

RESOLUTION NO. 5899-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-043-2017 AND TENTATIVE TRACT MAP NO. TT-17455 FOR THE MODIFIED SITE C RESORT HOTEL DEVELOPMENT PROJECT ON PROPERTY LOCATED AT 12222, 12252, 12262, 12272, 12292, AND 12302 HARBOR BOULEVARD, 12511, 12531, 12551 AND 12571 TWINTREE LANE, AND 12233, 12235, 12237, AND 12239 CHOISSER ROAD, ASSESSOR'S PARCEL NOS. 231-421-20, 231-521-01, 02, 03, 04, 05, 06, 07, 08, 09, AND 10; AND 231-491-12, 13, 14, 15, 16, 17, 18, AND 19.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on November 2, 2017, does hereby approve Site Plan No. SP-043-2017, and Tentative Tract Map No. TT-17455, for land located at the northeast corner of Harbor Boulevard and Twintree Lane, west of Choisser Road at 12222, 12252, 12262, 12272, 12292, and 12302 Harbor Boulevard, 12511, 12531, 12551 and 12571 Twintree Lane, and 12233, 12235, 12237, and 12239 Choisser Road, Assessor's Parcel Nos. 231-421-20, 231-521-01, 02, 03, 04, 05, 06, 07, 08, 09, and 10; and 231-491-12, 13, 14, 15, 16, 17, 18, and 19 (collectively, the "Site").

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-043-2017 and Tentative Tract Map No. TT-17455, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Investel Garden Resorts, LLC (the "Applicant").
2. In 2012, the Garden Grove City Council approved General Plan Amendment No. GPA-2-12(B) and Planned Unit Development No. PUD-128-12 and adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program to facilitate the future development of a resort hotel development project (the "Site C Project") on the Site. Planned Unit Development No. PUD-128-12 incorporates a conceptual site plan depicting the Site C Project, as it was contemplated at the time. The Applicant now requests approval of a Site Plan, Tentative Tract Map, and Development Agreement to implement the Site C Project and proposed modifications to the 2012 conceptual site plan (the "Modified Project"). The request includes: (i) Planning Commission approval of Site Plan No. SP-043-2017 depicting the Modified Project, which includes the same number of hotels, maximum number of hotel rooms, and maximum building heights as approved in 2012, but proposes modifications to the configuration of the buildings, the internal circulation and site access, and the amount and type of ancillary uses; (ii) Planning Commission approval of Tentative Tract Map No. TT-17455 to adjust the rear property lines of four (4) parcels located on Choisser Road and to consolidate existing parcels into two (2) lots to facilitate the development of the Modified Project and future commercial condominiumization; and (iii) City Council approval of Development Agreement

No. DA-008-2017 between the City of Garden Grove and Investel Garden Resorts, LLC, providing the Applicant with a vested right to develop the Modified Project in accordance with Site Plan No. SP-043-2017 and Tentative Tract Map No. TT-17455.

3. Based on the approval of the Site C Project and adoption of a Mitigated Negative Declaration in 2012, pursuant to the California Environmental Quality Act, California Public Resources Code Section 21000 et seq. ("CEQA") and CEQA's implementing guidelines, California Code of Regulations, Title 14, Section 15000 et seq., the City of Garden Grove prepared an Initial Study to determine if the proposed modifications resulting from the Modified Project will result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts as required by CEQA Section 21166 and CEQA Guidelines Section 15162. Based on the Initial Study and supporting technical analyses, it was determined that the proposed Modified Project qualifies for a Subsequent Mitigated Negative Declaration because the proposed Modified Project, along with the mitigation measures identified in the Initial Study cannot, or will not, have any new significant effects on the environment or result in a substantial increase in the severity of previously identified significant effects.
4. The property has a General Plan Land Use designation of International West Mixed Use and is zoned Planned Unit Development No. PUD-128-12. The subject Site is 4.3-acres and is currently vacant and unimproved. The Project Site abuts a vacant commercial lot to the north (the "Sunbelt Property"); commercial buildings and one-story, single-family homes to the south; one-story, single-family homes to the east; and commercial uses, the Sheraton Hotel, and vacant properties to the west. In accordance with Section 5 of Ordinance No. 2824, the Community and Economic Development Director has determined, in her reasonable discretion, that design of the Modified Project preserves direct vehicle access to and from the Sunbelt Property from Harbor Boulevard for both northbound and southbound traffic traveling on Harbor Boulevard.
5. Existing land use, zoning, and General Plan designations of property in the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on November 2, 2017, and all interested persons were given an opportunity to be heard.
8. Concurrently with adoption of this Resolution, on November 2, 2017, the Planning Commission adopted Resolution No. 5898-17 adopting a Subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Modified Project, and Resolution No. 5900-17 recommending approval of Development Agreement No. DA-008-2017 by the Garden Grove City Council.

The facts and findings set forth in Planning Commission Resolution Nos. 5898-17 and 5900-17 are hereby incorporated into this Resolution by reference.

9. The Planning Commission gave due and careful consideration to the matter during its meeting of November 2, 2017.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Sections 9.32.030 and 9.40.060, are as follows:

FACTS:

In 2012, the Garden Grove City Council approved General Plan Amendment No. GPA-2-12(B) and Planned Unit Development No. PUD-128-12 and adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program to facilitate the future development of a resort hotel project known as the Site C Project. As approved in 2012, the Site C Project called for up to 769 rooms and ancillary hotel uses such as pools, spas, and fitness centers within one (1) full-service and two (2) limited-service resort hotels with up to 104,000 aggregate square feet of conference/meeting banquet space, hotel restaurant space, and freestanding pad restaurant/entertainment space, and a multi-level parking garage with 1,297 parking spaces on 5.2-acres. Planned Unit Development No. PUD-128-12 incorporated a conceptual site plan depicting the Site C Project, as it was contemplated at the time. The conceptual site plan envisioned two vehicular access points to the Project Site, one on Harbor Boulevard, across from the entrance to the Sheraton Hotel, and another on Twintree Lane. The Planned Unit Development standards require the installation of a traffic signal at the main Project entrance on Harbor Boulevard and related raised median improvements in Harbor Boulevard. Planned Unit Development No. PUD-128-12 allows the number of parking spaces to be reduced below 1,297 to the extent justified by a parking study in the event the approved project consists of less than 769 rooms and/or the prescribed square footages of the total combined conference/ meeting banquet space and restaurant changes.

The Applicant now proposes to develop the Site C Project, and proposes certain modifications to the Project depicted in the 2012 conceptual site plan. The number of hotels, maximum number of hotel rooms, and maximum building heights remain the same, but the size of the Site, the configuration of the buildings, the amount and type of ancillary uses, and the internal circulation and site access have been modified.

The Modified Project consists of 769 hotel rooms and approximately 26,090 square feet of additional hotel ancillary uses within two (2) full-serve and one (1) limited-service hotel, approximately 39,867 square feet of conference/meeting banquet space, approximately 36,885 square feet of

restaurant/retail/entertainment space, approximately 24,014 square feet of hotel restaurant space, and a total of up to 1,297 parking spaces within a multi-level parking structure with one level of subterranean parking. The Modified Project will be constructed on approximately 4.3-acres.

Planned Unit Development No. PUD-128-12 and the 2012 conceptual site plan contemplate the potential development of the Site and the adjacent property located to the north of the Site at 12202 Harbor Boulevard and identified as Assessor's Parcel No. 231-491-21 (the "Sunbelt Property") as part of a single project. Garden Grove City Council Ordinance No. 2824, approving Planned Unit Development No. PUD-128-12 provides that, in the event the Sunbelt Property is not developed as part of a single project with the remainder of the Site, the Community Development Director shall ensure, in his or her reasonable discretion, that access to the Sunbelt Property is adequately maintained through either an access easement between the two properties or preservation of direct vehicle access to and from the Sunbelt Property from Harbor Boulevard for both northbound and southbound traffic traveling on Harbor Boulevard. The Modified Project does not include development of the Sunbelt Property as part of a single project and does not provide for an access easement. Thus, access to and from the Sunbelt property will be maintained directly from Harbor Boulevard. In June 2017, RK Engineering conducted an analysis on behalf of the City analyzing alternatives for providing access to and from the Sunbelt Property from Harbor Boulevard. Based on this analysis, right turn-in and turn-out unsignalized access to and from the Sunbelt Property from Harbor Boulevard is recommended. Under this alternative, outbound vehicles can access southbound Harbor Boulevard by making a right-turn at the driveway and then performing a U-Turn maneuver to southbound Harbor Boulevard at the existing Harbor Boulevard / Target Driveway signalized intersection. Inbound vehicles traveling southbound on Harbor Boulevard can access the Sunbelt Property by making a U-Turn maneuver at the traffic signal to be installed at the Site C / Sheraton Hotel access intersection and then proceed northbound on Harbor Boulevard where vehicles can turn right into the Sunbelt Property. The RK Engineering analysis recommends against creating median breaks in Harbor Boulevard to allow for unprotected left turn movements directly to/from the Sunbelt Property along Harbor Boulevard, finding that doing so would create an operational deficiency and hazard for vehicles traveling on Harbor Boulevard. In accordance with Section 5 of Ordinance No. 2824, the Community and Economic Development Director has determined, in her reasonable discretion, that design of the Modified Project, which provides for U-Turn movements at the signalized intersection at the main Project entrance, preserves direct vehicle access to and from the Sunbelt Property from Harbor Boulevard for both northbound and southbound traffic traveling on Harbor Boulevard.

To facilitate the Modified Project, a Site Plan is required depicting the Modified Project, and a Tentative Tract Map is required to adjust the rear property lines of four (4) existing city-owned parcels located at the northeast corner of the site on Choisser Road to incorporate a portion of these parcels into the Modified Project

Site and to consolidate the existing parcels on the Modified Project Site into two (2) lots to facilitate development of the Modified Project and future commercial condominiumization.

The Modified Project has been designed to comply with the performance standards of Planned Unit Development No. PUD-128-12, including maintaining the same number of hotels and hotel rooms, and complying with the building setbacks, parking, and maximum building heights as approved in 2012.

The Modified Project is located in the Grove District Anaheim Resort, which is designated as a resort destination that encourages hotels, restaurants, and entertainment uses.

**FINDINGS AND REASONS:**

**Site Plan:**

1. The Site Plan complies with the spirit and intent of the provisions, conditions and requirements of Title 9 and is consistent with the General Plan.

The Site has a General Plan Land Use Designation of the International West Mixed Use, which is intended to promote the development of resorts, entertainment, retail, restaurants, and hotels along Harbor Boulevard. Policy ED-1.1 of the Economic Development Element encourages the development and expansion of hotel facilities on key corridors in the City, such as Harbor Boulevard, while Goal LU-9 of the Land Use Element for the International West seeks to develop this area as a tourism and entertainment destination. The Project site is currently vacant and unimproved, and the Modified Project will fulfill the goals of the General Plan.

The Modified Project has been designed to comply with the development standards and performance standards of Planned Unit Development No. PUD-128-12. The number of hotels, maximum number of hotel rooms, and maximum building heights will remain the same as approved in 2012. The proposed modifications to the configuration of the buildings, the amount and type of ancillary uses, and the site access will continue to be in compliance with the intent of Planned Unit Development No. PUD-128-12. The proposed modifications comply with Planned Unit Development No. PUD-128-12. The Modified Project will be compatible with the existing hotel developments in the area, and will further the goals of the General Plan that envisions entertainment/themed resorts in the area.

2. The Project will not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access.

The Modified Project will maintain the same vehicular access points on Harbor Boulevard and Twintree Lane as contemplated by the 2012 conceptual site plan, but will introduce a secondary vehicular access point to the Site located on Harbor Boulevard. The main vehicular access to the Project Site from Harbor Boulevard will be aligned with the existing driveway of the Sheraton Hotel, which is located directly across the street from the Project Site, which will facilitate vehicular and pedestrian access between the two (2) hotel developments and from the public right-of-way. A new traffic signal will be installed at this intersection that will allow for left turn and right turn in and out of the Project Site, as well as allow for U-Turns. The Twintree Lane driveway will function as a secondary access point to the Site, and will be designed to allow for left-turn in, and right-turn out of the Project Site along with having a channeled median and the appropriate signage that will restrict access to the surrounding residential neighborhood. The new proposed driveway on Harbor Boulevard will be designed as a right-turn out only of the Project Site. Right-turn into the Project site will not be permitted at this driveway as it is located too close to Twintree Lane. Also, a new traffic signal will be installed at the Harbor Boulevard and Twintree Lane intersection.

The Modified Project will provide an internal vehicular circulation system that complies with the City's minimum drive aisle standards, and will accommodate two-way traffic and provide appropriate access for trash trucks and emergency vehicles. The Modified Project will provide on-site sidewalks that originate from the public right-of-way that allow for pedestrian access to the Site.

The parking for the Project will be provided within a multi-level parking structure that will have one-level of subterranean parking. Based on a shared parking study prepared in 2012, Planned Unit Development No. PUD-128-12 requires a total of 1,297 parking spaces to serve the Project based on the Project's shared land uses, which are compatible and complimentary to one another. The provisions of Planned Unit Development No. PUD-128-12 allow the number of parking spaces to be reduced below 1,297 to the extent justified by a new parking study, in the event of changes to the number of hotel rooms and/or the prescribed square footages of other uses. Due to the proposed modification to the square footages of the approved uses, a new shared parking study was performed to analyze the new peak parking demand for the proposed uses. The new parking study showed that, based on the proposed uses, a total of 1,221 parking spaces will be required for the Modified Project. The Applicant proposes to provide a total of 1,297 parking spaces in conjunction with the Modified Project, which will result in a surplus of 76 parking spaces. Nevertheless, the Site Plan approval is conditioned to ensure that at least 1,221 parking spaces are maintained to serve the Project, based on the square footages analyzed in the shared parking study.

The City's Traffic Engineering Section has reviewed the Modified Project, and the appropriate supplemental conditions of approval have been incorporated that, along with the PUD performance standards and the mitigation measures, will minimize any adverse impacts to surrounding streets.

3. The Project will not adversely affect essential public facilities such as streets and alleys, utilities and drainage channels.

The Modified Project is subject to the performance standards approved in 2012 for Planned Unit Development No. PUD-128-12. The Public Work's Department has reviewed the plans for the Modified Project, and has incorporated supplemental conditions of approval. The proposed development will provide landscaping and proper grading of the site to provide adequate on-site drainage. The PUD performance standards, the supplemental conditions of approval, and the adopted mitigation measures will minimize any adverse impacts to surrounding streets.

4. The Project will not adversely impact the Public Works Department's ability to perform its required function.

The Modified Project is subject to the Public Work's Department performance standards approved in 2012 for Planned Unit Development No. PUD-128-12. The Public Work's Department has reviewed the Modified Project, and has incorporated supplemental conditions of approval and mitigation measures that will minimize any adverse impacts.

5. The Project is compatible with the physical, functional, and visual quality of the neighboring uses and desirable neighborhood characteristics.

The Modified Project has been designed in accordance with the development standards of Planned Unit Development No. PUD-128-12. The Project is located in the Grove District Anaheim Resort, which is designated as a resort destination that encourages hotels, restaurants, and entertainment uses. The resort area is improved with hotels, restaurants, and retail uses.

The proposed Modified Project will be compatible with the existing hotel developments in the area. The building elevations will be designed to reflect each hotel brand, and will include unique architectural elements of each hotel. The Modified Project will provide landscaping that is consistent with the Harbor Boulevard landscape treatment pattern. Therefore, the Project will have a reasonable degree of physical, functional, and visual compatibility with neighborhood.

6. Through the planning and design of buildings and building placement, the provision of open space landscaping and other site amenities will attain an attractive environment for the occupants of the property.

The Modified Project has been designed in accordance with the development standards of Planned Unit Development No. PUD-128-12, and the proposed modifications to the configuration of the buildings, the amount and type of ancillary uses, and the site access will continue to be in compliance with the intent of PUD-128-12. The Modified Project will provide the required the landscape setbacks along Harbor Boulevard and Twintree Lane that are consistent with the resort area landscape pattern.

Tentative Tract Map:

1. The proposed map is consistent with the General Plan.

The proposed map is consistent with the provisions of the General Plan International West Mixed Use land use designation, which applies to all affected parcels. The International West Mixed Use Land Use designation is intended to promote the development of resorts, entertainment, retail, restaurants, and hotels along Harbor Boulevard. Policy ED-1.1 of the Economic Development Element encourages the development and expansion of hotel facilities on key corridors in the City, such as Harbor Boulevard, while Goal LU-9 of the Land Use Element for International West seeks to develop this area as a tourism and entertainment destination. The Tentative Tract Map will adjust the rear property lot lines of four (4) existing city-owned parcels located on Choisser Road to incorporate a portion of these parcels into the Project site, and will consolidate the existing parcels into two (2) lots to facilitate the development of the proposed resort hotel Project consisting of hotels and retail, restaurants and entertainment uses. The parcels on Choisser Road will maintain the required minimum lot size of 7,200 square feet. The proposed Modified Project will be compatible with existing hotel developments in the area, and will further the goals of the General Plan that envisions entertainment/themed resorts in the area.

2. The design and improvement of the proposed subdivision are consistent with the General Plan.

The design and improvements of the proposed subdivision are consistent with the General Plan. The proposed Project consists of hotels, restaurants, retail, and entertainment uses and is designed to comply with the applicable development standards of Planned Unit Development No. PUD-128-12. The International West Mixed Use Land Use designation is intended to promote the development of resorts, entertainment, retail, restaurants, and hotels along Harbor Boulevard. Policy ED-1.1 of the Economic Development

Element encourages the development and expansion of hotel facilities on key corridors in the City, such as Harbor Boulevard, while Goal LU-9 of the Land Use Element for International West seeks to develop this area as a tourism and entertainment destination. The development standards and performance standards approved in 2012 for Planned Unit Development No. PUD-128-12, as well as the supplemental conditions of approval, will ensure that the design and improvement of the project site will be consistent with the spirit and intent of the General Plan.

3. The Site is physically suitable for the proposed type of development.

The Site is physically suitable for the proposed development. The Site is located along Harbor Boulevard, a major thoroughfare, in the City's Grove District Anaheim Resort area and is specifically zoned for the proposed resort hotel development. The total land area associated with the Tentative Tract Map is 4.42-acres, which includes 3.64-acres for Lot 1 and .78-acres for Lot 2. The Modified Project will be constructed on 4.3-acres of the land area. The proposed Tentative Tract Map will consolidate the existing parcels on the Site to facilitate development of the Modified Project, which has been designed to comply with the development standards of Planned Unit Development No. PUD-128-12, including setbacks, building heights, and landscaping. In addition, entrance driveways and on-site drive aisles have been designed per the City's standard and provide adequate access for trash trucks and emergency vehicle access.

4. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat, and the requirements of the California Environmental Quality Act have been satisfied.

The City of Garden Grove City Council prepared an initial study and adopted a Mitigated Negative Declaration pursuant to CEQA in 2012 in conjunction with approval of General Plan Amendment No. GPA-2-12(B) and Planned Unit Development No. PUD-128-12. The City also prepared an updated environmental analysis to determine if the proposed Modified Project will result in any new significant environmental impacts or a substantial increase in the severity of previously identified significant environmental impacts. Based on the subsequent Initial Study and supporting technical analyses, it was determined that the proposed Modified Project qualifies for a Subsequent Mitigated Negative Declaration because the proposed Modified Project with the mitigation measures identified in the initial study, cannot, or will not, have any new significant effects on the environment or result in a substantial increase in the severity of previously identified significant effects. Concurrently with adoption of this Resolution on November 2, 2017, the

Planning Commission adopted Resolution No. 5898-17 adopting a Subsequent Mitigated Negative Declaration.

5. The Site is physically suitable for the proposed density of the development.

The Site is physically suitable for the Modified Project. Planned Unit Development No. PUD-128-12 expressly allows development of the proposed resort hotel project on the Site at the designed density. The proposed map will consist of two (2) parcels with a combined lot size of 4.42-acres, and the Modified Project will be constructed on 4.3-acres. The property is sufficient in size to accommodate the proposed Modified Project, and complies with the development standards of Planned Unit Development No. PUD-128-12.

6. The design of the subdivision and the proposed improvements are not likely to cause serious public health problems.

The design of the subdivision and the proposed improvements are not likely to cause serious public health problems since the conditions of approval will be in place to safeguard the public health. City Departments, including Traffic Division, Water Division, Engineering Division, Fire Department, and the Planning Division, have reviewed the Modified Project. The development standards and the performance standards adopted in 2012 by Planned Unit Development No. PUD-128-12 and the supplemental conditions of approval for the Modified Project will be applied as mitigating measures against potential impacts that the Modified Project may have on the community.

7. The design of the subdivision and the proposed improvements will not conflict with easements of record or easements established by court judgment acquired by the public at large for access through or use of property within the subdivision; or, if such easements exist, alternate easements for access or for use will be provided and these will be substantially equivalent to the ones previously acquired by the public.

The design of the subdivision and the proposed improvements will not conflict with easements of record or easements established by court judgment acquired by the public at large for access through or use of property within the proposed subdivision. The project has been designed to either avoid development over existing easements or require replacement of existing easements.

8. The design and improvement of the proposed subdivision are suitable for the uses proposed and the subdivision can be developed in compliance with the applicable zoning requirements.

The Modified Project will be constructed on a 4.3-acres, and will accommodate the proposed number of hotels, the proposed square footages for the conference/meeting banquet space, the hotel restaurants, the retail uses, and hotel ancillary uses, and the required parking. The design and improvement of the subdivision is suitable for the proposed Modified Project, and the subdivision, as proposed, comply with the General Plan, Planned Unit Development No. PUD-128-12, and the Subdivision Map Act.

9. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision.

To the extent feasible, the project has been designed in accordance with Government Code Section 66473.1, such as to allow for passive or natural heating opportunities in the subdivision design, to encourage the orientation of structures to take advantage of shade and prevailing breezes, to allow solar access for passive heating and opportunities for placement of shade trees and other vegetation for cooling.

10. The design, density, and configuration of the subdivision strike a balance between the effect of the subdivision on the housing needs of the region and public service needs. The character of the subdivision is compatible with the design of existing structures, and the lot sizes of the subdivision are substantially compatible with the lot sizes within the general area.

The Site is vacant, and no residential homes are proposed as part of the subdivision. The proposed Modified Project is located in an area known as the Grove District Anaheim Resort, which is designated as a resort destination that encourages hotels, restaurants, and entertainment uses. The resort area is improved with hotels, restaurants, and retail uses.

The Modified Project will have the same number of hotels, hotel rooms, and maximum building heights as approved in 2012, and the proposed modifications to the configuration of the buildings, the amount and type of ancillary uses, and the site access will continue to be in conformance with Planned Unit Development No. PUD-128-12. The Modified Project has been designed to comply with the development standards of Planned Unit Development No. PUD-128-12.

11. The subject property is not located within in a state responsibility area or a very high fire hazard severity zone, the proposed subdivision is served by local fire suppression services, and the proposed subdivision meets applicable design, location, and ingress-egress requirements.
12. The discharge of waste from the proposed subdivision into the existing sewer system will not result in a violation of existing requirements prescribed by the

California Regional Water Quality Control Board. The performance standards adopted in 2012 for Planned Unit Development No. PUD-128-12 and supplemental conditions of approval for the Modified Project, for on and off-site improvements, will ensure permitted capacity of the public sewer system is not exceeded.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT

In addition to the foregoing, the Planning Commission incorporates herein by this reference, the facts and findings set forth in the staff report and in Resolution No. 5898-17.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan and Tentative Tract Map possess characteristics that would justify the request in accordance with Municipal Code Sections No. 9.32.030.D.3 (Site Plan), and Section 9.40.060 (Tentative Maps).
2. In order to fulfill the purpose and intent of the Planned Unit Development No. PUD-128-12 and the Municipal Code and thereby promote the health, safety, and general welfare, the Modified Project is required to comply with the performance standards of Planned Unit Development No. PUD-128-12, and the supplemental Conditions of Approval (Exhibit "A") that shall apply to Site Plan No. SP-043-2017 and Tentative Tract Map No. TT-17455.

Adopted this 2nd day of November, 2017

ATTEST:

/s/ ANDREW KANZLER  
CHAIR

/s/ JUDITH MOORE  
RECORDING SECRETARY

STATE OF CALIFORNIA       )  
COUNTY OF ORANGE       ) SS:  
CITY OF GARDEN GROVE    )

I, JUDITH MOORE, Secretary of the City of Garden Grove Planning Commission, do hereby certify that the foregoing Resolution was duly adopted by the Planning Commission of the City of Garden Grove, California, at a meeting held on November 2, 2017, by the following vote:

AYES:	COMMISSIONERS:	(6)	BRIETIGAM, KANZLER, LAZENBY, LEHMAN, NGUYEN, TRUONG
NOES:	COMMISSIONERS:	(0)	NONE
ABSENT:	COMMISSIONERS:	(1)	SALAZAR

/s/ JUDITH MOORE  
RECORDING SECRETARY

## **EXHIBIT "A"**

### **Site Plan No. SP-043-2017 and Tentative Tract Map No. TT-17455**

12222, 12252, 12262, 12272, 12292, and 12302 Harbor Boulevard  
12511, 12531, 12551 and 12571 Twintree Lane  
12233, 12235, 12237, and 12239 Choisser Road

#### **SUPPLEMENTAL CONDITIONS OF APPROVAL**

1. Whenever used herein, the term "applicant" shall mean and refer to each of the following: Investel Garden Resorts, LLC, the developer of the project, the tenants/business operators on the property, and the property owner(s), and each of their respective successors and assigns. The applicant shall adhere to all Conditions of Approval for the life of the project, regardless of property ownership. Except as otherwise expressly provided herein, any changes to the Conditions of Approval require approval by the applicable hearing body.
2. Approval of this Site Plan and Tentative Tract Map shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code and Planned Unit Development No. PUD-128-12 shall apply.
3. Except as expressly modified or supplemented herein, Site Plan No. SP-043-2017 and Tentative Tract Map No. TT-17455 shall be subject to all Performance Standards applicable to Planned Unit Development No. PUD-128-12 ("PUD Performance Standards"), which are hereby incorporated into these Conditions of Approval by this reference. These Conditions of Approval are intended to supplement the PUD Performance Standards to reflect current legal and regulatory requirements and the approved modifications to the Project. In the event any actual or perceived conflict between any PUD Performance Standard and the modified or more specific provisions of these Conditions of Approval, the modified or more specific provisions of these Conditions of Approval shall apply. The City's Community and Economic Development Director is authorized to make interpretations of these Conditions of Approval and to resolve any such actual or perceived conflicts.
4. Minor modifications to the Site Plan and/or these Conditions of Approval, which do not materially change the scope or intensity of the project and which will not result in new significant impacts that have not previously been addressed, may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community and Economic Development Director not to be minor in nature shall be subject to

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approval of new and/or amended land use entitlements by the applicable City hearing body.

5. All mitigation measures and design features identified in the Supplemental Mitigated Negative Declaration adopted for the Modified Project (Site C Subsequent Mitigated Negative Declaration and Initial Study) (the "Subsequent Mitigated Negative Declaration") are incorporated herein by this reference and shall be implemented as conditions of approval for Site Plan No. SP-043-2017 and Tentative Tract Map No. TT-17455. The Mitigation Monitoring and Reporting Program adopted in conjunction with the Subsequent Mitigated Negative Declaration shall be implemented during Project construction throughout operation of the Project, as applicable.
6. The Conditions of Approval set forth herein include certain development impact fees and other exactions. Pursuant to Government Code §66020(d), these Conditions of Approval constitute written notice of the amount of such fees. To the extent applicable, the applicant is hereby notified that the 90-day protest period, commencing from the effective date of approval of Site Plan No. SP-043-2017 and Tentative Tract Map No. TT-17455, has begun.
7. In accordance with PUD Performance Standard No. 70, the applicant shall, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning the Project, including, without limitation, Site Plan No. SP-043-2017, Tentative Tract Map No. 17455, Development Agreement No. DA-008-2017, and/or the Subsequent Mitigated Negative Declaration and the associated Mitigation Monitoring and Reporting Program for the Project. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall defend the City with legal counsel mutually selected by the applicant and the office of the City Attorney and shall further pay any adverse financial award, which may issue against the City, including but not limited to any award of attorney fees to a party challenging such Project approval.

#### **Building Division**

8. Notwithstanding any other provision of these Conditions of Approval, all buildings and facilities shall comply with all applicable building codes and regulations that are in effect at the time of permit application, as such codes and regulations are adopted and amended by the City (see Garden Grove

Municipal Code Title 18). The following "Building Division" Conditions of Approval reflect the building codes and regulations in effect at the time of approval of the Site Plan and Tentative Tract Map and are not intended, and shall not be construed, to authorize deviations from the applicable building codes and requirements in effect at the time permits are applied for, should such building codes and regulations change in the future.

9. All buildings and facilities shall conform to requirements of Section 403 of the California Building Code (CBC) for fire, life safety requirements for high rise buildings, including fire sprinklers, fire alarms, fire pumps and fire pump rooms, secondary water supply, standpipe system, emergency voice/alarm communication system, emergency respond radio coverage, fire command, smoke control system, standby and emergency room, stairway communication system, smoke proof stair enclosure, luminous egress path markings, enclosed elevator lobby, and fire service access elevator.
10. Plans shall specify the following: construction type, occupancy group, building area, number of stories.
11. Plans shall provide area analysis: show imaginary property lines between the buildings on the site plan if separated occupancies are assumed.
12. Per Section 11B-258.2 of the CBC, accessible parking shall be provided for each type of parking facility. The applicant shall provide additional accessible parking spaces for the uncovered parking spaces located along the Twintree Lane drive aisle.
13. An accessible means of egress/accessible route from exits at exit-discharge to the public right-of-way shall be provided per Section 1009 of CBC.
14. Valet parking spaces shall be included in total number of parking spaces for calculating the required number of accessible parking spaces.
15. Passenger loading zones must conform to Section 11B-503 of the CBC and shall be provided at facilities with valet parking.
16. Accessible routes at site arrival points and within the site shall be provided in conformance with Section 11B-206 of the CBC.
  - a. Site arrival points: accessible routes shall be provided from public sidewalk/ street, accessible parking, passenger loading zones, public transportation stops to the accessible building entrances they serve.
  - b. Within the site: accessible routes shall be provided connecting accessible buildings.

17. An accessible route from pool area to dining terrace shall be provided.
18. An accessible entry to pool shall be provided per Section 11B-242 of the CBC.
19. An accessible route to the pool deck shall be provided.
20. Buildings shall be solar ready per Section 110.10 of the California Energy Code. Exception: 11 stories or more at hotel occupancies per Section 110.10(a)(3) of the CBC; 4 stories or more at retail/café/restaurant occupancies per Section 110.10(a)(4) of the CBC.
21. Maximum travel distance from each stair to elevator shall be 200 feet per Section 11B-206.2.3.2 of CBC.
22. The plans shall specify locations of accessible parking and EVCS parking in the parking structure. Accessible parking shall also be provided for electric vehicle charging stations per 11B-228.3 of the CBC and Section 5.1.6.5.3 of California Green Code (CGC).
23. An enclosed elevator lobby is required at high rise buildings.
24. Exit arrangements at each space shall meet the requirements of Section 1007.1.1 of CBC for separation distance.
25. The plans shall specify occupancy group for each space. The project shall provide two (2) for occupant loads greater than 49.
26. The plans shall provide a fixture count for plumbing fixtures per Table 422.1 of CPC.
27. Guest rooms with mobility and communication features shall be provided per Section 11B-224 of CBC. Dispersion shall meet section 11B-224.5 of CBC.

**Fire Department**

28. There shall be no storage within the exit corridors.
29. The Fire Department connections shall be located in front of the hotel project along Harbor Boulevard. Signage and fire hydrants shall be provided on-site in accordance with PUD Performance Standard No. 80.

**Planning Services Division**

30. A minimum of 1,221 parking spaces are required to serve the Project at the full permitted build-out based on the proposed number of hotel rooms and proposed square footages of uses analyzed in the 2017 Shared Parking Study. In the event the applicant proposes to modify the number of hotel rooms or the square footages of the other proposed uses beyond those analyzed in the 2017 Shared Parking Study, or the applicant proposes to reduce the number of required parking spaces, a new shared parking analysis shall be prepared and approved by the City. The applicant shall implement the recommendations set forth in the 2017 Shared Parking Study and/or any subsequent shared parking analysis approved by the City.
31. The applicant shall apply for and receive approval of Conditional Use Permits for the sale of alcoholic beverages within each hotel and pad building in which alcohol sales are proposed. Separate approval of a Conditional Use Permit shall also be required for the operation of any proposed spa, health club or gym, or any use involving massage.
32. Prior to issuance of building permits, the applicant shall prepare and obtain Planning Services Division approval of a site specific lighting study as required by the Subsequent Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program. All lighting shall comply with the measures identified in the approved lighting study, PUD Performance Standard No. 48, and applicable provisions of Title 9 of the Municipal Code.
33. The applicant shall design the Project to comply with all mitigation measures and design features specified in the Subsequent Mitigated Negative Declaration and associated Mitigation Monitoring and Reporting Program. In order to verify compliance with all applicable project mitigation measures and design features, these Conditions of Approval, and the PUD Performance Standards, the applicant shall submit plans to the city prior to plan check submittal as described in PUD Performance Standard No. 6.
34. Hours and days of construction and grading shall be as permitted pursuant to Chapter 8.47 of the Garden Grove Municipal Code.

**Public Works Environmental Services**

35. The applicant shall comply with Assembly Bill (AB) 1826 (Organic Waste Recycling Program) and related laws and regulations, and shall ensure that enclosures are sufficient in size to accommodate organic specific collection containers.

**Public Works Engineering Division**

36. The applicant shall be subject to Traffic Mitigation Fees, In-Lieu Park Fees Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
37. Prior to recordation of the final tract map, the applicant shall complete all required easements, vacations and dedications of right-of-way. Any conflicts between existing easements and the proposed improvements shall be resolved prior to the issuance of building permits for said improvements.
38. Prior to the issuance of precise grading plans, the applicant shall receive approval from County of Orange to process final tract map with the City.
39. Street improvement plans prepared by a registered Civil Engineer are required. Harbor Boulevard shall be designed to the City's proposed Smart Street Standards, specifically the existing median on Harbor Boulevard shall be modified per the City Traffic Engineer's recommendations stated in these Conditions of Approval.
40. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer.
41. The three drive approaches to the site shall be constructed in accordance with Garden Grove Standard B-120 (Harbor Boulevard) and B-121 (Twintree Lane).
42. All parking spaces that abut to sidewalks that are not elevated with a curb face to the stall, if any, shall have wheel stops.
43. Prior to the issuance of the street improvements and grading permit, the applicant shall provide improvement bonds (Faithful Performance, Labor & Material and Monument Bond) acceptable to the City guaranteeing that all work constructed under said permits will be completed according to the approved plans, applicable laws, and in compliance with all terms specified in the permit(s). All bonds shall be in from satisfactory to the City Engineer, City Attorney, and City Finance Department (Risk Management). Alternate forms of security may be considered, solely in the discretion of the City Engineer and with the concurrence of the City Attorney and City Finance Department (Risk Management).

44. Prior to issuance of a grading permit, the applicant shall design overhead street lighting within the development in a manner meeting the approval of the City Engineer. Location of lighting poles shall be shown on the precise grading plans.
45. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction potential of the site and make recommendations. The report shall analyze sub-surface issues related to the past uses of the site, including sub-surface tanks and basement and septic facilities. Any soil or groundwater contamination shall be remediated prior to the issuance of a building permit in a manner meeting the approval of the City Engineer in concert with the Orange County Health Department. The report shall make recommendations for pavement design the interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and implementations, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels.
46. A separate street permit is required for work performed within the public right-of-way.
47. Grading plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30' outside the boundary, and designed to preclude cross-lot drainage. Minimum grades shall be 0.50% for concrete flow lines and 1.25% for asphalt. The grading plan shall also include water and sewer improvements. The grading plan shall include a coordinated utility plan. Street improvement plan shall conform to all format and design requirements of the City Standard Drawings & Specifications.
48. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
49. The grading plan shall depict accessibility routes for the ADA pathways in conformance with the requirements of the Department of Justice standards, latest edition.
50. In accordance with the Orange County Storm Water Program manual, the applicant and/or its contractors shall provide dumpsters on site during construction unless an Encroachment Permit is obtained for placement in street.
51. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official,

the applicant shall submit to the City for review and approval a Water Quality Management Plan that:

- a. Addresses Site Design BMPs based upon the geotechnical report recommendations and findings such as infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.
  - b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
  - c. Incorporates structural and Treatment Control BMPs as defined in the DAMP.
  - d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
  - e. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
  - f. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
52. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
- a. Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
  - b. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
  - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available onsite.
  - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
53. All trash container areas shall meet the following requirements per City of Garden Grove Standard B-502:
- a. Paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and

- pavements diverted around the area, screened or walled to prevent offsite transport of trash.
- b. Provide solid roof or awning to prevent direct precipitation.
  - c. Connection of trash area drains to the municipal storm drain system is prohibited.
  - d. Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control.
  - e. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information.
  - f. The trash shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures.
54. **TIES TO HORIZONTAL CONTROL:** Prior to recordation of a final tract map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.
55. **DIGITAL MAP SUBMISSION:** Prior to recordation of a final tract map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital graphics file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Subarticle 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.
56. The applicant and his contractor shall be responsible for protecting all existing horizontal and vertical survey controls, monuments, ties (centerline and corner) and benchmarks located within the limits of the project. If any of the above require removal, relocation or resetting, the Contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be reset after completion of construction. Any ties, monuments and bench marks disturbed during construction shall be reset per Orange County Surveyor Standards after construction. Applicant and his contractor shall also re-set the tie monuments where curb or curb ramps are removed and replaced or new ramps are installed. The applicant and his contractor shall be liable for, at his expense, any re-survey required due to

its negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls.

57. Prior to the issuance of any grading or building permits for projects that will result in soil disturbance of one acre or more of land, the applicant shall demonstrate that coverage has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for City review on request.
58. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Cross sections shall show vertical and horizontal relations of improvements and property line. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer. The location, color and material of all proposed block walls, columns, and wrought iron fencing shall be approved by the Planning Services Division Prior to installation.
59. The applicant shall identify a temporary parking site(s) for construction crew and construction trailers office staff prior to issuance of a grading permit. No construction parking is allowed on local streets.
60. Prior to issuance of a grading permit, the applicant submit and obtain approval of a worksite traffic control plan, satisfactory to the City Traffic Engineer.
61. Heavy construction truck traffic and hauling trips should occur outside peak travel periods. Peak travel periods are considered to be from 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.
62. Any required lane closures should occur outside of peak travel periods.
63. Construction vehicles should be parked off traveled roadways in a designated parking area.
64. Prior to issuance of a grading permit, the applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size storm drains per the Orange County RDMD standards. Parkway culverts shall be designed per Orange County standard plan 1309, Type B. BMP's shall be sized per the requirements of the latest Technical Guidance Documents. Additionally, the project is located in a mapped FEMA

flood zone. The project shall comply with all FEMA requirements for flood protection and flood proofing.

65. The applicant shall remove the existing landscape within sidewalk area along Harbor Boulevard and Twintree Lane and construct street frontage improvements as identified below. All landscape, sidewalk and lighting improvements installed within the public rights-of-way shall be maintained by the applicant in a manner meeting the approval of the City Engineer and Planning Services Division. A separate street improvement, striping and signal plans shall be prepared for Harbor Boulevard and Twintree Lane and submitted to the engineering department for improvements within the City right-of-way.

Harbor Boulevard

- a. The applicant shall remove the existing sidewalk on Harbor Boulevard along the property frontage and construct an eight-foot decorative Alicante patterned sidewalk per City Standard Plan B-137 consistent with the existing sidewalk in the Harbor resort area, in a manner meeting the approval of the City Engineer. Said sidewalk shall be separated from the street curb by a seven-foot landscaped area designed in a manner consistent with the existing landscaping within the resort area meeting the approval of the Planning Services Division Manager.
- b. The applicant shall construct a traffic signal at the intersection of Harbor Boulevard and the project main entrance in a manner meeting the approval of the City Traffic Engineer. The new traffic signal shall include protected left turn phasing and U-Turns for northbound and southbound movements on Harbor Boulevard and allow U-Turn per approved traffic study. A striping plan is required as part of new signal design for the main entrance on Harbor Boulevard to facilitate the proposed crosswalks and relocation of striping.
- c. The applicant shall convert exiting pedestrian signal to a traffic signal at the intersection of Harbor Boulevard and Twintree Lane in a manner meeting the approval of the City Traffic Engineer. A striping plan is required for Harbor Boulevard and Twintree Lane signal modification to facilitate the proposed crosswalks and relocation of striping.
- d. The applicant shall design and reconstruct portion of the existing raised median on Harbor Boulevard per City Standard Plan B-112 (Type A-8) to facilitate ingress and egress at the project main entrance in a manner meeting the approval of the City Traffic Engineer. Said

improvements shall include a 200-foot southbound left turn pocket with a 90-foot taper to provide a full access to the site.

- e. The applicant shall design and construct northbound right turn pocket on Harbor Boulevard to facilitate ingress at the project main entrance in a manner meeting the approval of the City Traffic Engineer. Said improvements shall include a 100-foot northbound right turn pocket with a 60-foot taper and removal/reconstruction of the sidewalk, curb and gutter.
- f. Prior to occupancy, the applicant shall design and construct raised island improvements at the main entrance on Harbor Boulevard to improve on site traffic circulation to be approved by the City Traffic Engineer.
- g. The applicant shall remove all substandard driveway approaches (five total) and existing landscaping on Harbor Boulevard and construct new curb, gutter, landscape and sidewalk per approved street improvement plan.
- h. The applicant shall design the throat at the main entrance with a minimum of ninety (90) feet of uninterrupted ingress access from the curb face of Harbor Boulevard onto the site per approved traffic study. Any deviation from the suggested ingress access length shall be approved by the City Traffic Engineer.
- i. Any further deviation from the approved non-standard circle at the main entrance to the site on Harbor Boulevard shall be approved by the City Traffic Engineer.
- j. The two new driveway approaches to the site on Harbor Boulevard shall be constructed in accordance with City of Garden Grove Standard Plan B-120. Standard Plan B-120 calls for a minimum width of 30-feet for commercial and multi residential projects, with any deviation from the standard requiring approval by the City Traffic Engineer and detailed on the street improvement plan showing all modifications.
- k. The project main entrance shall be aligned with the existing Sheraton Hotel Driveway across Harbor Boulevard per approved traffic study.
- l. The southerly drive approach on Harbor Boulevard should be limited to right turn-out only access per approved traffic study. The drive approach shall be designed in a manner to allow emergency vehicle access.

- m. The applicant shall modify existing bus pad on Harbor Boulevard to adequately fit between southerly driveway approach and north bound right turn pocket per City of Garden Grove Standard Plan B-126.
- n. The applicant shall cold mill (grind) existing asphalt pavement 3-inch uniform depth and replace with 3-inch of asphalt surface course from the edge of the easterly gutter to the median along the property frontage per City Specifications and the direction of the City Engineer.
- o. The applicant shall construct 8-inch curb and gutter replacing the driveway approaches along the property frontage at 47' from centerline in accordance with City Standard Plan B-113 (Type C-8 Modified).
- p. Four new wheelchair ramps and landings shall be constructed per latest Caltrans Standard Plan A88A at the new drive approached on Harbor Boulevard.
- q. The applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk/landscape area on Harbor Boulevard with Planning Services Division and Water Division.
- r. Any proposed new landscaping in public right of way shall be consistent with the existing landscaping with the resort area south of the project site and approved by Planning Services Division.
- s. The applicant shall dedicate 10-feet of right-of-way at the project main entrance per Tentative Tract Map No. 17455.
- t. The Applicant shall reserve or grant to the City an easement behind the ultimate right-of-way boundary along Harbor Boulevard for public sidewalk, parkway, traffic signal equipment, utilities, and related purposes per Tentative Tract Map No. 17455.

Twintree Lane

- a. The applicant shall remove the existing sidewalk on Twintree Lane along the property frontage and construct a six-foot decorative Alicante patterned sidewalk per City Standard Plan B-137 consistent with the existing sidewalk in the Harbor resort area, in a manner meeting the approval of the City Engineer. Said sidewalk shall be separated from the street curb by a six-foot landscaped area designed in a manner meeting the approval of the Planning Services Division Manager.

- b. The applicant shall remove all substandard driveway approaches (five total) on Twintree Lane and construct new curb, gutter, landscape and sidewalk per approved street improvement plan.
  - c. The new driveway approach to the site on Twintree Lane shall be constructed in accordance with City of Garden Grove Standard Plan B-121. Standard Plan B-121 calls for a minimum width of 30-feet for commercial and multi residential projects, with any deviation from the standard to be approved by the City Traffic Engineer and detailed on the plan showing all modifications.
  - d. The new drive approach on Twintree Lane shall be limited to right turn-out and left turn-in only access per approved traffic study. The drive approach shall be designed in a manner to allow emergency vehicle access.
  - e. The applicant shall construct 6-inch curb and gutter replacing the driveway approaches along the property frontage at 18' from centerline in accordance with City Standard Plan B-114 (Type D-6).
  - f. Two new wheelchair ramps and landing shall be constructed per latest Caltrans Standard Plan A88A at the new drive approach on Twintree Lane.
  - g. The applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk area on Twintree Lane with Planning Services Division and Water Division.
  - h. Any proposed new landscaping in public right-of-way shall be approved by Planning Services Division and maintained by the owner.
66. Nothing in these Supplemental Conditions of Approval or the PUD Performance Standards shall be interpreted or applied to alter the rights and obligations of the parties pursuant to that certain Grove District Resort Hotel Development Agreement dated as of April 9, 2013, by and between the City of Garden Grove and Land & Design, Inc., as subsequently amended, including, without limitation, the City's responsibility for costs associated with installation and completion of "Offsite Infrastructure," as defined in said Agreement.