

ORDINANCE NO. 2815

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM AND APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-127-12, CHANGING THE ZONING DESIGNATION FROM PLANNED UNIT DEVELOPMENT NO. PUD-104-81 TO PLANNED UNIT DEVELOPMENT NO. PUD-127-12

City Attorney Summary

This Ordinance approves a zone change and corresponding amendment to the City's Zone Map with respect to an approximately 5.97 acre parcel located on the northwest corner of Hazard Avenue and Euclid Street, at 10901 Hazard Avenue, Garden Grove, Assessor's Parcel No. 099-181-09, to change the zoning designation from Planned Unit Development No. PUD-104-81 to Planned Unit Development No. PUD-127-12, in order to facilitate the development of a 56-unit single-family residential small-lot subdivision.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

WHEREAS, the case, initiated by City Ventures Homebuilding, LLC, requests approval of a Zone Change for approximately 5.97-acres of land located on the northwest corner of Hazard Avenue and Euclid Street, at 10901 Hazard Avenue, Garden Grove, Parcel No. 099-181-09, from Planned Unit Development No. PUD-104-81 to Planned Unit Development No. PUD-127-12 to allow the development of a 56-unit, single-family residential small-lot subdivision, in conjunction with a Site Plan to construct the 56 single-family homes with associated site improvements that include parking and open space, a Tentative Tract Map to subdivide the property into 56 separate lots, and Development Agreement;

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations Section 15000 et. seq., an initial study was prepared, and it has been determined that the proposed project qualifies for a Mitigated Negative Declaration of Environmental Impact because the proposed project with the proposed mitigation measures cannot, or will not, have a significant effect on the environment;

WHEREAS, a Mitigation Monitoring Program has been prepared and is attached to the Mitigated Negative Declaration listing the mitigation measures to be monitored during project implementation;

WHEREAS, the Mitigated Negative Declaration and Mitigation Monitoring Program was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines;

WHEREAS, the Planning Commission of the City of Garden Grove held a duly noticed Public Hearing on March 1, 2012, and considered all oral and written testimony presented regarding the initial study, the Mitigated Negative Declaration, the Mitigation Monitoring Program, and the project;

WHEREAS, following a Public Hearing held on March 1, 2012, the Planning Commission of the City of Garden Grove recommended adoption of a Mitigated Negative Declaration of Environmental Impact and Mitigation Monitoring Program pursuant to CEQA and CEQA's implementing guidelines for this project for Planned Unit Development No. PUD-127-12 and Development Agreement No. DA-184-12;

WHEREAS, pursuant to Resolution No. 5760-12, the Planning Commission, following a Public Hearing held on March 1, 2012, recommended approval of Planned Unit Development No. PUD-127-12;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on April 10, 2012, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council of the City of Garden Grove, in regular session assembled on April 10, 2012, does hereby adopt the Mitigated Negative Declaration and Mitigation Monitoring Program for land located on the northwest corner of Hazard Avenue and Euclid Street, at 10901 Hazard Avenue, Garden Grove, Parcel No. 099-181-09.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

Section 1. The City Council has considered the proposed Mitigated Negative Declaration and Mitigation Monitoring Program together with comments received during the public review process. The record of proceedings on which the City Council of the City of Garden Grove decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the City Clerk. The City Council finds on the basis of the whole record before it, including the initial study and comments received, and with the implementation of the mitigation monitoring program, that all project impacts have been reduced to a level of insignificance. The City Council further finds that the adoption of the Mitigated Negative Declaration and Mitigation Monitoring Program reflects the City Council's independent judgment and analysis. Therefore, the City Council of the City of Garden Grove adopts the Mitigated Negative Declaration and Mitigated Monitoring Program.

Section 2. Planned Unit Development No. PUD-127-12 is hereby approved pursuant to the facts and reasons stated in Planning Commission Resolution

No. 5760-12, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference with the same force and effect as if set forth in full.

Section 3. The property shown on the map attached hereto is rezoned to Planned Unit Development No. PUD-127-12 as shown thereon. Zone Map parts O-18 and P-18 are amended accordingly.

Section 4. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words, or portions thereof be declared invalid or unconstitutional.

Section 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the ____ day of _____.

ATTEST:

MAYOR

CITY CLERK

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

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced for first reading and passed to second reading on April 10, 2012, with a vote as follows:

AYES: COUNCIL MEMBERS: (5) BEARD, BROADWATER, JONES, NGUYEN, DALTON
NOES: COUNCIL MEMBERS: (0) NONE
ABSENT: COUNCIL MEMBERS: (0) NONE

