

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING A DEVELOPMENT AGREEMENT BETWEEN INVESTEL GARDEN RESORTS, LLC AND THE CITY OF GARDEN GROVE FOR PROPERTY LOCATED ON 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. 231-491-20, 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

***City Attorney Summary***

***This Ordinance approves a Development Agreement between the Investel Garden Resorts, LLC, the developer of a hotel resort and related improvements on property located at the northeast corner of Harbor Boulevard and Twintree Lane, 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. 231-491-20, 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. The agreement provides that the developer will be entitled to build the project in accordance with the land use entitlements approved pursuant to the development and performance standards of Planned Unit Development No. PUD-128-12, Site Plan No. SP-043-2017 and Tentative Tract Map No. TT-17455 for a period of up to 10 years. The agreement further provides for a development agreement payment to the City of Garden Grove in an amount up to \$852,571.***

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

A. The City of Garden Grove has received an application from Investel Garden Resorts, LLC for Development Agreement No. DA-008-2017 for the development of a hotel resort project consisting of an aggregate total of a maximum of 769 rooms within up to three (3) hotels, approximately 39,867 square feet of conference/meeting banquet space, an aggregate total of approximately 36,885 square feet of restaurant/bar/retail/entertainment space, approximately 24,014 square feet of hotel restaurant space, approximately 26,090 square feet of additional hotel ancillary uses (i.e., fitness centers, pools, gyms, spas, salons, hotel shops, and kids' clubs), and a parking structure containing approximately 1,297 parking spaces within a multi-level parking structure with one-level of subterranean parking 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. 231-491-20, 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 (the "Project"), consistent with Site Plan No. SP-043-2017 and

Tentative Tract Map No. TT-17455, the approved land use entitlements for the Project.

B. The Project site has a General Plan Land Use Designation of International West Mixed Use and is zoned Planned Unit Development No. PUD-128-12.

C. The Project was originally proposed and considered in 2012 (the "2012 Project"). Pursuant to the California Environmental Quality Act, Public Resources Code Sections 21000 et seq. and California Code of Regulations, Title 14, Sections 15000 et seq. ("CEQA"), the City adopted a Mitigated Negative Declaration and approved the Project in 2012. A Notice of Determination was filed and posted on November 28, 2012. In 2017, minor modifications were proposed to the 2012 Project (the "Modified Project"). Pursuant to Public Resources Code Section 21166 and California Code of Regulations, Title 14, Section 15162, the City prepared a subsequent initial study to analyze the Modified Project's environmental effects. The subsequent initial study concluded that all of the Modified Project's environmental impacts could be reduced to a level of less than significance. On this basis, on November 2, 2017, the City's Planning Commission adopted Resolution No. 5898-17 adopting a Subsequent Mitigated Negative Declaration for the Modified Project and Resolution No. 5899-17 approving Site Plan No. SP-043-2017 and Tentative Map No. TT-17455. A Notice of Determination for the Subsequent Mitigated Negative Declaration was filed and posted on November 3, 2017. The Development Agreement implements the Modified Project as analyzed by the Subsequent Mitigated Negative Declaration and as approved by the City's Planning Commission. No further environmental review is required. (Public Resources Code § 21166; Cal. Code of Regs., Tit. 14, § 15162.)

D. Pursuant to Resolution No. 5900-17, the Planning Commission, following a duly noticed Public Hearing held on November 2, 2017, recommended approval of Development Agreement No. DA-008-2017.

E. Development Agreement No. DA-008-2017 is consistent with the General Plan land designation of International West Mixed Use and the zoning of Planned Unit Development No. PUD-128-12, including the goals and policies of the Garden Grove General Plan.

F. Pursuant to a legal notice, a Public Hearing was held by the City Council on December 6, 2017, and all interested persons were given an opportunity to be heard.

NOW, THEREFORE, 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. Approval. Development Agreement No. DA-008-2017 is hereby approved for property located on 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. 231-491-20, 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. A copy of Development Agreement No. DA-008-2017 is attached to this Ordinance and is on file in the City Clerk's Office.

Section 3. Authority to Execute Agreement. The City Manager is hereby authorized to execute the Development Agreement on behalf of the City.

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.