

AGENDA



Garden Grove Special City Council

Friday, July 15, 2016

7:30 AM

Community Meeting Center, 11300
Stanford Avenue, Garden Grove, CA
92840

Bao Nguyen

Mayor

Steven R. Jones

Mayor Pro Tem

Christopher V. Phan

Council Member

Phat Bui

Council Member

Kris Beard

Council Member

Meeting Assistance: Any person requiring auxiliary aids and services, due to a disability, to address the City Council, should contact the City Clerk's Office 72 hours prior to the meeting to arrange for accommodations. Phone: 714) 741-5040.

Agenda Item Descriptions: Are intended to give a brief, general description of the item. The City Council may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

Documents/Writings: Any revised or additional documents/writings related to an item on the agenda distributed to all or a majority of the Council Members within 72 hours of a meeting, are made available for public inspection at the same time (1) in the City Clerk's Office at 11222 Acacia Parkway, Garden Grove, CA 92840, during normal business hours; (2) on the City's website as an attachment to the City Council meeting agenda; and (3) at the Council Chamber at the time of the meeting.

Public Comments: Members of the public desiring to address the City Council are requested to complete a **pink speaker card** indicating their name and address, and identifying the subject matter they wish to address. This card should be given to the City Clerk prior to the start of the meeting. General comments are made during "Oral Communications" and should be limited to matters under consideration and/or what the City Council has jurisdiction over. Persons wishing to address the City Council regarding a Public Hearing matter will be called to the podium at the time the matter is being considered.

Manner of Addressing the City Council: After being called by the Mayor, you may approach the podium, it is requested that you state your name for the record, and proceed to address the City Council. All remarks and questions should be addressed to the City Council as a whole and not to individual Council Members or staff members. Any person making impertinent, slanderous, or profane remarks or who becomes boisterous while addressing the City Council shall be called to order by the Mayor. If such conduct continues, the Mayor may order the person barred from addressing the City Council any further during that meeting.

Time Limitation: Speakers must limit remarks for a total of (5) five minutes. When any group of persons wishes to address the City Council on the same subject matter, the Mayor may request a spokesperson be chosen to represent the group, so as to avoid unnecessary repetition. At the City Council's discretion, a limit on the total amount of time for public comments during Oral Communications and/or a further limit on the time allotted to each speaker during Oral Communications may be set.

PLEASE SILENCE YOUR CELL PHONES DURING THE MEETING.

Special Meeting

ROLL CALL:

COUNCIL MEMBER BEARD, COUNCIL MEMBER BUI, COUNCIL MEMBER PHAN,
MAYOR PRO TEM JONES, MAYOR NGUYEN

1. Oral Communications
2. Adoption of Urgency Ordinance No. 2869 imposing a moratorium on the approval of mortuaries and crematoriums. (*Action Item*)
AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE IMPOSING A MORATORIUM ON THE APPROVAL OF MORTUARIES AND CREMATORIUMS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858
3. Adjournment

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Scott C. Stiles From: Lisa Kim

Dept.: City Manager Dept.: Community and Economic Development

Subject: Adoption of Urgency Ordinance No. 2869 imposing a moratorium on the approval of mortuaries and crematoriums. (*Action Item*) Date: 7/15/2016

Attached is the agenda report and Urgency Ordinance for adoption.

ATTACHMENTS:

Description	Upload Date	Type	File Name
Agenda Report	7/13/2016	Cover Memo	CC_Staff_Report_Re_Urgency_Ordinance_Imposing_Moratorium_on_Mortuaries_and_Crematoriums.pdf
Ordinance No. 2869	7/13/2016	Ordinance	2869_Urgency_Ordinance_Imposing_45_Day_Moratorium_on_the_Approval_of_Mortuaries_and_Crematoriums-1_7-15-16.pdf

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Lisa Kim
Dept:	City Manager	Dept:	Economic and Community Development
Subject:	ADOPTION OF AN URGENCY INTERIM ORDINANCE IMPOSING A MORATORIUM ON THE APPROVAL OF MORTUARIES AND CREMATORIIUMS PURSUANT TO GOVERNMENT CODE SECTION 65858		
		Date:	July 15, 2016

OBJECTIVE

For the City Council to adopt an urgency interim ordinance imposing a moratorium on the approval of permits or land use entitlements for mortuaries and crematoriums.

BACKGROUND

Recently, City staff has received inquiries about establishing mortuaries with crematoriums in the City. A review of the Code discloses that the City has a lack of regulations for such uses, which were not a problem when the City had larger agricultural uses. Now that the City has become a primarily residential community, the Code needs to be revised to address negative impacts associated with mortuaries and crematoriums, especially with respect to sensitive uses such as residences, schools and parks. Some of the negative impacts include fear, concerns about long-term physical and mental health effects, interference with use and enjoyment of residential properties, and property devaluation arising from the negative public perception pertaining to living in proximity to mortuaries and/or crematoriums. Staff recommends adopting a moratorium to preserve the status quo as it quickly processes a Code amendment to address these impacts.

DISCUSSION

The attached urgency ordinance imposes a moratorium on the issuance on permits or land use entitlement for mortuaries and/or crematoriums, and exempts applications that have been accepted as complete as of the date of the adoption of the urgency ordinance. This exemption is required by State Law to protect the Due Process of owners of property who have applied for land use entitlements currently being reviewed by the City.

ADOPTION OF URGENCY ORDINANCE IMPOSING MORATORIUM ON MORTUARIES
AND CREMATORIALS

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Pursuant to Government Code § 65858, the moratorium will be in place for 45 days during which the City will notice a public hearing for the City Council to consider extending it for an additional 10 months and 15 days.

The adoption of the urgency ordinance requires 4 affirmative votes of the City Council.

ENVIRONMENTAL REVIEW

Pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations, the proposed urgency Ordinance is exempt from California Environmental Quality Act review because there is no possibility the adoption of the proposed Ordinance, and establishment of the interim moratorium thereby, will have a significant effect on the environment, because the moratorium prevents the issuance of a land use permit during the moratorium period.

FISCAL IMPACT

None at this time.

RECOMMENDATION

It is recommended that the City Council read by title only, waive further reading, and adopt Urgency Ordinance No. 2869: AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE IMPOSING A MORATORIUM ON THE APPROVAL OF MORTUARIES AND CREMATORIALS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858.

Attachment: Urgency Ordinance

AN URGENCY INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE IMPOSING A MORATORIUM ON THE APPROVAL OF MORTUARIES AND CREMATORIALS PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

Section 1. Legislative Intent and Findings.

A. Pursuant to California Government Code Section 65858, the City Council finds and determines that a current and immediate threat to the public health, peace, safety and general welfare exists which necessitates the immediate enactment of this Ordinance for the immediate preservation of the public health, peace, safety and general welfare based upon the facts set forth in this Ordinance and the facts presented to the City Council. The approval of mortuaries and crematoriums would result in a threat to the public health, safety, and general welfare of the City's residents absent specific development standards and review processes applicable to such uses to prevent and/or mitigate negative impacts that may be created with their development.

B. The City is primarily a residential community that is substantially built-out, with different zoning districts adjacent to residential neighborhoods, schools, and parks. Mortuaries and crematoriums are currently permitted in various zoning districts within and adjacent to residential neighborhoods and other sensitive uses without standards or the need for discretionary review, which because of the nature of mortuaries and crematoriums can expose residential neighborhoods and other sensitive uses to negative impacts that include fear, concerns about long-term physical and mental health effects, interference with use and enjoyment of residential properties, and property devaluation arising from the negative public perception pertaining to living in proximity to mortuaries and/or crematoriums. The City intends to process a Zoning Code amendment to address these negative impacts and establish reasonable standards and review processes applicable to mortuaries and crematoriums.

Section 2. Moratorium on the Approval of Mortuaries and Crematoriums.

A. Pursuant to California Government Code Section 65858, no person, firm, corporation, or other entity shall develop, establish or construct and no subdivision, use permit, variance, building permit or any other applicable land use entitlement or construction permit shall issue for a mortuary and/or crematorium effective upon the passage of this ordinance.

B. The moratorium imposed herein shall not apply to a mortuary and/or crematorium for which an application has been accepted and deemed complete by the City as of the passage of this Ordinance. However, the exception set forth herein shall not provide an amnesty for the use of property, buildings, or other facilities that have not otherwise complied with current zoning or building requirements or that would otherwise constitute illegal uses of property. For example,

the exception does not apply to development, construction, or buildings that were constructed or modified to become mortuaries and/or crematoriums without the required building, electrical, mechanical, and plumbing or other applicable permits or land use entitlements.

Section 3. Effective Date. This interim ordinance shall become effective immediately upon its adoption, and shall remain in force and effect for forty-five (45) days unless extended for an additional period of time pursuant to Government Code Section 65858.

Section 4. Urgency. This interim ordinance is necessary for the immediate protection of the public health, welfare, and general safety for the reasons identified in Section 1 hereof.

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, 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, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

PASSED and ADOPTED this 15th day of July, 2016.

MAYOR

ATTEST:

CITY CLERK

I, Kathy Bailor, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was adopted at a special meeting of the City Council of the City of Garden Grove on the 15th day of July, 2016 by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

CITY CLERK