

ORDINANCE NO. 2834

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
ADOPTING DEVELOPMENT AGREEMENT NO. DA-190-13 BETWEEN BRANDYWINE
HOMES AND THE CITY OF GARDEN GROVE

City Attorney Summary

This Ordinance approves a Development Agreement between the City of Garden Grove and Brandywine Homes, the developer of an 18-unit small-lot subdivision proposed to be located on the south side of Katella Avenue between Brookhurst Street and Euclid Street, at 10418 Katella Avenue, Assessor's Parcel No. 089-542-26. The agreement provides that the developer will be entitled to build the project in accordance with the land use entitlements approved pursuant to Site Plan No. SP-475-13 and Tentative Tract Map No. TT-17521 for a period of four (4) years. The agreement further provides for a development agreement payment to the City of Garden Grove in an amount not to exceed \$34,488.00.

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

WHEREAS, the City of Garden Grove has received an application from Brandywine Homes for Development Agreement No. DA-190-13 for the construction of an 18-unit single-family residential small-lot subdivision on a 1.99-acre site and related improvements on that certain real property located at the south side of Katella Avenue between Brookhurst Street and Euclid Street, at 10418 Katella Avenue, Assessor's Parcel No. 089-542-26 (the "Project"); and

WHEREAS, pursuant to Resolution No. 5793-13, the Planning Commission, following a duly noticed Public Hearing held on May 16, 2013, recommended approval of Development Agreement No. DA-190-13; 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, Development Agreement No. DA-190-13 is consistent with the General Plan and Planned Unit Development No. PUD-129-13, including the goals and policies of the Garden Grove General Plan; and

WHEREAS, pursuant to Ordinance No. 2833, introduced on July 9, 2013 and adopted on August 13, 2013, the City Council adopted a Negative Declaration for the Project pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and CEQA's implementing guidelines, 14 California Code of Regulations Section 15000 et. seq.

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

Section 1. Recitals. The City Council finds that the above recitations are true and correct.

Section 2. Environmental Review. Pursuant to CEQA, the City Council adopted a Negative Declaration for the Project in Ordinance No. 2834, which is incorporated by reference as if set forth fully herein.

Section 3. Approval. Development Agreement No. DA-190-13 is hereby adopted for property located on the south side of Katella Avenue between Brookhurst Street and Euclid Street, at 10418 Katella Avenue, Parcel No. 089-542-26. A copy of Development Agreement No. DA-190-13 is attached to this Ordinance and is on file in the City Clerk's Office.

Section 4. Recording. Pursuant to California Government Code Section 65868.5, the City Clerk shall record a copy of the Development Agreement with the County Recorder for the County of Orange within 10 days after the Development Agreement is executed.

Section 5. 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 6. 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 Fertal
City Manager