

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF GARDEN GROVE AND CHRIST CATHOLIC CATHEDRAL FACILITIES CORPORATION FOR PROPERTY LOCATED ON 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

City Attorney Summary

This Ordinance approves a Development Agreement between the City of Garden Grove and Christ Catholic Cathedral Facilities Corporation, the owner and developer of a 70 unit single-family residential small lot subdivision and related improvements on a 9.01-acre located on 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 agreement provides that the developer will be entitled to build the project in accordance with the land use entitlements approved pursuant to General Plan Amendment No. GPA-001-2017, Planned Unit Development No. PUD-006-2017, Site Plan No. SP-028-2017, and Tentative Tract Map No. TT-17927-2017 for a period of 4 years from the date that the General Plan and Zoning Map amendments reflected in General Plan Amendment No. GPA-001-2017 and Planned Unit Development No. PUD-006-2017 take effect. The agreement further provides for a development agreement payment to the City of Garden Grove in an amount not to exceed \$134,120.00.

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 Christ Catholic Cathedral Facilities Corporation and Shea Homes for Development Agreement No. DA-006-2017 for the development of 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 (v) 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, following a duly noticed Public Hearing, the City Council adopted Resolution No. [REDACTED] during its meeting on May 23, 2017, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project pursuant to the California Environmental Quality Act, California Public Resources Section 21000 et seq. ("CEQA") and CEQA's implementing guidelines, California Code of Regulations, Title 14, Sections 15000 et seq.;

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, pursuant to Resolution No. [REDACTED], adopted on May 23, 2017, the City Council approved 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 Property 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, pursuant to Ordinance No. ____, introduced on May 23, 2017 and adopted on _____, 2017, the City Council approved Planned Unit Development No. PUD-006-2017 to 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, upon approval of the Lewis Street Reorganization (RO 01-17) by the Orange County Local Agency Formation Commission;

WHEREAS, Development Agreement No. DA-06-2017 is consistent with the General Plan Land Use Designation of Low Density Residential and zoning designation of PUD-006-2017, including the goals and policies of the Garden Grove General Plan; and

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.

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. City Council Resolution No. [REDACTED] adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project is incorporated by reference as if set forth fully herein.

Section 3. Approval. Development Agreement No. DA-006-2017 is hereby adopted for property located on 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. A copy of Development Agreement No. DA-006-2017 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, or (ii) the date the

Resolution approving General Plan Amendment No. GPA-001-2017 becomes effective.