

ORDINANCE NO. 2938

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AN AMENDMENT TO PLANNED UNIT DEVELOPMENT NO. PUD-141-01 TO CREATE A SUB-AREA PLANNED UNIT DEVELOPMENT ZONING, PUD-141-01(A), ESTABLISHING DEVELOPMENT STANDARDS AND PERFORMANCE STANDARDS FOR THE SITE B2 HOTEL PROJECT FOR PROPERTIES LOCATED AT THE NORTHWEST CORNER OF HARBOR BOULEVARD AND TWINTREE AVENUE, EAST OF TAMERLANE DRIVE, AT 12241, 12261, 12271, 12291, 12311 AND 12323/12321 HARBOR BOULEVARD, 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291, 12311, AND 12321 THACKERY DRIVE, (ASSESSOR PARCEL NUMBERS: 231-471-06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, AND 24).

**City Attorney Summary**

***This Ordinance approves an amendment to Planned Unit Development No. PUD-141-01 to create a sub-area PUD zoning, PUD-141-01(A), establishing development standards and performance standards on an approximately 3.7-acre site in the City of Garden Grove commonly known as the Site B2 Hotel Project site, located at the northwest corner of Harbor Boulevard and Twintree Avenue, east of Tamerlane Drive, at 12241, 12261, 12271, 12291, 12311 and 12323/12321 Harbor Boulevard, 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291, 12311, and 12321 Thackery Drive, (Assessor Parcel Numbers: 231-471-06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24), to facilitate development of a full-service, high-rise hotel resort with hotel program entertainment, pool deck, ballroom/meeting space, and food and beverage (restaurant) opportunities. The proposed project will consist of a 500-room hotel resort with a themed pool experience with a lazy river and a pool slide; event space with a 600-seat theater; 17,715 square feet of ballroom/meeting space; 22,296 square feet of hotel restaurant; 5,480 square feet of retail; themed amenities totaling 13,238 square feet; a 7,000 square-foot arcade; a spa and fitness center at 8,532 square feet; a five-level parking structure with 528 parking spaces; and related site improvements.***

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

WHEREAS, the City has received a request to amend Planned Unit Development No. PUD-141-01 to expand it to cover the six (6) parcels not currently encompassed within it and to create a new sub-area Planned Unit Development zoning, PUD-141-01(A), establishing development standards and performance standards on an approximately 3.72-area vacant site, in an urbanized area in the City of Garden Grove, located at the northwest corner of Harbor Boulevard and Twintree Avenue, east of Tamerlane Drive, at 12241, 12261, 12271, 12291, 12311 and 12323/12321 Harbor Boulevard, 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251,

12261, 12281, 12291, 12311, and 12321 Thackery Drive, (Assessor Parcel Numbers: 231-471-06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24), in order to facilitate development of the Site B2 Project site with a full-service, high-rise hotel resort with hotel program entertainment, pool deck, ballroom/meeting space, and food and beverage (restaurant) opportunities. The proposed project will consist of a 500-room hotel resort with a themed pool experience with a lazy river and a pool slide; event space with a 600-seat theater; 17,715 square feet of ballroom/meeting space; 22,296 square feet of hotel restaurant; 5,480 square feet of retail; themed amenities totaling 13,238 square feet; a 7,000 square-foot arcade; a spa and fitness center at 8,532 square feet; a five-level parking structure with 528 parking spaces; and related site improvements; and

WHEREAS, in 2008, the City changed the General Plan land use designation of the nineteen (19) parcels comprising the Project site to International West Mixed Use; and

WHEREAS, PUD-141-01, which was adopted in 2002, currently encompasses the property that is currently developed with the Sheraton Hotel and thirteen (13) of the nineteen (19) parcels that comprise the proposed Site B2 Hotel Project site and allows for development of a different hotel project on these thirteen (13) parcels in accordance with that certain Development Agreement between the City of Garden Grove and Palm Court Lodging, LLC, dated February 26, 2002, and recorded in the Official Records of the County of Orange on March 21, 2002, as document number 20020231935; and

WHEREAS, the six (6) additional parcels on Thackery Drive comprising the Project site were previously acquired by the former Garden Grove Redevelopment Agency and the City of Garden Grove to facilitate the development of the proposed Project, and all of the structures on these parcels were demolished on or before 2013; and

WHEREAS, these six (6) vacant parcels are still technically designated as zoned R-1; however, this zoning is inconsistent with the International West Mixed Use Land Use Designation applied to the parcels in 2008, and new single-family residential uses could not legally be established on these parcels; and

WHEREAS, following a public hearing held on July 7, 2022, the Planning Commission adopted Resolution No. 6044-22 recommending that the City Council adopt a Mitigated Negative Declaration for the Site B2 Hotel Project and approve Planned Unit Development No. PUD-141-01(A); and

WHEREAS, pursuant to a legal notice, a Public Hearing was held by the City Council on August 23, 2022, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter; and

WHEREAS, on August 23, 2022, the City Council adopted Resolution No. 9767-22, denying the appeal of the Planning Commission's July 7, 2022 recommendations filed by UNITE HERE Local 11 and Marlene Perez; and

WHEREAS, on August 23, 2022, the City Council adopted Resolution No. 9768-22, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Site B2 Hotel Project; and

WHEREAS, the City Council finds that the establishment of sub-area Planned Unit Development, PUD-141-01(A), over the entire subject property is consistent with the objectives, policies, general land uses, and programs specified in the General Plan, which collectively promote the development of hotels, resorts, entertainment, and restaurants within the International West Mixed Use area; and

WHEREAS, the City Council hereby incorporates by reference the findings and reasons set forth in Planning Commission Resolution No. 6044-22 and makes the following findings regarding Planned Unit Development No. PUD-141-01(A):

A. The location of the building, architectural design, and uses proposed pursuant to the PUD amendment are compatible with the character of existing development in the vicinity and will be well integrated into its setting.

B. The amended plan will produce a stable and desirable environment and will not cause undue traffic congestion on surrounding streets.

C. Provision is made for both public and private open spaces.

D. Provision is made for the protection and maintenance of private areas reserved for common use.

E. The quality of the Project achieved through the proposed amendment to the existing planned unit development zoning is greater than could be achieved through traditional zoning.

F. The amendment to the PUD is internally consistent with the goals, objectives, and elements of the General Plan.

G. The amendment to the PUD will promote the public interest, health, and welfare.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, HEREBY ORDAINS AS FOLLOWS:

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

Section 2. Environmental Review. City Council Resolution No. 9768-22 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. Findings Incorporated by Reference. The findings, facts and reasons stated in Planning Commission Resolution No. 6044-22 recommending approval of Planned Unit Development No. PUD-141-01(A), a copy of which is on file in the office of the City Clerk, is incorporated herein by reference with the same force and effect as if set forth in full herein.

Section 4. Approval. Planned Unit Development No. PUD-141-01(A) is hereby approved, subject to the provisions and development standards set forth in Planning Commission Resolution No. 6044-22 and the mitigation measures, development standards and performance standards attached thereto.

Section 5. Modification. In the event the proposed Site B2 Hotel Project is not developed for any reason, the property owner(s) shall continue to have the right to develop that portion of the site subject to that certain Development Agreement between the City of Garden Grove and Palm Court Lodging, LLC, dated February 26, 2002, and recorded in the Official Records of the County of Orange on March 21, 2002, as document number 20020231935, in accordance with Planned Unit Development No. PUD-141-01 and the vested rights conferred by said Development Agreement. In addition, those residential uses, if any, that were permitted on the parcels comprising the Project site under the General Plan Land Use designation(s) or zoning ordinances of the City as in effect on January 1, 2018, shall remain permitted uses, subject to the applicable development standards and review and approval in accordance with the Garden Grove Municipal Code and State law.

Section 6. Zoning. The property shown on the map attached hereto is hereby zoned to Planned Unit Development No. PUD-141-01(A) as shown thereon. Zone Map part R-10 is amended accordingly.

Section 7. 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 other 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 8. Effective Date. 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.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

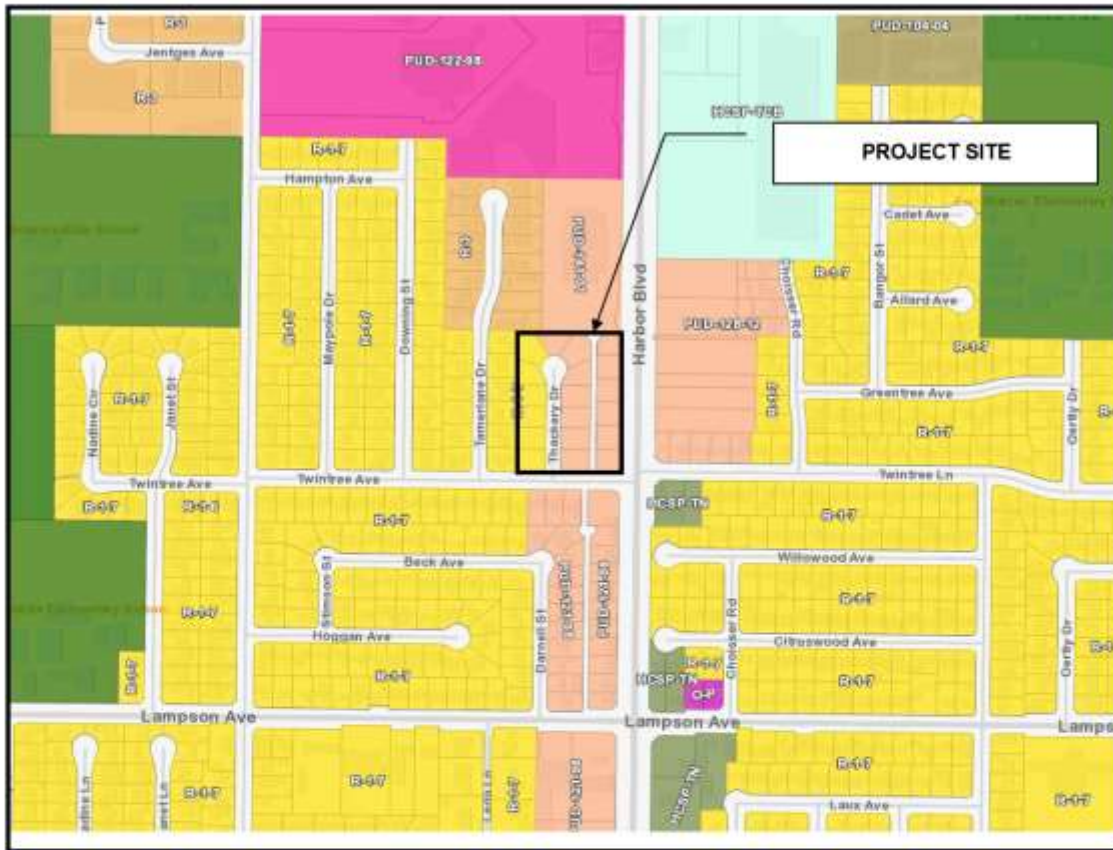
STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS:  
CITY OF GARDEN GROVE )

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 August 23, 2022, with a vote as follows:


AYES: COUNCIL MEMBERS: (6) BRIETIGAM, BUI, KLOPFENSTEIN  
NGUYEN K., NGUYEN D., JONES  
NOES: COUNCIL MEMBERS: (0) NONE  
ABSENT: COUNCIL MEMBERS: (1) O'NEILL



**PLANNED UNIT DEVELOPMENT NO. PUD-141-01(A)**



**LEGEND**

 SUBJECT SITE(S) – 12241, 12261, 12271, 12291, 12311 AND 12323/12321 HARBOR BOULEVARD, 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291, 12311, AND 12321 THACKERY DRIVE ASSESSOR'S PARCEL NO: 231-471-06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, AND 24

**NOTES**

1. CURRENT ZONE: PLANNED UNIT DEVELOPMENT NO. PUD-141-01 AND R-1 (SINGLE-FAMILY RESIDENTIAL)
2. PROPOSED ZONE: PLANNED UNIT DEVELOPMENT NO. PUD-141-01(A)
3. GENERAL PLAN: INTERNATIONAL WEST MIXED USE
4. MAP R-10