

ORDINANCE NO. 2952

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING ZONING AMENDMENT NO. A-036-2023 TO AMEND THE CITY'S OFFICIAL ZONING MAP TO CHANGE THE ZONING DESIGNATION OF PROPERTIES LOCATED AT 13252 BROOKHURST STREET AND 10052 CENTRAL AVENUE AND IDENTIFIED AS ASSESSOR'S PARCEL NOS. 099-031-01, 099-031-02, 099-031-08, and 099-031-09 FROM C-1 (NEIGHBORHOOD COMMERCIAL) AND R-2 (LIMITED MULTIPLE RESIDENTIAL) TO R-3 (MULTIPLE-FAMILY RESIDENTIAL)

CITY ATTORNEY SUMMARY

This Ordinance approves an amendment to the City's official zoning map to change the zoning designation of four parcels located at 13252 Brookhurst Street and 10052 Central Avenue (Assessor's Parcel Nos. 099-031-01, 099-031-02, 099-031-08, and 099-031-09) from C-1 (Neighborhood Commercial) and R-2 (Limited Multiple Residential) to R-3 (Multiple-Family Residential) to permit and facilitate a new multiple-family residential project consisting of thirty townhomes, along with associated site improvements.

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

WHEREAS, Melia Homes, Inc., the applicant, submitted a request to develop a 1.22-acre site with a new multiple-family residential project consisting of thirty townhomes, along with associated site improvements, on a property located at the southeast corner of Brookhurst Street and Central Avenue at 13252 Brookhurst Street and 10052 Central Avenue, Assessor's Parcel No. 099-031-01, 099-031-02, 099-031-08, and 099-031-09; and

WHEREAS, the applicant has requested the following approvals to facilitate the proposed development: (i) a General Plan Amendment to amend the General Plan Land Use Designations of the properties from Light Commercial (LC) and Low Medium Density Residential (LMR) to Medium Density Residential (MDR) to facilitate the development of the residential project; (ii) a Zoning Amendment to change the zoning of the subject properties from C-1 (Neighborhood Commercial) and R-2 (Limited Multiple Residential) to R-3 (Multiple-Family Residential) to facilitate the development of the residential project; (iii) Site Plan approval to construct thirty (30) three-story townhomes along with associated site improvements; and (iv) Tentative Tract Map approval to create a one-lot subdivision for the purpose of selling each townhome as a condominium (collectively, the "Project"); and

WHEREAS, proposed Zoning Amendment No. A-036-2023 would amend the City of Garden Grove's Official Zoning Map (a) to modify the zoning designation of two adjoining parcels located at 13252 Brookhurst Street (Assessor's Parcel Nos. 099-031-01 and 099-031-02) from C-1 (Neighborhood Commercial) to R-3 (Multiple-

Family Residential) and (b) to modify the zoning designation of two parcels located at located at 10052 Central Avenue (Assessor's Parcel Nos. 099-031-08 and 099-031-09) from R-2 (Limited Multiple Residential) to R-3 (Multiple-Family Residential); and

WHEREAS, following a public hearing held on December 7, 2023, the Garden Grove Planning Commission adopted Resolution No. 6077-23 recommending the Garden Grove City Council to approve General Plan Amendment No. GPA-001-2023 and Amendment No. A-036-2023 and Resolution No. 6079-23 recommending the Garden Grove City Council adopt a Mitigated Negative Declaration and the associated Mitigation Monitoring and Reporting Program for the Project; and

WHEREAS, concurrently with the adoption of this Resolution, the City Council adopted (a) Resolution No. 9839-24, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project, and (b) Resolution No. 9840-24, approving General Plan Amendment No. GPA-001-2023, (i) modifying the General Plan Land Use Designation of the two parcels located at 13252 Brookhurst Street (Assessor's Parcel Nos. 099-031-01 and 099-031-02) from Light Commercial (LC) to Medium Density Residential (MDR) and (b) modifying the General Plan Land Use Designation of the two parcels located at 10052 Central Avenue (Assessor's Parcel Nos. 099-031-08 and 099-031-09) from Low Medium Density Residential (LMR) to Medium Density Residential (MDR); and

WHEREAS, pursuant to a legal notice, a Public Hearing regarding the Project and the Mitigated Negative Declaration was held by the City Council on February 13, 2024, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of February 13, 2024, and considered all oral and written testimony presented.

WHEREAS, the City Council hereby incorporates by reference the findings and reasons set forth in Planning Commission Resolution No. 6077-23 and makes the following findings regarding Zoning Amendment No. A-036-2023:

- A. Amendment No. A-036-2021 is internally consistent with the goals, policies, and elements of the General Plan.
- B. Amendment No. A-036-2021 is deemed to promote the public interest, health, safety and welfare.
- C. The proposed zone change will ensure a degree of compatibility with surrounding properties and uses.

- D. The parcels covered by the proposed amendment to the Zoning Map are physically suitable for the requested land use designation(s), compatible with the surrounding land uses, and consistent with the General Plan.
- E. Approval of Amendment No. A-036-2023 is consistent with Government Code Section 66300 because it will increase the permitted residential density of the subject parcels and will not change the zoning of the subject parcels to a less intensive use or reduce the intensity of land use within a zoning district below what was allowed under zoning for the parcels in effect on January 1, 2018.
- F. The "No Net Loss" provisions of Government Code Section 65863 and Section 9.60.030 of the Garden Grove Municipal Code do not apply because approval of Amendment No. A-036-2023 will not require or permit the reduction of the allowable residential density for any housing element parcel.

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

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

Section 2. Resolution No. 9839-24 adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project is incorporated herein by reference with the same force and effect as if set forth in full herein.

Section 3. Zoning Amendment No. A-036-2023 is hereby approved pursuant to the findings set forth herein and the facts and reasons stated herein and in Planning Commission Resolution No. 6077-23, a copy of which is on file in the City Clerk's Office and incorporated herein by reference with the same force and effect as if set forth in full.

Section 4. The properties located at 13252 Brookhurst Street and 10052 Central Avenue, Assessor's Parcel No. 099-031-01, 099-031-02, 099-031-08, and 099-031-09, are hereby zoned to R-3 (Multiple Family Residential), as shown on the attached map (Exhibit "A"). Zone Map part N-14 is amended accordingly.

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 date that is 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, TERESA POMEROY, 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 February 13, 2024, with a vote as follows:

AYES:	COUNCIL MEMBERS:	(6)	BRIETIGAM, O'NEILL, DOVINH, KLOPFENSTEIN, NGUYEN-PENALOZA, TRAN
NOES:	COUNCIL MEMBERS:	(0)	NONE
ABSENT:	COUNCIL MEMBERS:	(1)	JONES



Exhibit "A"
GPA-001-2023
A-036-2023, SP-127-2023, and
TT-19273



LEGEND



SUBJECT SITE(S)
 099-031-01, 099-031-02, 099-031-08, and 099-031-09

NOTES

1. Site addresses – 13252 Brookhurst Street and 10052 Central Avenue
2. Current Zone: C-1 (Neighborhood Commercial) and R-2 (Limited Multiple Residential)
3. Proposed Zone: R-3 (Multiple-Family Residential)

CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
FEBRUARY 2024