

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-006-2017 TO AMEND THE CITY'S OFFICIAL ZONING MAP TO CHANGE THE ZONING FOR THE PORTION OF THE PROJECT SITE THAT IS LOCATED WITHIN THE CITY OF GARDEN GROVE AND TO "PRE-ZONE" THE PROPERTIES TO BE ANNEXED TO RESIDENTIAL PLANNED UNIT DEVELOPMENT ZONING (PUD-006-2017) WITH R-1 (SINGLE-FAMILY RESIDENTIAL) BASE ZONING

City Attorney Summary

This Ordinance approves an amendment to the City's Official Zoning Map to change the zoning for the portion of the Project site that is located within the City of Garden Grove and to "pre-zone" the properties to be annexed to Residential Planned Unit Development zoning (PUD-006-2017) with R-1 (Single-Family Residential) base zoning. This Ordinance will take effect if the Resolution approving General Plan Amendment No. GPA-001-2017, adopted by the Garden Grove City Council on May 23, 2017, takes effect.

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

WHEREAS, Shea Homes, the applicant, submitted a request to develop a gated small lot subdivision with 70 single-family detached residential units and related street and open space improvements on a 9.01-acre site located in the Cities of Garden Grove and Orange, at the northwest corner of Lewis Street and Garden Grove Boulevard, at 12901 Lewis Street (Assessor's Parcel Nos. 231-041-26, 231-041-27, 231-041-28, and 231-255-01) (the "Property"), which is owned by Christ Catholic Cathedral Facilities Corporation;

WHEREAS, the applicant has requested the following approvals to facilitate the proposed development: (i) detachment from the City of Orange and annexation to the City of Garden Grove and the Garden Grove Sanitary District of 39,328 square feet or 0.901 acres; (ii) General Plan Amendment No. GPA-001-2017 to amend the City of Garden Grove General Plan Land Use Map to apply a General Plan Land Use Designation of Low Density Residential to the Property; (iii) Planned Unit Development No. PUD-006-2017 to rezone and "pre-zone" the Property residential Planned Unit Development with R-1 (Single-Family Residential) base zoning; (iv) Tentative Tract Map No. TT-17927-2017 to subdivide the subject property into 70 single-family residential lots; (v) Site Plan No. SP-028-2017; and (vi) Development Agreement No. DA-006-2017 (collectively, the "Project");

WHEREAS, following a Public Hearing held on April 6, 2017, the Garden Grove Planning Commission (1) adopted Resolution No. 5877-17 recommending the City Council adopt a Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program for the Project and approve General Plan

Amendment No. GPA-001-2017 and Planned Unit Development No. PUD-006-2017, and (2) adopted Resolution No. 5878-17 approving Site Plan No. SP-028-2017 and Tentative Tract Map No. TT-17927-2017, subject to (i) the City Council's approval of a Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project, General Plan Amendment No. GPA-001-2017, Planned Unit Development No. PUD-006-2017, and Development Agreement No. DA-006-2017; and (ii) LAFCO approval of the proposed sphere of influence amendments and detachment/annexation;

WHEREAS, on May 23, 2017, the City Council adopted Resolution No. [REDACTED] adopting a Mitigated Negative Declaration and an associated Mitigation Monitoring and Reporting Program for the Project;

WHEREAS, on May 23, 2017, the Garden Grove City Council adopted Resolution No. [REDACTED] authorizing initiation of, and recommending the Orange County Local Agency Formation Commission (LAFCO) take, proceedings for the Lewis Street Reorganization (RO 01-17), consisting of the detachment and annexation of approximately 0.901 acres of territory from the City of Orange to the City of Garden Grove and the Garden Grove Sanitary District, and related sphere of influence changes, in the manner provided by the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000;

WHEREAS, on May 23, 2017, the Garden Grove City Council adopted Resolution No. [REDACTED] approving General Plan Amendment No. GPA-001-2017 to amend the City of Garden Grove's General Plan Land Use Map (1) to modify the General Plan Land Use Designation of the portion of the project site that is located within the City of Garden Grove from Civic/Institutional to Low Density Residential and (2) to apply the General Plan Land Use Designation of Low Density Residential to the territory to be annexed, upon approval of the Lewis Street Reorganization (RO 01-17) by the Orange County Local Agency Formation Commission;

WHEREAS, the adoption of the necessary land use actions by the City of Garden Grove to extend the City's General Plan to cover the properties to be annexed and to "pre-zone" the properties are prerequisites to LAFCO's approval of the proposed sphere of influence amendments and detachment/annexation;

WHEREAS, proposed Planned Unit Development No. PUD-006-2017 would amend the City of Garden Grove Zoning Map to "pre-zone" the portion of the Property to be annexed and to change the zoning of the portion of the Property located in Garden Grove to Residential Planned Unit Development zoning (PUD-006-2017) with R-1 (Single-Family Residential) base zoning, incorporating the special requirements for Small Lot Subdivisions set forth in Garden Grove Municipal Code Section 9.12.040.060 as the applicable development standards for the Planned Unit Development PUD-006-2017 and Tentative Tract Map No. TT-17927-2017 and Site Plan No. SP-028-2017 and their associated conditions of approval as the development plan for the Planned Unit Development PUD-006-2017;

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on May 23, 2017, and all interested persons were given an opportunity to be heard;

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of May 23, 2017; and

WHEREAS, the City Council of the City of Garden Grove hereby makes the following findings regarding Planned Unit Development No. PUD-006-2017:

A. The location of the buildings, architectural design, and proposed use are compatible with the character of existing residential development in the vicinity, and the Project will be well-integrated into its setting. The Project is designed to be an attractive, modern small-lot, single-family residential community that is within the allowable density for the Low Density Residential General Plan Land Use Designation and complies with the special requirements for Small Lot Subdivisions set forth in Garden Grove Municipal Code Section 9.12.040.060. The proposed development includes active open space along with private rear yard areas for the individual property owners. The main entry into the development is from Lewis Street and includes decorative paving, enhanced landscaping, and fencing. The new development will improve the site and is in keeping with well-designed modern residences. The site's proposed single-family residential type housing is similar and compatible with the surrounding properties, which have both single-family and multi-family housing. The design of the project provides a community of single-family homes on the site that will improve the appearance of the neighborhood.

B. The plan will produce a stable and desirable environment and will not cause undue traffic congestion on surrounding streets. The design of the Project complies with the spirit and intent of the Garden Grove Municipal Code for residential development. The City's Traffic Engineering Division has reviewed the plan and all appropriate conditions of approval have been incorporated to minimize any adverse impacts on surrounding streets. In addition, a traffic impact analysis for the Project was prepared by the City's consultant in conjunction with preparation of the Initial Study for the Project, which concludes that the additional vehicle trips anticipated to be generated as a result of the Project will have a less than significant impact on traffic congestion at impacted nearby intersections.

C. Provision is made for both public and private open spaces. The Project has been designed in accordance with City Code provisions for providing an adequate amount of public and private open spaces as required by the City's Small-Lot Subdivision Ordinance. The site provides active open space/recreation areas for the prospective residents.

D. Provision is made for the protection and maintenance of private areas reserved for common use. The conditions of approval for the Project require the formation of a Homeowners Association (HOA) and recordation of CC&Rs

(Covenants, Conditions, and Restrictions) providing for long-term maintenance of common areas by the Homeowners' Association, which will be enforceable by the City. Through the conditions of approval for the Project, all necessary agreements for the protection and maintenance of private areas reserved for common use will be in place prior to the start of construction and will be required to be adhered to for the life of the Project.

E. The quality of the Project achieved through the proposed Planned Unit Development zoning is greater than could be achieved under the current zoning. The Project was designed to create a residential community with a combination of active open space areas, landscaped streets, and on-street guest parking areas on the site. The PUD zoning allows the project to be designed as an integrated community on a network of streets and driveways. The Project meets City Code standards for parking, vehicle access and circulation, and landscaping. The PUD zoning allows the Project to have an overall quality that is greater than the current zoning as it allows a more integrated design of single-family buildings. The design creates a sense of neighborhood with sidewalks, tree-lined streets, and shared open space amenities.

F. Proposed Planned Unit Development No. PUD-006-2017 is consistent with the General Plan. As part of the Project, the City's Zoning Map would be amended to adopt Residential Planned Unit Development zoning (PUD-006-2017) with R-1 (Single-Family Residential) base zoning for the portion of the project site that is located within the city of Garden Grove and amend the City's official Zoning Map to "pre-zone" the annexed properties and adopt Residential Planned Unit Development zoning (PUD-006-2017) with R-1 (Single-Family Residential) base zoning. The zoning of the site and pre-zoning of the properties to be annexed to Residential Planned Unit Development zoning (PUD-006-2017) with R-1 (Single-Family Residential) base zoning is consistent with the proposed General Plan Land Use designation of Low Density Residential. The Low Density Residential (LDR) Land Use Designation is intended for the development of single-family residential neighborhoods. According to the General Plan, densities for the LDR designation range from 1 to a maximum of 9 dwelling units per acre. The proposed project will have a net density of 7.8 dwelling units per acre, which is below the maximum allowed. The proposed adoption of Residential Planned Unit Development zoning (PUD-006-2017) with R-1 (Single-Family Residential) base zoning will also facilitate the annexation of the subject 0.901 acres to the City of Garden Grove, which is consistent with General Plan Land Use Element Policy LU-14.2, which directs the City to pursue to the extent feasible exchanges of land with contiguous cities, that will rationalize and clarify City boundaries and will provide minimal costs and maximum benefits to the City. The subject 0.901 acres borders the city of Garden Grove, so extension of the City's boundaries to include the property is rational. Further, the additional cost to the City to provide City services to the property will be minimal, and will be offset by the Development Agreement fees, the additional ad valorem property tax revenue and generally applicable City tax and assessment revenue the City will receive.

G. Proposed adoption of Planned Unit Development No. PUD-006-2017, with R-1 (Single-Family Residential) base zoning, will promote the public interest, health, safety and welfare. The proposed adoption of Planned Unit Development No. PUD-006-2017, with R-1 (Single-Family Residential) base zoning will facilitate the annexation of the subject 0.901 acres to the City of Garden Grove, thereby rationalizing municipal boundaries in the area, extending police, fire, and other City services to the property. In conjunction with the proposed adoption of Planned Unit Development No. PUD-006-2017, with R-1 (Single-Family Residential) base zoning, the proposed 70-unit small lot subdivision development will ensure that the future use and development of the property will be consistent with the use and development permitted on nearby properties within the City of Garden Grove.

H. The parcels covered by the proposed amendment to the Zone Map are physically suitable for the Planned Unit Development No. PUD-006-2017, with R-1 (Single-Family Residential) base zoning, pre-zoning designation. The adoption of Planned Unit Development No. PUD-006-2017, with R-1 (Single-Family Residential) base zoning, for the Property would allow for the subject site to be redeveloped with a gated small lot subdivision with 70 single-family detached residential units on separate lots and related street and open space improvements. The site is a large contiguous site with access to all necessary public infrastructure to adequately serve the proposed residential development. The proposed development meets the development standards for Small Lot Subdivisions set forth in Garden Grove Municipal Code Section 9.12.040.060 and is large enough to accommodate the required parking on-site. The net density of the Property with the proposed Project would be 7.8 dwelling units per acre, which is below the maximum allowed for the Low Density General Plan Land Use Designation.

I. The parcels covered by the proposed amendment to the Zone Map are compatible with surrounding land uses, and the proposed zoning of the site and pre-zoning of the properties to be annexed to Residential Planned Unit Development zoning (PUD-006-2017), with R-1 (Single-Family Residential) base zoning, will ensure a degree of compatibility with the surrounding properties and uses. Surrounding properties contain single-family and multi-family residential housing. Adoption of Planned Unit Development No. PUD-006-2017, with R-1 (Single-Family Residential) base zoning, for the Property would allow for the subject site to be redeveloped with a gated small lot subdivision with 70 single-family detached residential units on separate lots and related street and open space improvements, converting the use of the Property to a use similar to the use of the surrounding properties. A Planned Unit Development (PUD) is a precise plan, adopted by ordinance that provides the means for the regulation of buildings, structures and uses of land in order to facilitate the implementation of the General Plan. Pursuant to Garden Grove Municipal Code Section 9.16.030, the regulations of the planned unit development are intended to provide for a diversity of uses, relationships, and open spaces in an innovative land plan and design, while ensuring compliance with the provisions of the Municipal Code. A small lot subdivision development adds to the diversity of existing uses, through innovative land plan and design, while ensuring that the proposed development is suitable and compatible with existing surrounding uses. The zoning of the site and pre-zoning of the properties to be

annexed to Residential Planned Unit Development zoning (PUD-006-2017) with R-1 (Single-Family Residential) base zoning is consistent with the proposed General Plan Land Use designation of Low Density Residential, and the proposed single-family residential type housing will be similar and compatible with the surrounding properties and uses.

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

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

Section 2. The facts and reasons stated in Planning Commission Resolution No. 5877-17 recommending approval of General Plan Amendment No. GPA-001-2017 and Planned Unit Development No. PUD-006-2017, a copy of which is on file in the Office of the City Clerk, are hereby incorporated herein by reference with the same force and effect as if set forth in full.

Section 3. Planned Unit Development No. PUD-006-2017 is hereby approved.

Section 4. Upon approval of the Lewis Street Reorganization (RO 01-17) by the Orange County Local Agency Formation Commission, the zoning of the portion of the Project site that is located within the City of Garden Grove shall be re-zoned, and the territory to be annexed shall be pre-zoned, to Residential Planned Unit Development zoning (PUD-006-2017) with R-1 (Single-Family Residential) base zoning, as shown on the attached map. Zone Map part T-12 shall be amended accordingly. Upon the effective date of annexation of the property to the City of Garden Grove pursuant to the Lewis Street Reorganization (RO 01-17), the zoning designation of said annexed property shall be Residential Planned Unit Development zoning (PUD-006-2017) with R-1 (Single-Family Residential) base zoning. Should the Lewis Street Reorganization (RO 01-17) not be approved, the zoning designation of the portion of the Project site that is located within the jurisdictional boundaries of the City of Garden Grove shall not change and shall remain as it existed immediately prior to the effective date of this Ordinance.

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 on the later of (i) the date that is thirty (30) days after adoption, or (ii) the date the Resolution approving General Plan Amendment No. GPA-001-2017 becomes effective.