

ORDINANCE NO. 2833

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
ADOPTING A NEGATIVE DECLARATION AND APPROVING PLANNED UNIT  
DEVELOPMENT NO. PUD-129-13, CHANGING THE ZONING DESIGNATION FROM R-1  
(SINGLE-FAMILY RESIDENTIAL) TO PLANNED UNIT DEVELOPMENT NO. PUD-129-13

***City Attorney Summary***

***This Ordinance approves a zone change and corresponding amendment to the City's Zone Map with respect to an approximately 1.99 acre parcel located on the south side of Katella Avenue between Brookhurst Street and Euclid Street, at 10418 Katella Avenue, Garden Grove, Assessor's Parcel No. 089-542-26, to change the zoning designation from R-1 (Single-Family Residential) to Planned Unit Development No. PUD-129-13, in order to facilitate the development of an 18-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 Brandywine Homes, requests approval of a Zone Change for approximately 1.99-acres of land located on the south side of Katella Avenue between Brookhurst Street and Euclid Street, at 10418 Katella Avenue, Parcel No. 089-542-26, from R-1 (Single-Family Residential) to Planned Unit Development No. PUD-129-13 to allow the construction of an 18-unit single-family residential small-lot subdivision, in conjunction with a Site Plan to construct 18 single-family homes along with street and open space improvements, a Tentative Tract Map to subdivide the subject property into 18 separate lots, and a Development Agreement; and

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 Negative Declaration of Environmental Impact because the proposed project cannot, or will not, have a significant effect on the environment; and

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

WHEREAS, the Planning Commission of the City of Garden Grove held a duly noticed Public Hearing on May 16, 2013 and considered all oral and written testimony presented regarding the initial study, the Negative Declaration, and the project; and

WHEREAS, following a Public Hearing held on May 16, 2013, the Planning Commission of the City of Garden Grove recommended adoption of a Negative

Declaration of Environmental Impact pursuant to CEQA and CEQA's implementing guidelines for this project for Planned Unit Development No. PUD-129-13 and Development Agreement No. DA-190-13; and

WHEREAS, pursuant to Resolution No. 5793-13, the Planning Commission, following a Public Hearing held on May 16, 2013, recommended approval of Planned Unit Development No. PUD-129-13; and

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on July 9, 2013, 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 July 9, 2013, does hereby adopt the Negative Declaration for land located on the south side of Katella Avenue between Brookhurst Street and Euclid Street, at 10418 Katella Avenue, Parcel No. 089-542-26.

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

Section 1. The City Council of the City of Garden Grove has considered the proposed Negative Declaration 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 Director of Community Development. The City Council of the City of Garden Grove finds on the basis of the whole record before it, including the initial study and comments received, that all project impacts are at a level of insignificance. The City Council further finds that the adoption of the Negative Declaration reflects the City Council's independent judgment and analysis. Therefore, the City Council of the City of Garden Grove adopts the Negative Declaration.

Section 2. Planned Unit Development No. PUD-129-13 is hereby approved pursuant to the facts and reasons stated in Planning Commission Resolution No. 5793-13, 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-129-13 as shown thereon. Zone Map part N-5 is 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 July 9, 2013, with a vote as follows:

AYES: COUNCIL MEMBERS: (4) BEARD, NGUYEN, PHAN, BROADWATER  
NOES: COUNCIL MEMBERS: (0) NONE  
ABSENT: COUNCIL MEMBERS: (1) JONES

**Recommended for Approval**

  
**Matthew Feral**  
City Manager



## PLANNED UNIT DEVELOPMENT NO. PUD-129-13

