



A G E N D A

GARDEN GROVE PLANNING COMMISSION

MARCH 19, 2026 - 7:00 PM

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

Meeting Assistance: Any person requiring auxiliary aids and services, due to a disability, to address the Planning Commission, should contact the Community Development Department at (714) 741-5312 or email planning@ggcity.org 72 hours prior to the meeting to arrange for special accommodations. (Government Code §5494.3.2).

Agenda Item Descriptions: Agenda item descriptions are intended to give a brief and general description of the item. The Planning Commission may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

Documents/Writings: Any revised or additional documents/writings related to an item on the agenda distributed to all or a majority of the Planning Commission within 72 hours of a meeting, are made available for public inspection at the same time (1) in the Planning Services Division Office at 11222 Acacia Parkway, Garden Grove, CA 92840, during normal business hours; and (2) at the Community Meeting Center at the time of the meeting.

Public Comments: Members of the public who attend the meeting in-person and would like to address the Planning Commission are requested to complete a yellow speaker card indicating their name and address, and identifying the subject matter they wish to address. This card should be given to the Recording Secretary before the meeting begins. General comments are made during "Oral Communications" and are limited to three (3) minutes and to matters the Planning Commission has jurisdiction over. Persons wishing to address the Planning Commission regarding a Public Hearing matter will be called to the podium at the time the matter is being considered. Members of the public who wish to comment on matters before the Commission, in lieu of doing so in person, may submit comments by emailing public-comment@ggcity.org no later than 3:00 p.m. the day of the meeting. The comments will be provided to the Commission as part of the meeting record.

PLEASE SILENCE YOUR CELL PHONES DURING THE MEETING.

REGULAR MEETING AGENDA

ROLL CALL: COMMISSIONERS ASHLAND, BEARD, CUEVA, FLANDERS, LARICCHIA,
LINDSAY, RAMIREZ

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

- A. SELECTION OF CHAIR AND VICE CHAIR
- B. ORAL COMMUNICATIONS - PUBLIC
- C. APPROVAL OF MINUTES – [February 19, 2026](#)
- D. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
 - D.1. [SITE PLAN NO. SP-129-2023 \(TE1\)](#)

APPLICANT: BIXBY AVENUE APARTMENTS, LLC.
LOCATION: 9691 BIXBY AVENUE

REQUEST: A request for a one-year Time Extension for the approved entitlement under Site Plan No. SP-129-2023, which allowed the construction of a three-story, 27-unit residential apartment complex that includes three (3) affordable housing units for "very low-income" households, and associated site improvements on a 0.83-acre lot. A CEQA determination is not required as the project was previously exempted.

STAFF RECOMMENDATION: Adopt a Resolution approving Site Plan No. SP-129-2023 (TE1) pursuant to the recommended Conditions of Approval.

E. ITEMS FOR CONSIDERATION

E.1. Review of the [Code of Ethics](#)

E.2. Legislative Update on new land use laws

E.3. Land Use Entitlement Presentation

F. MATTERS FROM COMMISSIONERS

G. MATTERS FROM STAFF

H. ADJOURNMENT

GARDEN GROVE PLANNING COMMISSION
Community Meeting Center
11300 Stanford Avenue, Garden Grove, CA 92840

Meeting Minutes
Thursday, February 19, 2025

CALL TO ORDER: 7:01 p.m.

ROLL CALL:

Commissioner Ashland
Commissioner Beard
Commissioner Cueva
Commissioner Flanders
Commissioner Laricchia
Commissioner Lindsay
Commissioner Ramirez

Absent: Laricchia

PLEDGE OF ALLEGIANCE: Led by Commissioner Lindsay.

SELECTION OF CHAIR AND VICE CHAIR:

Action: Commissioner Ramirez motioned to continue the Selection of Chair and Vice to the next meeting due to commissioner(s) absence. Motion received a second from Commissioner Lindsay.

Action: Motion approved with a 6-1 vote as follows:

Ayes: (6) Ashland, Beard, Cueva, Flanders, Lindsay, Ramirez
Noes: (0) None
Absent: (1) Laricchia

ORAL COMMUNICATIONS – PUBLIC – None

October 2, 2025 MINUTES:

Action: Received and filed.

Motion: Lindsay Second: Cueva

Ayes: (4) Cueva, Flanders, Lindsay, Ramirez
Noes: (0)
Absent: (1) Laricchia
Abstain: (2) Ashland, Beard

PUBLIC HEARING – SITE PLAN NO. SP-166-2026

Applicant: RICHARD MARTIN BECK
Date: February 19, 2026

Request: A request for Site Plan approval to construct a new employee break room consisting of a 1,504 square-foot, one-story building with a 1,202 square-foot roof deck, and a 529 square-foot open air patio. The proposed building will replace an existing 1,923 square-foot, one-story employee break room at the GKN Aerospace Transparency Systems Facilities. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA).

Action: Resolution No. 6128-26 was approved.

Motion: Lindsay Second: Ashland

Ayes: (6) Ashland, Beard, Cueva, Flanders, Lindsay, Ramirez
Noes: (0)
Absent: (1) Laricchia

ITEM FOR CONSIDERATION – ITEM FOR CONSIDERATION NO. IFC-002-2025 FOR PROPERTY LOCATED ON THE WEST SIDE OF PINE STREET, NORTH OF LAMPSON AVENUE AT 12411 PINE STREET

Applicant: PHI VAN NGUYEN
Date: February 19, 2026

Request: A request for the Planning Commission to consider a resolution denying the City Tree Replacement and Removal Application for the address located at 12411 Pine Street per motion of the Planning Commission adopted October 2, 2025.

Action: Resolution No. 6127-26 was approved.

Motion: Ashland Second: Cueva

Ayes: (5) Ashland, Cueva, Flanders Lindsay, Ramirez
Noes: (1) Beard
Absent: (1) Laricchia

ITEM FOR CONSIDERATION - ACKNOWLEDGEMENT OF THE 2025 ANNUAL PROGRESS REPORT ON THE STATUS OF THE GENERAL PLAN AND HOUSING ELEMENT

Action: Received and filed.

Motion: Beard Second: Lindsay

Ayes: (6) Ashland, Beard, Cueva, Flanders, Lindsay, Ramirez
Noes: (0) None
Absent: (1) Laricchia

MATTERS FROM COMMISSIONERS: Commissioner Beard welcomed Officer Polopek to the Planning Commission meetings.

MATTERS FROM STAFF: Staff stated that the March 5th Planning Commission Meeting would be cancelled, and gave a brief description of the March 19th meeting agenda. Staff mentioned upcoming Planning Commission tours and will provide dates.

ADJOURNMENT: At 7:50 p.m.

Carol Sebbo
Recording Secretary

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: D.1.	SITE LOCATION: North side of Bixby Avenue, between Peacock Court, and Carthay Circle, at 9691 Bixby Avenue
HEARING DATE: March 19, 2026	GENERAL PLAN: Low Medium Density Residential (LMR)
CASE NO.: Site Plan No. SP-129-2023 (TE1)	ZONE: R-2 (Limited Multiple Residential)
APPLICANT: Bixby Avenue Apartments, LLC.	APN: 133-102-24
PROPERTY OWNERS: Same as Applicant	CEQA DETERMINATION: Previously Exempt- Section 15332 "In-Fill Development Projects"

REQUEST:

A request for a one-year time extension for the approved entitlement under Site Plan No. SP-129-2023, which allowed the construction of a three-story, 27-unit residential apartment complex that includes three (3) affordable housing units for "very low-income" households, and associated site improvements on a 0.83-acre lot.

BACKGROUND:

The project site is approximately 36,120 square feet (0.83 acres) and is located on the north side of Bixby Avenue, between Carthay Circle and Peacock Court. The subject site has a General Plan Land Use designation of Low Medium Density Residential (LMR) and is zoned R-2 (Limited Multiple Residential). The property abuts an R-2 zoned property to the east, R-1 (Single-Family Residential) zoned properties to the north, to the west, and across Bixby Avenue to the south. Surrounding uses to the subject property include single-family residential dwellings to the north and across Bixby Avenue to the south, multiple-family residential developments to the east, and a religious facility, Our Lady Help of Christian, to the west.

The site is improved with multiple single-story buildings that have been used as a Preschool and Children Daycare, Precious Years Children Center, since 1999. Per City's Business License records, the daycare business ceased its operation in February 2022, and the buildings have been left vacant.

In 2022, the applicant purchased the property. On November 16, 2023, the Planning Commission conducted a public hearing and considered the applicant's request for approval of Site Plan No. SP-129-2023, which proposed the construction of a new three-story multiple-family residential building and associated site improvements at the subject site. The project design consists of a parking garage on the ground floor and a total of twenty-seven (27) dwelling units on the second and third floors, which include three (3) affordable units for "very low-income" households. All existing site

improvements will be demolished to accommodate the proposed project. At the hearing, several members of the public were present and provided comments and questions related to parking, open space and pet waste, sewer capacity, and traffic and pedestrian safety. After receiving all public testimony and engaging in careful deliberation, the Planning Commission continued the hearing to a different day to allow Staff and the applicant time to evaluate and address the concerns raised by the public and the Commission. On December 21, 2023, the Planning Commission approved the applicant's request with newly modified conditions of approval.

On August 30, 2024, a set of construction plans was submitted via the City's plan check portal (Application No. A-312524). The construction plans are currently in their 7th cycle of plan check review. On April 18, 2025, a grading plan was also submitted for review (Application No. G-000061) and approved on February 11, 2026. Currently, the grading permit is ready to be issued.

The entitlement expired on January 11, 2026. In accordance with the Municipal Code, a one-year time extension to the previously approved entitlements is required to allow the applicant additional time to exercise the entitlement. On February 10, 2026, the applicant filed a land use application with the City requesting a one-year time extension. No changes are proposed to the previously approved project.

DISCUSSION:

TIME EXTENSION

Site Plan No. SP-129-2023 went into effect on January 11, 2024 with an expiration date of January 11, 2026. The applicant filed an application to the City for a time extension request (Time Extension No. 1) on February 10, 2026, after the entitlements already expired.

The applicant has been making a concerted effort to finalize the plan check process for the project approved under the Site Plan entitlement. During this process, the project's architect unfortunately passed away, which required the applicant to retain a new architect. This transition resulted in a significant delay to the project timeline. In addition, the project encountered several issues connecting to the existing City sewer line. These issues have since been resolved, allowing the grading plan to be approved on February 11, 2026.

Since no permits have been issued, and construction has not commenced prior to the expiration date of January 11, 2026, the Site Plan approval has not yet been exercised. The requested one-year time extension would give the applicant adequate time to work through the remainder of the plan check process. The applicant anticipates obtaining the grading permit soon after the time extension is approved, with building plan check expected to reach approval shortly thereafter.

Title 9 of the Municipal Code allows for a one (1) year time extension for approved entitlements, provided that the Planning Commission finds that: (a) a request for a time extension, including the reasons therefore, has been submitted prior to the permit expiration date, or the hearing body finds that, due to special circumstances

demonstrated by the property owner or the applicant, a late-filed request should be considered; (b) there has been no change in the general plan designation or zoning of the site, and (c) there is no land use action or study currently underway that would have the potential to render the development nonconforming.

The applicant submitted the time extension application after the expiration of the Site Plan entitlement. Due to a glitch in the City's tracking system, the applicant was not informed about the expiration of the entitlement earlier to submit the time extension request in a timely matter. Despite the late submittal of the time extension request, the applicant has made significant progress toward permit issuance, as the grading permit is ready to be issued contingent upon approval of the time extension request.

In addition, the General Plan Land Use Designation and the zoning of the property have remained the same, and there are no pending land use actions or studies that would have the potential to render the approved development nonconforming. As such, the proposed project use still conforms to the General Plan and zoning designations of the property. No changes are proposed to the previously approved project. Therefore, the subject request is in compliance with Municipal Code standards for time extensions. Approval of the time extension will extend the expiration date of the land use entitlement by one-year to February 10, 2027.

California Environmental Quality Act

As a part of their approval in 2023, the Planning Commission determined that the project was categorically exempt from the California Environmental Quality Act, pursuant to CEQA Guidelines Section 15332 (In-Fill Development Projects). No changes are proposed to the project that was previously approved, and no further environmental review is required.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Adopt Resolution No. 6129-26 approving a one-year time extension for Site Plan No. SP-129-2023 (TE1), subject to the original Conditions of Approval for Site Plan No. SP-129-2023.



Maria Parra
Planning Services Manager

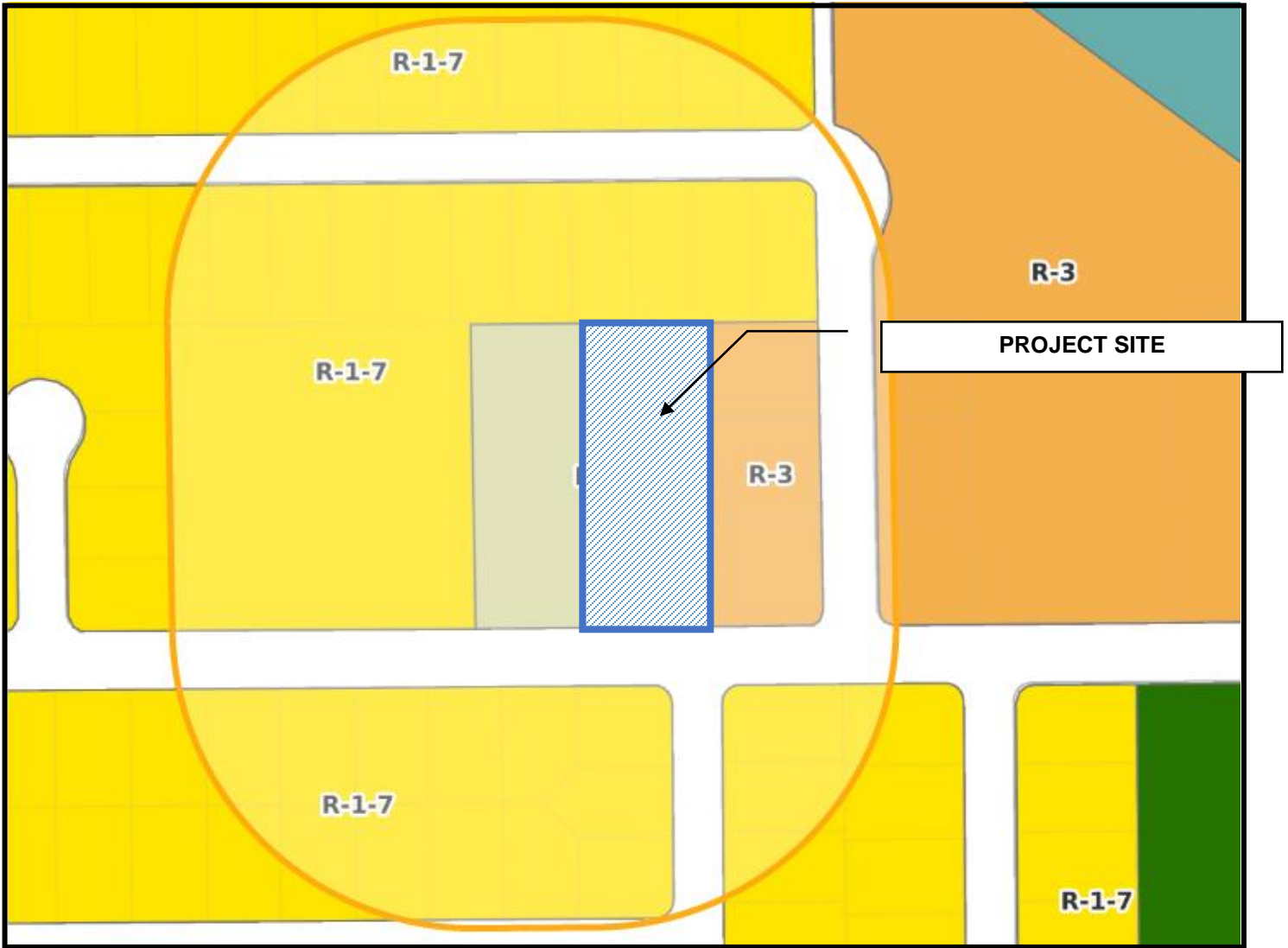


By Huong Ly, AICP
Associate Planner


- Attachment 1: Vicinity Map
Attachment 2: Planning Commission Staff Report dated December 21, 2023 with Resolution No. 6073-23 and Conditions of Approval for SP-129-2023
Attachment 3: Planning Commission Resolution No. 6129-26



1-YEAR TIME EXTENSION SITE PLAN NO. SP-129-2023 (TE1)



LEGEND

 SUBJECT SITE(S) – 9691 BIXBY AVENUE

 300 FOOT RADIUS

NOTES

1. SITE ADDRESSES – 9691 BIXBY AVENUE.

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: North side of Bixby Avenue, between Peacock Court, and Carthay Circle, at 9691 Bixby Avenue
HEARING DATE: December 21, 2023	GENERAL PLAN: Low Medium Density Residential (LMR)
CASE NOS.: Site Plan No. SP-129-2023	ZONE: R-2 (Limited Multiple Residential)
APPLICANT: The Jager Co., Ltd.	APN: 133-102-24
PROPERTY OWNER: Bixby Avenue Investment, LLC	CEQA DETERMINATION: Exempt-Section 15332 "In-Fill Development Projects"

REQUEST:

The applicant is requesting Site Plan approval to construct a three-story, 27-unit residential apartment complex and associated site improvements on a 0.83-acre lot. The proposal includes three (3) affordable housing units for "very-low income" households. Inclusion of the three (3) very low-income units qualifies the project for a density bonus, concessions, waivers, and reduced parking pursuant to the State Density Bonus Law, and the project has been designed to incorporate certain concessions and waivers of development standards pursuant to the State Density Bonus Law. All existing on-site improvements will be demolished to accommodate the proposed development.

BACKGROUND:

On November 16, 2023, the Planning Commission conducted a public hearing and considered Site Plan No. SP-129-2023. A written and oral staff report was provided. Staff's recommendation was that the Planning Commission adopt Resolution No. 6073-23 approving Site Plan No. SP-129-2023, subject to the recommended Conditions of Approval. The applicant and several members of the public provided comments at the public hearing. Comments and questions received from the public during the public hearing generally related to the following issues:

1. **Parking:** Speakers provided comments about the number and type of on-site parking spaces proposed to be provided within the development and where guests would park. Commentors generally expressed concern that too few on-site parking spaces were being provided and that there would be a lack of guest parking within the development, which could potentially impact the availability of on-street parking on the nearby streets.

2. **Open Space / Pet Waste:** Speakers provided comments about the amount of open space/recreation area provided within the development and the potential impacts of Project residents' pets. Commentors generally expressed concerns that there was not enough outdoor open space in the proposed development and that residents of the proposed units would walk their dogs in the surrounding neighborhood, which could potentially result in negative impacts to the neighboring properties, such as damage to landscape frontages and abandoned pet waste/litter on private property frontages and within public parkways.
3. **Sewer Capacity:** One member of the public questioned whether there was adequate sewer capacity available in the area to accommodate the proposed residential project and its related improvements, which include new plumbing fixtures.
4. **Traffic / Pedestrian Safety:** Speakers commented on the existing traffic, street conditions, and lack of sidewalks in the area and the potential impacts the proposed Project would have on these areas of concern. Commentors generally expressed concerns about the Project would result in an increase vehicular traffic in the area, contribute to deterioration of public sidewalks, result in an increase the number of traffic accidents in the area, and potentially make it less safe for children and other pedestrians to who walk through the nearby streets and sidewalks in the neighborhood.

After receiving all public testimony, the Chairperson closed the public hearing. A motion to approve Staff's recommendation was made and seconded, but failed by a vote of 4-2, with one Commissioner absent. Planning Commissioners thereafter asked additional questions of Staff, and after careful consideration, the Planning Commission voted 6-0 to reopen and continue the public hearing to the December 21, 2023 regular Planning Commission meeting to allow Staff and the Applicant time to evaluate and address the questions and concerns raised by the public and the Planning Commission.

The November 16, 2023 Planning Commission Staff Report is available on the City's website at <https://ggcity.org/sites/default/files/commissions/planning-commission/a11162023.pdf>.

The audio recording of the November 16, 2023 Planning Commission meeting is available on the City's Website at <https://ggcity.org/commissions/planning-commission>.

DISCUSSION:

The following is a summary of comments, relating to concerns of the proposed Project that were received from the public, including comments/questions received from the

Planning Commission. Each comment is categorized into general themes supplemented by a brief description of the concern, and supporting information from City Staff, reference information pursuant to State laws, and/or information received from the applicant related to proposed modifications to the Project to address comments received at the November 16, 2023 Planning Commission meeting.

OFF-STREET PARKING

Concerns:

Commentors generally expressed concern that too few on-site parking spaces were being provided and that there would be a lack of guest parking within the development, which could potentially impact the availability of on-street parking in the neighborhood.

Staff Response:

State law prevents the Planning Commission and the City from requiring more on-site parking spaces be provided. The State Legislature has prioritized the production of more housing statewide and has found that cities' imposition of minimum parking requirements increases the cost of producing housing, particularly affordable housing. Accordingly, the State has passed numerous laws that expressly prohibit cities from requiring developers to provide more on-site parking spaces than otherwise expressly permitted by State law. In this case, with the inclusion of three (3) affordable housing units for "very-low-income" households, the project is entitled to the reduced parking ratios set forth in Government Code Section 65915, the State Density Bonus Law (SDBL). Pursuant to the SDBL, the maximum number of parking spaces the City may require the project to provide is 34 parking spaces. The project provides a total of 50 spaces, which exceeds the minimum parking requirements of the SDBL by 16 spaces.

State law also requires the City to allow the on-site parking spaces provided for the project to be tandem spaces. Therefore, tandem parking, which normally would not be allowed under the Garden Grove Municipal Code (GGMC), is allowed under the SDBL to satisfy the required on-site parking. For this project, tandem parking was incorporated into the design to maximize the use of space, which allowed the project to provide more parking spaces within the development than what could be achieved through a standard parking lot design.

Proposed Modification(s) by the Applicant:

Guest Parking. In order to address comments and concerns raised regarding the provision of guest parking on-site, the applicant proposes a modification to ensure that at least two (2) non-tandem parking spaces within the garage shall be

designated for guest parking at all times, and not assigned to any particular unit. Accordingly, the applicant proposes a modification to Condition No. 78 as follows:

(Additions shown in ***bold-italics***. Deletions shown in ~~strikethrough~~.)

- 78. Each parking space shall be assigned to a unit, as shown on the approved plan. Each dwelling shall be provided at least one (1) parking space within the garage. However, no two (2) different dwelling units shall share any tandem parking spaces. At least two (2) non-tandem parking spaces shall be available for guest parking at all times. A placard shall be posed to identify each parking space as "Reserved" or as "Guest".***

Since the total number of parking spaces provided on site will continue to exceed the minimum parking requirements per SDBL, staff is supportive of the proposed modification of the condition of approval No. 78.

OPEN SPACE

Concerns:

Members of the public expressed concerns that the proposed project did not provide adequate open space/recreation area to accommodate the proposed 27 residential units. Concerns were expressed that future residents of the development would utilize the nearby streets and neighboring front yard areas for recreational activities and access, resulting in negative impacts to the neighborhood, such as damage to landscape frontages and abandoned pet waste/litter on private property frontages and within public parkways.

Staff Response:

The project's open space is designed to comply with the R-3 Development Standards pursuant to GGMC Section 9.14.040.050. The combined square footage of both private open space and common active recreational area is 8,125.45 square feet, which exceeds the minimum open space area required by the Garden Grove Municipal Code by 25.45 square feet. In addition, the design incorporates the recreational amenities required by the Municipal Code. The list of amenities, along with their proposed locations, is included in the Table D – List of Amenities in the original staff report. The applicant has not requested any waivers or concessions to reduce or deviate from the open space requirements and amenities requirements set forth in the GGMC. Because the proposed Project is consistent with the objective requirements in the GGMC for the provision of open space, State law prevents the Planning Commission and the City from requiring more open space be provided.

Proposed Modification(s) by the Applicant:

Mitigation of Pet Litter. In order address comments and concerns raised in regard to mitigating potential impacts to the neighborhood from pet litter originating from the subject development, the applicant proposes a modification to its proposal to implement a pet waste management program called "Poo Print Program" that requires each tenant to identify pets as part of their lease and to provide DNA samples of dogs identified in the lease so that in the event that there is uncleaned dog waste, identification of the responsible dog's owner can be made. It is contemplated that, in the event uncleaned or abandoned pet waste is found within the nearby residential areas, subject to a request submitted to the development's manager, a sample will be sent to a qualified DNA testing lab (e.g., BioPet Laboratories) to identify the responsible dog's owner, and if the waste is determined to be from a tenant's dog, that tenant will be subject to a fine in an amount set by the property owner(s) and/or the property management company, as well as the lab analysis fee and other fees related to the clean-up services. The applicant has indicated to Staff that this pet waste management program has been successful in other housing projects completed by the developer in keeping properties and their neighboring areas clean of pet waste. In addition to the pet waste program, the applicant proposed to install two (2) pet waste stations within the project site.

Accordingly, the following new proposed Conditions of Approval have been added:

(Additions shown in ***bold-italics***. Deletions shown in ~~strikethrough~~.)

- 92. As proposed by the applicant, the applicant shall implement and maintain a pet waste management program for the life of the project, which requires each tenant to identify their pets and provide DNA samples of their dogs so that in the event that there is uncleaned dog waste, identification of the responsible dog's owner can be made. The program shall utilize "Poo Prints®" or a similar program. The program shall include standard lease provisions obligating tenants to identify their pets and to provide a DNA sample of each of their dogs, and providing a process pursuant to which tenants that fail to clean up their pets' waste may be subject to fines imposed by the Project's management company and the payment of the costs for lab analysis of the abandoned waste from their dogs and associated clean-up costs. The specific program provisions shall be reviewed and approved by the City and included in the management plan approved by the City as part of the affordable housing regulatory agreement for the Project.***
- 93. At least two (2) pet waste stations shall be installed within the project site. The exact location of the pet waste stations shall be***

identified in the detailed plan submitted by the applicant as part of the Building and Safety Plan Check process.

SEWER CAPACITY

Concerns:

A question was raised regarding whether the project site is located within a sewer-deficiency area and whether the existing sewers will be able to accommodate the proposed project.

Staff Response:

The Water Services Division and the Sewer Division of the Public Works Department reviewed the proposed design and determined that the project site is not within a sewer-deficiency area. Based on the 2012 Garden Grove Sanitary District (GGSD) System Evaluation and Capacity Assurance Plan, the sewer main serving the subject area was identified as deficient. In 2014, GGSD conducted Sewer Improvement Project No. 7822 to upsize the sewer main from ten inches (10") and twelve inches (12") to eighteen inches (18"), which eliminated the deficiency in the area. Thus, the proposed development at 9691 Bixby Ave is now in an area with sufficient sewer capacity that can accommodate added sewer flow to the system. For reference, the City's Sanitary District Master Plan is attached to this report (Attachment 1), and identifies areas in the city with sewer system deficiencies, denoted as colored areas (blue, green, or brown). Non-colored areas and considered areas with adequate sewer capacity. According to the map, the project site is centrally located within the City and is not within close proximity to any of the colored sewer-deficiency areas.

TRAFFIC AND VEHICULAR ACCIDENTS

Concerns:

Comments were noted related to concerns that the proposed project would significantly increase the vehicular traffic in the neighboring areas, resulting in a potential increase in traffic collisions and endangering pedestrians who walk through the neighborhood in the streets and sidewalks. It was specifically mentioned that children walk in the nearby residential streets, given the subject site's proximity to the Brookhurst Elementary School and the Our Lady Help of Christian Church, which operates as a K-12 private school on weekdays.

In addition, it was noted that the subject site is located in residential area that does not have public sidewalks. The Planning Commission requested City Staff to provide additional information related to the neighborhood's typical traffic patterns and records of traffic related accidents in the area, and to verify if the existing public right-of-way areas (i.e., public sidewalks and public streets) in the neighborhood is

reflective of the best practices and recommended engineering design features as outlined in the City's 2019 *Safe Routes to School Phase I Master Plan*.

Staff Response:

Traffic Related Accidents. Between January 1, 2015, and December 31, 2022, there were a total of five (5) reported traffic related accidents/incidents that took place at the five (5) intersections surrounding the project site, including: intersection Bixby Avenue and Christine Lane, Bixby Avenue and Carthay Circle, Bixby Avenue and Lambert Circle, Bixby Avenue and Peacock Street, and Bixby Avenue and Hester Place. Detailed records, provided by the City's Traffic Engineering Division, Public Works Department, are attached to this report (Attachment 2). Among the five (5) incidents, there were no reported injuries or fatalities. After reviewing the number and the type of accidents in the area surrounding the project site, the City Traffic Engineer has determined that the area has a low rate of traffic related accidents.

Increase in Traffic. As part of the environmental review for the project, pursuant to Section 15332 (In-Fill Development Projects) of the State CEQA Guidelines (14 Cal. Code Regs., Section 15303), analysis was conducted to determine whether a Level of Service (LOS) and/or Vehicle Miles Traveled (VMT) analysis would be required for the project. The analysis used the City of Garden Grove Traffic Impact Analysis (TIA) Guidelines which were adopted by the City Council to ensure that the impact of land use proposals on the existing and future circulation system can be adequately assessed.

According to the analysis, the proposed 27-unit project is forecast to generate a total of 186 daily vehicle trips, with 11 AM and 14 PM peak hour vehicle trips. The previous daycare facility generated a total of 248 daily vehicle trips, with 57 AM and 58 PM peak hour vehicle trips. Compared to the previous use, the proposed project generates a 46 net decrease in AM peak hour trips and a 44 net decrease in PM peak hour trips, which is an overall reduction in daily trip generation to the site. The number of additional vehicle trips that will be generated by this project has been calculated based on commonly used peer-reviewed methodologies, and, the proposed project is not anticipated to significantly increase vehicular traffic in the area nor have significant impacts related to traffic.

Public Sidewalks. The Project is conditioned on the developer building a sidewalk in front of the development. Pursuant to Condition No. 16, the applicant is required to improve the public right-of-way area along the project site's lot frontage with approximately 120 lineal feet of new sidewalk and landscaped parkways. Absent a clear nexus to impacts resulting from a specific project, the City does not have legal authority to require developers to bear the cost of building sidewalks or improving the public right-of-way in areas beyond the project's frontage.

Proposed Modification(s) by the Applicant:

Pedestrian Safety. In order address comments and concerns raised in regards pedestrian safety in the public right-of-way areas fronting the project site, the applicant is proposing a modification to its proposal to improve the lighting in the area fronting the property. The existing power pole, fronting the subject property, is required to be relocated. The applicant proposes to add a light fixture on the new relocated power pole to further improve the street lighting in the public right-of-way area fronting the subject property. The design and location of the new electrical pole will be required to comply with applicable City and Southern California Edison standards.

Accordingly, the following new proposed Conditions of Approval have been added:

(Additions shown in ***bold-italics***. Deletions shown in ~~strikethrough~~.)

- 94. As proposed by the applicant, the applicant shall install a light fixture on the new relocated power pole fronting the subject site in accordance with the Public Works Engineering Division and Southern California Edison required standards.***

Safe Routes to School. In 2019, the City's *Safe Routes to School Phase 1 Master Plan* (Attachment 3) was completed and established the City's foundation toward supporting Safe Routes to School (SRTS) by striving to increase the number of children walking or biking to school by removing barriers that prevent them from doing so. SRTS programs seek to address problems such as childhood obesity, air quality, and traffic congestion around schools. As part of the first phase of the City's developing SRTS program, the City's SRTS Phase I Master Plan focused on six (6) schools from the Garden Grove Unified School District, including the Brookhurst Elementary School, which is in close proximity to the project site. The SRTS plan includes engineering recommendations for infrastructure improvements; guidance for educational, encouragement, evaluation, and enforcement programs; and strategies to implement the recommendations and programs that are supportive of the Safe Routes to School vision. Assessment of existing infrastructure in the immediate areas of the Brookhurst Elementary School observed conditions such as faded crosswalks, missing curb ramps, faded school pavement markings, and damaged street signs. Recommended infrastructure improvements noted in the SRTS Plan for the Brookhurst Elementary School included the following:

- Installation of new pedestrian/school directional and yield signs
- Painting of high visibility school crosswalks
- Installation of new pavement markings for school crossings and "shark teeth" yield lines
- New red curb painting

- Roadway modifications such as curb extension islands at pedestrian crossing locations
- New curb ramps for ADA (Americans with Disabilities Act) pedestrian access

The City remains committed to implementing recommended engineering infrastructure improvements outlined in the SRTS Master Plan to improve the safety of the residents and children in all of the studied areas. Currently, Public Works, as the leading City Department for this project, just completed the recommended safety improvements for the AJ Cook Elementary School, and is planning to proceed with the recommended improvements around the Brookhurst Elementary School in the next two (2) years.

To help expedite and support the process, the applicant has pledged to contribute \$2,000.00 to the City to be used towards implementing the SRTS infrastructure recommendations for the Brookhurst Elementary School, as described in Section 6.8 and 6.9 of the *Safe Routes to School Phase 1 Master Plan*. This contribution to support the City's SRTS infrastructure improvement efforts would be made to the City prior to issuance of a building permit for the project.

Accordingly, the following new Condition of Approval has been added as follows:

(Additions shown in ***bold-italics***. Deletions shown in ~~strikethrough~~.)

- 95. As offered and proposed by the applicant, prior to issuance of a building permit, the applicant shall contribute \$2,000.00 to the City to only be used towards implementing the Safe Route To School infrastructure recommendations for the Brookhurst Elementary School, as described in Section 6.8 and 6.9 of the Safe Routes to School Phase 1 Master Plan.***

ADDITIONAL COMMENTS RECEIVED SINCE NOVEMBER 16TH MEETING

On December 4, 2023, the City received a letter from the applicant's attorneys, Holland & Knight, a copy of which is attached to this Report as Attachment 4.

HOUSING ACCOUNTABILITY ACT (HAA)

The discretion the Planning Commission may exercise when reviewing proposed housing development projects is limited both by State law and Garden Grove Municipal Code (GGMC) Section 9.60.020 (Review of Housing Development Projects). Specifically, the State's Housing Accountability Act ("HAA"), found at Government Code Section 65589.5, contains express limitations on city authority to deny or condition a proposed housing development project that meets objective zoning standards and criteria. The pertinent requirements of the HAA have been incorporated into GGMC Section 9.60.020, which requires the Planning Commission

to follow State law when reviewing housing projects and requires that specific findings be made, consistent with State law, in order to disapprove a housing project.

Subdivision (j)(1) of the State's HAA provides as follows:

"When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, but the local agency proposes to disapprove the project or to impose a condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

(A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density."

Further, pursuant to subdivision (j)(3) of the HAA, *"[T]he receipt of a density bonus, incentive, concession, waiver, or reduction of development standards pursuant to Section 65915 shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision."*

Finally, the term "objective" is defined in the HAA to mean: *"involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official."* (Gov't Code §65589.5(h)(8).)

Should the Planning Commission wish to disapprove the proposed project or require development at lesser density, it must make written findings pursuant to the HAA provisions above and GGMC Section 9.60.020, citing a significant, quantifiable, direct,

and unavoidable impact based on objective, identified written public health or safety standards, policies, or conditions, as prescribed by State Law.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Adopt Resolution No. 6073-23 approving Site Plan No. SP-129-2023, subject to the modified recommended Conditions of Approval.

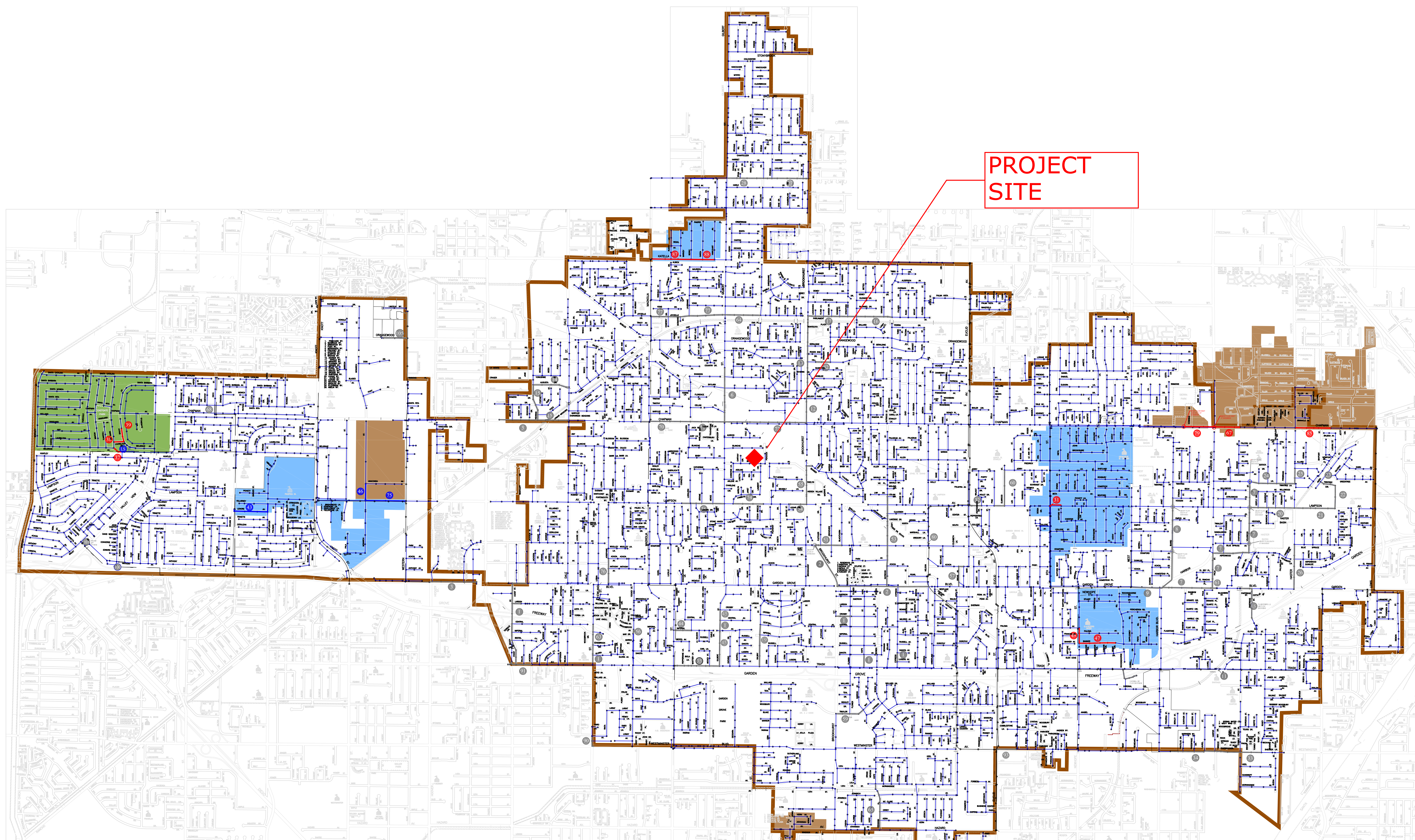


Maria Parra
Planning Services Manager



By: Huong Ly
Associate Planner

- Attachment 1: District Sanitary Map
Attachment 2: Collision Summary Report
Attachment 3: Level of Service (LOS) and Vehicles Miles Traveled Analysis
Attachment 4: Applicant's Letter to Planning Commission dated December 4, 2023
Attachment 5: Resolution No. 6073-23 with Exhibit "A"- updated Conditions of Approval

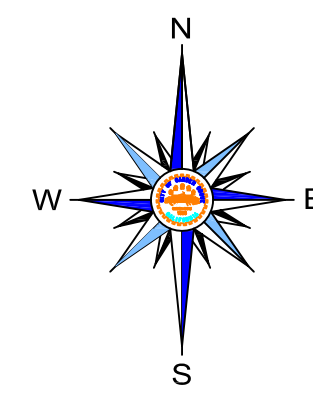


PROJECT SITE

GARDEN GROVE SANITARY DISTRICT DEPARTMENT OF PUBLIC WORKS

LEGEND

- = Verified Capacity Deficiency
- = Calculated Capacity Deficiency (Flow Test Needed)
- = Minimal Capacity Deficiency
- # = Project Number
- # = Project Under Construction
- # = Project In Design
- # = Project Completed



SCALE: 1"=1,500 FT.

UPDATED: July 27, 2018

THIS MAP REPRESENTS AREAS THAT ARE UPSTREAM OF IDENTIFIED SEWER SYSTEM DEFICIENCIES IN THE 2012 SANITARY DISTRICT MASTER PLAN.

DEPENDENT ON PROPOSED DEVELOPMENT, IT IS POSSIBLE THAT DEFICIENCIES MAY EXIST IN OTHER AREAS. PROPOSED DEVELOPMENTS SHALL BE REVIEWED FOR IMPACT ON THE SEWER SYSTEM.

PERIODIC UPDATES WILL BE PROVIDED AS THE DISTRICT'S SEWER MASTER PLAN IS CONSTRUCTED.

**City of Garden Grove
Traffic Engineering Department**

From 1/1/2015 to 12/31/2022

Total Collisions: 1

Injury Collisions: 0

Fatal Collisions: 0

Collision Summary Report

12/4/23

BIXBY AVE & CARTHAY CIR

Page 1 of 1

8403176	6/21/2017	10:20	Wednesday	BIXBY AVE - CARTHAY CIR	0'	Direction: West	Daylight	Clear	Pty at Fault:1
	Rear-End		Other Motor Vehicle	Improper Turning	22107	Hit & Run: No	Property Damage Only	# Inj: 0	# Killed: 0
Party 1 Driver	West	Proceeding Straight		Female Age: 53	2004 HONDA		Passenger Car, Station Wagon, Jeep	No Injury	
Veh Type: Passenger Car		Sobriety: HNBD		Assoc Factor: Not Stated	Air Bag Deployed		Not Stated		
Party 2 Parked Vehicle	West	Parked		Not Sta Age:	2015 NISSAN		Passenger Car, Station Wagon, Jeep	No Injury	
Veh Type: Passenger Car		Sobriety: HNBD		Assoc Factor: Not Stated	Not Stated		Not Stated		
Party 3 Parked Vehicle	West	Parked		Not Sta Age:	2002 TOYOTA		Passenger Car, Station Wagon, Jeep	No Injury	
Veh Type: Passenger Car		Sobriety: HNBD		Assoc Factor: Not Stated	Not Stated		Not Stated		
Party 4 Parked Vehicle	West	Parked		Not Sta Age:	2014 TOYOTA		Passenger Car, Station Wagon, Jeep	No Injury	
Veh Type: Passenger Car		Sobriety: HNBD		Assoc Factor: Not Stated	Not Stated		Not Stated		

Settings for Query:

Street: BIXBY AVE

Cross Street: CARTHAY CIR

Intersection Related: True

Sorted By: Date and Time

**City of Garden Grove
Traffic Engineering Department**

From 1/1/2015 to 12/31/2022

Total Collisions: 1

Injury Collisions: 0

Fatal Collisions: 0

Collision Summary Report

12/4/23

BIXBY AVE & CHRISTINE LN

Page 1 of 1

8145655	10/3/2016	07:45	Monday	BIXBY AVE - CHRISTINE LN	0'	Direction: Not Stated	Daylight	Clear	Pty at Fault:1
	Not Stated		Parked Motor Vehicle	Improper Turning	22107	Hit & Run: No	Property Damage Only	# Inj: 0	# Killed: 0

Party 1 Driver	East	Proceeding Straight	Male	Age: 21	2004 MAZDA		Sport Utility Vehicle	No Injury
Veh Type: Passenger Car		Sobriety: HNBD		Assoc Factor: Not Stated		Air Bag Not Deployed	Not Stated	
Party 2 Parked Vehicle	East	Parked	Not Sta	Age:	1993 MAZDA		Passenger Car, Station Wagon, Jeep	No Injury
Veh Type: Passenger Car		Sobriety: Not Applicable		Assoc Factor: Not Stated		Not Stated	Not Stated	

Settings for Query:

Street: BIXBY AVE

Cross Street: CHRISTINE LN

Intersection Related: True

Sorted By: Date and Time

**City of Garden Grove
Traffic Engineering Department**

From 1/1/2015 to 12/31/2022

**Total Collisions: 2
Injury Collisions: 0
Fatal Collisions: 0**

Collision Summary Report

12/4/23

BIXBY AVE & HESTER PL

Page 1 of 1

7127395	12/2/2015	01:05	Wednesday	BIXBY AVE - HESTER PL		5'	Direction: West	Dark - Street Ligh	Clear	Pty at Fault:1
	Sideswipe		Other Motor Vehicle	Improper Turning	22107		Hit & Run: Misde	Property Damage Only	# Inj: 0	# Killed: 0
Party 1	Driver	West	Other Unsafe Turning	Not Sta	Age: 0-		Unknown Hit and Run Vehicle Involvem		No Injury	
	Veh Type: Not Stated		Sobriety: HBD Impairment Un	Assoc Factor: Not Stated	Not Stated		Not Stated			
Party 2	Parked Vehicle	West	Parked	Not Sta	Age: 2015 HYUNDAI		Sport Utility Vehicle		No Injury	
	Veh Type: Passenger Car		Sobriety: Not Applicable	Assoc Factor: Not Stated	Not Stated		Not Stated			
Party 3	Parked Vehicle	West	Parked	Not Sta	Age: 2011 NISSAN		Passenger Car, Station Wagon, Jeep		No Injury	
	Veh Type: Passenger Car		Sobriety: Not Applicable	Assoc Factor: Not Stated	Not Stated		Not Stated			
8409522	6/23/2017		Friday	BIXBY AVE - HESTER PL		45'	Direction: East	Dark - Street Ligh	Clear	Pty at Fault:
	Sideswipe		Parked Motor Vehicle	Unknown			Hit & Run: Misde	Property Damage Only	# Inj: 0	# Killed: 0
Party 1	Driver	West	Passing Other Vehicle	Female	Age: 91	2001 FORD	Sport Utility Vehicle		No Injury	
	Veh Type: Passenger Car		Sobriety: Impairment Not Kno	Assoc Factor: Not Stated	Air Bag Not Deployed		Not Stated			
Party 2	Parked Vehicle	West	Parked	Not Sta	Age: 2002 CHEVROLET		Pickups & Panels		No Injury	
	Veh Type: Pickup Truck		Sobriety: Not Applicable	Assoc Factor: Not Stated	Not Stated		Not Stated			

Settings for Query:

Street: BIXBY AVE

Cross Street: HESTER PL

Intersection Related: True

Sorted By: Date and Time

**City of Garden Grove
Traffic Engineering Department**

From 1/1/2015 to 12/31/2022

Total Collisions: 0

Injury Collisions: 0

Fatal Collisions: 0

Collision Summary Report

12/4/23

BIXBY AVE & LAMBERT CIR

Page 1 of 1

Settings for Query:

Street: BIXBY AVE

Cross Street: LAMBERT CIR

Intersection Related: True

Sorted By: Date and Time

**City of Garden Grove
Traffic Engineering Department**

From 1/1/2015 to 12/31/2022

Total Collisions: 1

Injury Collisions: 0

Fatal Collisions: 0

Collision Summary Report

12/4/23

BIXBY AVE & PEACOCK CT

Page 1 of 1

8118230	8/14/2016	03:42	Sunday	BIXBY AVE - PEACOCK CT	26'	Direction: West	Dark - Street Ligh	Clear	Pty at Fault:1
	Rear-End		Parked Motor Vehicle	Driving Under Influence	23152A	Hit & Run: No	Property Damage Only	# Inj: 0	# Killed: 0

Party 1 Driver	West	Proceeding Straight	Male	Age: 32	2015 HONDA				No Injury
Veh Type: Not Stated		Sobriety: HBD Under Influence	Assoc Factor: Not Stated		Air Bag Deployed		Not Stated		
Party 2 Parked Vehicle	West	Parked	Not Sta	Age: 1999	HONDA				No Injury
Veh Type: Not Stated		Sobriety: HNBD	Assoc Factor: Not Stated		Not Stated		Not Stated		
Party 3 Parked Vehicle	West	Parked	Not Sta	Age: 2015	CHEVROLET				No Injury
Veh Type: Not Stated		Sobriety: HNBD	Assoc Factor: Not Stated		Not Stated		Not Stated		

Settings for Query:

Street: BIXBY AVE
Cross Street: PEACOCK CT
Intersection Related: True
Sorted By: Date and Time

ENVIRONMENT | PLANNING | DEVELOPMENT SOLUTIONS, INC.

To: City of Garden Grove
From: Daji Yuan, Ph.D.;/Meghan Macias, T.E., EPD Solutions Inc
Date: 5/30/2023
Site: 9691 Bixby Avenue Apartments
Subject: Level of Service (LOS) and Vehicle Miles Traveled (VMT) Screening Analysis

This technical memorandum provides an evaluation of the proposed residential project located at 9691 Bixby Avenue, in the City of Garden Grove. The purpose of this analysis is to determine whether a level of service (LOS) or a vehicle miles traveled (VMT) analysis would be required for the project. The existing 0.83-acre site is currently used as a preschool. The applicant for the proposed Project is requesting approval from the City of Garden Grove to demolish the existing daycare structures on the Project site and to construct a new three-story multifamily apartment complex. The complex would include a parking structure on the first floor and 27 multi-family residential units on the second and third floors. The Project would provide three affordable units for very –low-income households, which entitles the Project to a 50 percent density bonus from the base density. The Project would provide a total of 50 parking spaces on the first floor. The second floor would include 13 units, a community room, business center, and open space/BBQ areas. The third floor would include 14 units. The proposed units would vary from one bedroom to three-bedroom apartments. The proposed Project would also include other onsite amenities such as a community garden, mail room, and storage areas for residents. The Project would be accessed via one driveway along Bixby Avenue. In addition, the Project would include the construction of a six-foot-high concrete perimeter wall. Construction is anticipated to take 6 months. The project site plan is shown in Figure 1. This memo will evaluate the project using the City of Garden Grove Traffic Impact Analysis (TIA) Guidelines for Vehicles Miles Traveled and Level of Service Assessment (May 2020).

Project Trip Generation

The project trip generation was prepared using trip rates from the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 11th Edition (2021). The existing preschool was analyzed using Day Care Center (ITE Land Use Code 565) and the proposed use was analyzed using Multifamily Housing (Low-Rise) (ITE Land Use Code 220). Table 1 presents the trip generation estimate for the proposed project. As shown in Table 1, the project is forecast to generate 182 daily vehicle trips, 11 AM and 14 PM peak hour vehicle trips, which results in a 66 net decreases in daily trips, including a 46 net decrease trips in AM peak hour and a 44 net decrease trips in PM peak hour.

Level of Service Screening (For Non-CEQA Purposes)

As per the City's TIA Guidelines 'Introduction' Section, a complete LOS TIA is not required if the project generates less than 50 vehicle trips during either the AM or PM peak hour. As shown in Table 1, the project is forecast to generate a 46 net decrease in AM peak hour trips and a 44 net decrease in PM peak hour trips. Therefore, the proposed project would not require a complete LOS analysis as per the City's TIA Guidelines.

Vehicle Miles Traveled Screening

Senate Bill (SB) 743 was signed by Governor Brown in 2013 and required the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide an alternative to LOS for evaluating

Transportation impacts, aiming to promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks and a diversity of land uses. In response, Section 15064.3 - Determining the Significance of Transportation Impacts, was added to the CEQA Guidelines which states that VMT is the most appropriate measure of transportation impacts and shall apply statewide beginning on July 1, 2020.

The City's TIA Guidelines 'CEQA Assessment - VMT Analysis' Section provides VMT screening thresholds to identify projects that would be considered to have a less-than significant impact on VMT and therefore could be screened from further analysis. If a project meets one of the following criteria, then the VMT impact of the project would be considered less-than significant and no further analysis of VMT would be required:

1. Transit Priority Area (TPA) Screening.
2. Low VMT Area Screening.
3. Project Type Screening.

The applicability of each criterion to the project is discussed below.

Screening Criteria 1 - Transit Priority Area Screening: According to the City's Guidelines, projects located in a TPA may be presumed to have a less than significant impact. However, as indicated in Table 2, this presumption might not be applicable for this project since it does not meet all the outlined requirements. As per the Exhibit 4.14-6 Transit Priority Areas from Focused General Plan Update and Zoning Amendments, Garden Grove, the project is located in a TPA. However, the project would not satisfy the requirements of Screening Criteria 1 because the project does not meet all the requirements in Table 2.

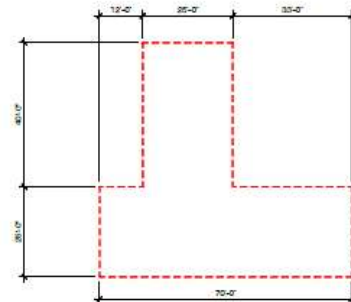
Screening Criteria 2 - Low VMT Area Screening: The City's Guidelines use OCTAM to determine if the project is located in a low VMT generating area. As per the Exhibit 4.14-5 Housing Allocation by TAZ from Focused General Plan Update and Zoning Amendments, Garden Grove, the proposed project is located in Zone 2, where the project area may or may not have a VMT impact and would need further analysis to verify.

Screening Criteria 3 – Project Type Screening: According to the City's Guidelines, projects which propose local serving retail (retail projects less than 50,000 square feet) or other local serving uses would have a less than significant impact on VMT. The types of projects considered local serving include K-12 schools, day care centers, local parks, student housing projects and community institutions such as libraries, fire stations, etc. In addition, projects which would generate fewer than 110 average daily vehicle trips would not cause a substantial increase in the total citywide or regional VMT. As shown in Table 1, the project would generate a 66 net decrease in daily trips, including a 46 net decrease in AM peak hour trips and a 44 net decrease in PM peak hour trips. Although the project does not propose a local serving land use, it would generate less than 110 daily vehicle trips, Screening Criteria 3 is satisfied. The project can be presumed to have a less than significant impact on VMT and further analysis would not be required.

Summary

The project was evaluated using the City's TIA Guidelines thresholds to determine if the project would require a LOS (for non-CEQA purpose) or a VMT analysis. The project generates 182 daily vehicle trips, 11 AM and 14 PM peak hour vehicle trips. Comparing to the existing use, the project would generate a 66 net decrease in daily trips, including a 46 net decrease trips in AM peak hour and a 44 net decrease trips in PM peak hour, which generates less than 50 peak hour trips and less than 110 daily vehicle trips, and the project is located in a TPA. For non-CEQA purposes, no further LOS analysis is required. In addition, the project VMT impacts would be considered less than significant, and no further analysis would be required.

Figure 1: Project Site Plan



REQUIRED / PROVIDED AMENITY SPACE

- ACTIVE OPEN SPACE - 1,350 SF
- COMMUNITY GARDEN - 56 SF
- CLUBHOUSE WITH KITCHEN - 400 SF
- BBQ WIT TABLE SEATING - 2
- BUSINESS CENTER - 4 STATIONS

MIN. HAMMERHEAD DIMENSION PER
O.C. FIRE AUTHORITY

BIXBY AVENUE APARTMENTS

9691 BIXBY AVENUE, GARDEN GROVE, CA. 92841

APPLICANT:
153 INVESTMENTS, L.L.C.
15671 WEST STREET
GARDEN GROVE, CA. 92841

OLYMPIA CAPITAL CORPORATION
PO BOX 14003
GARDEN GROVE, CA. 92841



Table 1: Project Trip Generation

Land Use	Units	Daily	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
<u>Trip Rates</u>								
Day Care Center ¹	TSF	47.62	5.83	5.17	11.00	5.23	5.89	11.12
Multifamily Housing (Low-Rise) ²	DU	6.74	0.10	0.30	0.40	0.32	0.19	0.51
<u>Project Trip Generation</u>								
Existing Preschool ¹	5.200 TSF	248	30	27	57	27	31	58
Proposed Apartment Community ²	27 DU	182	3	8	11	9	5	14
Net Trip Generation		-66	-27	-19	-46	-18	-26	-44

TSF= Thousand Square Feet

DU = Dwelling Unit

¹ Trip rates from the Institute of Transportation Engineers, *Trip Generation Manual, 11th Edition, 2021*, Land Use Code 565-Day Care Center.

² Trip rates from the Institute of Transportation Engineers, *Trip Generation Manual, 11th Edition, 2021*, Land Use Code 220-Multifamily Housing (Low-Rise).

Table 2: Transit Priority Area (TPA) Screening

Transit Priority Area (TPA) Screening		
1	Has a Floor Area Ratio (FAR) of less than 0.75;	No, the FAR is 0.88 as per the site plan.
2	Includes more parking for use by residents, customers, or employees of the project than required by the City;	Yes, the minimum required is 34 spaces, but the proposed project would provide 50 spaces.
3	Is inconsistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Southern California Association of Governments [SCAG]); or	No.
4	Replaces affordable residential units with a smaller number of moderate- or high-income residential units.	No.

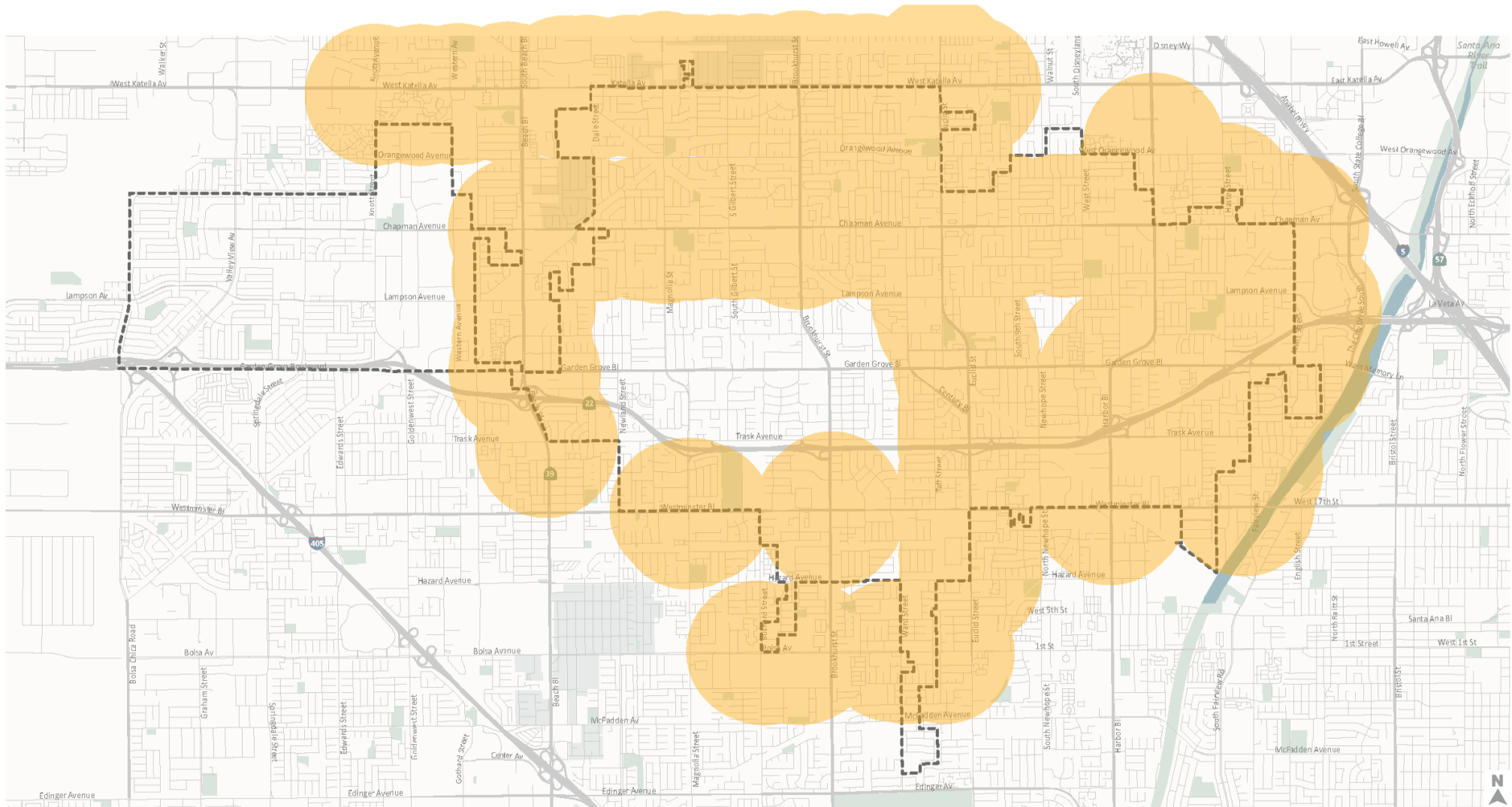
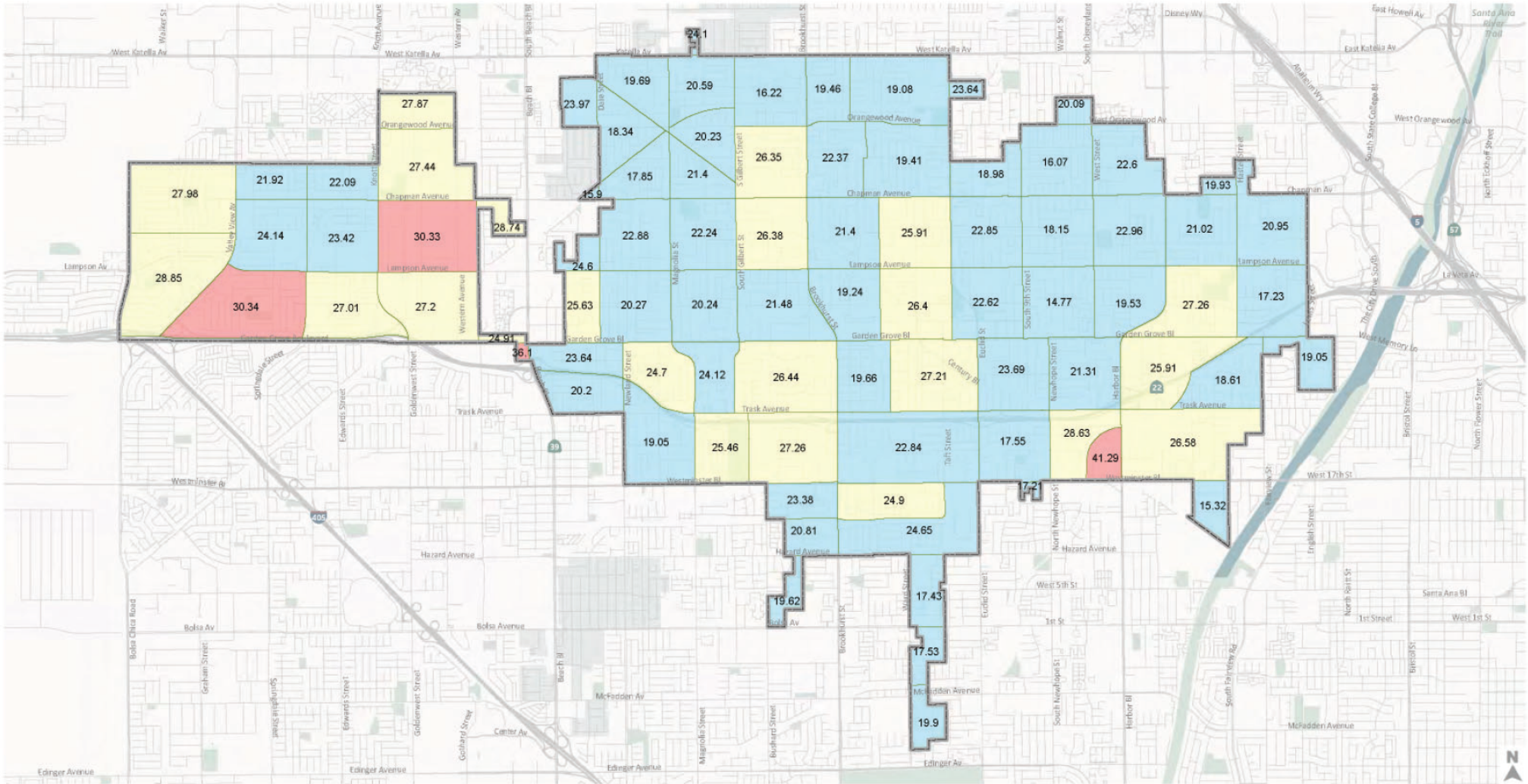


Exhibit 4.14-6 Transit Priority Areas

Focused General Plan Update and Zoning Amendments
Garden Grove, California





Orange County Average VMT/SP: 29.01

Exhibit 4.14-5 Housing Allocation by TAZ

Focused General Plan Update and Zoning Amendments
Garden Grove, California



Holland & Knight

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Holland & Knight LLP | www.hklaw.com

Ryan M. Leaderman
+1 213-896-2405
Ryan.Leaderman@hklaw.com

December 4, 2023

Via E-mail (public-comment@ggcity.org)

Planning Commission Chair Lindsay
Vice Chair Cunningham
Honorable Planning Commissioners
Garden Grove Planning Commission
11222 Acacia Parkway
Garden Grove, CA 92840

Re: **State Law Mandates Planning Commission Approval of Site Plan No. SP-129-2023/9691 Bixby Avenue**

Chair Lindsay, Vice Chair Cunningham, and Honorable Commissioners:

This firm represents Bixby Avenue Investment, LLC (the "Applicant") in connection with its 27-unit residential development project (the "Project") located at 9691 Bixby Avenue. The City of Garden Grove (the "City") Community Development Department (the "Department") November 16, 2023 Staff Report recommended approval of the Project, but the Planning Commission went a different direction when it continued the hearing until December 21, 2023. As a matter of law, pursuant to the Housing Accountability Act (the "HAA") and State Density Bonus Law ("SDBL"), **the City cannot deny the Project, because it has not and cannot make the legal findings for denial.** Notwithstanding the Planning Commission's lack of discretion to deny the Project, as outlined later in this letter, the Applicant offers several modifications to address comments made at the November 16th hearing. Therefore, the Applicant respectfully requests that the Planning Commission approve the Project with the changes proposed herein.

Background

California is undergoing a housing crisis, and our Legislature has adopted a number of laws to help address this crisis. Under the 6th Cycle Regional Housing Needs Allocation ("RHNA"), the City has been allocated 19,168 dwelling units during the current compliance period.¹ Currently, the City has only permitted 433 dwelling units, attaining only 2.3 percent of its RHNA obligation.²

¹ See <https://www.hcd.ca.gov/planning-and-community-development/housing-open-data-tools/housing-element-implementation-and-apr-dashboard> accessed December 4, 2023.

² *Id.*

During the current 6th Cycle of RHNA, the City has not even permitted a single very low income unit even though the City has a RHNA obligation of 4,166 very low income units.³ The Project proposes 27 dwelling units of which three would be very low income and 24 would be above-market rate units.

The Project would produce much needed housing in compliance with the City's Land Use Element and recently adopted Housing Element which calls for a density of 21 dwelling units per acre within the Low Medium Density Residential District in which the Project is located.

The HAA and SDBL Mandate that the Planning Commission Approve the Project

One preeminent law to address the housing crisis is the HAA, which limits the City's ability to deny, reduce the density of, or otherwise render infeasible the Project. Here, the Project complies with all applicable use requirements and development standards of the General Plan and Zoning Code. To the extent that the Project Applicant has sought concessions and waivers of development standards, these are not inconsistencies under the law.⁴ Because the City did not raise any inconsistency during the required timelines while the Project was undergoing review (within 30 days of the application for a housing development being determined to be complete),⁵ but rather determined throughout review that the Projects were consistent with all standards, the Project is "deemed consistent, compliant, and in conformity with" the General Plan, and the Zoning Code.⁶ The City is therefore prohibited from now making findings that the Project does not comply with the above-listed regulatory documents.

Accordingly, the Planning Commission is only permitted to deny the Project if it can make the narrow findings, supported by a preponderance of the evidence, that the Project would cause a "specific, adverse impact upon the public health or safety" that is "quantifiable, direct, and unavoidable," based on "objective, identified public health or safety standards, policies, or conditions," and that cannot be mitigated.⁷ There is no evidence, let alone a preponderance of the evidence, that the Project would cause such impacts, which the Legislature has specifically indicated will arise "infrequently."⁸

With respect to SDBL, City must grant concessions that reduce the cost of providing affordable housing, and must also grant waivers that physically preclude a project with amenities, as proposed. Here, the Project proposes concessions to reduce the cost of providing affordable housing, as well as waivers of development standards that would physically preclude the Project as proposed. "If the project were not built, it goes without saying that housing units for lower

³ *Id.*

⁴ Govt. Code § 65915(j)(1).

⁵ Govt. Code § 65589.5(j)(2)(A).

⁶ Govt. Code § 65589.5(j)(2)(B).

⁷ Govt. Code § 65589.5 (j)(1).

⁸ Govt. Code § 65589.5 (a)(3).

income households would not be built and the purpose of the density bonus law to encourage such development would not be achieved.”⁹

If the City fails to grant the requested incentives or failed to waive inconsistent design standards as requested by the Applicant, the City would violate SDBL. “If the City had denied the requested incentives or failed to waive any inconsistent design standards, it would have physically precluded construction of the Project, including the affordable units, and defeated the Density Bonus Law’s goal of increasing affordable housing.”¹⁰ Here, the Applicant has requested incentives, waivers, as well as a reduced parking ratio, all permitted by SDBL. Similar to the limited bases to legally deny the Project found in the HAA, the only limited bases to deny the requested SDBL incentives or concessions would be for the City to find, based on substantial evidence, that granting such relief (1) would have "a specific, adverse impact ... upon public health and safety," for which there is no feasible way to mitigation, (2) would have an adverse impact on any historic resource, or (3) would be contrary to state or federal law.¹¹ There is no evidence in the record to support any of these findings. As such, the Planning Commission cannot deny requested SDBL relief.

The Potentially Severe Legal Consequences of Denying the Project

If the Planning Commission does deny the Project, the City would face severe potential consequences. A broad range of plaintiffs can sue to enforce the HAA, and the City would bear the burden of proof in any challenge.¹² As reformed in the 2017 legislative session, the HAA makes attorneys’ fees and costs of suit presumptively available to prevailing plaintiffs, requires a minimum fine of \$10,000 per housing unit for jurisdictions that fail to comply with the HAA within 60 days, and authorizes fines to be multiplied by five times if a court concludes that a local jurisdiction acted in bad faith when rejecting a housing development.

Project Modifications

While the City’s discretion is severely limited here and the legal findings to support a denial cannot be made, the Applicant heard comments raised at the November 16th Planning Commission hearing. The Applicant is willing to voluntarily commit to additional conditions of approval regarding the following:

- Pet waste management. The Applicant is willing to commit to a Poo Print Program that requires each tenant to identify pets in its lease and to provide DNA samples of dogs identified in the lease so that in the event that there is uncleaned dog waste, identification of the responsible dog’s owner can be made. See [PooPrints – The DNA Solution for Dog Waste](#).
- New dog waste stations. The Applicant commits to the installation and maintenance of two dog waste stations within the Project site. See [Dog Waste Station – PooPrints](#).

⁹ *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1346-1347.

¹⁰ *Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 774.

¹¹ Govt. Code § 65915(d)(1)(B)-(C), (e)(1).

¹² Govt. Code § 65589.5(k).

December 4, 2023

Page 4

- Installation of light fixture on power pole. Whether on a new or existing power pole in the vicinity of the Project site, the Project shall install a light fixture along Bixby Avenue in compliance with applicable City and Southern California Edison standards.
- Designation of two guest parking spaces within parking garage. The Applicant requests modification of draft condition of approval 78 to state that each dwelling unit would be provided at least one parking space, however, with no two separate dwelling units sharing of tandem parking spaces. At least two non-tandem parking spaces within the garage shall be designated for guest parking at all times, and not assigned to any particular dwelling unit. A placard will be necessary for each parking space, whether assigned or guest parking.
- The Garden Grove Safe Routes to School: Phase 1 Plan, dated March 2019. The project shall contribute \$2,000 to be used towards implementing the Infrastructure Recommendations for the Brookhurst Elementary School as further described in Section 6.8 and 6.9 of the Plan. This contribution would be made as a condition to a building permit for the structure being issued.

The Applicant is committed to providing housing in this community. With the Applicant's proposed changes, the Applicant will have made meaningful changes to the Project that help address comments and concerns that were previously raised. If the City illegally denies the Project or unlawfully reduces its density, in addition to the Applicant's standing to bring a lawsuit against the City, housing advocacy organizations would have standing to help enforce the HAA in any legal proceeding or have the ability to bring a separate legal challenge.

Sincerely yours,

HOLLAND & KNIGHT LLP



Ryan M. Leaderman

cc: Bill Jager
Loc Tran

RESOLUTION NO. 6073-23

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-129-2023 FOR PROPERTY LOCATED ON THE NORTH SIDE OF BIXBY AVENUE, BETWEEN PEACOCK COURT AND CARTHAY CIRCLE, AT 9691 BIXBY AVENUE, ASSESSOR'S PARCEL NO. 133-102-24.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on December 21, 2023, hereby approves Site Plan No. SP-129-2023 for a property located on the north side of Bixby Avenue, between Peacock Court and Carthay Circle, at 9691 Bixby Avenue, Assessor's Parcel No. 133-102-24, subject to the conditions of approval attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-129-2023, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by The Jager Co., Ltd., with authorization from the property owner, Bixby Avenue Investment, LLC.
2. The applicant is requesting Site Plan approval to construct a three-story, 27-unit residential apartment complex and associated improvements on a 0.83-acre lot. The proposal includes three (3) affordable housing units for "very-low income" households. Inclusion of the three (3) very low-income units qualifies the project for a density bonus, concessions, waivers, and reduced parking pursuant to the State Density Bonus Law, and the project has been designed to incorporate certain concessions and waivers of development standards pursuant to the State Density Bonus Law. All existing on-site improvements will be demolished to accommodate the proposed development.
3. The City of Garden Grove Planning Commission hereby determines that the proposed project is categorically exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15332 (In-Fill Development Projects) of the State CEQA Guidelines (14 Cal. Code Regs., Section 15303). As set forth in the Class 32 exemption, the proposed project is: (1) consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (2) the proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses; (3) the project site has no value as habitat for endangered, rare or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality; and (5) the site can be adequately served by all required utilities and public services. The project is therefore exempt from CEQA review.
4. The property has a General Plan Land Use designation of Low Medium Density Residential (LMR) and is zoned R-2 (Limited Multiple Residential). The site is currently developed with a Preschool and Children Day Care, Precious Years Children Center.

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 the City staff was reviewed.
7. Pursuant to legal notice, a public hearing was held on November 16, 2023 and December 21, 2023, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meetings on November 16, 2023 and December 21, 2023.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.04.030 are as follows:

FACTS:

The project site is approximately 36,120 square feet (0.83 acres) and is located on the north side of Bixby Avenue, between Carthay Circle and Peacock Court. The subject site has a General Plan Land Use designation of Low Medium Density Residential (LMR) and is zoned R-2 (Limited Multiple Residential). The property abuts an R-2 zoned property to the east, R-1 (Single-Family Residential) zoned properties to the north, to the west, and across Bixby Avenue to the south. Surrounding uses to the subject property include single-family residential dwellings to the north and across Bixby Avenue to the south, a multiple-family residential development to the east, and a religious facility, Our Lady Help of Christian, to the west.

The site is improved with multiple single-story buildings that have been used as a Preschool and Children daycare, Precious Years Children Center, since 1999. Per City's Business License records, the daycare business ceased its operation in February 2022, and the buildings have been left vacant. After purchasing the building in 2022, the applicant has submitted a request for Site Plan approval to construct a new three-story multi-family residential building that consists of a parking garage on the ground floor and twenty-seven (27) dwelling units on the second and third floor, which include three (3) affordable units for "very-low income" households. All existing site improvements will be demolished to accommodate the proposed project.

With the inclusion of three (3) affordable housing units for "very-low income" households, pursuant to the State Density Bonus Law, the project qualifies for a density bonus of 50% of the base density, reduced parking ratio, and the following three (3) concessions and two (2) waivers/modification of development standards set forth in the Garden Grove Municipal Code:

1. A concession to deviate from the forty-foot (40'-0") side-yard stepback requirement at the third floor to be at twenty-nine feet and six inches (29'-6") (Sections 9.12.040.020.A and 9.12.040.050.A.3),

2. A concession to deviate from the maximum 50% lot coverage requirement to be at 53.4% (Section 9.12.040.020.A),
3. A concession to deviate from the minimum one-bedroom unit size requirement of 700 square feet to be reduced to 656 square feet (Section 9.12.040.020.E),
4. A waiver to deviate from the twenty-five foot (25'-0") front setback requirement at the third floor to be at twenty feet (20'-0") (Section 9.12.040.020.A.), and
5. A waiver to deviate from the front, side and rear setback requirements to allow the balcony to encroach up to two feet and six inches (2'-6") into the front, side and rear setback area (Section 9.12.040.020.D).

An Affordable Housing Regulatory Agreement consistent with the State Density Bonus Law (SDBL) and Section 9.60.050 of the Garden Grove Municipal Code will be recorded to ensure continued affordability of the very-low income units for 55 years.

To the extent permitted by State law, conditions of approval have been imposed to help mitigate potential project impacts and to address concerns raised by the public during the public hearing.

FINDINGS AND REASONS:

SITE PLAN (HOUSING DEVELOPMENTS)

1. The proposed development project is consistent, in compliance, and in conformity with the applicable, objective standards, provisions, conditions or requirements of the General Plan, Title 9, or other applicable ordinances or policies of the City.

The proposed project includes construction of a three-story, 27-unit residential apartment complex that includes three (3) affordable housing units for "very--low income" households, along with associated site improvements. The subject site has a General Plan Land Use designation of Low Medium Density Residential (LMR) and is zoned R-2 (Limited Multiple Residential). The LMR Land Use Designation is intended to allow smaller scale multi-family housing, and is a transition between the detached single-family area and the higher density multiple-family area. The LMR is implemented, in part, by the R-2 zone, which allows residential developments with densities of up to 21 units per acre. Pursuant to the State Density Bonus Law, the project is entitled to a density bonus of 50%, reduced parking ratios, three incentives or concessions, and two (2) waivers or modifications of development standards. With the exception of the increased density, reduced parking ratios, and development standards required to be waived or modified pursuant to the State Density Bonus Law, the proposed project complies with all applicable objective development standards and provisions of the General Plan and Municipal Code.

The proposed Project is also consistent with the goals and policies of the General Plan, including the following:

- a. *Policy LU-3.2: Support development of multi-family housing that provides a diversity of densities, types, and prices that meet the needs of all household income levels.*

The proposed project is a multi-family, twenty-seven (27) rental unit development that includes twenty-four (24) "above-moderate income" residential units and three (3) "very-low income" residential units. The inclusion of the three affordable units for "very-low income" households qualifies the project for a density bonus of 50% of the base density, which is equivalent to nine (9) additional units above the maximum base density of 18 units allowed under the State Density Bonus Law (SDBL), for a total of 27 units. Thus, the project proposes the maximum residential density allowed under the SDBL.

- b. *Policy LU-3.3: Encourage developers to build housing projects at or maximum allowable densities.*

The subject project is allowed a maximum density of 21 units per acre, which yields eighteen (18) units for a 0.83 acre lot. With the inclusion of three (3) affordable units for "very-low income" households, the project is providing 17% of its density for affordable housing. Thus, it is entitled to a density bonus of 50% resulting in nine (9) additional units above the maximum base density permitted in the R-2 zone, for a total of twenty-seven (27) units. With the granting of three (3) concessions and two (2) waivers, the project proposes the maximum residential density allowed under the SDBL. Furthermore, the Project will contribute to meeting the City's Regional Housing Needs Allocation (RHNA), as well as the Housing Element policies.

- c. *Goal LU-4: The City seeks to develop uses that are compatible with one another.*

The project is located in a mixed residential neighborhood that consists of both single-family and multi-family residential developments. The properties in the direct vicinity of the project site are zoned R-1 (Single Family Residential), R-2 (Limited Multiple Residential), and R-3 (Multiple Family Residential), and have a Low Density Residential, Low Medium Density Residential, and Medium Density Residential General Plan land use designations. Surrounding uses to the subject property include single-family residential dwellings to the north and across Bixby Avenue to the south, a multiple family residential development to the east, and a church facility to the west. Thus, the proposed housing project is consistent with the development pattern of the surrounding residential uses.

- d. *LU-IMP-3D: Front multi-family housing on local streets with appropriate setbacks to be consistent with neighborhood development patterns.*

The project was reviewed by City staff and was determined to meet the required front, side, and rear setbacks, as set forth by the R-2 zone development standards, with the exception of certain setback and stepback requirements applicable to the third floor granted through concessions and waivers under the SDBL. The proposed building will maintain a twenty feet (20'-0") setback from the front property line along Bixby Avenue, and forty feet and eleven inches (40'-11") from the rear property line. The proposed buildings located on the east side of the site are setback twelve feet and six inches (12'-6") from the easterly property line, and the buildings located to the west of the site are setback twenty nine feet and six inches (29'-6") from the westerly property line, which exceeds the setback standards of the R-2 zone. The R-1 zoned property abutting the subject site to the west is improved with a religious facility. The religious facility consists of multiple one-story buildings centrally located on the site, a large landscaped area in the front, a large parking lot at the rear, and a drive aisle located along the shared property line with the subject site. No single-family residential dwellings are located along the westerly property line. Although concessions and waivers will be granted to deviate from the setback and stepback requirements to the third floor, the proposed building will maintain an adequate distance from neighboring properties. Thus, the setbacks are consistent to the neighborhood development patterns.

- e. *Policy LU-2.4: Assure that the type and intensity of land use shall be consistent with that of the immediate neighborhood.*

The immediate area consists of single-family residential dwellings, multi-family residential developments, and a religious facility. The proposed a twenty-seven (27) unit project was reviewed and determined to be within the allowed density under the SDBL and in compliance with the R-2 zone development standards as set forth by the Municipal Code, with the exception of the concessions and waivers. Thus, the development is consistent with the type and intensity of land use of the immediate neighborhood.

- f. *Policy 2.3 of the Housing Element: Provide density bonuses and other financial and regulatory incentives to facilitate the development of affordable housing.*

The proposed project includes three (3) rental affordable units for "very-low-income" households. To facilitate the development, the applicant is requesting State Density Bonus allowances for 50% density bonus, three (3) concessions, and two (2) waivers to deviate from the R-2 zone

development standards: 1) a concession to deviate from the forty foot (40'-0") side-yard setback requirement at the third floor to be at twenty-nine feet and six inches (29'-6"), (2) a concession to deviate from the maximum 50% lot coverage requirement to be at 53.4%, (3) a concession to deviate from the minimum one-bedroom unit size requirement of 700 square feet to be reduced to 656 square feet, (4) a waiver to deviate from the twenty-five foot (25'-0") front setback requirement at the third floor to be at twenty feet (20'-0"), and the fifteen foot (15'-0") side setback on the east side to be at thirteen feet and six inches (13'-6"), and (5) a waiver to deviate from the front, side and rear setback requirements to allow the balcony to encroach up to two feet and six inches (2'-6") into the front, side and rear setback area. In addition to the density bonus, concessions and waivers, the project is allowed to use the SDBL reduced parking ratios, and tandem parking design. The granting of all of the aforementioned incentives is needed to facilitate the construction of the proposed development and to support the creation of more affordable housing units in the City. Furthermore, the Project will contribute to meeting the City's Regional Housing Needs Allocation (RHNA).

2. The provisions of the California Environmental Quality Act have been complied with.

The proposed development is exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303). As set forth in the Class 32 exemption, the proposed project is: (1) consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (2) the proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses; (3) the project site has no value as habitat for endangered, rare or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality; and (5) the site can be adequately served by all required utilities and public services. Therefore, the provisions of the California Environmental Quality Act have been complied with.

3. The proposed development project does not have specific, adverse impacts, as defined in subdivision (j)(1)(A) of Government Code Section 65589.5, on public health and safety without any feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval of the proposed project.

The proposed twenty-seven (27) unit residential development will not have specific, adverse impacts on the public health and safety. The proposed project is at the maximum allowable density pursuant to the SDBL, is compatible with surrounding uses, is similar in scale to the adjoining neighborhood, and is

consistent with the land use type and intensity in the immediate neighborhood. To the extent permitted by State law, conditions of approval have been imposed to help mitigate potential project impacts and to address concerns raised by the public.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan possess characteristics that would justify the request in accordance with Municipal Code Section No. 9.60.020 (Review of Housing Development Projects).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") shall apply to Site Plan No. SP-129-2023.

EXHIBIT "A"

Site Plan No. SP-129-2023

9691 Bixby Avenue

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 prior to issuance of building permits.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, The Jager Co., Ltd., owner and developer of the project, Bixby Avenue Investment, LLC, and the future owner(s) and tenants(s) of the property, and each of their respective successors and assigns. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Except for minor modifications authorized to be approved by the Community Development Director pursuant to Condition No. 4, any changes of the Conditions of Approval require approval by the appropriate City hearing body.
3. Site Plan No. SP-129-2023 only authorizes construction of a three-story, residential apartment complex, consisting of twenty-seven (27) rental units, which includes three (3) affordable housing units for "very low-income" households, on a 36,120 square feet (0.83 acres) lot located on the north side of Bixby Avenue, between Peacock Court and Carthay Circle, at 9691 Bixby Avenue (APN: 133-102-24), as depicted on the plans submitted by the applicant and made part of the record of the November 16, 2023, Planning Commission proceedings. 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.
4. The approved site plan and floor plan are an integral part of the decision approving this Site Plan. There shall be no additional changes in the design of the site plan and floor plan without the approval of the City. Minor modifications to the Site Plan and/or these Conditions of Approval, which do not materially change the scope or intensity of the project and which will not result in impacts that have not previously been addressed, may be approved by the Community 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.

5. 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

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 per the requirements of the Orange County Health Department and the mitigation requirements of governing regulatory requirements. The report shall make recommendations for foundations and pavement structural section design of interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and the implementation of water quality for storm water runoff, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels.
7. Prior to the issuance of any grading or building permits, the applicant shall submit to the City for review and approval a final design Water Quality Management Plan that:
 - a. Addresses required mitigation Site Design Best Management Practices (BMPs) based upon the latest Santa Ana Regional Water Quality Control Board (SARWQCB) Drainage Area Management Plan (DAMP) as identified in the geotechnical report recommendations and findings, including, but not limited to, infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas as required by the latest adopted County of Orange Technical Guidance Document (TGD).
 - b. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
 - c. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
 - d. Incorporates structural and Treatment Control BMPs as defined in the DAMP.
 - e. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.

- f. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
 - g. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
 - h. Provides a hydrological analysis with scaled map as well as hydrologic and hydraulic calculations to size storm drains per the Orange County RDMD standards.
8. Parkway culverts shall be designed per City of Garden Grove Standard Plan B-209. Storm drain lateral pipe connections to City-maintained storm drains within City right of way shall be RCP with a minimum diameter of 18-inches.
9. Grading plans prepared by a registered Civil Engineer are required. As required under Section 107 of the California Building Code (CBC), 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 utility facilities, easements and proposed utility facilities. All on-site improvements shall be tied by horizontal dimensional control to the property boundary as established by survey. A minimum uninterrupted 20-foot wide throat access to the site is required from the street for the multi residential projects and shall meet the requirements of the California Fire Code throughout the site. Vehicle maneuvering, as demonstrated by Auto Turn along private streets and access ways, shall be demonstrated on the grading plan. Street improvement plans shall conform to all format and design requirements of the City Standard Drawings & Specifications. Approved site plan from planning division shall be included as part of the grading improvements plan package.
10. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer. (See Traffic Engineering Policy TE-17)
11. The applicant shall coordinate with the Planning Services Division and Orange County Fire Authority to identify proper emergency vehicle access to the site and shall provide the Engineering Division a copy of the approval letters upon first submittal of the grading and street improvement plans.
12. Any new drive approaches to the site shall be constructed in accordance with Garden Grove Standard B-121 as they conform to land use and roadway designation.
13. 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 and section 1110A of the California Building Code.

14. All trash container areas shall meet the following requirements per City of Garden Grove Standard B-502 and State mandated commercial organic recycling law, including AB 1826, SB 1383 and its implementing regulations, and any other applicable State recycling laws related to refuse, recyclables, and/or organics. Trash container areas shall be subject to the following, as applicable:
 - a. Paved with an impervious surface, designed not to allow run-on mixing of drainage from adjoining areas, designed to divert drainage from adjoining roofs and pavements to be directed around the area for trash roll out, and screened or walled to prevent off-site transport of trash by water or wind.
 - b. Provide solid roof or awning to prevent direct precipitation into the enclosure.
 - c. Connection of trash area drains to the municipal storm drain system is prohibited. Drainage from the enclosure may be directed to a conforming grease or contaminant interceptor.
 - d. Potential conflicts with fire code access requirements and garbage pickup routing for access activities shall be considered in implementation of design and source control. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD 32 for additional information.
 - e. The trash enclosure and containers shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures, and concrete aprons for roll-out areas.
 - f. Pursuant to state mandated commercial organic recycling law, including AB 1826 and SB 1383 and its implementing regulations, the applicant is required to coordinate storage and removal of the organics waste with local recycling/trash company.
 - g. Pursuant to applicable state mandated laws, the applicant is required to contact and coordinate with the operations manager of the local recycling/trash company (Republic Services, 800-700-8610) to ensure the trash enclosure includes the appropriate size and number of containers for the disposal of items such as, but not necessarily limited to, municipal solid waste (MSW), recyclables, and organic green waste.
 - h. Based on the amount of waste disposed, per week, the applicant shall coordinate with the local recycling/trash company to ensure the adequate frequency of trash pick-up is serviced to the site for municipal solid waste (MSW), recyclables, and organic green waste, and any other type of waste.

- i. The applicant shall ensure large bulk items, intended for coordinated and scheduled pick-up by the local recycling/trash company, are not placed in areas that encroach into drive aisles, parking spaces, pedestrian pathways, or areas in the front of the property including areas public right-of-way (e.g., street, sidewalk), during and after construction. Any large bulk items shall be out of public vantage points.
 - j. The requirements for the trash enclosure and design criteria are bound and coordinated with the Water Quality Management Plan (WQMP), when required, as depicted on the project grading plan, which shall be incorporated into the WQMP by narrative description, exhibits and an Operation and Maintenance Plan (O&M).
15. Any new or required block walls and/or retaining walls shall be shown on the grading plans, both in plan-view and cross sections. Cross sections shall show vertical and horizontal relations of improvements (existing and proposed) on both sides of property lines. Required wall heights shall be measured vertically from the highest adjacent finished grade. Block walls shall be designed in accordance to City of Garden Grove Standard B-504, B-505, B-506 & B-508 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.
 - b. Openings for drainage through walls shall be shown in section details and approved by the City Engineer. Cross lot drainage is not allowed.
16. The applicant shall remove any existing substandard driveway approaches, curbs, sidewalks, ADA ramps, pavement sections, tree well and landscaping, and construct Bixby Avenue frontage improvements as identified below. All landscape, irrigation, sidewalk, and lighting improvements installed within the public rights-of-way shall be maintained by the applicant and shall require the approval of the City Engineer, Street Division, and Planning Services Division.
 - a. Existing substandard driveways on Bixby Avenue shall be removed and replaced with new curb, gutter, landscape, and sidewalk per City standards and specifications.
 - b. The new driveway approaches to the site on Bixby Avenue shall be constructed in accordance with Garden Grove Standard B-121.
 - c. The applicant shall install red curb near driveway approaches on Bixby Avenue per approved site plan, SP-129-2023.
 - d. The applicant shall remove the existing improvements fronting the project on Bixby Avenue and construct new 10'-0" wide sidewalk panels

- in accordance with City of Garden Grove Standard B-105. The owner/contractor shall verify the placement limits of sidewalk concrete panels with public works inspector prior to start of construction.
- e. The applicant shall remove and replace the street pavement fronting the project on Bixby Avenue from the edge of northerly gutter to the edge of the southerly gutter per City of Garden Grove standard plan B-103.
 - f. The applicant shall construct curb and gutter when replacing any existing driveway approach along the property frontage on Bixby Avenue in accordance with City Standard Plan B-114.
 - g. The applicant shall locate all existing public utilities across the property frontage and within the property boundary of the project prior to commencement of grading operation and mobilization.
 - h. 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.
 - i. Street signs shall be installed as required and approved by the City Traffic Engineer.
17. Any proposed new landscaping in public right-of-way shall be approved by Planning Services Division and maintained by the owner for the life of the project.
 18. Driveway widths shall be in accordance with City's Traffic Engineering Policy TE-8 (Driveway Opening Policy).
 19. Sight Distance Standards shall be in accordance with City's Traffic Engineering Policy TE-13. All structures and walls shall be designed to ensure proper vision clearance for cars entering or leaving the driveway and parking areas. No structure, wall or fence shall cause an exceedance of the applicable site distance standards set forth in City Traffic Engineering Policy TE-13.
 20. The Site Plan shall comply with the completed Development Review and Comment Sheet prepared pursuant to City's Traffic Engineering Policy TE-17 and provided to the applicant.
 21. Private Property Tow Away Sign Design shall be in accordance with City's Traffic Engineering Policy TE-19.
 22. No Parking Fire Lane Sign Design shall be in accordance with City's Traffic Engineering Policy TE-20.
 23. Layout of the parking structure layout shall be in accordance with City Standard B-311 & B-312.

24. Except as authorized pursuant to the approved Site Plan pursuant to the State Density Bonus Law, off-street parking requirements for residential uses shall be in accordance with the parking provisions in Chapter 9.12 of the Garden Grove Municipal Code and the City of Garden Grove's Traffic Policies and Procedures TE-17 Development Review and Comments Sheet.
25. A minimum five-foot-by-five-foot-wide maneuvering area shall be provided at the end of a dead-end parking aisle and shall consist of a ten-foot-by-nineteen-foot-wide turnaround space.

Permit Issuance

26. The applicant shall be subject to Traffic Mitigation Fees (Garden Grove City Council Resolution 9401-16), 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.
27. A separate street permit is required for work performed within the public right-of-way.
28. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
29. The applicant shall identify a temporary parking site(s) for construction crew and construction trailers office staff prior to issuance of a grading permit. No construction parking is allowed on local streets. Construction vehicles should be parked off traveled roadways in a designated parking area. Parking areas, whether on-site or off-site, shall be included and covered by the erosion control plans.
30. Prior to issuance of a grading permit, the applicant shall submit and obtain approval of a worksite traffic control plan for all the proposed improvements within public right of way, which shall be subject to the review and approval of the City Traffic Engineer.
31. In accordance to City of Garden Grove Municipal Code (Chapter 9.48.030), the applicant is required to underground all existing and proposed on-site and off-site utility facilities fronting the project which the developer is developing or redeveloping. All existing improvements and utilities shall be shown as part of the grading submittal package in the topography section.

Project Construction/Operation

32. The applicant shall coordinate with City's Public Works Department (Engineering, Water Services and Streets Division) and set up appointments

for preconstruction inspections for all the on-site and off-site improvements prior to commencement of grading operation and mobilization.

33. In accordance with the Orange County Storm Water Program manual, the applicant and/or its contractors shall provide dumpsters on-site during construction unless an Encroachment Permit is obtained for placement in street.
34. The applicant and its 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 its 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 its 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. Temporary Benchmarks shall not be used for Vertical control. Benchmarks shall be to the National Geodetic Vertical Datum (NGVD).
35. 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.
36. 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 the applicant is prepared to implement and maintain all non-structural BMPs described in the Project WQMP.
 - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site.
 - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.

Public Works Water and Sewer Division

37. New water service installations 2" and smaller may 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 applicant's contractor per City Standards.

38. Water meters shall be located within the City right-of-way. 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.
39. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a 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.
40. 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.
41. A composite utility site plan shall be part of the water plan approval.
42. There shall be a minimum 15 foot clearance of building footings from water main. Clearances less than 15 feet shall be reviewed and approved by Water Engineering.
43. New utilities shall have a minimum 5 foot horizontal and a minimum 1 foot vertical clearance from water main and appurtenances.
44. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
45. Any fire service and private fire hydrant lateral 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 pursuant Section 9.12.040.010.G.
46. Location and number of fire hydrants shall be as required by Water Services Division and the Orange County Fire Authority (OCFA).

47. Applicant 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.
48. 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. Only one sewer connection per lot is allowed.
49. 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.
50. If water main is exposed during installation of sewer lateral, a 20 foot section of the water main shall be replaced with 20 foot PVC C-900 DR-14 class 305 water pipe, size in kind and centered at the crossing.

Orange County Fire Authority

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

Building and Safety Division.

52. All work shall comply with the latest edition of the California (CA) Building Standards Code (CBC) at time of permit application.
53. A soils report per the latest edition of CBC Chapter 18 is required and shall be submitted at time of building permit application.
54. A fire sprinkler system shall be provided per the latest edition of CBC Chapter 9.
55. Fire and sound rated constructions shall be provided between the units and shall comply with the latest edition of CBC Chapter 7.
56. Common use areas shall comply with the latest edition of CBC Chapter 11A.
57. Complete mechanical, plumbing and electrical plans shall be required.
58. All rooms and spaces on the primary level shall be on an accessible route.

Planning Services Division.

59. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community 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:

- 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 by densely planted and maintained landscaped hedges or a fence or wall, with the exception of electrical transformer(s), which can be located within the street setback area. Ground-mounted equipment shall not exceed the maximum allowable height for a wall, fence, or hedge. Electrical transformer(s) shall be properly screened from the public view. The applicant shall verify with the City Engineer Division and Planning Services Division the location of the transformer(s) to ensure safe sight clearance.
 - b. Clinging vines shall be installed within the landscape planters along the perimeter block walls to deter graffiti.
 - c. Roof-mounted mechanical equipment shall be screened by parapet walls, rooftop architectural features such as a tower equal to the height of the equipment, or low walls surrounding the equipment and shall be painted to match the color of the building materials.
 - d. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior façade and/or be visible from any public right-of-way or adjoining property. Roof rain gutters are permitted. The rain gutters shall follow the natural architecture lines of the building.
60. All landscaping shall be consistent with the landscape requirements of Title 9 of the Municipal Code. The developer shall submit a complete landscape plan governing the entire development. 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 landscaping areas shown on the plan. The sprinklers shall be of drip or micro-spray system sprinkler heads for water conservation.
 - b. Forty percent of the trees on a site shall consist of minimum size 24-inch box, and the remaining 60 percent shall be of minimum size 15 gallons. 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 or the property owner shall be responsible for installing and maintaining the landscaping.
- d. 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. All trees planted on the subject property, whether for screening the project from the neighboring lots or for aesthetic or selling/marketing purposes, shall have an irrigation system installed in order maintain the trees.
- e. All trees shall be double-staked in accordance with City standards.
- f. All landscape areas, including the areas located within the public rights-of-ways along Bixby Avenue that abuts the subject property, are the responsibility of the applicant/property owner(s).
- g. Fifty percent (50%) of all required shrubs shall be a minimum size of five (5) gallons at time of planting.
- h. Live groundcover shall be planted and maintained where shrubbery is not sufficient to cover exposed soil. Mulch may be used in place of groundcover where groundcover will not grow or where groundcover will cause harm to other plants, but not more than 30% of the groundcover area shall have the mulch substitute.
- i. Groundcover plants shall be planted at a density and spacing necessary for them to become well established and provide surface coverage within 18 months of planting.
- j. The landscape plan shall incorporate and maintain for the life of the project those means and methods to address water run-off also identified as Low Impact Development provisions, which address water run-off. This is 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.
- k. At the time of irrigation installation, the irrigation system shall comply with all applicable provisions of the City's Water Conservation Ordinance, the City's Municipal Code landscape provisions, and all applicable state regulations.
- l. All above-ground utilities (e.g. water backflow devices, electrical transformers, irrigation equipment) shall be shown on the landscaping plan in order to ensure landscape screening will be provided.

61. All of the common recreational area, as identified on the approved site plan, shall be equipped with the list of amenities, as shown on the approved plan, subject to review by the Planning Services Division and Building and Safety Division prior to issuance of building permits for compliance with applicable standards.
 - a. The improvements to the outdoor recreational area shall include at a minimum, porcelain tile pavers on pedestal system, raised planters, water fountain, tables, chairs, patio and lounge furniture, barbeque grills, benches, and landscaping.
 - b. All interior recreation areas shall incorporate the appropriate indoor furniture and amenities for the proposed use of the room. The indoor clubhouse shall provide a kitchen or kitchenette. The business center shall be equipped with internet, and be furnished with a minimum of four (4) tables, and sixteen (16) chairs, as shown on the approved plans.
 - c. Lighting in the common recreational areas shall be provided at a maximum one-foot light candle during the hours of darkness, and shall be restricted to low decorative type wall-mounted lights or ground lighting systems.
62. Hours and days of construction and grading shall be as set forth in the City of Garden Grove Municipal Code Chapter 8.47 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.
63. 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.
64. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the Planning Services Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting. Lighting in the common

areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences.

65. The main drive aisle serves 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 the parking structure or anywhere within the drive aisle. Additionally, applicant shall ensure and enforce lease or other restrictions providing that there will be no long term parking of vehicles in the guest parking spaces and that guest parking spaces shall not be reserved for any particular units.
66. 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.
67. There shall be no deliveries from or to the premises before 7:00 a.m. and after 10:00p.m., seven (7) days a week.
68. Storage of boats, recreational vehicles, or commercial vehicles on the property shall be prohibited. The applicant/property owner shall ensure that this condition is complied with at all times by tenants of the units and shall include notice of this requirement in all lease agreements.
69. All new block walls, and/or retaining wall(s), including existing block walls to remain, if any, 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. All block walls shall comply with the requirements of Section 9.12.040.010.U of the Municipal Code. Where allowed, no walls greater than 36-inches (3'-0") in height shall be constructed within the driveway vision clearance area of the project's entrance.
 - b. Decorative masonry walls are required along the north, east, and west property lines and shall be constructed to a minimum height of 6'-0", as measured from highest point of finished grade. The block walls shall be decorative and utilize stucco finish, slump stone or split-face block, and shall include trailing vines, hedges planted along the base of the exterior face, or other landscaping treatments that deter graffiti.

- c. The applicant shall work with the existing property owners along the project perimeter in designing, constructing, and maintaining the required perimeter block walls. This requirement is to avoid having double walls and to 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.
70. All recreation areas, landscaping along the interior project street and entryway, landscaped areas in all common areas, and any landscaping within the public right-of-way shall be maintained by the applicant for the life of the project.
71. 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 law. In the event that fossil specimens or cultural resources are encountered on the site during construction and cannot be preserved in place, the applicant shall contact and retain, at applicant's expense, a qualified paleontologist or archaeologist, as applicable, acceptable to the City to evaluate and determine appropriate treatment for the specimen or resource, and work in the vicinity of the discovery shall halt until appropriate assessment and treatment of the specimen or resource is determined by the paleontologist or archeologist (work can continue elsewhere on the project site). Any mitigation, monitoring, collection, and specimen/resource treatment measures recommended by the paleontologist/archaeologist shall be implemented by the applicant at its own cost.
72. The applicant shall comply with the Migratory Bird Treaty Act (MBTA), and Sections 3503, 3503.5 and 3515 of the California Fish and Game regulations, which require the protection of active nests of all bird species, prior to the removal of any on-site landscaping, including the removal of existing trees.
73. Short- and long-term bicycle parking shall be provided pursuant to the applicable requirements of the building code.
74. The project shall provide a trash room with a trash shoot that serves each of the residential floors. The trash bins shall be kept inside the trash room at all times, except during disposal and pick-up. The property owner shall provide

sufficient trash bins and pick-up to accommodate the site pursuant to Conditions No. 14.

75. A Knox box shall be provided at the access gate and the pedestrian gate for fire and trash truck access.
76. Prior to issuance of grading permits, a temporary project identification sign shall be erected on the site in a secure and visible manner. The sign shall be conspicuously posted at the site and remain in place until occupancy of the project. The sign shall include the name and address of the development, and the developer's name, address, and a 24-hour emergency telephone number.
77. Litter shall be removed daily from the project site, including adjacent public sidewalk and all parking areas under the control of the applicant. The areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
78. Each dwelling shall be provided at least one (1) parking space within the garage. However, no two (2) different dwelling units shall share any tandem parking spaces. At least two (2) non-tandem parking spaces shall be available for guest parking at all times. A placard shall be posted to identify each parking space as "Reserved" or as "Guest".
79. There shall be no parking allowed along any drive-aisle, except within the designated parking areas. The applicant shall post "No Parking" signs along the drive aisle.
80. 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.
81. All balconies, as labeled as "deck area" on the approved plan, shall remain open and shall not be enclosed at any time. There shall be no storage allowed in the balconies at any time. The applicant 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.
82. The maintenance of the drive aisles, storm drains, sewer system, and open space areas is the responsibility of the applicant, including the common recreation areas and the common landscape areas.
83. Each unit shall be provided with an air conditioning condensing unit and/or system so that there are no wall-mounted, or window mounted units. Roof-mounted mechanical equipment shall be screened by parapet walls, rooftop architectural features such as a tower equal to the height of the equipment, or low walls surrounding the equipment and shall be painted to match the color of the building materials.

84. Each unit shall have phone jacks and cable-TV outlets in all rooms, except in the hallways and bathrooms.
85. Mailboxes shall be provided and installed by the applicant. The local postmaster shall approve the design and location.
86. Each unit shall be provided with washer and dryer hook-ups.
87. At applicant's request, applicant has been granted State Density Bonus allowances for an increase in density, reduced parking, and the following three (3) concessions and two (2) waivers from applicable development standards: (1) a concession to deviate from the forty-foot (40'-0") side-yard setback requirement at the third floor set forth in Sections 9.12.040.020.A and 9.12.040.050.A.3 of the Municipal Code to allow the third floor setback to be at twenty-nine feet and six inches (29'-6") at the westerly property line; (2) a concession to deviate from the maximum 50% lot coverage requirement set forth in Section 9.12.040.020.A of the Municipal Code to allow the lot coverage to be at 53.4%; (3) a concession to deviate from the minimum one-bedroom unit size requirement of 700 square feet set forth in Section 9.12.040.020.E of the Municipal Code to allow all one-bedroom units in the Project to be 656 square feet; (4) a waiver to deviate from the twenty-five foot (25'-0") front setback requirement to the third floor to allow the third floor front setback to be at twenty feet (20'-0"), and to deviate from the fifteen foot (15'-0") side setback requirement to the third floor on the east side to be at thirteen feet and six inches (13'-6") set forth in Section 9.12.040.020.A, and (5) a waiver to deviate from the front, side and rear setback requirements set forth in Section 9.12.040.020.D to allow the balcony to encroach up to two feet and six inches (2'-6") into the front, side and rear setback area. To comply with the provisions of Government Code Section 65915, the applicant has offered to, and shall, reserve at least three (3) dwelling units in the project, consisting of two (1) one-bedroom units, and one (1) three-bedroom unit, for occupancy by very low-income households for a period of 55 years commencing with the issuance of the certificate of occupancy for the project. The applicant shall at all times during the term of the affordability period comply with the requirement to rent the target units to very low-income households at an affordable rent as required by the Garden Grove Municipal Code and State Law. Pursuant to State law, the Garden Grove Municipal Code, and the City's Density Bonus Agreement Guidelines, the record owner or owners of the subject property shall enter into an affordable housing regulatory agreement with the City, which satisfies the criteria set forth in subdivision (c) of Government Code Section 65915 and Garden Grove Municipal Code Section 9.60.050. The regulatory agreement shall be prepared by the City at the applicant/owner's expense, and the applicant and/or owner shall pay applicable fees pursuant to GGMC Section 9.60.050.G and reimburse the City for the actual fees and costs charged for the services of attorneys and/or other professional third-party consultants engaged by the City to provide consultation, advice, analysis,

and/or review and/or preparation of documents in connection with preparation of the regulatory agreement, review of the initial marketing plan and management plan required as part of the regulatory agreement, review of annual compliance reports submitted by the owner pursuant to the regulatory agreement, and inspections and audits provided for in the regulatory agreement. Prior to preparation of the regulatory agreement, applicant and/or property owner shall execute a reimbursement agreement with the City, in a form approved by the City Attorney, and provide a deposit to the City in an amount sufficient to cover the estimated professional fees and costs to be incurred by the City, as determined by the Department Director, in his or her reasonable discretion. The regulatory agreement shall be approved by the City and recorded prior to issuance of a building permit for any structure in the project. The regulatory agreement shall remain a senior, non-subordinate covenant and as an encumbrance running with the land for the full term thereof. In no event shall the regulatory agreement be made junior or subordinate to any deed of trust or other documents providing financing for the construction or operation of the project, or any other lien or encumbrance whatsoever for the entire term of the required covenants.

88. The applicant shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-129-2023 and his/her agreement with all conditions of the approval.
89. A copy of the resolution approving Site Plan No. SP-129-2023, including these Conditions of Approval, shall be kept on the premises at all times.
90. 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-129-2023. 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.
91. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Site Plan No. SP-129-2023 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until the completion of the project. In the event construction of the project is

commenced, but not diligently advanced until completion, the rights granted pursuant to SP-129-2023 shall expire if the building permits for the project expire.

92. As proposed by the applicant, the applicant shall implement and maintain a pet waste management program for the life of the project, which requires each tenant to identify their pets and provide DNA samples of their dogs so that in the event that there is uncleaned dog waste, identification of the responsible dog's owner can be made. The program shall utilize "Poo Prints[®]" or a similar program. The program shall include standard lease provisions obligating tenants to identify their pets and to provide a DNA sample of each of their dogs, and providing a process pursuant to which tenants that fail to clean up their pets' waste may be subject to fines imposed by the Project's management company and the payment of the costs for lab analysis of the abandoned waste from their dogs and associated clean-up costs. The specific program provisions shall be reviewed and approved by the City and included in the management plan approved by the City as part of the affordable housing regulatory agreement for the Project.
93. At least two (2) pet waste stations shall be installed within the project site. The exact location of the pet waste stations shall be identified in the detailed plan submitted by the applicant as part of the Building and Safety Plan Check process.
94. As proposed by the applicant, the applicant shall installed a light fixture on the new relocated power pole in accordance with the Public Works Engineering Division and Southern California Edison required standards.
95. As offered and proposed by the applicant, prior to issuance of a building permit, the applicant shall contribute \$2,000.00 to the City to only be used towards implementing the Safe Route To School infrastructure recommendations for the Brookhurst Elementary School, as described in Section 6.8 and 6.9 of the Safe Routes to School Phase 1 Master Plan.

RESOLUTION NO. 6129-26

A RESOLUTION BY THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING A ONE-YEAR TIME EXTENSION FOR SITE PLAN NO. SP-129-2023, (REFERRED TO AS SP-129-2023 (TE1)).

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on March 19, 2026, does hereby approve a one (1) year time extension for the entitlement approved under Site Plan No. SP-129-2023, for land located on the north side of Bixby Avenue, between Peacock Court, and Carthay Circle, at 9691 Bixby Avenue, Assessor's Parcel Nos. 133-102-24.

BE IT FURTHER RESOLVED in the matter of the time extension for Site Plan No. SP-129-2023, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Bixby Avenue Apartments, LLC.
2. The applicant is requesting approval of a one (1) year time extension for the approved entitlement under Site Plan No. SP-129-2023, which allowed the construction of a three-story, 27-unit residential apartment complex that includes three (3) affordable housing units for "very low-income" households, and associated site improvements.
3. On December 21, 2023, the Planning Commission adopted Resolution No. 6073-23 approving Site Plan No. SP-129-2023 to allow the construction of a new three-story multi-family residential building that consists of a parking garage on the ground floor and twenty-seven (27) dwelling units on the second and third floors, which include three (3) affordable units for "very low-income" households. All existing site improvements will be demolished to accommodate the proposed project.
4. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove previously determined that the proposed project was categorically exempt from the CEQA pursuant to Sections 15332 (In-Fill Development Projects). As set forth in the Class 32 exemption, the proposed project is: (1) Consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (2) the proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses; (3) the project site has no value as habitat for endangered, rare or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality or water quality; and (5) the site can be adequately served by all required utilities and public services.
5. The property currently has a General Plan Land Use designation of Low Medium Density Residential (LMR) and is zoned R-2 (Limited Multiple Residential). The

site is improved with multiple single-story buildings that have been used as a Preschool and Children Daycare, Precious Years Children Center, since 1999.

6. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
7. Report submitted by City staff was reviewed.
8. Pursuant to a legal notice, a public hearing was held on March 19, 2026, and all interested persons were given an opportunity to be heard.
9. The Planning Commission gave due and careful consideration to the matter during its meeting of March 19, 2026; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.32.030.D.9, are as follows:

FACTS:

The project site is approximately 36,120 square feet (0.83 acres) and is located on the north side of Bixby Avenue, between Carthay Circle and Peacock Court. The subject site has a General Plan Land Use designation of Low Medium Density Residential (LMR) and is zoned R-2 (Limited Multiple Residential). The property abuts an R-2 zoned property to the east, R-1 (Single-Family Residential) zoned properties to the north, to the west, and across Bixby Avenue to the south. Surrounding uses to the subject property include single-family residential dwellings to the north and across Bixby Avenue to the south, multiple-family residential developments to the east, and a religious facility, Our Lady Help of Christian, to the west.

The site is improved with multiple single-story buildings that have been used as a Preschool and Children Daycare, Precious Years Children Center, since 1999. Per City's Business License records, the daycare business ceased its operation in February 2022, and the buildings have been left vacant.

In 2022, the applicant purchased the property. On November 16, 2023, the Planning Commission conducted a public hearing and considered the applicant's request for approval of Site Plan No. SP-129-2023, which proposed the construction of a new three-story multiple-family residential building and associated site improvements at the subject site. The project design consists of a parking garage on the ground floor and a total of twenty-seven (27) dwelling units on the second and third floors, which include three (3) affordable units for "very low-income" households. All existing site improvements will be demolished to accommodate the proposed project. At the hearing, several members of the public were present and provided comments and questions related to parking, open space and pet waste, sewer capacity, and traffic and pedestrian safety. After receiving all public testimony and engaging in careful

deliberation, the Planning Commission continued the hearing to a different day to allow Staff and the applicant time to evaluate and address the concerns raised by the public and the Commission. On December 21, 2023, the Planning Commission approved the applicant's request with newly modified conditions of approval.

On August 30, 2024, a set of construction plans was submitted via the City's plan check portal (Application No. A-312524). The construction plans are currently in their 7th cycle of plan check review. On April 18, 2025, a grading plan was also submitted for review (Application No. G-000061) and approved on February 11, 2026. Currently, the grading permit is ready to be issued.

The entitlement expired on January 11, 2026. In accordance with the Municipal Code, a one-year time extension to the previously approved entitlements is required to allow the applicant additional time to exercise the entitlement. On February 10, 2026, the applicant filed a land use application with the City requesting a one-year time extension. No changes are proposed to the previously approved project.

FINDINGS AND REASONS:

Time Extension:

1. A request for a time extension, including the reasons therefore, has been submitted prior to the permit expiration date, or the hearing body finds that due to special circumstances demonstrated by the property owner or the applicant, a late-filed request should be considered.

The applicant submitted the time extension request after the expiration of the Site Plan entitlement. Due to a glitch in the City's tracking system, the applicant was not notified of the entitlement's expiration in time to submit the time extension request in a timely manner.

However, since the original approval, the applicant has been working diligently with City staff to obtain the grading and building permits despite encountering several challenges. During this process, the project's architect unfortunately passed away, which required the applicant to retain a new architect to continue the work. This transition resulted in a significant delay to the project timeline. In addition, the project encountered several issues related to connecting to the existing City sewer line. These issues have since been resolved, allowing the grading plan to be approved on February 11, 2026.

Despite the late submittal of the time extension request, the applicant has made substantial progress toward permit issuance. The building plan check is currently in its seventh cycle of review, and the grading permit is ready to be issued contingent upon approval of the time extension request.

2. There has been no change in the General Plan designation or Zoning of the site that would render the development or use nonconforming.

The subject's site has a General Plan Land Use designation of Low Medium Density Residential (LMR) and is zoned R-2 (Limited Multiple Residential), which have not changed since the effective date of the original approval on December 21, 2023. Therefore, the development will not be rendered nonconforming.

3. There are no land use actions or studies currently underway that would have the potential to render the development or use nonconforming.

There are no known studies or actions that would affect the site or proposed development that would possibly render the development nonconforming.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Time Extensions for the approved Site Plan possesses characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030.D.9 (Time Extension).
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the originally approved conditions of approval for Site Plan No. SP-129-2023 shall remain in effect.

City of Garden Grove, CA
Thursday, March 12, 2026

Title 2. Administration and Personnel

Chapter 2.02. CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES

§ 2.02.005. Code Review.

All official boards, commissions, and committees of the City are to formally review the following Code of Ethics provided in this chapter with their members annually during their first meeting in the month of April. New members are to be provided a copy of the Code of Ethics for their review when they are appointed or elected to each board, commission, or committee.

(1437 § 1, 1975; 2813 § 1, 2012)

§ 2.02.010. Declaration of Policy.

The proper operation of municipal government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; and that public office not be used for personal gain.

(1301 § 1, 1972; 2813 § 1, 2012)

§ 2.02.020. Responsibilities of Public Office.

Public officials are all elective officials of the City and the members of all official boards, commissions, and committees of the City. Public officials and employees are bound to uphold the Constitution of the United States and the Constitution of the State and to carry out the laws of the nation, state, and municipality. Public officials and employees are bound to observe in their official acts the highest standards of morality and to discharge faithfully the duties of their offices, regardless of personal considerations; recognizing that the public interest must be their primary concern, and that conduct in both their official and private affairs should be above reproach.

(1301 § 1, 1972; 2813 § 1, 2012)

§ 2.02.030. Dedicated Service.

Public officials and employees should not exceed their authority or breach the law or ask others to do so, and they should work in full cooperation with other public officials and employees unless prohibited from so doing by law or the officially recognized confidentiality of their work.

(1301 § 1, 1972; 2813 § 1, 2012)

§ 2.02.040. Fair and Equal Treatment.

Preferential consideration of the request or petition of any individual citizen or group of citizens shall not be given. No person shall receive special advantages beyond that which are available to any other citizen.

(1301 § 1, 1972; 2813 § 1, 2012)

§ 2.02.050. Use of Public Property.

No public official or employee shall request or permit the use of City-owned vehicles, equipment, materials, or property for personal convenience or profit, except when such services are available to the public generally or are provided as municipal policy for the use of such public official or employee in the conduct of official business. No public official or employee shall use the time of any City employee during working hours for personal convenience or profit.

(1301 § 1, 1972; 2813 § 1, 2012)

§ 2.02.060. Obligations to Citizens.

- A. Conflict with proper discharge of duties. No public official or employee, while serving as such, shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity, or incur any obligation of any nature that is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by law.
- B. Incompatible employment. No public official or employee shall accept other employment that he or she has reason to believe will either impair his or her independence of judgment as to his or her official duties or require him or her or induce him or her to disclose confidential information acquired by him or her in the course of and by reason of his or her official duties.
- C. Disclosure of confidential information. No public official or employee shall willfully and knowingly disclose for pecuniary gain to any other person confidential information acquired by him or her in the course of and by reason of his or her official duties nor shall any public official or employee use any such information for the purpose of pecuniary gain.
- D. Conflict of interest. A conflict of interest exists in a matter before a public official for consideration or determination if:
 - 1. The public official has a substantial financial or substantial personal interest in the outcome or as owner, member, partner, officer, employee, or stockholder of any corporation or other professional enterprise that will be affected by the outcome, and such interest is or may be adverse to the public interest in the proper performance of governmental duties by the public official;
 - 2. The public official has reason to believe or expect that he or she will derive direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity;
 - 3. The public official, because of bias, prejudice, or because he or she has prejudged a matter set for public hearing, is incapable because of such bias, prejudice or prejudgment of granting to the matter before him or her a fair and impartial hearing.
 - 4. Personal interest as distinguished from financial interest is defined as including, among other matters, an interest arising from blood or marriage relationships, or close business association.

(1301 § 1, 1972; 2813 § 1, 2012)

§ 2.02.070. Disclosure of Interest and Disqualification.

- A. Any Councilmember who has a conflict of interest as defined herein, in any matter before the City Council, shall disclose such fact on the record of the City Council and refrain from participating in any discussion of voting thereon, provided that such exceptions shall be observed as are required by law.
- B. Any member of any official board, commission, or committee who has a conflict of interest as defined herein in any matter before the board, commission, or committee of which he or she is a member, shall disclose such fact on the record of such board, commission, or committee and refrain from participating in any discussion or voting thereon, provided that such exceptions shall be observed as are required by law.
- C. Any employee who has a financial or other special interest in a matter before the City Council or any board, commission, or committee and who participates in discussion with, or gives an official opinion to the City Council, or to such board, commission, or committee relating to such matter, shall disclose on the record of the City Council or such board, commission, or committee, as the case may be, the nature and extent of such interest.

(1301 § 1, 1972; 2813 § 1, 2012)

§ 2.02.080. Compliance with State Law.

Public officials and employees of the City shall comply with applicable provisions of state law relative to conflicts of interest and generally regulating the conduct of public officials and employees.

(1301 § 1, 1972; 2813 § 1, 2012)

§ 2.02.090. Violations—Actions.

The violation of any provision of this chapter shall be:

- A. As to all City employees, grounds for dismissal from City employment;
- B. As to any appointed position on any board, commission, or committee, grounds for removal from any such board, commission, or committee;
- C. As to any prosecution of any elected public official, the City Council shall make findings of fact by at least a vote of three City Councilmembers that an elected public official has, in fact, violated this chapter as a prerequisite to prosecution.

(1301 § 1, 1972; 2813 § 1, 2012)

§ 2.02.100. State Laws—Control.

This chapter and its application are intended to be supplemental to and consistent with all applicable state laws.

(1301 § 1, 1972; 2813 § 1, 2012)

§ 2.02.110. Violations—Penalty.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, is punishable as provided in Section **1.04.010** of this Code.

(1301 § 1, 1972; 2813 § 1, 2012)