inches.
49. Per Title 9 of the Municipal Code, all recreation areas, private open space areas, landscaped areas in all common areas, and any landscaping within the public right-of-ways shall be maintained for the life of the project.
50. For properties that are larger than 14,400 square feet in size, the applicant shall provide open space, recreation and leisure areas in accordance with Garden Grove Municipal Code Section 9.12.040.050.K.
51. Automobile parking standards shall not be imposed on a development that meets any of the following criteria:



- a. The development is located where any part of the parcel or parcels on which the development is located is within one-half mile of public transit, as defined by Section 102(t) of these Guidelines.
- b. The development is located within a district designated as architecturally or historically significant under local, state, or federal standards.
- c. When on-street parking permits are required, but not made available to the occupants of the development.
- d. When there is a car share vehicle, (i.e., a designated location to pick up or drop off a car share vehicle as defined by Section 102(d),) within one block of the development. A block can be up to 1,000 linear feet of pedestrian travel along a public street from the development.
- e. For all other developments, the local government shall not impose automobile parking requirements for streamlined developments approved pursuant to this section that exceed one parking space per unit.

#### Permit Issuance

52. The applicant shall submit detailed plans, showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department, Planning Services Division for review and approval prior to submitting plans into the Building and Safety Division Plan Check process. The project shall also be subject to the following, per Title 9 of the Municipal Code:
  - a. All above-ground utility equipment (e.g. electrical, gas, telephone, cable TV) shall not be located in the street setback, within the common areas, or any parking areas, and shall be screened from view from either on or off the property.
  - b. 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 provided. Screening shall block visibility of any roof-mounted mechanical equipment from view from either on or off the property.
  - c. All ground or wall-mounted mechanical equipment shall be screened from view from either on or off the property.
  - d. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior façade and/or be visible from either on or off the property. Roof rain gutters are permitted. The rain gutters shall follow the natural architecture lines of the building.
53. If the project is a mixed-use development, individual businesses located within the commercial component of the development must separately apply for and obtain all applicable entitlements and permits for use and operation that are required by the Garden Grove Municipal Code.

Standard Conditions of Approval  
SB 35 Project Streamlining

54. 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 the subject project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including, but not limited, to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

Construction

55. Hours and days of construction and grading shall be as set forth in the City of Garden Grove Municipal Code Section 8.47.010 as adopted, except that:
- a. Monday through Friday – not before 7:00 a.m. and not after 5:00 p.m.
  - b. Saturday – not before 8:00 a.m. and not after 5:00 p.m. All construction activity on Saturday shall be limited to interior construction only.
  - c. Sunday and Federal Holidays – no construction shall occur.
56. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, use of solar, low emission water heaters, and low sodium parking lot lights, shall be required to ensure compliance with Title 24.
57. If the commercial component is not part of a vertical mixed-use structure, construction of the residential component shall be completed prior to, or concurrent with, the commercial component.
58. For projects that contain ten (10) or more units, and are funded wholly by public money, the entirety of the proposed development is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the California Labor Code, and all applicable prevailing wage requirements therein shall be adhered to.
59. For projects that contain ten (10) or more units, and are not funded wholly by public money, all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. For those portions of the development that are not a public work, the prevailing wage requirement is/will be included in all contracts for the performance of the

work, and all applicable provisions in Section 65913.4(a)(8)(A) of the Government Code, including those pertaining to the procedures for the enforcement of the prevailing wage requirement shall be adhered to.

60. For projects that contain ten (10) or more units, and are funded wholly or in part by public money, the applicant shall require:
- a. All contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.
  - b. Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.
  - c. Provide to the City, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.
  - d. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. An applicant that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided.
  - e. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.
  - f. The requirements in III, IV, and V, above, do not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure.

### Operations

61. The applicant/property owner shall abate all graffiti vandalism within the premises. The property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by

the property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.

62. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with applicable laws and regulations.
63. An Affordable Housing Agreement shall be prepared by the City, at the Applicant's expense. The Affordable Housing Agreement shall be approved by the City Council and recorded prior to issuance of a building permit for any structure in the housing development. The Affordable Housing Agreement shall run with the land and bind all future owners and successors in interest. The Affordable Housing Agreement shall include, without limitation, the following:
  - a. Provisions to ensure that the Applicant allows existing residents of all protected units to occupy their units until six months before the start of construction activities with proper notice pursuant to subparagraph (C) of paragraph (2) of subdivision (d) of Government Code section 66300.
  - b. Provisions to ensure that the Applicant provides relocation benefits as determined by the City and a right of first refusal to occupants of all protected units pursuant to subparagraph (D) of paragraph (2) of subdivision (d) of Government Code section 66300.
  - c. The total number of units approved for the housing development and the number, location, and level of affordability of target units.
  - d. Standards for determining affordable rent for the target units.
  - e. The location, unit size in square feet, and number of bedrooms of target units.
  - f. Provisions to ensure affordability for 55 years pursuant to subdivision (d) of Government Code Section 66300 and subparagraph (B) of paragraph (3) of subdivision (c) of Section 65915.
  - g. A schedule for completion and occupancy of target units in relation to construction of non-restricted units.
  - h. A description of remedies for breach of the agreement by either party. The City may identify tenants or qualified purchasers as third-party beneficiaries under the agreement.
  - i. Procedures for qualifying tenants and prospective purchasers of target units.
  - j. Any other provisions to ensure implementation and compliance.
  - k. Procedures for establishing affordable rent, filling vacancies, and maintaining target units for eligible tenants.

- l. Provisions requiring verification of household incomes.
  - m. Provisions requiring maintenance of records to demonstrate compliance.
  - n. The property owner shall restrict tenancy occupancy to a "2 + 1" formula, 2 persons per bedroom plus one additional person (ex: a two-bedroom unit can only house five persons).
64. The applicant shall prepare Covenants, Conditions, and Restrictions (CC&R's) for review and approval by the City Attorney's office and Community and Economic Development Department prior to the issuance of building permits. The approved CC&R's shall be recorded at the same time that the subdivision map is recorded and two copies (a hard copy and an electronic copy) of the recorded CC&R's shall be provided to the Planning Division. The CC&R's shall include the following stipulations and/or provisions:
- a. All units shall maintain the ability to park two 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 53 unassigned open, on-street, guest parking spaces, located throughout 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. All graffiti vandalism shall be abated within the premises. Best management practices shall be implemented to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
  - f. Each residence shall be utilized as one (1) dwelling unit. No portion of any residence shall be utilized or rented as a separate dwelling unit.
  - g. The CC&R's shall include provisions providing the owners or tenants a means of contacting persons responsible for site maintenance, repairs, trash pick-up, and other related matters for a development of this type. This shall also include scheduling of maintenance of such items as the recreation area, landscape area maintenance, etc. This also includes ensuring tree overhangs do not block or hinder any vehicles such as

street sweepers, trash trucks, fire trucks, etc., from maneuvering around the cul-de-sac.

- h. Storage of boats, recreational vehicles, or commercial vehicles on the property is prohibited.
- i. The CC&R's shall include stipulations that maintenance of the private drive aisles, storm drain, sewer system, and open space areas within the interior of the development and the landscape setback areas outside any development walls adjacent to the public right-of-way is the responsibility of the Homeowner's Association, including the common landscaped areas.
- j. The Conditions of Approval shall be incorporated into the CC&Rs, and provisions corresponding to any applicable Conditions of Approval shall be included in the CC&Rs.
- k. The following provisions shall be included within the CC&R's (in substantially the same form as below or as otherwise approved by the City Attorney):
  - i. Compliance with Stormwater Quality Regulations: The Homeowner's Association shall implement, and fund implementation of, the Operation and Maintenance ("O&M") Plan for the Property, which was approved by the City as part of the Water Quality Management Plan ("WQMP") required for development of the Property, and shall operate and maintain the Best Management Practices ("BMPs") described in the O&M Plan for the Property, which includes:
    - a. Description of all post-construction BMPs (non-structural and structural),
    - b. Description of the Property owner's(s') responsibilities and required training of persons performing BMP implementation, operation and maintenance,
    - c. Implementation frequency and operating schedule,
    - d. Inspection/maintenance frequency and schedule,
    - e. Specific maintenance activities,
    - f. Required permits from resource agencies, if any,
    - g. Forms to be used in documenting implementation, operation and maintenance activities,
    - h. Recordkeeping requirements.

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

The Property shall be, and the Homeowner's Association shall ensure, that the Property is used and maintained in full compliance with the provisions of the O&M Plan and Chapter 6.40 (Stormwater Quality) of the Garden Grove Municipal Code, as it may be amended. The City shall have the right to inspect the Property for the purpose of verifying compliance with this provision. The City of Garden Grove shall be an intended third-party beneficiary to this provision. The City shall have the right

and authority, but not the obligation, to enforce this provision by any legal or equitable means, or by any method available to the Property owners as provided elsewhere in the Declaration, against the Declarant, Homeowner's Association, Owners, their successors and assigns, or other persons in possession of the Property. This provision shall not be amended or terminated without the written approval of the City of Garden Grove Community and Economic Development Department.

- ii. Enforcement: The City is hereby made a party to this Declaration solely for purposes of enforcing its provisions and the Conditions of Approval. 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. 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 project approvals. However, the City shall not be liable for failing or refusing to enforce the provisions of these Declarations or the Conditions of Approval. 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 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 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 project approvals, or to abate the violation thereof.
- v. Public Safety Access: The Police and Fire Department personnel may enter upon any part of the common area for the purpose of enforcing State and Local laws.
- vi. Modification/Termination: This Declaration shall not be terminated or substantially amended without the prior written approval of the City of Garden Grove Community and Economic Development Department.



**CITY OF GARDEN GROVE  
 PLANNING SERVICES DIVISION  
 11222 ACACIA PARKWAY  
 GARDEN GROVE, CA 92840  
 TEL: (714) 741-5312 FAX: (714) 741-5578  
[www.ggcity.org](http://www.ggcity.org)**

**Exhibit "B"**  
**Source of Funds Questionnaire**  
 (For Streamlined Ministerial Review Pursuant to Senate Bill 35)

**Complete this form only if your project consists of a subdivision not governed under the State Subdivision Map Act.**

**Pursuant to Senate Bill (SB) 35**, which added Section 65913.4 to the California Government Code and became effective January 1, 2018, certain multi-family residential developments may be reviewed administratively if the developments meet all of the eligibility criteria, including the prevailing wage requirements, which apply to all projects that are/will be funded in whole or in part by public money. Certain subdivision projects may also be eligible for the administrative review process if the projects have received or will receive financing or funding by means of a low-income housing tax credit and are subject to the prevailing wage requirements. To request an administrative review for your project in accordance with Section 65913.4, answer all of the following questions to the best of your knowledge. Failure to provide accurate and complete information and required documentation may delay review or result in denial of the project.

**Pursuant to Assembly Bill (AB) 2162**, which added Sections 65650 – 65656 to the California Government Code and became effective January 1, 2019, affordable housing projects that are otherwise subject to the approval of a Conditional Use Permit may be reviewed administratively if such projects meet requisite eligibility criteria, including but not limited to, committed public funding or intent to apply or receive public funding project. Failure to provide accurate and complete information and required documentation may delay review or result in denial of the project.

**SUBJECT PROPERTY**

Address:	
Assessor's Parcel Number(s):	

**SOURCE OF FUNDS (Check All That Apply)**

1. Have you received any public funding for the project?  Yes  No

If **YES**, go to **Question #2**. If **NO**, go to **Question #3**.

2. List public funds, including any low-income housing tax credits that you have been awarded. Attach proof of funding documentation (e.g., official award letters).

3. Do you plan to pursue, or have you applied for any public funding for the project?  Yes  No

If **YES**, go to **Question #4**, then sign and date under Section C. If **NO**, sign and date under Section C.

4. List public funds, including any low-income housing tax credits that you plan to pursue or for which you have applied. Attach any documentation available (e.g., Notice of Funding Availability, complete application).

**OWNER/APPLICANT CERTIFICATION**

I certify under penalty of perjury that the foregoing is true and correct.

Signature	Date
Name	<input type="checkbox"/> Owner <input type="checkbox"/> Applicant



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**Exhibit "C"**  
**Affordable Housing Agreement**  
 (For Streamlined Ministerial Review Pursuant to Senate Bill 35)

***If the proposed project proposes more than 10 units, complete this form to state the applicant's intent to enter into a Housing Affordability Agreement with the City.***

**Pursuant to Senate Bill (SB) 35**, which added Section 65913.4 to the California Government Code and became effective January 1, 2018, certain multi-family residential developments may be reviewed administratively if the developments meet all of the eligibility criteria, including housing affordability requirements. For a proposed development to be considered for streamlined review, it must dedicate at least 10% of the units as affordable for households making below 80% of the area median income (AMI). To request an administrative review for a project in accordance with Section 65913.4, the development applicant must state their intent to enter into an agreement with the City for the provision of affordable units. Failure to state their intent to provide affordable housing may delay review or result in denial of the project.

I/we consent to the filing of an application on our property for an administrative review by the City of Garden Grove pursuant to Section 65913.4 of the California Government Code ("Government Code"). If the application is approved, I/we declare that the following is true and correct:

- I. A covenant or restriction shall be recorded against the development dedicating a minimum 10% of the units to housing affordable to households making at or below 80% of the AMI.
- II. The recorded covenant or restriction shall remain an encumbrance on the development for a minimum of either: 55 years for rental developments, or 45 years for owner-occupied properties.
- III. The development proponent shall commit to record a covenant or restriction dedicating the required minimum percentage of units to below market housing prior to the issuance of the first building permit, unless separate covenants or restrictions will be recorded for separate buildings, then prior to the issuance of each building permit.
- IV. Affordability of units to households at or below 80% of the AMI is calculated based on Health and Safety Code Section 50052.5 for owner-occupied units, and Health and Safety Code Section 50053 for rental units.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ California, under penalty of perjury of the laws of the State of California.

<b>To be signed by all record owners</b> (For additional names, please use a separate sheet of paper).	
Name	Signature
Name	Signature
Name	Signature

(NOTARY FORM TO BE ATTACHED)



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[www.ggcity.org](http://www.ggcity.org)**

**Exhibit "D"**  
**Prevailing Wage Certification**  
 (For Streamlined Ministerial Review Pursuant to Senate Bill 35)

**Complete this form only if your project consists of more than 10 units and/or funded in whole or in part by public money.**

**Pursuant to Senate Bill (SB) 35**, which added Section 65913.4 to the California Government Code and became effective January 1, 2018, certain multi-family residential developments may be reviewed administratively if the developments meet all of the eligibility criteria, including the prevailing wage requirements. To request an administrative review for your project in accordance with Section 65913.4, this certification must be signed with original (wet) signature and notarized.

**This is to certify under penalty of perjury that the undersigned is/are the record owner(s) of the property known as:**

Address:	
Assessor's Parcel Number(s):	
Legal Description:	

I/we consent to the filing of an application on our property for an administrative review by the City of Garden Grove pursuant to Section 65913.4 of the California Government Code ("Government Code"). I/We declare that either of the following is true and correct:

- I. The entirety of the proposed development is a public work for purposes of Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the California Labor Code ("Labor Code").
- II. The proposed development is not in its entirety a public work, and that all construction workers employed in the execution of the development will be paid at least the general prevailing rate of per diem wages for the type of work and geographic area, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate. For those portions of the development that are not a public work, I/we further certify that 1) the prevailing wage requirement is/will be included in all contracts for the performance of the work; and 2) I/we have read and understand all applicable provisions in Section 65913.4(a)(8)(A) of the Government Code, including those pertaining to the procedures for the enforcement of the prevailing wage requirement.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_  
 California, under penalty of perjury of the laws of the State of California.

<b>To be signed by all record owners</b> (For additional names, please use a separate sheet of paper).	
Name	Signature
Name	Signature
Name	Signature

(NOTARY FORM TO BE ATTACHED)



**CITY OF GARDEN GROVE  
PLANNING SERVICES DIVISION  
11222 ACACIA PARKWAY  
GARDEN GROVE, CA 92840  
TEL: (714) 741-5312 FAX: (714) 741-5578  
[www.ggcity.org](http://www.ggcity.org)**

**Exhibit "E"**  
**SKILLED AND TRAINED WORKFORCE CERTIFICATION**  
(For Streamlined Ministerial Review Pursuant to Senate Bill 35)

***Complete this form only if your project consists of more than 10 units and/or funded in whole or in part by public money.***

**Pursuant to Senate Bill (SB) 35**, which added Section 65913.4 to the California Government Code and became effective January 1, 2018, certain multi-family residential developments may be reviewed administratively if the developments meet all of the eligibility criteria, including the skilled and trained workforce requirements. To request an administrative review for your project in accordance with Section 65913.4, this certification must be signed with original (wet) signature and notarized.

**This is to certify under penalty of perjury that the undersigned is/are the record owner(s) of the property known as:**

Address:	
Assessor's Parcel Number(s):	
Legal Description:	

I/we consent to the filing of an application on our property for an administrative review by the City of Garden Grove pursuant to Section 65913.4 of the California Government Code ("Government Code"). If a skilled and trained workforce will be used to complete the development, and the application is approved, I/we declare that the following is true and correct:

- I. The applicant shall require in all contracts for the performance of work that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to complete the development.
- II. Every contractor and subcontractor shall use a skilled and trained workforce to complete the development.
- III. The applicant shall provide to the locality, on a monthly basis while the development or contract is being performed, a report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code.
- IV. A monthly report provided to the locality pursuant to this subclause shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) and shall be open to public inspection. An applicant that fails to provide a monthly report demonstrating compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code shall be subject to a civil penalty of ten thousand dollars (\$10,000) per month for each month for which the report has not been provided.
- V. Any contractor or subcontractor that fails to use a skilled and trained workforce shall be subject to a civil penalty of two hundred dollars (\$200) per day for each worker employed in contravention of the skilled and trained workforce requirement. Penalties may be assessed by the Labor Commissioner within 18 months of completion of the development using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 1741 of the Labor Code and may be reviewed pursuant to the same procedures in Section 1742 of the Labor Code. Penalties shall be paid to the State Public Works Enforcement Fund.



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VI. The requirements in III, IV, and V, above, do not apply if all contractors and subcontractors performing work on the development are subject to a project labor agreement that requires compliance with the skilled and trained workforce requirement and provides for enforcement of that obligation through an arbitration procedure.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_  
California, under penalty of perjury of the laws of the State of California.

<b>To be signed by all record owners</b> (For additional names, please use a separate sheet of paper).	
Name	Signature
Name	Signature
Name	Signature

(NOTARY FORM TO BE ATTACHED)