

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
ADOPTING DEVELOPMENT AGREEMENT NO. DA-004-2016 BETWEEN THE CITY OF
GARDEN GROVE AND TONY LE AND DUNG NGUYEN

City Attorney Summary

This Ordinance approves a Development Agreement between the City of Garden Grove and Tony Le and Dung Nguyen, the developer of a 10-unit multiple-family residential development (with three (3) units reserved for low-income housing) proposed to be located on the north side of Bixby Avenue, east of Gilbert Street, at 9691 Bixby Avenue. The agreement provides that the developer will be entitled to build the project in accordance with the land use entitlement approved pursuant to Site Plan No. SP-031-2016 for a period of 4 years. The agreement further provides for a development agreement payment to the City of Garden Grove in an amount not to exceed \$19,160.00.

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

WHEREAS, the City of Garden Grove has received an application from Bryson Nguyen for Development Agreement No. DA-004-2016 for the construction of a 10-unit, two-story apartment complex, with a 25% affordable housing density bonus for "low-income" families, on a 36,121 square foot site with related improvements on that certain real property located on the north side of Bixby Avenue, east of Gilbert Street, at 9691 Bixby Avenue, Assessor's Parcel No. 133-102-24 (the "Project"); and

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on January 24, 2017, and all interested persons were given an opportunity to be heard; and

WHEREAS, Development Agreement No. DA-004-2016 is consistent with the R-2 (Limited Multiple-Family Residential) zoning, including the goals and policies of the Garden Grove General Plan; and

1. WHEREAS, The City of Garden Grove has determined that this action is exempt pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act.

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 has determined that this action is exempt pursuant to Section 15332 (In-Fill Development Projects) of the California Environmental Quality Act.

Section 3. Approval. Development Agreement No. DA-004-2016 is hereby adopted for property located on the on the north side of Bixby Avenue, east of Gilbert Street, at 9691 Bixby Avenue, Assessor's Parcel No. 133-102-24. A copy of Development Agreement No. DA-004-2016 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.