

## AGENDA



Garden Grove City  
Council

Wednesday, December 6,  
2017

7:00 PM

SPECIAL MEETING -  
Community Meeting  
Center, 11300 Stanford  
Avenue, Garden Grove,  
California 92840

**Steven R. Jones**

Mayor

**Phat Bui**

Mayor Pro Tem - District 4

**Kris Beard**

Council Member - District 1

**John R. O'Neill**

Council Member - District 2

**Thu-Ha Nguyen**

Council Member - District 3

**Stephanie Klopfenstein**

Council Member - District 5

**Kim B. Nguyen**

Council Member - District 6

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**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.**

**AGENDA**

ROLL CALL: COUNCIL MEMBER BEARD, COUNCIL MEMBER O'NEILL, COUNCIL MEMBER T. NGUYEN, COUNCIL MEMBER KLOPFENSTEIN, COUNCIL MEMBER K. NGUYEN, MAYOR PRO TEM BUI, MAYOR JONES

1. ORAL COMMUNICATIONS

2. CONSENT ITEMS

2.a. Approval to waive full reading of Ordinance listed. (Action Item)

3. PUBLIC HEARINGS

*(Motion to approve will include adoption of each Resolution unless otherwise stated.)*

3.a. Introduce and conduct the first reading of an Ordinance approving Development Agreement No. DA-008-2017 to facilitate the Site C Hotel Resort Project

Entitled:

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. (Action Item)

4. ADJOURNMENT

**City of Garden Grove**

**INTER-DEPARTMENT MEMORANDUM**

To:	Scott C. Stiles	From:	Lisa L. Kim
Dept.:	City Manager	Dept.:	Community and Economic Development
Subject:	Introduce and conduct the first reading of an Ordinance approving Development Agreement No. DA-008-2017 to facilitate the Site C Hotel Resort Project	Date:	12/6/2016

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**OBJECTIVE**

To transmit a recommendation from the Planning Commission to the City Council, and to request that the City Council introduce and conduct the first reading of the attached Ordinance approving Development Agreement No. DA-008-2017.

**BACKGROUND**

In 2012, the 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 on City-owned land located on the northeast corner of Harbor Boulevard and Twintree Lane, west of Choisser Road, commonly referred to as "Site C." Planned Unit Development No. PUD-128-12 authorizes development of Site C with up to 769 rooms and ancillary hotel uses such as pools, spas, and fitness centers within up to three (3) hotels, up to 104,000 aggregate square feet of conference/meeting banquet space, hotel restaurant space, restaurant/entertainment space, and multi-level parking structures with 1,297 parking spaces.

In 2013, the City Council adopted Resolution No. 9172-13, approving the Grove District Resort Hotel Development Agreement ("DDA"). The DDA generally requires the City to convey Site C to the developer in exchange for the developer constructing a resort hotel project meeting specified requirements on the property in accordance with the land use entitlements for the Project approved by the City. The DDA contemplates that the City will enter into a mutually acceptable statutory development agreement with the developer pursuant to California Government Code section 65864 *et. seq.* (the "Development Agreement Statutes"), but does not require the City to do so.

The Development Agreement Statutes authorize a city to enter into a statutory development agreement with any person having a legal or equitable interest in real property for the development of that property. The purpose of the Development Agreement Statutes is to provide assurance to the applicant for a development project that upon approval of the project, the applicant may proceed with the project in accordance with existing policies, rules and regulations, and subject to conditions of approval, in order to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic costs of development.

In order to implement the Project, pursuant to the DDA, the developer, Investel Garden Resorts, LLC, requested City approval of Site Plan No. SP-043-2017 and Tentative Tract Map No. TT-17455, and requested that the City enter into Development Agreement No. DA-008-2017. The Site Plan and Tentative Tract Map are subject to Planning Commission review and approval. The Development Agreement requires City Council approval and the adoption of an Ordinance.

Site Plan No. SP-043-2017 depicts the final Project layout and design. The Project will be constructed on approximately 4.3 acres and consists of 769 hotel rooms and approximately 26,090 square feet of additional hotel ancillary uses within two (2) full-service 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. Tentative Tract Map No. TT-17455 allows for the adjustment of 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 Project site and to consolidate the existing parcels on the Project site into two (2) lots. Because the final Project design reflects minor modifications to the conceptual site plan studied in 2012, the City prepared a subsequent initial study in accordance with the California Environmental Quality Act (CEQA) to analyze the environmental effects of the Project modifications. 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 November 2, 2017, the Planning Commission conducted a public hearing and voted 6-0 with one Commissioner absent to adopt a Subsequent Mitigation Negative Declaration and Mitigated Monitoring and Reporting Program for the final modified Project and approved Site Plan No. SP-043-2017 and Tentative Tract Map No. TT-17455. The Planning Commission also adopted Resolution No. 5900-17 recommending that the City Council approve the proposed Development Agreement.

## DISCUSSION

The proposed Development Agreement would give the developer a vested right to construct and complete development of the Project consistent with Planned Unit Development No. PUD-128-12, Site Plan No. SP-043-2017 and Tentative Tract Map No. 17455, within the time frame specified in the DDA. In consideration for this vested right, the developer would pay a negotiated Development Agreement payment to the City in an amount calculated to equal the positive difference between (1) the



final actual total of the development fees charged by the City; and (2) Four Million One Hundred Sixty Three Thousand One Hundred Twenty Nine Dollars (\$4,163,129). If the current estimates of the City Development Fees are accurate, the Development Agreement payment will be \$852,571. This Development Agreement payment will be used to partially reimburse the City for the cost of services, equipment, and public infrastructure required by the Project that are not otherwise being reimbursed to the City, including, but not limited to, additional costs for fire, police, and public works services and equipment and construction of public infrastructure. The Development Agreement would have an initial term of five (5) years, with the option for up to five (5) additional one (1) year extensions upon developer's payment of an additional fee.

#### FINANCIAL IMPACT

There is no financial impact to the City.

#### RECOMMENDATION

It is recommended that the City Council:

- Conduct a Public Hearing;
- Introduce and conduct the first reading of the attached Ordinance approving Development Agreement No. DA-008-2014 for properties located at 12222, 12252, 12262, 12272, 12292, and 12302 Harbor Boulevard; 12511, 12531, 12551, and 12571 Twintree Lane; 12233, 12235, 12237, and 12239 Choisser Road; and
- Authorize the City Manager to sign the Development Agreement on behalf of the City.

By: Maria Parra, Senior Planner

#### ATTACHMENTS:

Description	Upload Date	Type	File Name
CC Ordinance DA-008-2017	11/28/2017	Ordinance	12-6-17_CC_Development_Agreement_DA-008-2017_Ordinance_(2).pdf
Development Agreement No. DA-008-2017	11/16/2017	Backup Material	11-28-17_Development_Agreement_with_Investel_(Site_C)_-_Executable_Version.PDF
Planning Commission Staff Report	11/9/2017	Backup Material	Planning_Commission_Staff_Report_November_2_2017.pdf
Planning Commission Resolution No.	11/9/2017	Backup Material	Plannning_Commission_Resolution_No._5898-2017_for_Site_C_Subsequent_MND.pdf

5898-2017

Planning Commission Resolution No. 5899-2017	11/9/2017	Backup Material	Planning_Commission_Resolution_No._5899- 17_for_Site_Plan_No._SP-043- 2017_and_Tentative_Tract_Map_No._TT-17455.pdf
Planning Commission Resolution No. 5900-2017	11/9/2017	Backup Material	Planning_Commission_Resolution_No._5900- 2017_for_Development_DA-008-2017_.pdf
Subsequent Mitigated Negative Declaration and Response to Comments	11/9/2017	Backup Material	Site_C_Subsequent_MND_Response_to_Comments.pdf
Planning Commission Draft Minute Excerpt November 2, 2017	11/9/2017	Backup Material	Planning_Commission_Draft_Minute_Excerpt_November_2__2017.pdf

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.

RECORDING REQUESTED BY )  
AND WHEN RECORDED MAIL TO: )

City Clerk's Office )  
City of Garden Grove )  
11222 Acacia Parkway )  
Garden Grove, CA 92840 )  
)  
)

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(Space above for Recorder.)

This document is exempt from  
payment of a recording fee pursuant to  
Government Code Section 6103.

Dated: \_\_\_\_\_

**DEVELOPMENT AGREEMENT NO. DA-008-2017**

**SP-043-2017 and TT-17455**

(Investel Garden Resorts, LLC)

**THIS DEVELOPMENT AGREEMENT** ("Agreement" or "Development Agreement") is made this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ ("Effective Date"), by the CITY OF GARDEN GROVE, a municipal corporation ("CITY") on the one hand, and INVESTEL GARDEN RESORTS, LLC, a Delaware limited liability company ("DEVELOPER"), on the other hand, pursuant to the authority set forth in Article 2.5 of Chapter 4 of Division I of Title 7, Sections 65864 through 65869.5 of the California Government Code.

**RECITALS**

The following recitals are a substantive part of this Agreement:

- A. The CITY and DEVELOPER desire to enter into this Development Agreement for the construction of a hotel resort development project (the "PROJECT") on that certain real property described on Exhibit "A" attached hereto and incorporated herein by reference (the "PROPERTY"). DEVELOPER is assignee of the "Developer" pursuant to, and has acquired, or will acquire, such PROPERTY in accordance with, that certain Grove District Resort Hotel Development Agreement dated as of April 9, 2013, by and between CITY and Land & Design,

Inc., as subsequently amended (the "DDA"). All Capitalized terms not defined in this Development Agreement, shall have the meaning ascribed to them in the DDA.

- B. On November 13, 2012, the Garden Grove City Council adopted Resolution No. 9153-12 adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program ("MND") for the PROJECT 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, Sections 15000 et seq.
- C. On November 13, 2012, the Garden Grove City Council adopted Resolution No. 9154-12 approving General Plan Amendment No. GPA-2-12(B) (the "General Plan Amendment"), which changed the General Plan land use designation of a portion of the PROPERTY to International West Mixed Use.
- D. On November 27, 2012, the Garden Grove City Council adopted Ordinance No. 2824 approving Planned Unit Development No. PUD-128-12 (the "PUD"), which established planned unit development zoning on the PROPERTY to facilitate the development and operation of the PROJECT. The provisions and development standards of the PUD are set forth in Resolution No. 5779-12, adopted by the Garden Grove Planning Commission on October 4, 2012, and include specified Performance Standards with which DEVELOPER must comply in the development of all aspects of the PROJECT. A copy of the PUD Performance Standards are attached hereto as Exhibit "B" and incorporated herein by reference.
- E. In order to implement the PROJECT and certain modifications to site plan, at DEVELOPER's request, on November 2, 2017, the Garden Grove Planning Commission adopted (i) Resolution No. 5904-17 adopting a Subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the PROJECT, and (ii) Resolution No. 5899-17 approving Site Plan No. SP-043-2017 and Tentative Tract Map No. TT-17455, subject to certain specified conditions of approval (the "Conditions of Approval"). The Conditions of Approval are attached hereto as Exhibit "C" and incorporated herein by reference.
- F. The CITY and DEVELOPER desire to enter into this Development Agreement for the construction of the PROJECT pursuant to Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 of Title 7 of the California Government Code (the "Development Agreement Statute").
- G. The PROJECT is a development requiring certain discretionary approvals by the CITY before it may be constructed.

- H. The Development Agreement Statute provides the authority for CITY to enter into binding development agreements with a person having a legal or equitable interest in real property.
- I. DEVELOPER has an equitable interest in the PROPERTY.
- J. As consideration for the benefits gained by DEVELOPER from the vested rights acquired pursuant to the Development Agreement Statute, CITY is requiring that DEVELOPER construct and install as part of development of the PROJECT certain public improvements and provide other public benefits.

## **AGREEMENT**

### **THE PARTIES MUTUALLY AGREE AS FOLLOWS:**

1. Duration of Term. Subject to Sections 12, 13, and 28 of this Development Agreement, the initial term of this Development Agreement and Land Use Entitlements described in Section 2 shall commence on the Effective Date and shall terminate and expire five (5) years from the Effective Date (the "Initial Term"), subject to earlier termination under the provisions set forth herein, and subject to extension under the provisions set forth herein. The initial term of this Development Agreement and Land Use Entitlements shall be automatically extended for up to five (5) additional one (1) year terms (each an "Extension Term") if, prior to expiration of the Initial Term, DEVELOPER (a) provides written notice to CITY that it wishes to extend the term one (1) additional year, and (2) pays CITY a fee in the amount of Twenty Thousand Dollars (\$20,000). If not already terminated by reason of any other provision in this Agreement, or for any other reason, this Development Agreement and all Land Use Entitlements shall automatically terminate and be of no further force and effect upon expiration of the term, regardless of whether the Project has been completed, and DEVELOPER's right to proceed with or complete development of the PROJECT and the use of the PROPERTY pursuant to this Development Agreement shall also automatically terminate and be of no further force and effect.
2. Permitted Uses/Land Use Entitlements. The following uses are permitted on the PROPERTY: a hotel resort 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. The PROJECT is subject to the Planned Unit Development provisions and development



standards of the PUD zoning that have been approved through the PUD process, including the PUD Performance Standards and the Conditions of Approval. As of the Effective Date, the PROJECT has been granted the following land use entitlements: Site Plan No. SP-043-2017 and Tentative Tract Map No. TT-17455 (collectively, the "Land Use Entitlements"). Site Plan No. SP-043-2017 allows for construction of the hotels and ancillary amenities, restaurant, retail, and entertainment venues, multi-level parking structure, and related public and private improvements making up the PROJECT, and Tentative and Tract Map No. TT-17455 allows the reconfiguration and consolidation of the existing parcels on the PROPERTY into two lots to facilitate development and condominiumization of the PROJECT. If Site Plan No. SP-043-2017 or Tentative Tract Map No. TT-17455 are amended from time to time, "Land Use Entitlements" shall include such matters as amended. If this Development Agreement is required by law to be amended in order for "Land Use Entitlements" to include such amendments, "Land Use Entitlements" shall not include such amendments unless and until this Development Agreement is amended.

3. Density/Intensity. The density or intensity of the PROJECT is as follows: a hotel facility 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, approximately 36,885 square feet of restaurant/bar/retail/entertainment space, approximately 24,014 square feet of hotel restaurant/bar space, and 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 above- and below-ground parking spaces.
4. Maximum Height and Building Size. The maximum height and building sizes applicable to the PROJECT are as approved by Site Plan No. SP-043-2017 and are generally as follows: The maximum height of the Hotel "A" tower shall be 240 feet; the maximum height of the portion of Hotel A containing above-ground parking, restaurant and retail space, and pools shall be 75 to 85 feet; the maximum height of Hotel "B" shall be 200 feet; the maximum height of Hotel "C" shall be 130 feet (east side) to 158 feet (west side); and the maximum height of the restaurant building parallel to Harbor Boulevard shall be 38 feet.
5. Reservation or Dedication. The reservation of easements or dedication of property to the CITY to allow the construction of the proposed development shall be as shown on and/or conditioned in the approved Land Use Entitlements.
6. Developer Improvements. DEVELOPER and CITY contemplate a phased construction of the Developer Improvements, which will be pursuant to the Developer's schedule and the DDA. The Developer Improvements, as defined

by the DDA, and as described in Planning Commission Resolution No. 5899-17, shall be, in any such phase, constructed prior to the occupancy of the proposed development or the issuance of any certificate of occupancy for any portion of the development, all in accordance with the terms and conditions of Site Plan No. SP-043-2017 and Tentative Tract Map No. TT-17455.

7. Scope of PROJECT. The Scope of the PROJECT is as specified in the DDA and the Land Use Entitlements. Subject to the foregoing, the PROJECT generally includes the construction of a hotel resort project consisting of an aggregate total of a maximum of 769 rooms and approximately 26,090 square feet of additional hotel ancillary uses (i.e., fitness centers, pools, gyms, spas, salons, hotel shops, and kids' clubs) within up to three (3) hotels, an aggregate total of approximately 39,867 square feet of conference/meeting banquet space, approximately 36,885 square feet of restaurant/retail/entertainment space, a and approximately 24,014 square feet of hotel restaurant space, a parking structure containing approximately 1,297 above- and below-ground parking spaces, and the reconfiguration and consolidation of the existing parcels on the PROPERTY into two lots, along with related public and private improvements.
8. Resolution/Material Terms. All PUD Performance Standards and Conditions of Approval are material terms of this Development Agreement and breach of any such performance standard or condition of approval shall be deemed to be a breach of this Development Agreement, subject to the right to cure non-compliance as set forth in Section 4 of Exhibit "D" hereto.
9. Development Fees and Development Agreement Payment. As material consideration for City's entering into this Development Agreement, DEVELOPER agrees to make the payments described in this Section 9.
  - 9.1 Development Fees. DEVELOPER shall be responsible for paying, at the time they become due, all development fees for construction of the PROJECT required by the CITY or other agencies with jurisdiction pursuant to applicable law or regulations, the PUD Performance Standards, the Conditions of Approval, and/or this Development Agreement (collectively, "Development Fees"). Development Fees for the PROJECT include (i) non-CITY controlled fees and charges levied by any other public agency, utility, district, or joint powers authority, regardless of whether City collects those fees and charges, including, without limitation, Orange County Sanitation District ("OCSD") and Garden Grove Unified School District ("GGUSD") fees (collectively, "Other Agency Development Fees"); and (ii) "City Development Fees." "City Development Fees" include (a) CITY's normal administrative fees imposed to recover City's costs associated with processing, reviewing, and inspecting project applications, plans, and specifications, including, without limitation, engineering fees, grading and building permit fees, fire services fees, building permit/plan review fees, and electrical,

mechanical and plumbing permit fees (collectively, "Administrative Fees"); and (b) all development impact fees charged by CITY for the purpose of defraying all or a portion of the cost of public facilities and programs related to development of the PROJECT ("Development Impact Fees"), which include, without limitation, art in public places fees, general plan and cultural arts fees, parkway tree fees, commercial driveway fees, water assessment fees, drainage facility fees, and traffic impact mitigation fees for the PROJECT. City Development Fees are currently estimated to total approximately Three Million Three Hundred Ten Thousand Five Hundred Fifty Eight Dollars (\$3,310,558). Exhibit "E" attached hereto illustrates how this estimate was derived. The fees and estimates set forth in Exhibit "E" are intended solely for reference only and to assist the parties in implementing this Agreement and are subject to change or correction and not intended to bind the parties. The type and amount of all Development Impact Fees paid during the Initial Term shall be based on the laws, regulations, and fee schedules in effect as of the Effective Date, without regard to the estimate herein. The type and amount of all Development Impact Fees paid during an Extension Term and all other Development Fees shall be based on the laws, regulations, and fee schedules in effect as of the dates such fees become due, without regard to the estimate herein, unless otherwise specified in a written agreement with CITY or other agencies with jurisdiction.

9.2 Development Agreement Payment. DEVELOPER shall pay a negotiated Development Agreement Payment to the CITY in an amount calculated to equal the positive difference between (1) the final actual total of the City Development Fees paid; and (2) Four Million One Hundred Sixty Three Thousand One Hundred Twenty Nine Dollars (\$4,163,129). For example, if the current estimates of the City Development Fees are accurate, the Development Agreement Payment will be \$852,571. If the final actual amount of City Development Fees paid *is less than* the current estimate, then the amount of the Development Agreement Payment will exceed \$852,571. If the final actual amount of City Development Fees paid *is more than* the current estimate, then the amount of the Development Agreement Payment will be less than \$852,571. If the final actual amount of City Development Fees paid exceeds the current estimate by more than \$852,571, then the amount of the Development Agreement Payment will zero.

10. City Agreement. CITY agrees that the sums to be paid to the CITY, pursuant to Paragraph 9.2, will reimburse CITY for the cost of certain CITY services, equipment, and public infrastructure required by the PROJECT that are not otherwise being reimbursed to CITY, including, but not limited to, additional costs for fire, police, and public works services and equipment and construction of public infrastructure.

11. Development Agreement Payment Due Dates. The Development Agreement Payment set forth in Section 9.2 shall be due and payable prior to the issuance of the first certificate of occupancy for the PROJECT. In the event that not all anticipated City Development Fees have been paid at the time of such payment because development of any portion of the PROJECT has not yet been undertaken or completed, CITY shall hold an amount equal to the reasonably estimated additional sum of City Development Fees applicable to the remaining portion of the PROJECT in trust until such time as the remaining City Development Fees become payable. In the event it is determined that DEVELOPER has overpaid the Development Agreement Payment after all City Development Fees have been paid, CITY shall reimburse DEVELOPER the amount of such overpayment within ninety (90) days of written notice from DEVELOPER to CITY.
12. Termination Provisions.
- A. This Agreement shall automatically terminate and be of no further force and effect upon the occurrence of any of the following events:
- (i) Expiration of the term pursuant to Section 1;
  - (ii) If the parties mutually agree in writing to terminate this Agreement;
  - (iii) Entry after all appeals have been exhausted of a final judgment or issuance of a final order from a court of competent jurisdiction directed to CITY invalidating this Agreement;
  - (iv) The DDA is terminated in accordance with its terms; or
  - (v) Title to the PROPERTY re-vests in the CITY pursuant to the terms of the DDA.
- B. Except for automatic termination pursuant to Section 12.A., above, this Agreement may only be terminated (i) through the periodic review process referred to in Section 13 herein, in accordance with the process and procedures set forth in Exhibit "D", or (ii) upon material breach of the Agreement by DEVELOPER, in which case the process and procedures set forth in Exhibit "D" shall be utilized without regard to the timing of the periodic review.
- C. Termination of this Agreement pursuant to Sections 12.A. or 12.B shall not excuse DEVELOPER from (i) its indemnification and defense obligations set forth in Section 24 herein, (ii) the payment of any fees or payments required pursuant to Section 9 that have come due but remain unpaid as of the date of termination, or (iii) the payment of any legally recoverable damages incurred by CITY as a result of

DEVELOPER's breach of the Agreement prior to its termination, which obligation shall expressly survive termination of this Agreement.

13. Periodic Review. For so long as this Development Agreement remains in effect, CITY shall review DEVELOPER'S performance under this Development Agreement at least once every twelve (12) months from the Effective Date pursuant to the process described in Exhibit "D". This review shall be conducted by the CITY's Director of Community and Economic Development. DEVELOPER shall demonstrate good faith compliance with the terms of this Development Agreement. If as a result of the review, CITY finds and determines, based upon substantial evidence, that DEVELOPER has not complied in good faith with terms or conditions of this Development Agreement, CITY may terminate this Development Agreement in accordance with the process and procedures set forth in Exhibit "D".
14. City Discretion. So long as the Agreement remains in effect, DEVELOPER shall have the full vested right to construct and complete development of the PROJECT consistent with the PUD and the Land Use Entitlements. Otherwise, CITY retains its right and discretion, under all applicable laws and codes, to approve or disapprove any item related to this PROJECT that it has not specifically agreed to via this Agreement. DEVELOPER acknowledges that it shall comply with all CITY requirements for applications and permits of any nature that apply to the PROJECT and the PROPERTY and that this Agreement does not relieve DEVELOPER of the necessity of filing applications for and obtaining any such permits. This Development Agreement shall not prevent CITY from applying new rules, regulations and policies contained in codes adopted by the International Conference of Building Officials, or other similar body, as part of the then most current versions of the Uniform Building Code, Uniform Fire Code, Uniform Plumbing Code, Uniform Mechanical Code, or National Electrical Code, and also adopted by the CITY, if applicable (Uniform Codes") as long as adoption of the Uniform Codes applies to all development in the CITY. This Development Agreement also shall not prevent CITY from adopting new rules, regulations and policies, including amendments or modifications to Uniform Codes, which directly result from findings by CITY that failure to adopt such rules, regulations or policies would result in a condition injurious or detrimental to the public health and safety, as long as adoption of such rules, regulations or policies apply to all development in the CITY.

15. Improvement Schedule. The following improvements shall be constructed by the stated dates:
- A. The private PROJECT improvements on the PROPERTY shall be constructed by the dates set forth in the DDA Schedule of Performance, as it may be amended from time to time by the parties.
  - B. All repairs and improvements to the public right-of-way described in the PUD Performance Standards and the Conditions of Approval shall be completed prior to the issuance of any certificates of occupancy or release of any public utilities.
16. Developer Breach. Failure of DEVELOPER to construct improvements as specified, or to pay amounts specified in a timely fashion, shall result in the withholding of building permits, any other permit or certificate of occupancy until the breach is remedied.
17. Non-Liability of Officials and Employees of the City. No member, official, employee or agent of the CITY shall be personally liable to the DEVELOPER, or any successor in interest, in the event of any default or breach by the CITY or for any amount that may become due to the DEVELOPER or its successors, or on any obligations under the terms of this Agreement.
18. Notices. All notices shall be personally delivered or mailed to the below listed address, or to such other address as may be designated by written notice. These addresses shall be used for delivery of service of process.
- A. Address of DEVELOPER is as follows:  
Investel Garden Resorts, LLC  
11999 Harbor Boulevard #1711  
Garden Grove, CA 92840  
Attn: Danny Wei
  - B. Address of CITY is as follows:  
City of Garden Grove  
11222 Acacia Parkway  
Garden Grove, CA 92840  
Attn: City Manager
19. DEVELOPER'S Proposal. The PROJECT shall include DEVELOPER's proposal, as modified by Planning Commission and City Council, including all Conditions of Approval contained in Planning Commission Resolution No. 5899-17, which shall be incorporated herein by this reference. In the event of any inconsistency between terms of the proposal and this Agreement, the terms of this Agreement shall govern.

20. Licenses, Permits, Fees, and Assessments. At its sole expense, DEVELOPER shall obtain all licenses, permits, and approvals as may be required by this Agreement, or by the nature of the PROJECT.
21. Time of Essence. Time is of the essence in the performance of this Agreement.
22. Successor's In Interest. The provisions of this Agreement shall be binding upon and inure to successors in interest of the parties and shall be specifically binding upon and for the benefit of any future lessees or other owners of an interest in PROPERTY. All provisions of this Agreement shall be enforceable as equitable servitudes and constitute covenants running with the land. Each covenant to do or refrain from doing some act hereunder with regard to development of the PROPERTY: (i) is for the benefit of and is a burden upon every portion of the PROPERTY; (ii) runs with the PROPERTY and each and every portion thereof; and (iii) is binding upon each party and each of DEVELOPER's transferees during their respective ownership of the PROPERTY or any portion thereof. From and after recordation of this Agreement against the PROPERTY, DEVELOPER, and DEVELOPER's successors in interest, shall have the full right to assign this Agreement as to the PROPERTY, or any portion thereof, in connection with any sale, transfer or conveyance thereof, provided that (i) such assignment is effectuated in accordance with the terms of the DDA, and (ii) DEVELOPER, or its successors in interest, as applicable, expressly assigns the benefits of this Agreement and the assignee expressly assumes the burdens of this Agreement by written instrument approved by CITY, acting through its City Manager. Following an assignment or transfer, the use and enjoyment of the PROPERTY so transferred shall be subject to the terms of this Agreement to the same extent as if the transferee or assignee was the DEVELOPER. Upon the express written assumption and the conveyance of DEVELOPER's interest in the PROPERTY related thereto, the transferring DEVELOPER shall be relieved of its legal duty to perform such assigned obligations with respect to such conveyed property, except to the extent such DEVELOPER is in default hereunder with respect to the particular assigned obligations prior to said transfer.
23. Authority to Execute. The persons executing this Agreement on behalf of the parties warrant that they are duly authorized to execute this Agreement and that by executing this Agreement, the parties are formally bound.
24. Indemnification. DEVELOPER agrees to, and shall, to the fullest extent permitted by law, defend (with legal counsel approved or selected by CITY and at DEVELOPER's sole cost and expense), indemnify and hold CITY and CITY's elective and appointive councils, boards, commissions, officers, officials, agents, representatives and employees harmless from any and all claims, liabilities, expenses or damages of any nature, including attorneys' fees, for injury or death of any person, or damage to property, or interference with use of property, arising out of, or in any way connected with performance of this

Development Agreement by DEVELOPER, DEVELOPER'S agents, officers or employees, or contractors or subcontractors hired by DEVELOPER, including, without limitation, any claims, liabilities, expenses or damages which may arise from the construction activities of DEVELOPER or DEVELOPER's contractors, subcontractors, agents, or employees which relate to the PROJECT. Additionally, DEVELOPER agrees to, and shall, to the fullest extent permitted by law, defend (with legal counsel approved or selected by CITY and at DEVELOPER's sole cost and expense), indemnify, and hold harmless CITY and CITY's elective and appointive councils, boards, commissions, officers, officials, agents, representatives and employees from and against each and every claim, action, proceeding, cost, fee, legal cost, damage, award or liability of any nature whatsoever arising out of CITY's approval of or its performance under this Development Agreement and/or the Land Use Entitlements. CITY may in its discretion participate in the defense of any such legal action. The provisions of this Section shall not be binding on DEVELOPER to the extent the liability arises out of the gross negligence or willful misconduct of CITY, or its elective and appointive councils, boards, commissions, officers, officials, agents, representatives or employees. DEVELOPER's indemnity obligations set forth in this Development Agreement shall survive termination of this Development Agreement.

25. Modification. This Agreement constitutes the entire agreement between the parties and supersedes any previous agreements, oral or written, regarding the time period that PROJECT land use entitlements shall be valid. Except as otherwise provided in Section 13, Section 34, and Exhibit "D" hereof, this Development Agreement may be modified only by subsequent mutual written agreement executed by CITY and the DEVELOPER and approved by CITY in accordance with the Development Agreement Statute.
26. Recordation. This Agreement and any amendment hereto shall be recorded against the PROPERTY at no cost to CITY, in the Official Records of Orange County by the City Clerk within the period required by Section 65868.5 of the Government Code. Notwithstanding the foregoing, in no event shall any failure or delay in recording this Agreement and any amendment to this Agreement limit or restrict the validity or enforceability of this Agreement.
27. Remedies. The breach or default of any term or provision of this Agreement by either party shall give the nondefaulting party the right to proceed with any and all remedies set forth in this Agreement, including DEVELOPER's right to cure non-compliance as set forth in Section 4 of Exhibit "D" hereto, an action for damages, an action or proceeding at law or in equity to require the defaulting party to perform its obligations and covenants under this Agreement or to enjoin acts or things which may be unlawful or in violation of the provisions of this Agreement, and the right to terminate this Agreement. Venue for such legal action shall be in a court of competent jurisdiction in the County of Orange.



28. Force Majeure. Subject to the party's compliance with the notice requirements as set forth below, neither party hereunder shall be deemed to be in default, and all performance and other dates specified in this Agreement shall be extended, where delays or default are due to causes beyond the control and without the fault of the party claiming an extension of time to perform, which may include, without limitation, the following: war, insurrection, strikes, lockouts, riots, floods, earthquakes, fires, assaults, acts of God, acts of the public enemy, epidemics, quarantine restrictions, freight embargoes, lack of transportation, governmental restrictions or priority, litigation, unusually severe weather, inability to secure necessary labor, material or tools, acts or omissions of the other party, or acts or failures to act of any public or governmental entity (except that the CITY's acts or failure to act shall not excuse performance of the CITY hereunder). An extension of the time for any such cause shall be for the period of the enforced delay and shall commence to run from the time of the commencement of the cause, if notice by the party claiming such extension is sent to the other party within thirty (30) days of the commencement of the cause.
29. Attorney's Fees. In addition to any other remedies provided hereunder or available pursuant to law, if either party brings an action or proceeding to enforce, protect or establish any right or remedy hereunder, the prevailing party shall be entitled to recover from the other party its costs of suit and reasonable attorney's fees.
30. Remedies Cumulative. No right, power, or remedy given by the terms of this Agreement is intended to be exclusive of any other right, power, or remedy; and each other and every such right, power, remedy shall be cumulative and in addition to every other right, power, or remedy given by the terms of any such instrument, or by any statute or otherwise.
31. Waiver of Terms and Conditions. The CITY may, in its sole discretion, waive in writing any of the terms and conditions of this Agreement. Waivers of any covenant, term, or condition contained herein shall not be construed as a waiver of any subsequent breach of the same covenant, term, or condition.
32. Interpretation and Governing Law. The language in all parts of this Agreement shall, in all cases, be construed as a whole and in accordance with its fair meaning. This Agreement and any dispute arising hereunder shall be governed and interpreted in accordance with the internal laws of the State of California, with regard to conflict of laws rules. The parties understand and agree that this Agreement is not intended to constitute, nor shall be construed to constitute, an impermissible attempt to contract away the legislative and governmental functions of CITY, and in particular, CITY's police powers. In this regard, the parties understand and agree that this Agreement is a current exercise of CITY's police powers and except as expressly provided for herein

this Agreement shall not be deemed to prevent the future exercise by CITY of its lawful governmental powers over the PROPERTY.

33. Severability. If any provision of this Development Agreement shall be adjudged to be invalid, void or unenforceable, such provision shall in no way affect, impair or invalidate any other provision hereof, unless such judgment affects a material part of this Development Agreement, the parties hereby agree that they would have entered into the remaining portions of this Development Agreement not adjudged to be invalid, void or illegal. In the event that all or any portion of this Development Agreement is found to be unenforceable, this Development Agreement or that portion which is found to be unenforceable shall be deemed to be a statement of intention by the parties; and the parties further agree that in such event they shall take all steps necessary to comply with such public hearings and/or notice requirements as may be necessary in order to make valid this Development Agreement or that portion which is found to be unenforceable. Notwithstanding any other provisions of this Development Agreement, in the event that any material provision of this Development Agreement is found to be unenforceable, void or voidable, DEVELOPER and CITY may mutually agree to terminate this Development Agreement in accordance with the provisions of the Development Agreement Statute.
34. Operating Memoranda. The provisions of this Development Agreement require a close degree of cooperation and flexibility between the CITY and DEVELOPER. The parties acknowledge that refinements and further development of the plan for developing the PROJECT pursuant to this Agreement and the Land Use Entitlements may demonstrate that changes are appropriate with respect to the details and performance of the CITY and DEVELOPER under this Agreement. The parties desire to retain a certain degree of flexibility with respect to the details of the performance by CITY and DEVELOPER and with respect to those items covered in general terms under this Agreement. If and when the parties mutually find that changes, adjustments, or clarifications are appropriate to further the intended purposes of this Agreement, they may, unless otherwise required by law, effectuate such changes, adjustments, or clarifications without amendment to this Agreement through operating memoranda ("Operating Memoranda") mutually approved by the parties in writing. Operating Memoranda are not intended to constitute either a substantive change or an amendment to this Development Agreement, but are ministerial clarification; therefore public notices and hearings shall not be required. Operating Memoranda may be used and thus deemed non-substantive and/or procedural if they do not result in, for example: (i) material changes in fees or costs; (ii) an increase in density or intensity of use; (iii) a change in permitted uses; (iv) an increase in the maximum height and size of buildings; (v) a decrease in the amount of land to be dedicated for public purposes; or (vi) the reduction of improvement and construction standards and specifications for the Project. To the maximum extent permitted by law, the

City Manager shall have the authority, on behalf of CITY, to approve and execute such Operating Memoranda.

35. Administration. This Agreement shall be administered and executed on behalf of CITY by the City Manager, or his/her designated representative, following approval of this Agreement by the City Council. Except as otherwise expressly provided herein or in the Development Agreement Statute, the CITY shall maintain authority of this Agreement through the City Manager (or his/her authorized representative). To the extent not inconsistent with the Development Agreement Statute, whenever a reference is made herein to an action or approval to be undertaken by the CITY, the City Manager is authorized to act on behalf of CITY unless specifically provided otherwise or the context should require otherwise. Without limiting the foregoing, the City Manager shall have the authority but not the obligation to issue interpretations, waive terms and conditions, and approve and execute Operating Memoranda on behalf of CITY. The City Manager shall also be authorized to take such action on behalf of the CITY necessary to ensure that the boundaries of the PROPERTY subject to this Development Agreement and to which the Land Use Entitlements apply are the same as the PROPERTY transferred to DEVELOPER pursuant to the DDA, including, without limitation, approving minor modifications to the legal descriptions of the PROPERTY in either or both this Agreement and/or the DDA so that they conform with one another and the intent of the City Council.
36. Subsequent Amendment to Development Agreement Statute. This Agreement has been entered into in reliance upon the provisions of the Development Agreement Statute in effect as of the Effective Date. Accordingly, to the extent that subsequent amendments to the Development Agreement Statute would affect the provisions of this Agreement, such amendments shall not be applicable to this Agreement unless necessary for this Agreement to be enforceable or required by law or unless this Agreement is modified pursuant to the provisions set forth in this Agreement and Government Code Section 65868 as in effect on the Effective Date. The foregoing is not intended as a waiver by DEVELOPER of any rights or remedies it may have as a result of any such change of law.
37. Initiative Measures. Both CITY and DEVELOPER intend that this Development Agreement is a legally binding contract which will supersede any initiative, measure, moratorium, referendum, statute, ordinance or other limitation (whether relating to the rate, timing or sequencing of the development or construction of all or any part of the PROJECT and whether enacted by initiative or otherwise) affecting parcel or subdivision maps (whether tentative, vesting tentative or final), building permits, occupancy certificates or other entitlements to use approved, issued or granted within CITY, or portions of CITY, and which Agreement shall apply to the Project to the extent such initiative, measure, moratorium, referendum, statute, ordinance or other

limitation is inconsistent or in conflict with this Development Agreement. Should an initiative, measure, moratorium, referendum, statute, ordinance, or other limitation be enacted by the citizens of CITY which would preclude construction of all or any part of the Project, and to the extent such initiative, measure, moratorium, referendum, statute, ordinance or other limitation be determined by a court of competent jurisdiction to invalidate or prevail over all or any part of this Development Agreement, DEVELOPER shall have no recourse against CITY pursuant to the Development Agreement, but shall retain all other rights, claims and causes of action under this Development Agreement not so invalidated and any and all other rights, claims and causes of action at law or in equity which DEVELOPER may have independent of this Development Agreement with respect to the PROJECT. The foregoing shall not be deemed to limit DEVELOPER's right to appeal any such determination that such initiative, measure, referendum, statute, ordinance or other limitation invalidates or prevails over all or any part of this Development Agreement.

38. Not for Benefit of Third Parties. This Agreement and all provisions hereof are for the exclusive benefit of CITY and DEVELOPER, its successors and assigns, and shall not be construed to benefit or be enforceable by any third party.
39. Interpretation Consistent with DDA. Unless otherwise specifically provided in either this Development Agreement or the DDA or the context should require otherwise, it is intent of the parties that the terms of this Development Agreement should be interpreted in a manner consistent with the terms of the DDA. Notwithstanding the foregoing, nothing in this Development Agreement shall constitute or be interpreted as an amendment to the DDA, which shall may only be amended in accordance with its own terms.

*[SIGNATURES ON FOLLOWING PAGE]*

**IN WITNESS WHEREOF**, these parties have executed this Agreement on the day and year shown below.

**CITY:**

**CITY OF GARDEN GROVE**, a municipal corporation

Dated: \_\_\_\_\_, 2017

By: \_\_\_\_\_  
Scott C. Stiles, City Manager

(Signature Must Be Notarized)

**ATTEST:**

\_\_\_\_\_  
City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Omar Sandoval  
City Attorney

**DEVELOPER:**

**INVESTEL GARDEN RESORTS, LLC**, a Delaware limited liability company

By: INVESTEL RESORTS MANAGEMENT, LLC, a Delaware limited liability company

Its: Manager

Dated: \_\_\_\_\_, 2017

By: \_\_\_\_\_  
Weifeng Zhang

Its: Manager

(Signature Must Be Notarized)

**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF PROPERTY**

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

LOTS 213, 214, 215, 216 AND 217 OF TRACT NO. 2012, IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 55, PAGES 47, 48 AND 49 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY TOGETHER WITH PORTIONS OF LOTS 5, 6, 7 AND 8 OF TRACT NO. 2782, IN SAID CITY, SAID COUNTY AND SAID STATE AS PER MAP RECORDED IN BOOK 89, PAGES 24 AND 25 OF MISCELLANEOUS MAPS, IN SAID RECORDER'S OFFICE, TOGETHER WITH THE SOUTH 129.44 FEET OF THE WEST ½ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 34, IN TOWNSHIP 4 SOUTH, RANGE 10 WEST, IN THE RANCHO LAS BOLSAS IN SAID CITY, SAID COUNTY AND SAID STATE AS SHOWN ON A MAP THEREOF RECORDED IN BOOK 51, PAGE 7, ET SEQ. OF MISCELLANEOUS MAPS, IN SAID RECORDER'S OFFICE, TOGETHER WITH THE NORTH 12 FEET OF THE WEST 400 FEET OF THE NORTH ½ OF THE NORTH ½ OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 10 WEST IN SAID RANCHO LAS BOLSAS TOGETHER WITH THE WEST 400 FEET OF THE NORTH ½ OF THE NORTH ½ OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 10 WEST, IN SAID RANCHO LOS BOLSAS, EXCEPTING THEREFROM THE NORTH 12 FEET AND ALSO EXCEPTING THEREFROM THE SOUTH 200 FEET TOGETHER WITH THE NORTH 45 FEET OF THE SOUTH 200 FEET OF THE WEST 400 FEET OF THE NORTH ½ OF THE NORTH ½ OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 10 WEST, OF SAID RANCHO LAS BOLSAS TOGETHER WITH THE SOUTH 200 FEET OF THE WEST 400 FEET OF THE NORTH ½ OF THE NORTH ½ OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 34 IN TOWNSHIP 4 SOUTH, RANGE 10 WEST, IN SAID RANCHO LAS BOLSAS EXCEPT THE NORTH 45 FEET THEREOF AND ALSO EXCEPT THEREFROM THE SOUTH 84 FEET THEREOF, TOGETHER WITH THE SOUTH 84 FEET OF THE WEST 400 FEET OF THE NORTH ½ OF THE NORTH ½ OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 34, TOWNSHIP 4 SOUTH, RANGE 10 WEST, IN SAID RANCHO LAS BOLSAS DESCRIBED MORE PARTICULARLY AS A WHOLE AS FOLLOWS:

**COMMENCING** AT THE CENTERLINE INTERSECTION OF HARBOR BOULEVARD AND TWINTREE LANE AS SHOWN ON SAID TRACT MAP 2012;

THENCE EASTERLY ALONG THE CENTERLINE OF SAID TWINTREE LANE SOUTH 89°22'00"EAST 53.02 FEET;

THENCE DEPARTING SAID CENTERLINE NORTH 00°38'00" EAST 30.00 FEET TO THE NORTHERLY RIGHT OF WAY OF SAID TWINTREE LANE AND THE SOUTHERLY LINE OF SAID LOT 217, SAID POINT BEING ALSO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 13.00 FEET, A RADIAL LINE TO SAID CURVE BEARS SOUTH 00°38'00" WEST AND THE TRUE POINT OF BEGINNING;

THENCE ALONG SAID LINE OF LOT 217 AND WESTERLY, NORTHWESTERLY AND NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°01'37" AN ARC DISTANCE OF 20.43 FEET TO THE WESTERLY LINE OF SAID LOT 217 AND A LINE PARALLEL WITH AND DISTANT EASTERLY 40 FEET MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF SAID HARBOR BOULEVARD;

THENCE NORTHERLY ALONG SAID LOT LINE AND SAID PARALLEL LINE NORTH 00°39'55"EAST 91.26 FEET TO THE NORTHWEST CORNER OF SAID LOT 217;

THENCE DEPARTING SAID PARALLEL LINE NORTH 89°22'11" WEST 40.00 FEET TO THE CENTERLINE OF SAID HARBOR BOULEVARD;

THENCE ALONG SAID CENTERLINE NORTH 00°39'55" EAST 456.36 FEET TO THE SOUTHERLY LINE OF THE NORTH 129.44 FEET OF THE SOUTH 258.88 FEET OF THE WEST 1/2, SW 1/4, NW 1/4, NE 1/4, SECTION 34;

THENCE DEPARTING SAID CENTERLINE AND ALONG SAID SOUTHERLY LINE SOUTH 89°22'48" EAST 330.08 FEET TO THE WESTERLY TRACT LINE OF SAID TRACT NO. 2782;

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THENCE LEAVING SAID SOUTHERLY LINE AND ALONG SAID WESTERLY TRACT LINE NORTH 00°39'59" EAST 129.44 FEET TO THE NORTHERLY TRACT LINE OF SAID TRACT NO. 2782;

THENCE ALONG SAID NORTHERLY TRACT LINE SOUTH 89°22'48"EAST 30.70 FEET;

THENCE LEAVING SAID NORTHERLY LINE SOUTH 00°39'59" WEST 65.02 FEET TO THE NORTHERLY LINE OF LOT 6 OF SAID TRACT;

THENCE ALONG SAID NORTHERLY LINE SOUTH 89°22'48"EAST 9.40 FEET;

THENCE LEAVING SAID NORTHERLY LINE OF LOT 6 SOUTH 00°39'59" WEST 65.02 FEET TO THE NORTHERLY LINE OF LOT 7 OF SAID TRACT;

THENCE ALONG SAID NORTHERLY LINE SOUTH 89°22'48"EAST 16.12 FEET;

THENCE LEAVING SAID NORTHERLY LINE OF LOT 7 SOUTH 00°39'59" WEST 64.42 FEET TO THE NORTHERLY LINE OF LOT 8 OF SAID TRACT;

THENCE ALONG SAID NORTHERLY LINE OF LOT 8 SOUTH 89°22'48"EAST 9.08 FEET;

THENCE LEAVING SAID NORTHERLY LINE OF LOT 8 SOUTH 00°39'59" WEST 43.57 FEET;

THENCE SOUTH 89°20'05"EAST 4.61 FEET;

THENCE SOUTH 00°39'59" WEST 20.85 FEET TO THE SOUTHERLY LINE OF SAID TRACT NO. 2782;

THENCE LEAVING SAID SOUTHERLY TRACT LINE AND ALONG SAID EASTERLY LINE OF THE WEST 400 FEET SOUTH 00°39'55" WEST 326.99 FEET TO THAT NORTHERLY TRACT LINE OF SAID TRACT NO. 2012 COMMON TO LOTS 200 THROUGH 217 PER SAID TRACT;

THENCE ALONG SAID TRACT LINE NORTH 89°22'11" WEST 14.59 FEET TO THE REAR CORNER OF LOTS 212 AND 213 OF SAID TRACT NO. 2012;

THENCE LEAVING SAID TRACT LINE AND ALONG THE LINE COMMON TO SAID LOTS 212 AND 213 OF SAID TRACT NO. 2012 SOUTH 00°38'00" WEST 104.28 FEET TO THE NORTHERLY RIGHT OF WAY OF SAID TWINTREE LANE;

THENCE LEAVING SAID LOT LINE AND ALONG SAID RIGHT OF WAY NORTH 89°22'00" WEST 332.46 FEET TO THE TRUE POINT OF BEGINNING.

RESERVING THE EASTERLY 60 FEET THEREOF OF HARBOR BOULEVARD FOR FUTURE STREET DEDICATION.



FOR INFORMATIONAL USE ONLY – NOT INTENDED TO DESCRIBE A LEGAL PARCEL

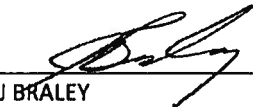
**CONTAINING :** 222,019 SQUARE FEET MORE OR LESS (5.097 ACRES MORE OR LESS)

**EXHIBIT "B":** ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF

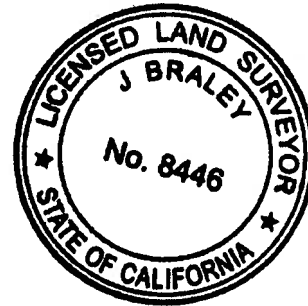
**SUBJECT TO:** COVENANTS, CONDITIONS, RESERVATIONS, RESTRICTIONS, RIGHTS OF WAY AND EASEMENTS OF RECORD, IF ANY.

**NOTE: THE ABOVE LEGAL DESCRIPTION IS FOR THE SOLE PURPOSE OF THIS REPORT AND IS SUBJECT TO CHANGE AT ANY TIME.**

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION.

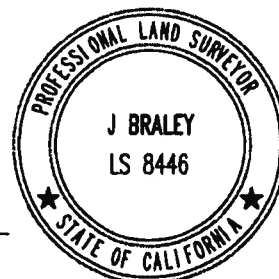
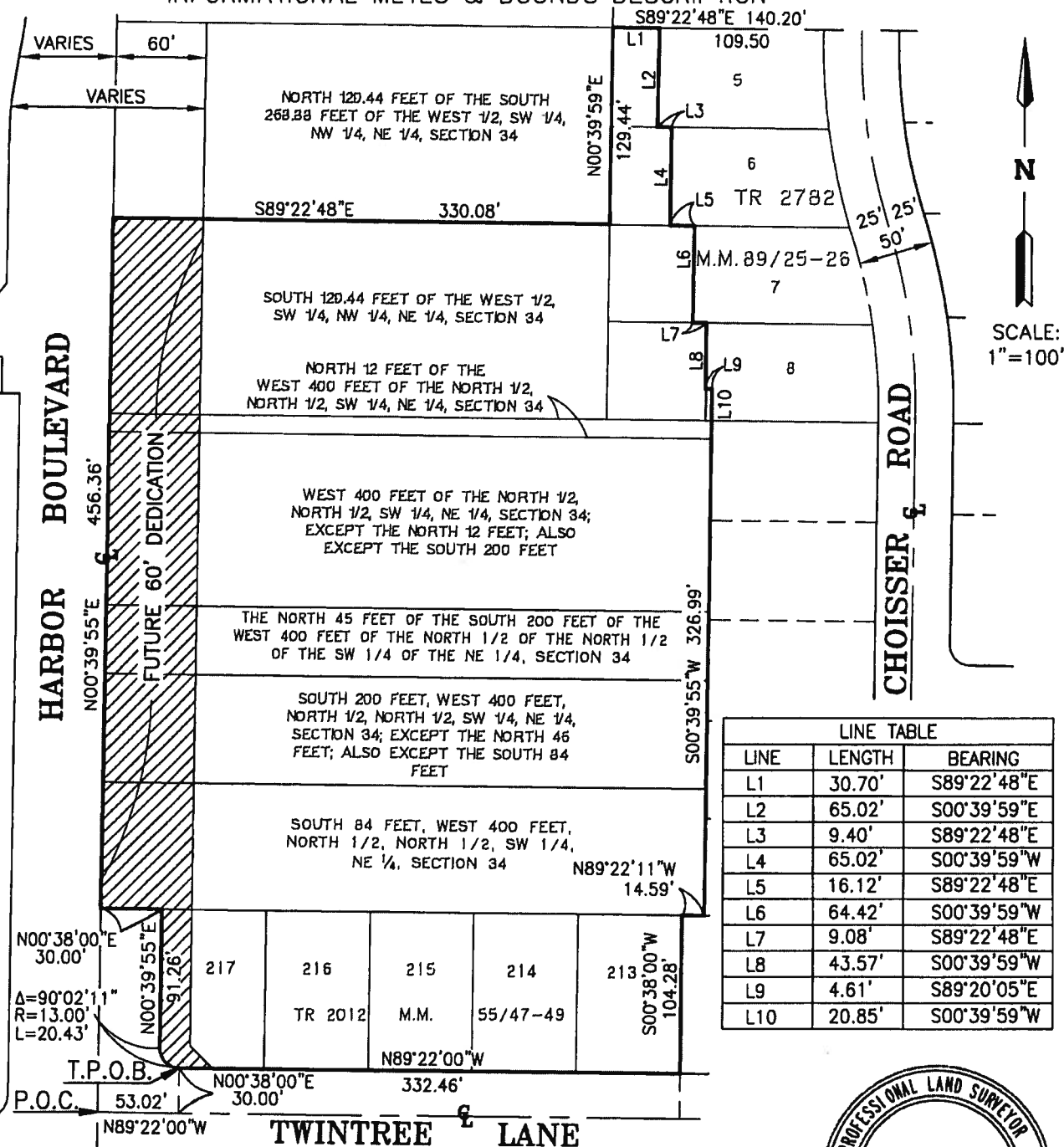
  
J BRALEY  
L.S. NO. 8446

11/10/17  
DATE



# EXHIBIT 'B'

## INFORMATIONAL METES & BOUNDS DESCRIPTION



### PENCO ENGINEERING, INC.

Civil Engineering  
Planning  
Surveying

16842 Van Karman Ave  
SUITE 150  
Irvine, California 92606  
(949) 753-8111

SKETCH TO ACCOMPANY AN  
INFORMATIONAL LEGAL DESCRIPTION  
OF  
"SITE C"  
CITY OF GARDEN GROVE

SCALE: AS-SHOWN

DRAWN BY: JK

CHECKED BY: JB

DATE: 10/17/17

JOB No. 15045

**EXHIBIT "B"**  
**PUD PERFORMANCE STANDARDS**

## **Exhibit "B"**

### **PERFORMANCE STANDARDS**

#### **Planned Unit Development No. PUD-128-12**

The following performance standards shall apply as conditions of approval to any future hotel resort development and/or subdivision of property covered by this Planned Unit Development:

1. The developer shall execute, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, on the property prior to issuance of building permits. These conditions of approval run with the land and are binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. The term "applicant," as referenced herein, shall refer to both the developer, tenant/business operators and the property owners, including subsequent purchasers and/or tenants of the project. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Hearing Body.
3. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.
4. All mitigation measures that are part of the Mitigated Negative Declaration that was adopted in conjunction with approval of General Plan Amendment No. GPA-2-12(B) and Planned Unit Development No. PUD-128-12 shall be required to be implemented as part of the conditions of approval for this project.
5. The project is subject to the Mitigation Monitoring Program adopted by the City Council as part of the Mitigated Negative Declaration adopted by the City in conjunction with approval of General Plan Amendment No. GPA-2-12(B) and Planned Unit Development No. PUD-128-12. In order to assist City to verify that all required project mitigation measures are complied with in a timely manner, a project-specific mitigation-monitoring program for monitoring all applicable project-related mitigation measures shall be prepared by the developer/applicant and approved by the Planning Division prior to issuance of building permits. Said mitigation monitoring program shall be implemented during project construction through completion. The developer shall provide the City with a quarterly report demonstrating adherence to all mitigation measures. A person shall be designated by the developer and or hotel operator that will be responsible for any hotel and pad

Planned Unit Development No. PUD-128-12  
Performance Standards

restaurants operational mitigation measures that extend beyond construction completion. Said person shall provide a report to the City when requested.

6. In order to verify compliance with the applicable project mitigation measures and performance standards for Planned Unit Development No. PUD-128-12, the developer shall submit a full set of construction plans to the Community Development Department for review prior to plan check submittal. The plans shall include a dimensioned and detailed site plan, a floor plan, elevations, a landscaping plan, and a lighting plan, each of which complies with all the requirements established in these performance standards.

**Public Works Engineering Division**

The following provisions of the Public Works Engineering Division shall be complied with:

7. The applicant shall be subject to Traffic Mitigation Fees.
8. Prior to the issuance of certificates of use and occupancy, the applicant shall design and construct a traffic signal at the intersection of Harbor Boulevard and the Project Entrance in a manner meeting the approval of the City Traffic Engineer.
9. Prior to the issuance of certificates of use and occupancy, the applicant shall design and construct raised median improvements on Harbor Boulevard to facilitate ingress and egress at the Project Entrance in a manner meeting the approval of the City Traffic Engineer. Said improvements shall include a 225-foot southbound left turn pocket with a 90-foot taper and removal/reconstruction of the median within, and south of the intersection, to provide a full access to the Sheraton Hotel with a proper left turn pocket and taper.
10. The main driveway approach on Harbor Boulevard shall be constructed in accordance with Garden Grove Standard Plan B-120, or B-120a.
11. 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 of the interior drive aisle and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and

Planned Unit Development No. PUD-128-12  
Performance Standards

implementations, including soil compaction, saturation, permeability and groundwater levels.

12. A separate street permit is required for work performed within the public right-of-way.
13. Grading and street improvement plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including adjacent properties, and designed to preclude cross-lot drainage. Minimum grades shall be 0.50% for concrete flow lines, 1.25% for asphalt surfaces and 2.0% for landscaped areas. The grading plan shall also include water and sewer improvements. All fees collected at the time of permit issuance shall be based on the fee schedule in effect at that time.
14. 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 such as 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 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.
15. 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 on-site.
  - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
- 16. The applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size drainage facilities per Orange County RDMD standards. Parkway culverts shall be designed per Orange County standard plan 1309, Type B.
- 17. All trash container areas shall meet the following requirements:
  - 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 off-site transport of trash; and
  - 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 Stormwater Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information.
  - f. The trash enclosures shall be located to allow pick-up and maneuvering, including turnarounds, in the area of the enclosures.
- 18. 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.
- 19. 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.

20. 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.
21. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer.
22. The applicant shall remove the existing sidewalk on Harbor Boulevard along the property frontage and construct a seven-foot decorative sidewalk consistent with the existing enhanced sidewalk pattern 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 Division Manager.
23. The applicant shall remove the existing sidewalk on Twintree Lane, along the property frontage, and construct a six-foot sidewalk per City Standard Plan B-106. Said sidewalk shall be separated from the street curb by a four-foot landscaped area. The landscaped areas in front of, and in back of, the sidewalk shall be designed in a manner meeting the approval of the Planning Division Manager.
24. The applicant shall be responsible for the maintenance of the landscape, sidewalk and lighting in the public right-of-way along Harbor Boulevard, in a manner meeting the approval of the City Engineer.

#### **Building Services Division**

The following provisions of the Community Development Building Services Division shall be met:



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25. All buildings and facilities shall be accessible from the sidewalks. Accessible routes of travel shall be provided between all building and facilities on-site.
26. Openings in exterior walls are limited per Table 705.8 of the CBC depending on proximity to the property line or to the imaginary property line between buildings.
27. All buildings must be fully sprinklered.
28. All buildings and facilities shall comply with the California Building Standards Code.

**Public Works Water Services Division**

The following provisions of the Garden Grove Public Works Water Services Division shall be met:

29. Water meters shall be located within the City right-of-way or within dedicated waterline easement. Fire and water services, shall be installed by contractor with Class A or C-34 license, per City water standards and inspected by approved Public Works inspector.
30. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
31. It shall be the responsibility of owner/developer to abandon any existing private water well(s) per Orange County Health Department requirements. Abandonment(s) shall be inspected by Orange County Health Department inspector after permits have been obtained.
32. A composite utility site plan shall be part of the water plan approval.
33. Water system within private streets shall be constructed per City Standards by developer and dedicated to the City. Bonding will be required.
34. Owner shall dedicate all rights to underground water without the right to surface entry.

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35. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
36. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
37. Fire service shall have above ground backflow device with a double check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above ground assembly shall be screened from public view as required by the Planning Division.
38. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) pass all bacteriological and pressure tests.
39. No permanent structures, trees or deep-rooted plants shall be placed over sewer main or water main.
40. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
41. Site shall be graded so that no rain or landscape irrigation water can drain into sewer drains in wash bays. All wash bays shall have adequate roof overhang to prevent rainwater from entering wash bays. No outside sinks or wash area shall be permitted. Owner shall maintain service records for sewer lateral clarifier adequately demonstrating that clarifier maintained and that wastes are disposed of in accordance with current laws and regulations for hazardous waste.
42. All water generated from any dewatering system for subterranean construction shall be discharged to the sanitary sewer as required by the City of Garden Grove. The owner shall obtain a special discharge permit as required by the Orange County Sanitation District. Owner shall be responsible for sampling, testing, and discharge as required by the Orange County Sanitation District. Ground water pumped from under or around the underground parking structure shall be discharged to the sewer system. A separate "Industrial Waste Discharge" permit is required from the Orange County Sanitation District prior to the City allowing any occupancy permits or finals.

43. Commercial food use of any type shall require the installation of an approved grease interceptor prior to obtaining a business license.
44. A properly sized grease interceptor shall be installed on the sewer lateral and maintained by the property owner. There shall be a separate sanitary waste line that will connect to the sewer lateral downstream of the grease interceptor. All other waste lines shall be drained through the grease interceptor. Grease interceptor shall be located outside of the building and accessible for routine maintenance. Owner shall maintain comprehensive grease interceptor maintenance records and shall make them available to the City of Garden Grove upon demand.
45. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations. Existing units are to be removed.
46. Owner shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 6" min. dia., extra strength VCP with wedgelock joints.
47. Contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete.

#### **Planning Services Division**

The following provisions of the Community Development Planning Services Division shall be met:

48. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the City's Planning Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting. Lighting in the common areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences.
49. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community Development Department for review and approval prior to Building Division Plan Check. The project shall also be subject to the following:

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- a. All on-site and off-site utilities (off-site refers to the areas within public right-of-way to the center line of the streets adjacent to the subject property) within the perimeter of the site and to the centerline of the adjacent streets shall be installed or relocated underground.
  - b. Above-ground utility equipment (e.g., electrical, gas, telephone, cable TV) shall not be located in the street setbacks along Harbor Boulevard and Twintree Lane, and shall be screened to the satisfaction of the Community Development Department.
  - c. No roof-mounted mechanical equipment, including but not limited to dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
  - d. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
50. All landscaping shall be consistent with the landscape requirements within the development standards set forth in Planned Unit Development No. PUD-128-12. The developer shall submit a complete landscape plan governing the entire development. The landscape irrigation plans shall include type, size, location and quantity of all plant material. The landscape plan shall include irrigation plans and staking and planting specifications. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines. The landscape plan is also subject to the following:
- a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaping areas shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
  - b. The plan shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box, and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. These trees shall be incorporated into the landscaped frontages of all streets. Where clinging vines are considered for covering walls, drought tolerant vines shall be used.

- c. Trees planted within ten feet (10') of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontages adjacent to driveways shall be of the low-height variety to ensure safe sight clearance.
  - d. Landscaping along Harbor Boulevard, including within the public-of-way, shall include two rows of Date Palm Trees (minimum brown trunk height of 25 feet), canopy trees (minimum 24-inch box), shrubs, and ground covers. Landscape materials shall match the landscape materials used within the project located at the southwest corner of Harbor Boulevard and Chapman Avenue unless the City adopts a landscape design for Harbor Boulevard. The Community Development Director may approve minor modifications to the foregoing standards as to height, size, and placement of the palm trees along Harbor Boulevard.
  - e. Landscaping along Twintree Lane, including within the public-of-way shall include canopy trees (minimum 24-inch box), shrubs, and ground covers. Landscape materials shall match the landscape materials used along the Harbor Boulevard, and shall be properly maintained.
  - f. Flexibility to the height of the palm trees, and their placement along Harbor Boulevard, shall be reviewed and approved by the Community Development Director.
  - g. All landscape areas, including the areas located within the public right-of-way along Harbor Boulevard and Twintree Lane, are the responsibility of the developer/operator of the hotels and restaurants.
  - h. The landscape plan shall incorporate and maintain for the life of the project those means and methods to address water run-off also identified as Low Impact Development provisions, which address water run-off. This is to also to be inclusive of any application of Water Quality Management Plans (WQMP), Drainage Area Management Plans (DAMP) and any other water conservation measures applicable to this type of development.
51. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:
- a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).

- b. Sunday and Federal Holidays may work the same hours but subject to the restrictions as stipulated in Sections 8.47.040 to 8.47.060 of the Municipal Code.
- 52. The developer shall receive approval of a subdivision map (Tentative Tract Map) in order to reconfigure the project site prior to submitting construction plans to the City of Garden Grove. Said approval shall be subject to a Development Agreement.
- 53. The developer/owner shall prepare Covenants, Conditions, and Restrictions (CC&R's), or a similar document, for review and approval by the City Attorney's office and Community Development Department prior to the issuance of building permits, which will bind the owner(s) / operator(s) of the project site in the future. The CC&Rs shall include, without limitation, all provisions of PUD-128-12 development standards, all applicable project mitigation measures, operational and maintenance provisions for the entire site and those areas noted within the boundaries of the Project site, and other provisions applicable to the Project. The approved CC&R's shall be recorded at the same time that the subdivision map is recorded and two copies of the recorded CC&R's shall be provided to the Planning Division. The CC&R's shall include the following stipulations:
  - a. Provisions for common maintenance of all the landscape areas, including landscaping and landscape lighting within the project, public right-of-way, driveways, and parking areas.
  - b. Provisions for reciprocal access and parking between properties. Parking provisions shall also include provisions for future Valet Parking.
  - c. Best Management Practices shall be incorporated to detour and/or abate any graffiti vandalism throughout the project and throughout the life of the project.
  - d. The CC&R's shall provide provisions for the tenant/property owners a means of contacting persons responsible for site maintenance, repairs, trash pick-up, and other related matters for a development of this type. This also includes ensuring tree overhangs do not block or hinder any vehicles such street sweepers, trash trucks, fire trucks, etc., from maneuvering on the streets within the project.
  - e. The above stipulations shall not be modified without the approval of the City of Garden Grove. The CC&R's shall contain a provision that indicates CC&R's may not be terminated or substantially amended without the consent of the City.

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- f. The CC&R's shall include provisions acceptable to City regarding the Association's and Owners' responsibilities for compliance with all applicable water quality laws and regulations. Such provisions shall require the Association and Owners to maintain the site and all common areas in compliance with all applicable water quality laws, regulations, and standards of the State, City, or any other applicable governmental agency, including, but not limited to, all National Pollution Discharge Elimination System (NPDES) regulations presently in effect and as amended, and the provisions of Title 6, Chapter 40 (Stormwater Quality) of the Garden Grove Municipal Code, as it may be amended from time to time. In addition, the CC&Rs shall expressly allocate responsibility to the Association or another entity to implement, and fund implementation of, the Operations and Maintenance ("O&M") Plan applicable to the Property, which was approved by the City as part of the Water Quality Management Plan ("WQMP") required for development of the Property, and to operate and maintain the Best Management Practices ("BMPs") described in the O&M Plan.
- g. Provisions substantially similar to the follow shall be included within the CC&R's:
  - i. Enforcement: The City is hereby made a party to this Declaration solely for purposes of enforcing its provisions, the Performance Standards of Planned Unit Development No. PUD-128-12, and the Conditions of Approval of [IDENTIFY APPLICABLE ENTITLEMENT].. The City, its agents, departments and employees shall have the unrestricted right and authority, but not the obligation, to enforce the provisions of this Declaration, the Performance Standards of Planned Unit Development No. PUD-128-12, and the Conditions of Approval of [IDENTIFY APPLICABLE ENTITLEMENT]. The City, its agents, departments and employees may further refuse to issue any building, electrical or plumbing permit that may be in violation of this Declaration or the Performance Standards and other provisions of Planned Unit Development No. PUD-128-12; however, the City shall not be liable for failing or refusing to enforce the provisions of this Declaration, the Performance Standards of Planned Unit Development No. PUD-128-12, or the Conditions of Approval of [IDENTIFY APPLICABLE ENTITLEMENT]. In the enforcement of this Declaration, the City shall not be limited to the procedures or processes described herein and may use any remedy provided under law or equity, including the City' Municipal Code. The alternative dispute resolution procedures set forth in [SPECIFY APPLICABLE

*ARTICLE OR SECTION] of this Declaration shall not apply to the City.*

- ii. Assessments: The City may levy special assessments against the properties in connection with its actions to enforce the provisions of this Declaration, the Performance Standards of Planned Unit Development No. PUD-128-12, and/or the Conditions of Approval of [IDENTIFY APPLICABLE ENTITLEMENT],, or to abate the violation thereof. The City shall have the same power as the Association to levy special assessments pursuant to the provisions of [SECTION] of this Declaration in the event that it incurs expenses in the enforcement of the provisions of this Declaration, the Performance Standards of Planned Unit Development No. PUD-128-12, and/or the Conditions of Approval of [IDENTIFY APPLICABLE ENTITLEMENT]. Notice of intention to make such assessment shall be mailed by the City to the Owner of each affected [LOT/UNIT] affording the Owner thirty (30) days' notice to satisfy or reimburse the City's expenditure. In the event of the failure of any Owner of any affected [LOT/UNIT] to reimburse the City within thirty (30) days, notice of such assessment shall be mailed by the City to said Owner, and said assessment shall thereafter be due as a separate debt to the City within thirty (30) days following the mailing of such notice. Any such delinquent assessment may be and may become a lien upon the interest of the defaulting Owner in the Lot upon the execution by the City and the recording in the Orange County Recorder's office of a notice of delinquent assessment under the same conditions that the Association could record the same pursuant to the provisions of [SECTION]. The City may foreclose on such notice of delinquent assessment in the same manner and with the same power as the Association could foreclose on such notice pursuant to the provisions of [SECTION]. It is the intent of Declarant, which intent shall be binding upon all of Declarant's successors in interest in the Properties, that the City shall be deemed an interest holder pursuant to the provisions of these Declarations in order to enforce the rights which have been given to the City generally in these Declarations and specifically pursuant to this Section.
- iii. Attorney Fees: The City shall be entitled to recover its attorney's fees incurred in connection with its actions to enforce the provisions of this Declaration, the Performance Standards of Planned Unit Development No. PUD-128-12, and/or the



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Conditions of Approval of [*IDENTIFY APPLICABLE ENTITLEMENT*], or to abate the violation thereof.

- iv. Public Safety Access: The Police and Fire Department personnel may enter upon any part of the common area for the purpose of enforcing State and Local laws.

54. The developer shall comply with all provisions of the Community Development Department including, but not limited to, the following:

- a. The facades of the hotels and freestanding pad buildings shall be designed with sound attenuation features including the use of dual pane windows and limiting, when possible, the use of windows and vents. These features shall be approved by the Community Development Department prior to the issuance of building permits.
- b. Prior to the finalization of working drawings for Planning Division, Engineering Division, and Building Division Plan Check, the developer shall submit to the Community Development Department detailed and dimensioned plot plans, floor plans, exterior elevations, and landscape plans which reflect the above conditions of approval. The plans shall indicate cross sections of all streets within the development, landscape materials, wall materials, and building materials proposed for the project. Each unit shall have phone jacks and cable-TV outlets in all hotel rooms. Mechanical equipment, including air conditioning units, pool equipment, sump pump, etc., shall not be located closer than five feet of any side or rear property line and shall not be located in the front landscape setback. Air conditioning units and all other mechanical shall be completely screened from public view from the street and/or common open space area.
- c. Should the developer elect to build the project in more than one phase, then a phasing plan shall be submitted to the Community Development Department prior to issuance of building permits. The phasing plan shall include, but not limited to, a site plan showing the phasing areas, protection of finished units, and protection for related safety issues concerning pedestrians and non-construction vehicles. The perimeter improvements including landscaping, walls, street improvements, and underground utilities, shall be completed in the first phase. The phasing plan shall be approved by the Community Development, Fire, and Public Works Departments prior to issuance of building permits.
- d. If at any time after the construction of the hotels, the City receives complaints about the light and glare reflected by the hotel's windows,

the developer/operator shall remedy the situation to the satisfaction of the Community Development Department.

55. Any new or required block walls and/or retaining wall(s) shall be shown on the grading plans. Block walls shall be developed to City Standards or designed by a Registered Engineer and shall be measured from on-site finished grade. The applicant shall provide the following:
- a. All block walls constructed on the project site shall be of slump stone or split-face block with decorative caps, subject to Community Development Department's approval, shall maintain a maximum height of 8-feet as measured from the property's finished grade.
  - b. An eight-foot high block wall shall be constructed along the eastern property line, adjacent to the residential properties. Said block wall shall maintain a 15-foot setback from the Twintree Lane property line, and any wall constructed within this 15-foot area shall maintain a maximum height of three-feet.
  - c. Any new block walls constructed along the Twintree Lane property line (southern property line) shall maintain a five-foot setback from the property line. The setback to the block wall may be reduced to three-feet if additional two-feet of right-of-way landscape area is available adjacent to the property line.
  - d. Any walls constructed along the Harbor Boulevard property line shall observe a setback of 21-feet from the face of curb. At no time shall a wall be placed within nine-feet from the property line.
  - e. If, at any time, the project's perimeter block wall extends toward Choisser Road, the wall shall maintain a minimum setback of 15 feet from the property line. The 15-foot setback area shall be properly landscaped and irrigated per the landscaping requirements of the project.
  - f. The developer shall work with adjacent property owners in designing and constructing the required perimeter block wall to avoid having double walls, and to minimize any impact that it might cause to the existing landscaping on the neighbor's side as much as possible. The perimeter block wall shall be constructed and situated entirely within the subject property. In the event that the applicant cannot obtain approval from the property owners, the applicant shall construct the new wall with a decorative cap to be placed between the new and existing walls. In the event the location of a new wall adjacent to an

existing wall or fence has the potential to affect the landscape planter, then the Developer shall work with City Staff to address this situation.

- g. The Community Development Director may authorize minor modifications to the required wall heights and setbacks set forth above as authorized pursuant to the Ordinance approving Planned Unit Development No. PUD-128-12. Notwithstanding the foregoing, with exception of the block wall on the easterly property line shall comply with all standards required as by mitigation measures pursuant to the mitigated negative declaration and identified in the mitigation monitoring program.
- 56. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, the use of solar or low-emission water heaters, use low-sodium parking lot lights, and ensure compliance with Title 24.
  - 57. Building color and material samples shall be submitted to the Planning Division for review and approval prior to issuance of building permits. All buildings shall incorporate decorative design features, architectural enhancements, and other design elements that are designed to the satisfaction of the Community Development Department.
  - 58. The parking structures shall be designed to be architecturally compatible with on-site buildings, utilizing similar design features, details, and materials. All sides of a parking structure that are in view from adjacent properties and public-rights-of-way shall be architecturally enhanced. Parking structures shall be well illuminated, including having the interior of the parking garage painted a light color, and designed to meet City parking standards for aisle width, stall sizes, and height clearances. The design of the parking structure stair well shall architecturally match the design of the parking structure, and shall be designed to reduce visibility to the adjacent residential properties. The interior driving surfaces of the parking structure shall be treated in a manner to prevent tire screeching.
  - 59. The driveways on Harbor Boulevard and Twintree Lane shall have enhanced concrete treatment. All details of the decorative entry shall be submitted on the required landscape plans for review and approval of the Community Development Department.

60. The service and sale of alcoholic beverages shall be subject to approval of a Conditional Use Permit. Also, Site Plan approval shall be required for each pad building.
61. Refuse storage and collection areas shall be provided and subject to both Garden Grove Sanitation District (GGSD), and GGSD contracted solid waste handler/hauler approval, and be subject to applicable building and fire codes.
62. The refuse storage areas shall be properly maintained. The refuse storage enclosure doors shall be kept closed and secured, except during trash disposal or pickup. Trash pickups and automated parking lot cleaning/sweeping, shall occur between the hours of 8:00 a.m. and 6:00 p.m. Trash pickups shall occur a minimum of three (3) trash pickups per week.
63. No satellite dish antennas shall be installed on said premises unless and until plans have been submitted to and approved by the Community Development Department, Planning Division, which may require proper screening to hide such appurtenances from public view.
64. The service doors of all buildings shall be kept closed at all times during hours of operation except in case of emergency or to permit deliveries. Panic hardware on doors shall comply with all City Code requirements.
65. The developer/owner shall submit signed letters acknowledging receipt of the decision for General Plan Amendment No. GPA-2-12(B) and Planned Development No. PUD-128-12, and their agreement with all conditions of approval.
66. Litter shall be removed daily from the project site including adjacent public sidewalks and all parking areas under the control of the developers. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
67. Graffiti shall be removed from the project site and all parking lots under the control of the developer within 120 hours of application/notification.
68. For all buildings in which alcoholic beverages will be served, a prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The size, format, form, placement, and languages of the sign shall be determined by the Department of Alcoholic Beverage Control.
69. The operation of the hotels and restaurants shall comply with the standards of Planned Unit Development No. PUD-128-12, and the mitigation measures outlined within the Mitigated Negative Declaration adopted for this project.

Planned Unit Development No. PUD-128-12  
Performance Standards

This includes complying with all provisions of Alcoholic Beverage Control Act.

In addition, this provision also governs the conference rooms, meeting rooms, restaurants, and the indoor/outdoor areas. In regards to specific activities within the meeting rooms, and recreation areas, regardless of the type of event conducted, no event or activity shall at any time be or become a nuisance, disturbance or, or cause complaints for hotel guests or occupants of the surrounding area/properties, or in any way, endanger the public health, safety, or welfare.

70. In the event any legal action or proceeding is filed against the City of Garden Grove and/or applicant or its successors or assigns, seeking to attack, set aside, void or annul any approval or condition of approval of the City of Garden Grove concerning the Project, including, but not limited to, the Mitigated Negative Declaration, General Plan Amendment No. GPA-2-12(B), Planned Unit Development No. PUD-128-12, any applicable Conditional Use Permit approved by the City, or any Development Agreement approved by the City defend (with legal counsel mutually selected by the applicant and the office of the City Attorney), indemnify, and hold harmless the City, its officers, agents, and employees from and against any such legal action or proceeding.

**Fire Department**

The following provisions of the Garden Grove Fire Department and the California Fire Code shall be met:

71. Buildings shall be required to meet current High-Rise Standards, including, but it not limited to, the following:
- a. Including Fire Command Center (FCC).
  - b. Fire pumps, NFPA 20.
  - c. Installation of water tank as a secondary water source.
  - d. Fire Department standpipes shall be in vestibules and not stairwells.
  - e. Fire Department connections will be within 50-feet of a City Hydrant.
  - f. Knox-Box key systems shall be installed at the Fire Control Rooms and emergency gates and where deemed necessary. Hinged recessed mount to structure style required.
  - g. Life safety alarms per NFPA 72.

h. Smoke control systems.

72. All buildings shall be required to meet all adopted local changes to the California Building Code (CBC) and California Fire Code (CFC) in the municipal Code, Chapters 12 and 32.
73. All vehicle access shall meet the standards provided for in the CFC for widths, turning radius, and hammerhead turnarounds. The fire access area shall be paved. Any fencing that crosses the subject fire emergency access shall be provided with a Knox override system. An emergency access plan shall be submitted to the Fire Department for review and approval prior to installation of the fire access.
74. A Bi-Directional Amplifier (BDA) system for emergency radios shall be installed for use in all areas not meeting radio coverage requirements, CFC Section 510.
75. Water supply and hydrants shall be installed before the start of construction.
76. All interior decorations shall meet the State Fire marshal flame retardant test.
77. The development shall meet the City's hazardous materials disclosure plan for any storage or use of hazardous materials.
78. The development is ~~subject~~ to a third party inspector, at the owner's expense to certify the alarm systems, sprinkler systems, and smoke removal systems.
79. All plans ~~submitted~~ are subject to review and corrections, as needed per CBC and CFC conditions.
80. Fire hydrants shall be provided on-site. The fire hydrants shall be on a loop system approved by the Fire Department and on their own water line. The fire hydrants shall be within 50'-0" of the Fire Department connection (FDC). All sprinklers shall be on their own dedicated lines. The fire hydrants shall be installed and fully operational prior to any combustible material being delivered to the site. Prior to and during construction, a temporary roadway shall be constructed and maintained to the satisfaction of the Fire Department for access to each of these fire hydrants. The Fire lanes serving the site shall be constructed to support the weight load of Fire truck(s) per Fire Department requirements.
81. All Fire related aspects of the proposed project shall comply with California Fire Codes and the California Building Codes 2010 Edition.

Planned Unit Development No. PUD-128-12  
Performance Standards

82. An all-weather fire access road shall be in place before combustible materials are placed on-site. Required water supply for fire protection shall be in place before building with combustible materials commences.
83. All buildings shall be sprinklered according to NFPA 13 standards and shall have fire alarms according to NPA 72 under the current year adopted by the Garden Grove Fire Department.
84. All Fire Department connections shall have a 3'-0" clearance and shall be clear of all obstructions and vegetation.

**EXHIBIT "C"**  
**CONDITIONS OF APPROVAL**



## **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

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.

## **EXHIBIT "D"**

### **PERIODIC REVIEW PROCESS AND PROCESS FOR MODIFICATION OR TERMINATION OF AGREEMENT**

**Purpose.** This Exhibit D sets forth the process and procedures for conducting the Periodic Review pursuant to Section 13 of the Development Agreement and for modification and termination of the Development Agreement.

**1. Submission of Evidence of Good Faith Compliance.** Each year, not less than ninety (90) days prior to the yearly anniversary of the Effective Date, DEVELOPER shall submit a written report to the CITY's Director of Community and Economic Development ("Director") on the status of its compliance with the substantive terms of this Development Agreement. Such report shall be in a form which the Director may reasonably establish. During each periodic review, DEVELOPER shall be required to demonstrate good faith compliance with the terms of the Development Agreement. DEVELOPER agrees to furnish such reasonable evidence of good faith compliance as CITY, in its reasonable discretion, may require.

**2. Director's Determination.** On or before yearly anniversary of the Effective Date, the Director shall make a determination regarding whether or not DEVELOPER has complied in good faith with the provisions and conditions of this Development Agreement. The Director may, at his/her discretion or at the request of the DEVELOPER, host a public information meeting regarding compliance with this Development Agreement. The determination of compliance shall be made in writing with reasonable specificity, and a copy of the determination shall be provided to DEVELOPER in the manner prescribed in Section 18 of the Development Agreement.

**3. Failure to Conduct Annual Review.** The failure of the Director to conduct the annual review shall not constitute or be asserted by either party as a breach of the Development Agreement by the other party.

**4. Period To Cure Non-Compliance.** If, as a result of this Annual Review procedure, it is found and determined by the Director that DEVELOPER has not complied in good faith with the provisions and conditions of this Development Agreement, the CITY shall submit to DEVELOPER, by registered or certified mail, return receipt requested, a written notice of non-compliance stating with specificity those obligations of DEVELOPER which have not been performed. Upon receipt of the notice of non-compliance, DEVELOPER shall promptly commence to cure the identified items of non-compliance at the earliest reasonable time after receipt of the notice of non-compliance and shall complete the cure of such items of non-compliance not later than forty-five (45) days after receipt of the notice of non-compliance, or such longer period as is reasonably necessary to remedy such items of non-compliance, provided that DEVELOPER shall continuously and diligently pursue such remedy at all times until such item of non-compliance is cured.

**5. Failure To Cure Non-Compliance Procedure.** If the Director finds and determines that DEVELOPER, or its successors, transferees, and/or assignees, as the case may be, has not cured or timely commenced to and pursued the cure of an item of non-compliance, and that the CITY intends to terminate or modify this Development Agreement, the Director shall then set a date for a public hearing before the Planning Commission for a recommendation to the City Council and, thereafter for consideration by the City Council in accordance with the notice and hearing requirements of Government Code Sections 65867 and 65868.

**6. Termination Or Modification Of Agreement.** The CITY may terminate or modify this Development Agreement, or those transferred or assigned rights and obligations, as the case may be, after a finding or determination of noncompliance by the City Council. There shall be no modifications of this Development Agreement unless the City Council acts pursuant to Government Code Sections 65867.5 and 65868.



**EXHIBIT "E"**

**ESTIMATED CITY DEVELOPMENT FEES (FOR REFERENCE ONLY)**

## SITE C - ESTIMATED DEVELOPMENT FEES (ENTIRE SITE)

### BUILDING FEES (\$145,072,953.70 VALUATION)

Fee calculation breakdown (based on 2017 ICC building valuation data):

<b>Tower A</b>	382,749 s.f. x \$150.92/sq.ft. = \$57,764,479.08
<b>Tower B</b>	172,434 s.f. x \$150.92/sq.ft. = \$26,023,739.28
<b>Tower C</b>	118,017 s.f. x \$150.92/sq.ft. = \$17,811,125.64
<b>Parking Structure</b>	447,190 s.f. x \$82.63/sq.ft. = \$36,951,309.70
<b>Restaurant Pad(s)</b>	45,000 s.f. x \$144.94/sq.ft. = \$6,522,300.00
<b>Plan Check Fees</b>	
Building Plan review (65% of permit fee)	\$ 270,519.54
Electrical plan review (85% of permit fee)	\$ 353,756.33
Mechanical plan review (85% of permit fee)	\$ 353,756.33
Plumbing plan check (85% of permit fee)	\$ 353,756.33
Green Code plan check (10% of permit fee)	\$ 41,618.39
Plan check energy (10% of permit fee)	\$ 41,618.39
Plan check disabled (10% of permit fee)	\$ 41,618.39
Plan check flood (2% of permit fee)	\$ 8,323.67
<b>Plan Check Subtotal</b>	<b>\$ 1,464,967.37</b>
<b>Permit Fees</b>	
Issuance of permit (Bldg, Elec, Plumb, Mech)	\$70.00
Building permit fee (Based on Valuation)	\$ 416,183.92
Electrical permit (Fixture count)	\$ 18,864.52
Mechanical permit (Fixture count)	\$ 18,864.52
Plumbing permit (Fixture count)	\$ 18,864.52
Strong motion instrumentation program (CPRC section 2705)	
Com/Ind - \$28/ \$100k valuation	\$ 40,620.43
BSASRF (state) building standards administration special revolving fund	
Valuation Based \$10 + Fraction above 100k @ 25K (\$1)	\$ 5,808.91
One stop Increase building permit fees by 2%	\$ 8,323.67
Art and Public Places Fees	
Valuation based \$500k-1mil (1/4 of 1%)	\$ 290,645.90
+1mil (\$2,500 + \$500 per 1mil)	
General Plan and Cultural Arts	
Valuation Based \$2 + \$1.75 /\$1000	\$ 253,877.66
Plan Retention Fee	
\$4 per page (300 sheets)	\$1,200.00
Building permit documentation Fee	\$5
Certificate of Occupancy	
No Fee with building permit	
<b>Permit Fee Subtotal</b>	<b>\$ 1,073,329.05</b>
<b>TOTAL ESTIMATED BUILDING DIVISION FEES</b>	<b>\$2,538,296.42</b>
<b>*School District Fee (EXCLUDED)</b>	<b>com/Ind \$.56 (718,200 s.f.)</b>
	<b>\$402,192.00</b>

Revision 10/31/17

## ENGINEERING DIVISION

### GRADING PERMIT FEES



DATE of Fee Calculation: 31-Oct-17

JOB ADDRESS: Site C -Harbor/Twintree PLANNER: Maria Parra

APPLICANT:

CALCULATED BY: RJ JOB DESCRIPTION:

ESTIMATED GRADING FEES				
GRADING PERMIT FEE (B912)				\$1,000
INITIAL PLAN CHECK DEPOSIT (B913)				\$250.00
WQMP (B-904)	\$135.00/hr x	40 hrs		\$5,400.00
ADDL TIME (B904)	\$135.00/hr x	20 hrs		\$2,700.00
ISSUANCE (B920)				\$50.00
PARKWAY TREE (B125)	\$2.50 x	850 FT (FRONTAGE)		\$2,125.00
IN LIEU PARK FEE (B130)	\$5700X	0 UNITS		\$0.00
WATER ASSESS-FRONT FOOTAGE (B123)	\$ 4.5 x	300 FT		\$1,350.00
WATER ASSESS-FRONT FOOTAGE (B123)	\$ 8 x	550 FT		\$4,400.00
WATER ASSESS-SQUARE FOOTAGE (B124)	\$ 950 x	4.3 SF		\$4,085.00
DRAINAGE ASSESSMENT FEE (B135)	\$ 0.19 x	112435 SF		\$21,362.65
TRAFFIC IMPACT MITIGATION (B140)				\$637,539.00
GRADING INSPECTION DEPOSIT (B929)				\$26,000.00
GARDEN GROVE SANITARY DISTRICT (B139)				\$66,000.00
ORANGE COUNTY SANITARY DISTRICT (B137)				
High Demand for Restaurant	Average demand for Hotel		credits to be applied	
ESTIMATED TOTAL				\$772,261.65

This is only an estimate. The actual fees will be determined upon receiving an approved grading, water/sewer, and street improvement plan.

<b>Building Fees</b>		
Plan Check Submittal	\$	1,464,967.37
Permit Fee Subtotal	\$	1,073,329.05
<hr/>		
A Total Estimated Building Division Fees	\$	2,538,296.42
<b>Engineering Division - Grading Permit Fees</b>		
B Estimated Total	\$	772,261.65
(A+B) Building & Engineering Total Fees	\$	3,310,558.07

# COMMUNITY AND ECONOMIC DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> C.1.	<b>SITE LOCATION:</b> 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; 12233, 12235, 12237, and 12239 Choisser Road
<b>HEARING DATE:</b> November 2, 2017	<b>GENERAL PLAN:</b> International West Mixed Use
<b>CASE NOS.:</b> Site Plan No. SP-043-2017, Tentative Tract Map No. TT-17455 and Development Agreement No. DA-008-2007	<b>ZONE:</b> Planned Unit Development No. PUD-128-12
<b>APPLICANT:</b> Investel Garden Resorts, LLC	<b>APN:</b> 231-491-20, 231-521-01, 02, 03, 04, 05, 06, 07, 08, 09, and 10; 231-491-12, 13, 14, 15, 16, 17, 18, 19
<b>PROPERTY OWNER(S):</b> City of Garden Grove	<b>CEQA DETERMINATION:</b> Subsequent Mitigated Negative Declaration

## **REQUEST:**

Planning Commission approval of a Site Plan and Tentative Tract Map, and recommending approval of a Development Agreement to the City Council, to implement a resort hotel development project known as the Site C Project, which was previously approved by the City Council in 2012 through Planned Unit Development No. PUD-128-12. Also, to adopt a Subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Modified Project.

## **BACKGROUND:**

In 2012, following the recommendation of the Planning Commission, the Garden Grove City Council approved General Plan Amendment No. GPA-2-12(B), 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 on land located on the northeast corner of Harbor Boulevard and Twintree Lane, west of Choisser Road. 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, freestanding pad restaurant/entertainment space, and a multi-level parking garage with 1,297 parking spaces on approximately 5.2-acres of the 5.8-acres covered by PUD-128-12 (see Figures 1 and 2, below). Planned Unit Development No. PUD-128-12 incorporated a conceptual site plan depicting the Site C Project, as it was contemplated at the time (see Exhibit A).

FIGURE 1: 5.8-ACRE AREA COVERED BY PUD-128-12

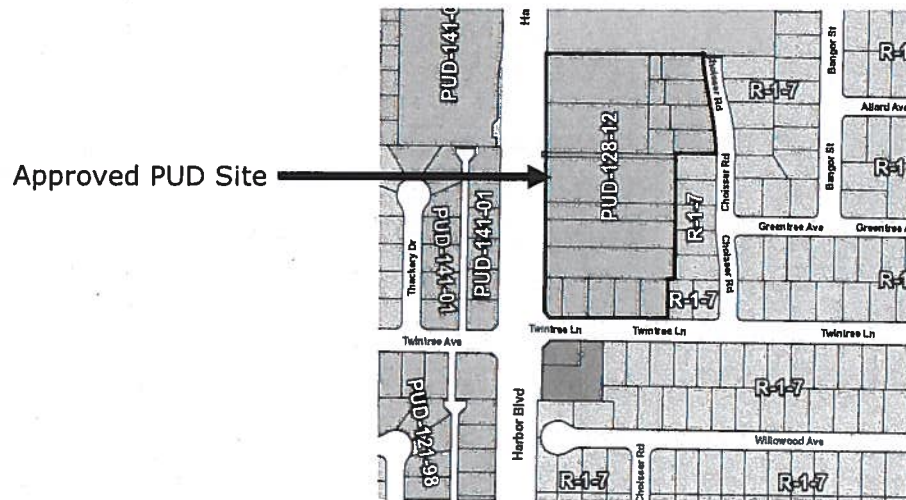
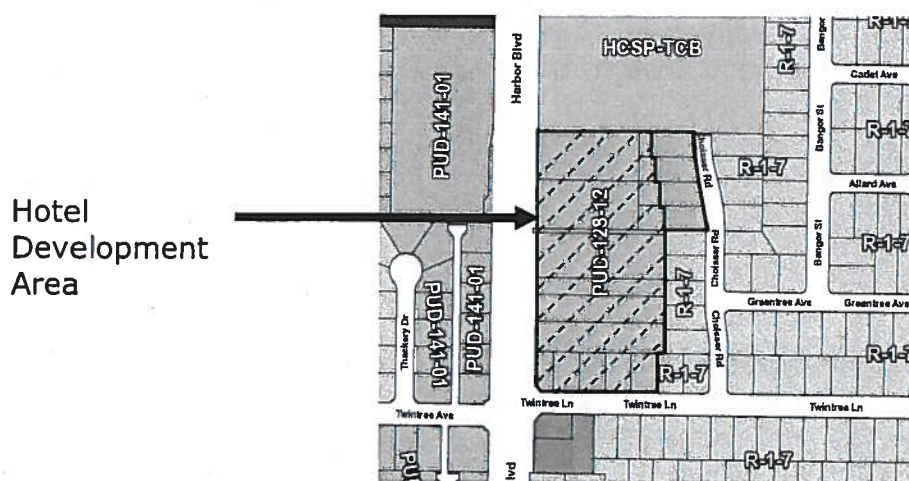


FIGURE 2: 5.2-ACRE HOTEL DEVELOPMENT SITE  
DEPICTED IN 2012 CONCEPTUAL SITE PLAN  
(hatched area)



The 5.2-acre site depicted on the conceptual site plan included approximately 0.9-acres owned by a third party (referred to as the "Sunbelt Property"), which the

developer was permitted, but not required, to include in the ultimate development. Garden Grove City Council Ordinance No. 2824 approving Planned Unit Development No. PUD-128-12 provided 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 2012 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 on Harbor Boulevard.

The provisions of Planned Unit Development No. PUD-128-12 contemplate that the project ultimately constructed may include fewer than the 769 hotel rooms permitted, and/or changes in size and/or be a mix of other uses, and allow for the number of parking spaces to be reduced below 1,297, which requires the changes to be justified by a new parking study.

Planned Unit Development No. PUD-128-12 and the 2012 approvals contemplated that a tentative tract map, development agreement, and other future land use entitlement approvals would be needed in order for the developer to fully implement the Site C Project and changes to the conceptual site plan.

In 2013, the City Council adopted Resolution No. 9172-13 approving the Grove District Resort Hotel Development Agreement ("DDA"). The DDA generally provides that the City will convey the approximately 4.3-acres site to the developer in exchange for the developer constructing the Site C Project in accordance with the approved land use entitlements.

## **DISCUSSION:**

### **Overview**

The Applicant now proposes to develop the Site C Project in accordance with the Planned Unit Development No. PUD-128-12 zoning, and is requesting corresponding approval of a Site Plan, Tentative Tract Map, and Development Agreement. These requested approvals incorporate certain refinements and modifications to the project that vary from the 2012 conceptual site plan. For purposes of convenience and clarity, (1) the Site C Project described and depicted in the 2012 PUD conceptual site plan and Mitigated Negative Declaration will be referred to in this report as the "2012 Project", and (2) the current development proposal described and depicted in the proposed Site Plan, Tentative Tract Map, and Initial

Study/Subsequent Mitigated Negative Declaration will be referred to in this report as the "Modified Project".

The Modified Project includes the same number of hotels, hotel rooms, and maximum building heights as the 2012 Project, however, 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 refined and modified. These refinements and modifications include:

- A change in the mix of hotel types from one (1) full-service hotel and two (2) limited-service hotels to two (2) full-service hotels and one (1) limited-service hotel.
- Changes to on-site circulation and access, including the addition of a new secondary driveway along Harbor Boulevard at the most southerly portion of the site, along with changes to the parking structure, which is now proposed to include two (2) entrances instead of the previous three (3) entrances, and one (1) level of subterranean parking still containing the 1,297 total spaces.
- The introduction of retail uses.
- Minor changes in the amounts of conference/meeting banquet space, restaurant/retail/entertainment space, and hotel restaurant space to be constructed, but within the 104,000 square foot aggregate maximum authorized by Planned Unit Development No. PUD-128-12.
- Specification of the total square footage of hotel ancillary uses (such as gyms, spas, salons, bars, gift shops, a kids' club, etc.) that will be included.
- Modifications to the placement and configuration of the buildings on the site, including:
  - Shifting the placement of Hotel A to maintain a 5-foot setback from the north property line, a 10-foot setback from the east property line, and expanding the hotel's second floor terrace along the northerly portion of the property line toward Harbor Boulevard, constructing a new retail building at the northwest corner of the site that connects to Hotel A via a second floor terrace, and relocating the valet drop-off for Hotel A;
  - Swapping the placement of Hotel B with a restaurant pad building so that the restaurant pad is to the southwest corner of the project site with Hotel B located just north of the restaurant pad building, with a

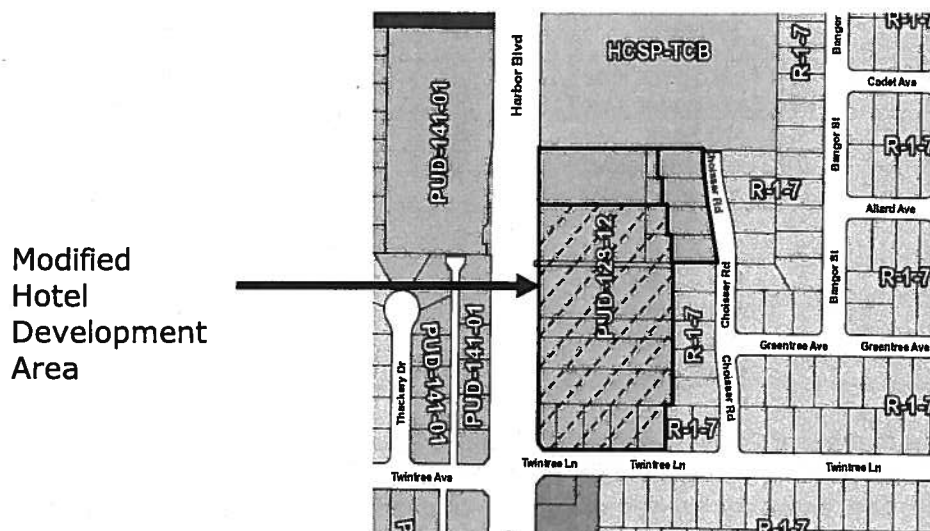


connection provided between both structures via the hotel's second floor terrace; and,

- Expanding and reconfiguring the usable outdoor roof deck area of Hotel A, which includes increasing the height of certain portions of the outdoor roof deck area from 75 feet to 80 feet, and 85 feet, while continuing to maintain the easterly most portion of the parking structure at a height of 75 feet.

The size of the site on which the Modified Project will be developed has been reduced from 5.2-acres to 4.3-acres due to the "Sunbelt Property" not being included (see Figure 3).

FIGURE 3: PROPOSED MODIFIED HOTEL DEVELOPMENT SITE ON 4.3-ACRES  
(hatched area)



As proposed, the Modified Project will continue 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. The table below provides a comparison between the scope of the conceptual project studied, and approved, in 2012, and the refined scope of the Modified Project.

**Project Comparison Statistics:**

	<b>2012 Project</b>	<b>Modified Project</b>
<b>Hotel Development Area</b>	5.2-acres	4.3-acres
<b>Required Parking<sup>1</sup></b>	1,297	1,221
<b>Maximum Hotel Rooms</b>	769	769
<b>Amounts of Other Uses<sup>2</sup></b>		
Conference/Meeting Banquet	39,000 Square Feet	39,867 Square Feet
Restaurant/Entertainment Pads	45,000 Square Feet	36,885 Square Feet (including new retail component)
Hotel Restaurants	20,000 Square Feet	24,010 Square Feet
Hotel Ancillary Uses (include fitness room, bars, and spas)	Allowed, but precise square footages were not specified	26,090 Square Feet <sup>2</sup>
<b>Maximum Building Heights</b>		
Hotel A	263 Feet	240 Feet
Hotel B (on Harbor Boulevard)	200 Feet	200 Feet
Hotel C (on Twintree Lane)	130 Feet (east side) 190 Feet (west side)	130 Feet (east side) 158 Feet (west side)
Restaurant Pads	40 Feet	38 Feet, 17 feet
Parking Structure	75 Feet (east side) 85 Feet (west side)	75 Feet (east side) 85 Feet (west side)
<b>Minimum Perimeter Setbacks</b>		
North side	5'-0" Feet	5'-0" Feet
East (rear)	10'-0" Feet	10'-0" Feet
West (Harbor Boulevard)	9'-0" Feet	9'-0" Feet
South (Twintree Lane)	10'-0" Feet	10'-0" Feet

<sup>1</sup> Pursuant to Title 9 of the Municipal Code, a shared parking analysis was prepared in 2012, which concluded that 1,297 parking spaces would be required to accommodate the mix of shared uses at the size and amounts contemplated at that time. An updated parking analysis was prepared in conjunction with this application, which concludes a total of 1,221 parking spaces are required to accommodate the refined mix of shared uses at the size and amounts proposed for the Modified Project. Nonetheless, the proposed Site Plan still provides for 1,297 parking spaces.

<sup>2</sup> The PUD allows for expansion of uses, and the addition of new uses, with approval of an updated traffic and parking analysis.

The site on which the Modified Project will be developed consists of approximately 4.3-acres of land located on the northeast corner of Harbor Boulevard and Twintree Lane, west of Choisser Road. The project site abuts a vacant commercial lot to the north; commercial buildings and one-story, single-family homes to the south across Twintree Lane; one-story, single-family homes to the east; and the Sheraton Hotel and vacant commercial properties to the west across Harbor Boulevard. The site has a General Plan Land Use designation of International West Mixed Use and is zoned Planned Unit Development No. PUD-128-12.

CASE NOS. SP-043-2017, TT-17455, AND DA-008-2017

The Modified Project site is currently vacant and unimproved. The previous improvements on the site, including four (4) single-family residences, two (2) commercial buildings, and an RV park have been demolished.

To facilitate development of the Modified Project, approval of the following is required: (1) a Tentative Tract Map 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; and (2) a Site Plan describing and depicting the Modified Project.

The Applicant proposes to phase the development. Phase 1 of the project will consist of constructing Hotels A and B, the multi-level parking structure and underground parking, the retail space, and one (1) restaurant pad building. Phase 2 will consist of Hotel C and one (1) restaurant pad building. The proposed Tentative Tract Map would accommodate the proposed phasing of the hotel development.

#### SITE PLAN:

The Modified Project would consist of 769 hotel rooms and approximately 26,090 square feet of additional hotel ancillary uses within two (2) full-service 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 refinements and modifications proposed as part of the Modified Project would facilitate a hotel development that is tailored to meet the Applicant's proposed hotel programming. The proposed modifications have been evaluated by city staff and appropriate technical studies have been prepared to analyze the proposed changes. Staff has determined that the Modified Project complies with the spirit, intent, and applicable standards of Planned Unit Development No. PUD-128-12.

#### Mix of Hotel Types and Other Uses

The 2012 Project contemplated up to 769 hotel rooms within one (1) full-service hotel and two (2) limited-service hotels. Per the Modified Project, the same 769 rooms would instead be contained within two (2) full-service hotels and one (1) limited-service hotel. Full-service hotels provide upscale and full-service amenities on-site, such as full service restaurants. Hotel A and B will operate as full-service hotels, which will provide full-service restaurants, hotel bars, and other amenities, while Hotel C will operate as a limited-service hotel.

The 2012 Project contemplated 39,000 square feet of conference/meeting banquet space, 20,000 square feet of hotel restaurant, and 45,000 square feet of restaurant/entertainment space. Ancillary uses for the hotel, such as hotel bars,

fitness room, and spas, were also envisioned; however, no precise square footages for these ancillary uses were specified in the Planned Unit Development provisions or conceptual site plan. Planned Unit Development No. PUD-128-12 allows for the expansion of uses and the addition of uses not covered by the original approval subject to a traffic study and parking study. The proposed Site Plan for the Modified Project includes precise square footages for hotel ancillary uses and reflects minor changes in the proposed mix of the other uses and the introduction of retail uses to accommodate the hotel's programming.

The proposed Modified Project will maintain the same number of hotel rooms, but the total square footages of the other proposed uses have been refined and modified to now include 39,867 square feet of conference/meeting banquet space, 36,885 square feet of restaurant/retail/entertainment, 24,014 square feet of hotel restaurant, and 26,090 square feet of hotel ancillary uses.

A traffic study and a parking study were performed to analyze the possible impacts that the proposed modifications to the uses will have on traffic and parking. The studies concluded that the modifications to the uses, with implementation of the recommended mitigation measures, will have less than a significant impact. The proposed modifications to the square footage of the uses is consistent with the intent of the PUD, and will facilitate the proposed hotel programming. The parking analysis is discussed in further detail in the "Parking" section of this report, below.

#### Site Access and Circulation

The 2012 Project, as illustrated in the conceptual site plan (see Exhibit A), was approved with two (2) driveways for vehicular access located on Harbor Boulevard and Twintree Lane. As per the 2012 approval, the Harbor Boulevard driveway was designed to function as the primary entrance to the site designed to align with the existing driveway of the Sheraton Hotel, which is located directly across from the project site, to facilitate vehicular and pedestrian access between the two (2) hotel developments. A new traffic signal was required at this new intersection to facilitate left turn and right turn access in and out of the project site. The Twintree Lane driveway was designed to function as a secondary access point to the site. This driveway was designed to facilitate left-turn in, and right-turn out of the project site along with having a channeled median and the appropriate signage to restrict vehicular access to the surrounding residential neighborhood.

The Modified Project incorporates a secondary driveway along Harbor Boulevard for the purpose of improving on-site circulation. No changes to the location of the previously approved driveways on Harbor Boulevard and Twintree Lane will occur. The secondary driveway is proposed at the southerly most portion of the site along Harbor Boulevard, closest to Twintree Lane (see Exhibit D). A traffic study was prepared to analyze the feasibility of constructing this secondary driveway on Harbor Boulevard. The traffic study concluded that the new driveway is a feasible option for the site provided the driveway is designed as a right turn-out only.

Right-turn into the project site will not be permitted due to the close proximity of the driveway to Twintree Lane.

In addition, based on the traffic study, the Harbor Boulevard and Twintree Lane intersection, which is currently unsignalized, and only improved with a pedestrian signal, will become a signalized intersection to improve the flow of traffic.

Further, the traffic signal at the main entrance to the project site on Harbor Boulevard will be designed to accommodate U-Turn movements. This will ensure that vehicles traveling southbound on Harbor Boulevard will have direct access to the adjacent Sunbelt Property.

The 2012 Project was approved with an internal circular drive aisle designed to circulate through the entire site that connected to each hotel drop-off area, the parking structure, and the two (2) site vehicular driveways on Harbor Boulevard and Twintree Lane. The 2012 Project envisioned inclusion of the adjacent Sunbelt Property and was thus proposed on 5.2-acres. The Modified Project does not include the Sunbelt Property; however, the project will be built on 4.3-acres, which requires modification to the on-site circulation and building placement. In general, the on-site circulation will remain fairly similar; however, modifications to the on-site circulation pattern are required to accommodate the shift to the building placement for Hotel A, to accommodate a vehicle round-about proposed in front of Hotel A to accommodate the hotel's drop-off area, and to accommodate the proposed circulation patterns within the multi-level parking structure.

In addition, the Engineering Division will require a 10'-0" right-of-way street dedication to accommodate the new right-turn lane into the project site from the main entrance on Harbor Boulevard, along with requesting an easement behind the ultimate right-of-way boundary for public sidewalk, parkway, traffic signal equipment, utilities, and related purposes as depicted on the Tentative Tract Map.

#### Building Placement and Height

Planned Unit Development No. PUD-128-12 allows for modifications to building setbacks and building heights subject to a shade and shadow analysis and Planning Commission approval. A shade and shadow analysis was performed for the 2012 Project, which was used to determine the allowable building setbacks and maximum building heights.

A new shade and shadow analysis was performed for the Modified Project to determine if new impacts to the shade and shadow will be created due to the proposed building placement and building heights. The Shade and Shadow Analysis determined that, while the Modified Project would introduce new shadow castings on adjacent residential properties, the impacts would be less than significant.

*Hotel A and Parking Structure*

The 2012 Project was designed to have the parking structure attached to Hotel A with the structure located along the east (rear) property. The hotel tower and the parking structure were approved with varying building heights and setbacks. The hotel tower was approved with a height of 263 feet, and with a setback of 50 feet from the east (rear) property line, and a setback of 63 feet from the interior (north) property line. The attached parking structure was approved with a 10-foot setback from the rear property line, with a height of 75 feet on the easterly portion of the parking structure, and a height of 85 feet on the westerly portion of the structure. The parking structure included two (2) roof top pools for the hotel. The 2012 Project also anticipated the parking structure to be designed as two (2) separate, attached, structures with a combined total of three entrances.

The Modified Project includes shifting the placement of Hotel A to maintain a 5-foot setback from the north property line and a 10-foot setback from the east property line. The hotel's second floor terrace will expand along the northerly portion of the property line toward Harbor Boulevard, and a new retail building will be constructed at the northwest corner of the site that connects to Hotel A via the second floor terrace. This redesign will also relocate the valet drop-off for Hotel A. The height of Hotel A will be reduced from 263 feet to 240 feet. The setback and height of the parking structure will not change; however, the usable outdoor rooftop pool deck area of the hotel will be expanded and reconfigured, which includes increasing the height of certain portions of the outdoor roof deck area from 75 feet to 80 feet and 85 feet, while continuing to maintain the easterly most portion of the parking structure at a height of 75 feet. The parking structure will be designed as one (1) multi-level parking structure with two entrances that will include one-level of underground parking.

As per the 2012 approval for Planned Unit Development No. PUD-128-12, the parking structure is required to have shielding walls installed on each level of the parking structure, along the east elevation, at a height of four-feet or higher to minimize noise to the adjacent residential properties. The PUD also requires the parking structure be decorative, which includes utilizing materials and details that are used on the hotel building to soften the elevation directly adjacent to the residential properties.

*Hotel B and Pad Restaurant Buildings*

The 2012 Project identified the placement of Hotel B at the southwest corner of the project site. To the north of the hotel were two (2) freestanding pad restaurant buildings. The Applicant proposes to swap the placement of Hotel B with one of the restaurant pad buildings so that the restaurant pad is located at the southwest corner of the project site and Hotel B is located just north of the restaurant pad building with a connection provided between both structures via the hotel's second floor terrace. The setbacks for the structures from the street property line will remain the same at 9-feet from Harbor Boulevard and 10-feet from Twintree Lane.



Similar to the 2012 Project, the hotel will be designed to have the hotel room views oriented toward the east and west. The second restaurant pad building will remain in the same general location as depicted on the conceptual site plan for the 2012 Project, but will be located closer to the development's main driveway entrance on Harbor Boulevard. The building height of the two pad restaurants is proposed to be 38 feet and 17 feet, respectively, which is within the 40-foot maximum height permitted, pursuant to Planned Unit Development No. PUD-128-12.

### *Hotel C*

Hotel C will remain in the same general location as depicted on the 2012 Project conceptual site plan, although the height of the hotel will be modified. Hotel C was previously approved with two (2) varying building heights, which included 130 feet on the east side, and 190 feet on the west side. The hotel will maintain the same building height on the easterly portion, at 130 feet; however, the height of the westerly portion of the hotel will be reduced to 158 feet.

The Modified Project will continue to comply with the required setbacks, which includes a 9-foot building setback along Harbor Boulevard, and a 10-foot building setback along Twintree Lane.

Similar to the 2012 Project, an eight-foot high decorative block wall will be constructed along the east property line in order to separate the project site from the adjacent residential properties. The wall is required for screening and for sound attenuation purposes.

The Modified Project will provide the landscape treatment along Harbor Boulevard and Twintree Lane to be consistent with the landscape pattern established for the Harbor Boulevard resort area. The landscape treatment along Harbor Boulevard includes a double row of palm trees, canopy trees, shrubs, and ground cover. The landscaping along Twintree Lane is required to be similar in plant material as the landscaping used on Harbor Boulevard, except that the double row of palm trees will not be required. In addition, a decorative sidewalk pattern will be installed along Harbor Boulevard that matches the existing serpentine sidewalk pattern in the resort area.

### Parking:

The shared land uses within the Site C Project (i.e., hotels, meeting banquet facilities, restaurants, etc.) are intended to be compatible and complimentary to one another, and it is anticipated that persons parking at the site will frequently utilize more than one use in the same trip (for example, hotel guests can dine at the on-site restaurants and/or utilize the meeting banquet facilities). Therefore, a shared parking analysis that takes into account this joint use and differing peak usage times is utilized to determine the number of required parking spaces for the site, rather than calculating the parking requirement based on each use separately.

A Shared Parking Study was performed in conjunction with the 2012 approval of Planned Unit Development No. PUD-128-12. The 2012 Shared Parking Study analyzed the parking demand for the 2012 Project based on 769 hotel rooms, 39,000 square feet of conference/meeting banquet space, 20,000 square feet of hotel restaurant, and 45,000 square feet of restaurant/entertainment space, and determined that 1,297 parking spaces were required to accommodate the Site C Project.

Because the mix and amount of uses proposed for the site has been revised for the Modified Project, a new shared parking study was prepared to determine the new peak parking demand for the Modified Project. The 2017 Shared Parking Study was prepared based on 769 hotel rooms, 39,867 square feet of conference/ meeting banquet space, 33,344 square feet of hotel restaurant, 28,583 square feet of retail space, 10,120 square feet of spa/salon space, and 8,606 square feet of hotel bars. It should be noted that only uses that would be open to the general public were included in the parking study analysis, and the hotel's gym, kid's club, and pools were not included, as these uses are only available for hotel guests.

The 2017 Shared Parking Study concluded that the estimated peak parking demand for the Modified Project would occur in August with an estimated weekday peak parking demand of 1,110 parking spaces and a weekend peak parking demand of 1,051 parking spaces. With an additional 10% increase to the peak parking demand as required by the Municipal Code, a total of 1,221 parking spaces would be required to accommodate the Modified Project. The applicant still proposes to provide a total of 1,297 parking spaces for the Modified Project, which will result in a surplus of 76 parking spaces. The 2017 Shared Parking Study also established a specific list of mitigation measures to minimize parking impacts to the project site, such as implementing valet parking during peak times, providing for bus/van pick-up and drop-off for hotel guests and employees, and encouraging alternative transportation incentives for employees and guests. The applicant is required to implement these parking mitigation measures as a condition of project approval.

If future modifications to the square footage of the proposed uses are proposed, a new shared parking analysis will be required at that time in order to determine the required number of parking spaces.

### Building Architecture

The intent of the Planned Unit Development for the Site C Project is to create an attractive hotel and restaurant/entertainment development that would add visual interest to the Harbor Boulevard streetscape and maintain a similar character to the surrounding hotel developments. As designed, the Modified Project will continue to meet the intent and spirit of the PUD. At this time, the developer has not announced the hotel brands that have been selected for the Modified Project; as a result, the elevations provided with the conceptual plans are general renderings with no specific architectural detailing as the building elevations are meant to illustrate the building massing and heights. Once the hotel brands have been



selected, specific architectural detailing tailored to reflect the architectural style of each hotel will be prepared by the developer.

#### Floor Plan

The Applicant has provided schematic floor plans illustrating the proposed layout of each hotel, which identify the location of the hotel lobby, bars, restaurants, conference/meeting banquet spaces, retail spaces, hotel amenities, pool areas, parking, and hotel room design. Modifications to the schematic floor plan may occur based on the design needs of each perspective hotel brand and restaurant operator. Nevertheless, the schematic floor plans provide an idea of how the interior hotel space will be utilized.

#### TENTATIVE TRACT MAP:

In accordance with the State Subdivision Map Act, the Applicant has filed a Tentative Tract Map for this project. 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 project. The Tentative Tract Map will create two (2) lots with a combined land area of 4.42-acres, which includes 3.64-acres for Lot 1 and .78-acres for Lot 2. However, the Modified Project will be constructed on 4.3-acres. The parcels on Choisser Road will maintain the required minimum lot size of 7,200 square feet. The Tentative Tract Map will also allow the future commercial condominiumization of the Site C Project. The proposed Tentative Tract Map will allow for the phasing of the hotel project, with Phase 1 (Hotel A, the parking structure and underground parking, Hotel B, the retail space and one (1) restaurant pad) being constructed on Lot 1 and Phase 2 (Hotel C and one (1) restaurant pad) being constructed on Lot 2. The Tentative Tract Map is in conformance with the City's General Plan, the City's subdivision ordinance, the requirements of Planned Unit Development No. PUD-128-12, and the State's Subdivision Map Act for this site.

#### DEVELOPMENT AGREEMENT:

Pursuant to the proposed Development Agreement with the City, the Applicant and/or its successors in interest will be granted a vested right to construct and complete development of the Modified Project consistent with Planned Unit Development No. PUD-128-12, Site Plan No. SP-043-2017 and Tentative Tract Map. No. 17455, in exchange for constructing and installing certain public improvements and providing other specified public benefits and development agreement payments to reimburse the City for the cost of certain City services required by the Modified Project that are not otherwise being reimbursed to the City.

ENVIRONMENTAL REVIEW:

On November 13, 2012, the City Council adopted a Mitigated Negative Declaration and Mitigation Monitoring Program for the Site C Project. The project was never constructed, and modifications to the development are now proposed. 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 has 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. On this basis, a Subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared. Copies of the Subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are attached to this report.

The 30-day public comment period on the Subsequent Mitigated Negative Declaration occurred from September 26, 2017 to October 26, 2017. Comments received during this public comment period, along with a response to each comment, which will be provided to the Planning Commission at the November 2, 2017 Public Hearing.

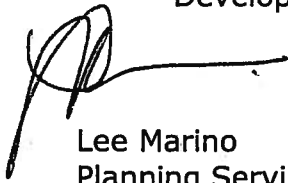
FUTURE ENTITLEMENTS

Conditional Use Permit approvals are required to allow for the sale of alcoholic beverages within each hotel, the restaurants, and bars, and to allow for the operation of a spa. Once the applicant finalizes the operating characteristics of each venue that will serve alcohol, along with the operating characteristics of the proposed hotel spa, a Conditional Use Permit application will be processed.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following actions:

1. Adopt Resolution No. 5898-17 adopting a Subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Modified Project;
2. Adopt Resolution No. 5899-17 approving Site Plan No. SP-043-2017 and Tentative Map No. 17455 subject to the recommended conditions of approval; and
3. Adopt Resolution No. 5900-17 recommending that the City Council approve Development Agreement No. DA-008-2017.



Lee Marino  
Planning Services Manager

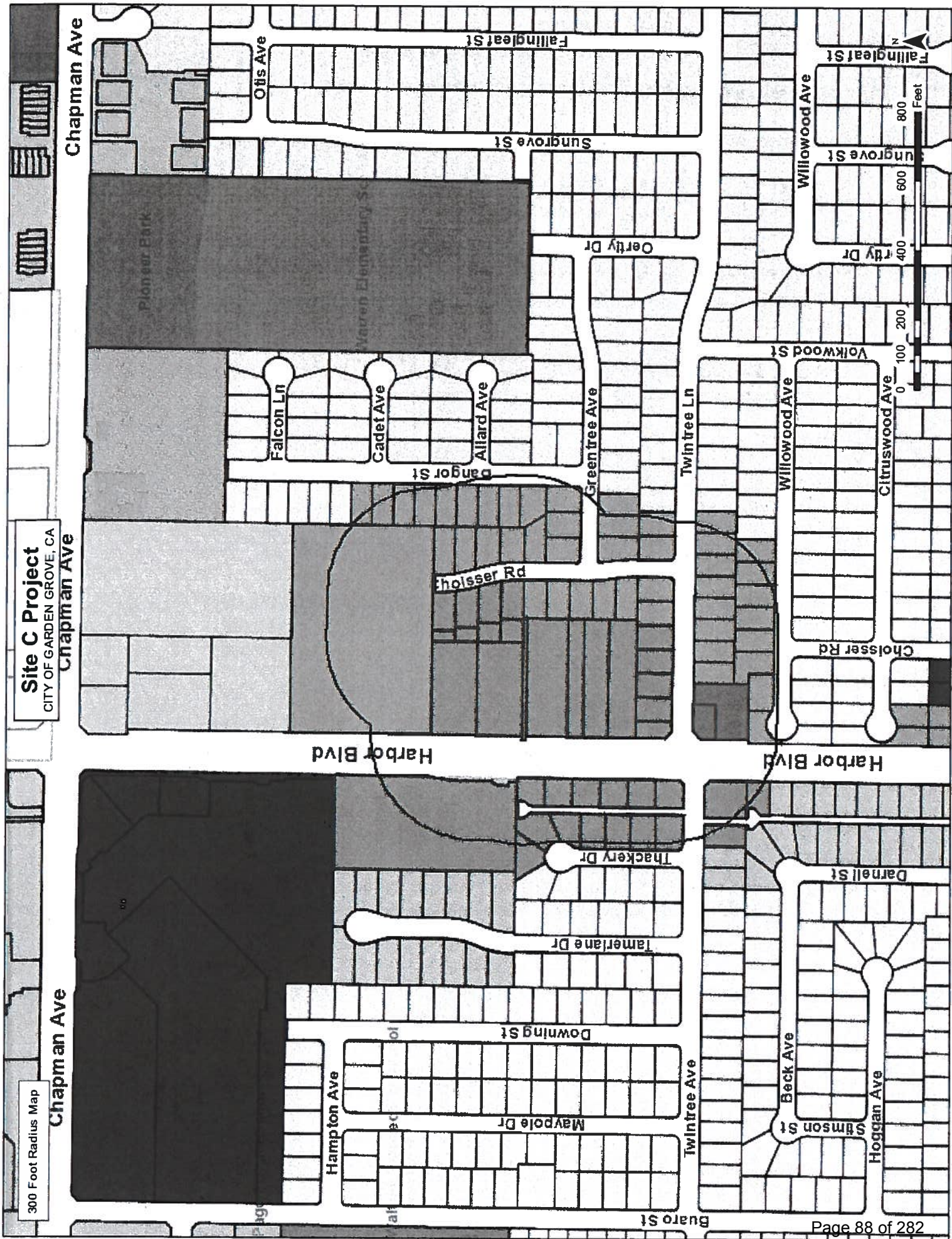


By: Maria Parra  
Senior Planner

**Attachments:**

- Exhibit A: Conceptual Site Plan for the 2012 Project
- Exhibit B: Planning Commission Resolution No. 5779-12 for Planned Unit Development No. PUD-128-12 with Performance Standards and Mitigation Monitoring and Reporting Program
- Exhibit C: CD with the 2012 Initial Study/Mitigated Negative Declaration and Technical Studies
- Exhibit D: Modified Project Conceptual Site Plan
- Exhibit E: Initial Study/ Subsequent Mitigated Negative Declaration for the Modified Project, attached as a separate document to the report





**PROJECT SITE: 5.2 Acres**

**TOTAL HOTEL ROOMS: 789 KEYS**  
 - One (1) "Full-Service"  
 - Two (2) "Limited-Service"

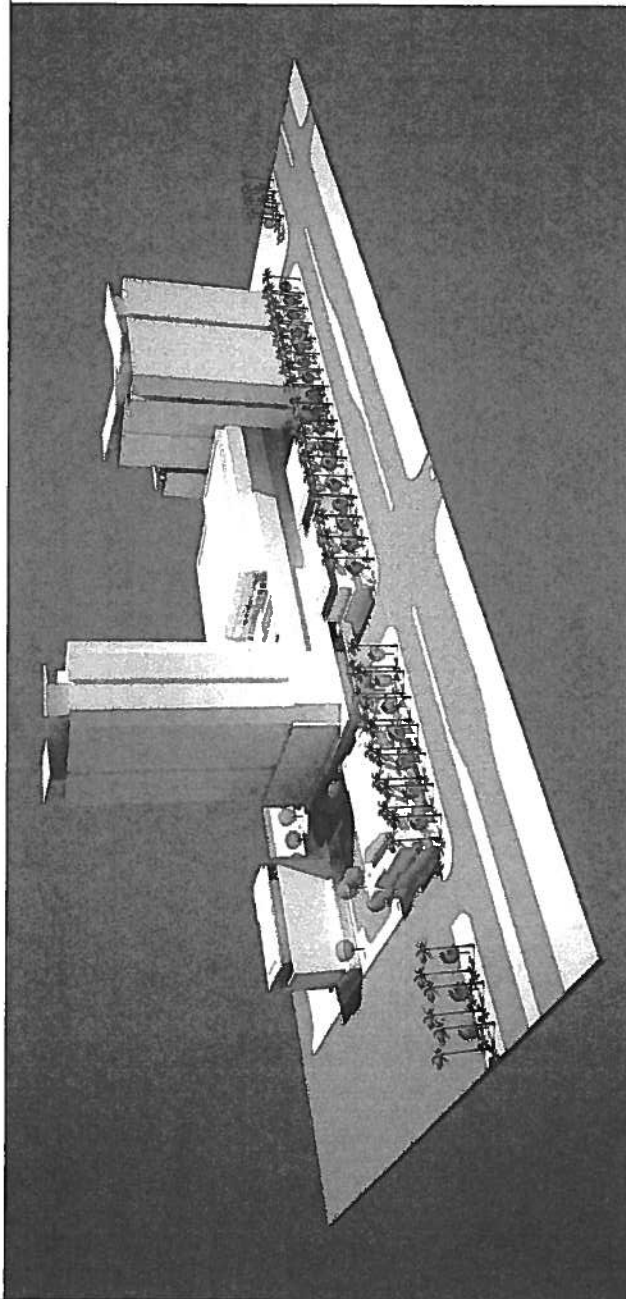
- Full-Service Hotel: 263'-0"
- Harbor Limited-Service Hotel: 200'-0"
- Twelfth Limited-Service Hotel: 130'-0"
- (E. Side) to 190'-0" (W. Side)
- Parking Structure / Ballroom & Pre Function: 63'-0"
- Parking Structure (East Side): 75'-0"
- Restaurants Off Harbor: 40'-0"
- Restaurant / Venue Northeast Corner: 75'-0"

- Four (4) Pads @ 7,500 SF
- One (1) Pad @ 15,000 SF

**Additional Hotel Ancillary:**  
**Uses Including Restaurant, Bar, Fitness Room and Spa**

**Including Within the Hotel(s).**

**PARKING SPACES PROVIDED: 1,297**



**TOTAL SITE AREA:**  
228,510 SF (5.2 Acres)

**TOTAL BUILDING COVERAGE:**  
125,016 SF (2.87 Acres)

**TOTAL LANDSCAPE AREA:**  
419,060 SF (1.14 Acres)

**TOTAL CIRCULATION + PARKING AREA:**  
51,835 SF (1.19 Acres)

APPROVED	PREPARED: 2012-07 PRINT:
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808 W. TOWN AND COUNTRY ROAD  
ORANGE, CA 92668-4713  
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**FOCUS ENGINEERING, INC.**  
CIVIL ENGINEERS LAND SURVEYORS

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BAYVIEW CA 92618  
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FAX (949) 450-0552

E-MAIL: [focusengr@aol.com](mailto:focusengr@aol.com)



TWINTREE AVE.

**TOTAL SITE AREA:**  
228,818 SF (5.3 Acres) 100%

**TOTAL BUILDING COVERAGE:**  
125,918 SF (2.8 Acres) 50%

**TOTAL LANDSCAPE AREA:**  
49,880 SF (1.1 Acres) 22%

**TOTAL CIRCULATION + PARKING AREA:**  
51,235 SF (1.2 Acres) 23%

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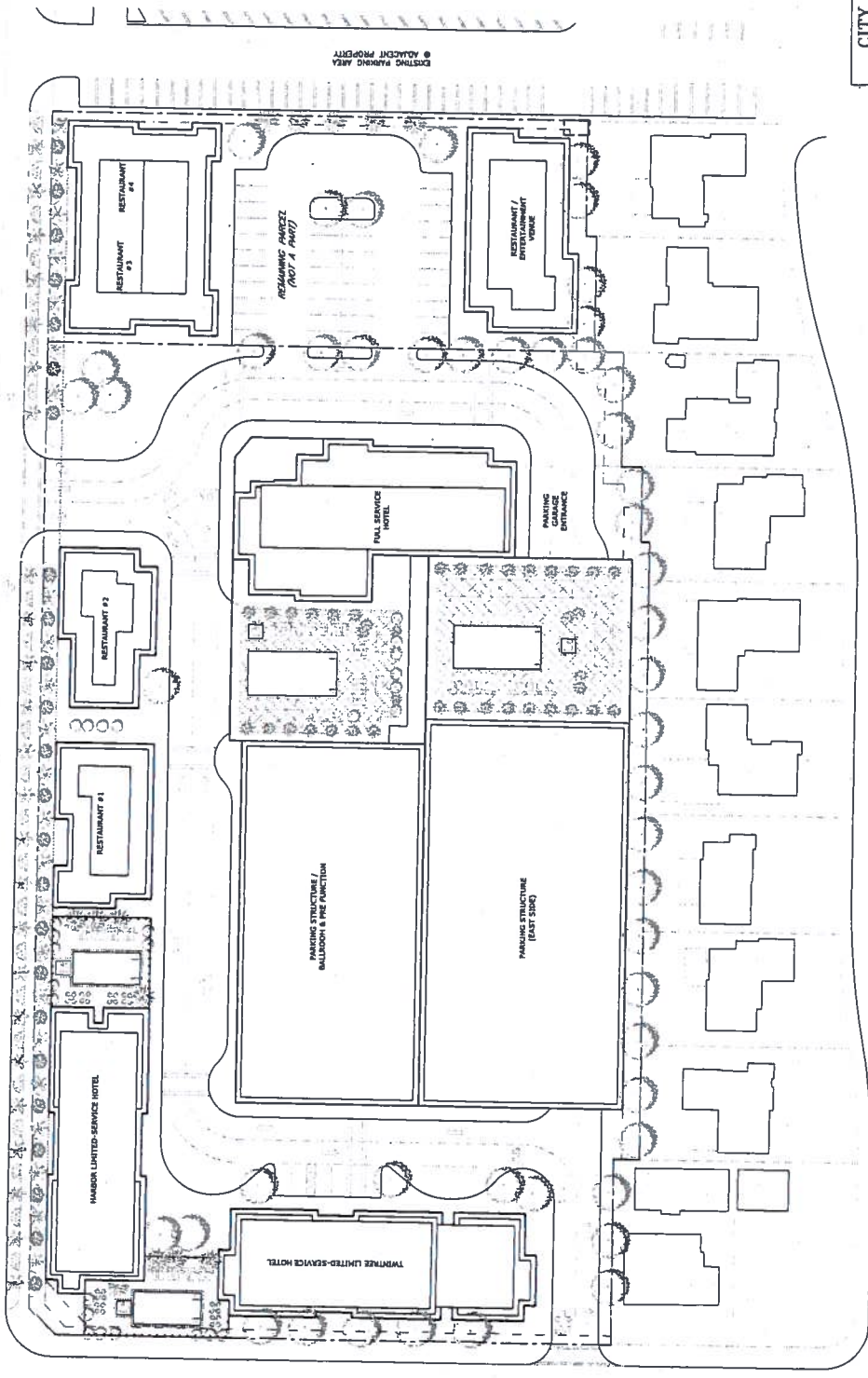
CITY OF GARDEN GROVE

**BUILDING/LANDSCAPE/CIRCULATION  
& PARKING AREAS  
FINAL DRAFT**

APPROVED	PREPARED: 2012-07-10 PRINT:
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# HARBOR BOULEVARD



EXISTING PARKING AREA  
● ADJACENT PROPERTY

TWINREE AVE.



OWNER:  
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FOCUS ENGINEERING, INC.  
CIVIL ENGINEERS  
LAND SURVEYORS  
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TEL: (714) 587-5885  
FAX: (714) 587-5885  
E-MAIL: focusengr@focusengr.net

NO.	DATE	REVISIONS DESCRIPTION

CITY OF GARDEN GROVE

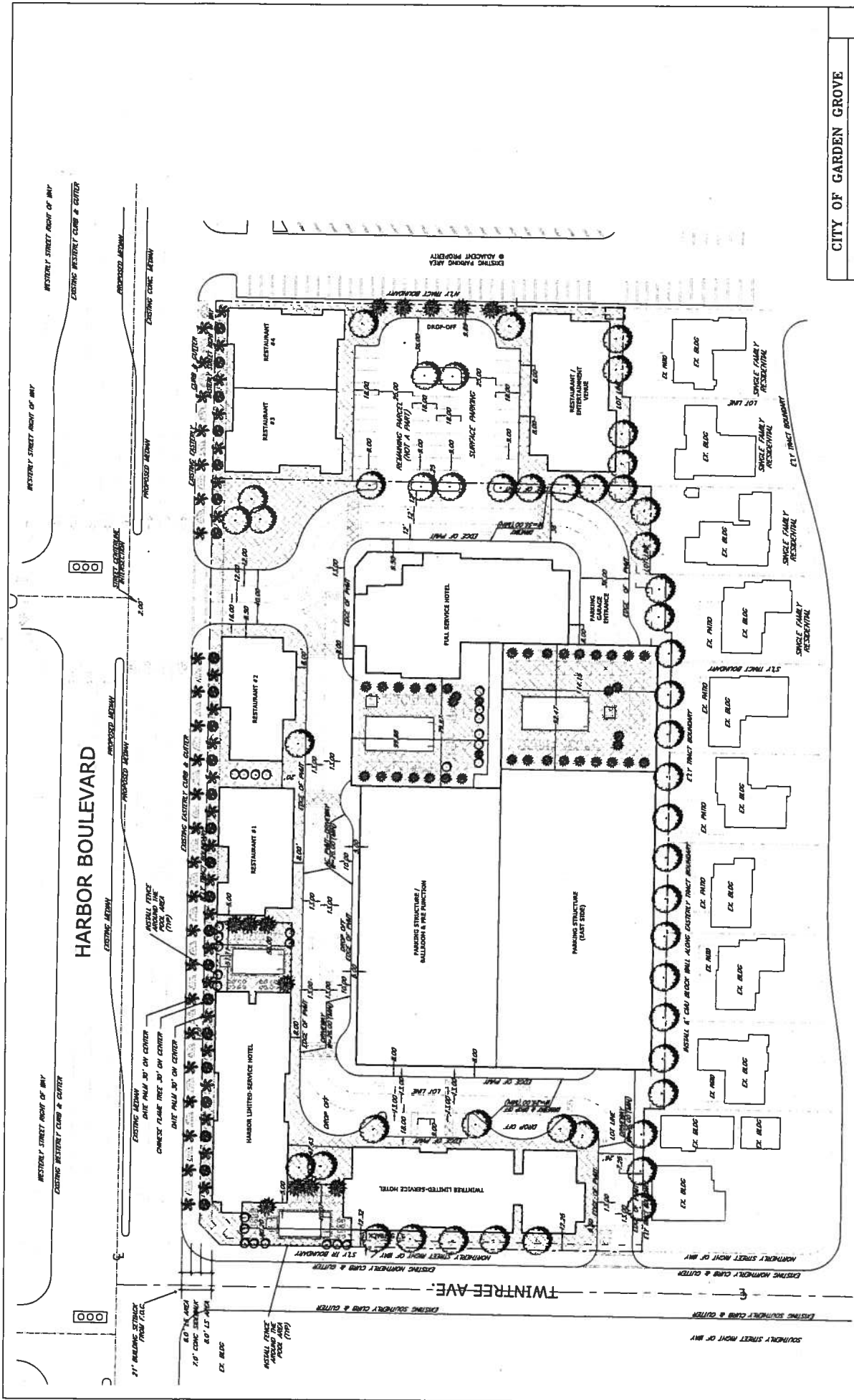
PARCEL C ROOF PLAN

FINAL DRAFT

APPROVED  
PREPARED: 2012-07-10  
PROJECT:

SHEET  
4  
OF  
11





**CITY OF GARDEN GROVE**

**PARCEL C LANDSCAPE PLAN**

**FINAL DRAFT**

APPROVED \_\_\_\_\_

PREPARED: 2012-07-10

PRINT

SHEET 5 OF 11

REVISIONS	
NO.	DATE

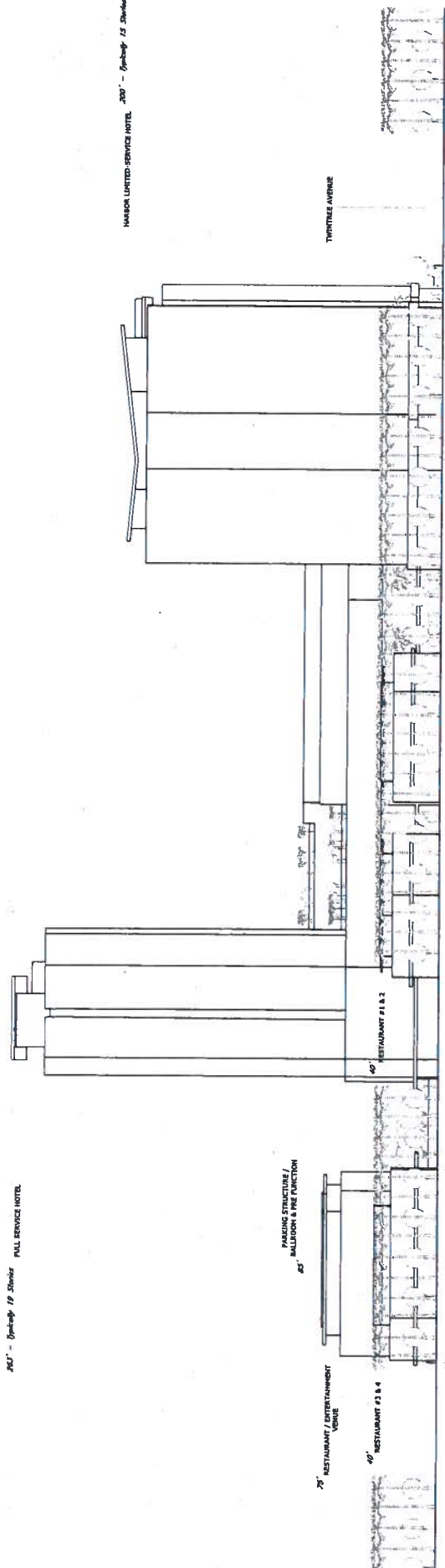
**CIVIL ENGINEER:**  
**FOCUS ENGINEERING, INC.**  
 CIVIL ENGINEERS  
 10000 W. 11TH AVE., SUITE 317  
 GARDEN GROVE, CA 92640  
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 E-MAIL: focusengr@focusengr.com

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 FAX: (714) 741-5138  
 E-MAIL: \_\_\_\_\_

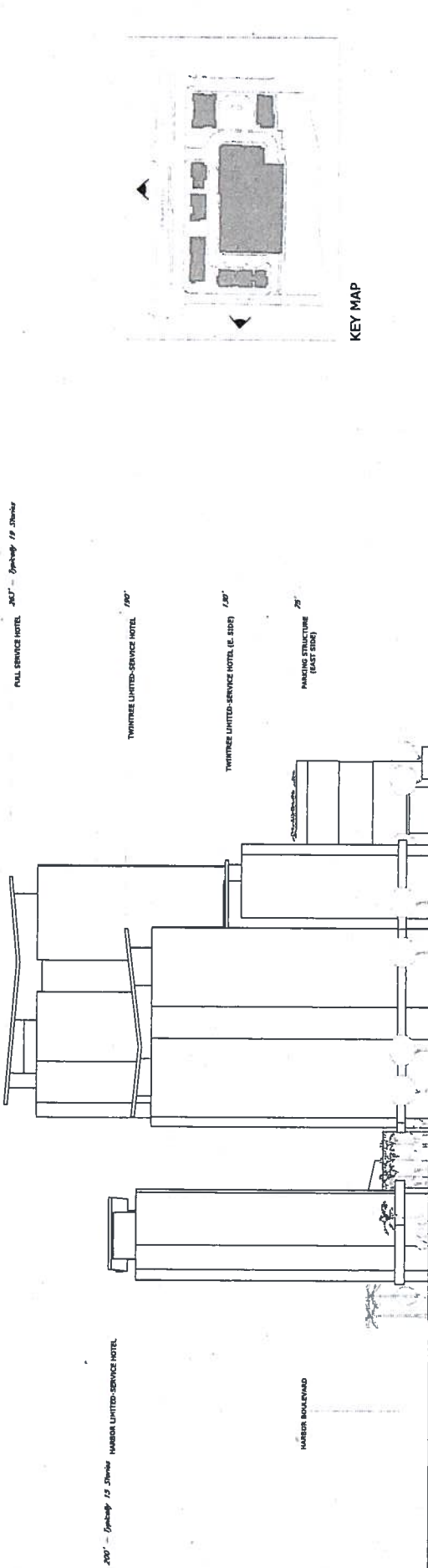
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200' - Symmetry 19 Stories  
FULL SERVICE HOTEL



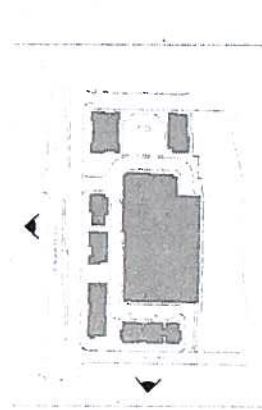
ELEVATION A - HARBOR BOULEVARD

200' - Symmetry 19 Stories  
FULL SERVICE HOTEL

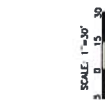


ELEVATION B - TWINTREE AVENUE

200' - Symmetry 19 Stories  
TWINTREE UNITED-SERVICE HOTEL



KEY MAP



OWNER: GROVE AGENCY FOR  
COMMUNITY DEVELOPMENT  
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GARDEN GROVE, CA 92640  
TEL: (714) 741-3130  
FAX: (714) 741-3130  
E-MAIL: groveagency@earthlink.net

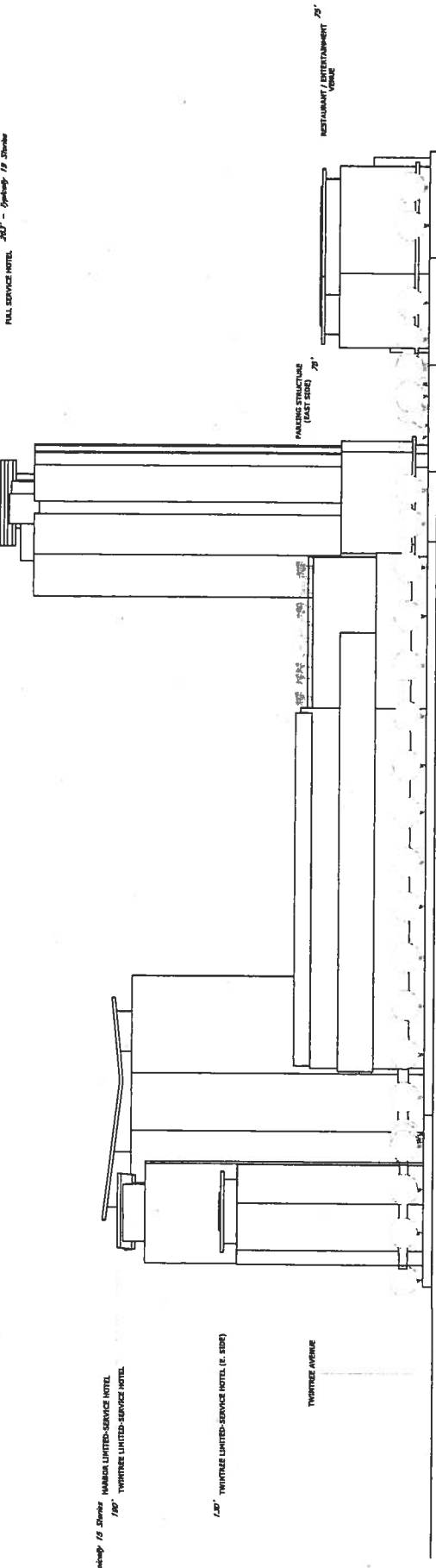
PROJECT PLANNER:  
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GARDEN GROVE, CA 92640  
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FAX: (714) 877-2441  
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NO.	DATE	DESCRIPTION

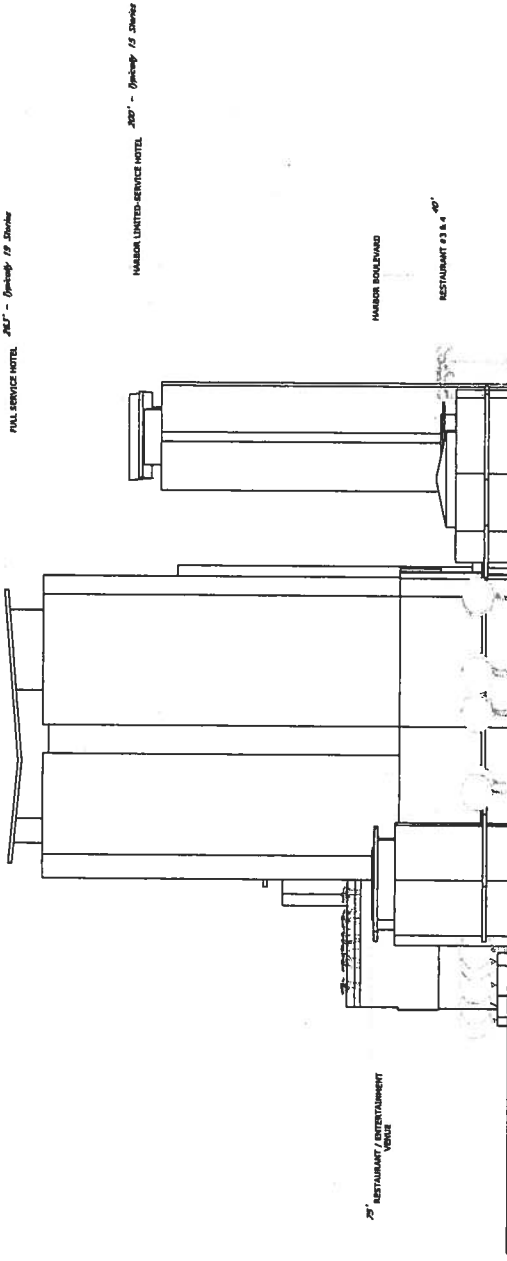
CITY OF GARDEN GROVE	
PARCEL C STREET ELEVATIONS	SHEET 6 OF 11
FINAL DRAFT	
APPROVED	PREPARED: 2012-07-10 PROJECT:

FULL SERVICE HOTEL 263' - 0" Overall 19 Stories

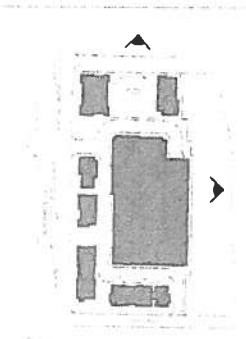


ELEVATION C - EAST

FULL SERVICE HOTEL 263' - 0" Overall 19 Stories



ELEVATION D - NORTH



KEY MAP

SCALE: 1" = 30'  
15 0 15 30

OWNER:  
GARDEN GROVE AGENCY FOR  
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11223 AZUSA PARKWAY  
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FAX (916) 835-5282  
E-MAIL [foceengineering@bigplanet.net](mailto:foceengineering@bigplanet.net)

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NO.	DATE

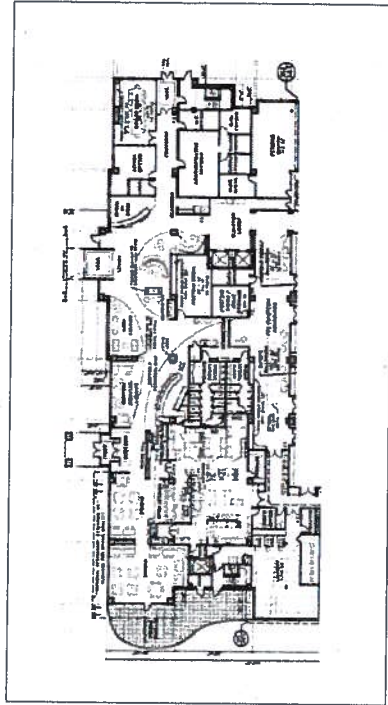
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PARCEL C STREET ELEVATIONS

FINAL DRAFT

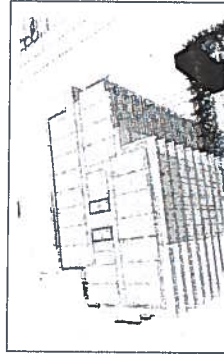
APPROVED  
PREPARED: 2012-07-10  
PRINT:

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OF  
11

**FULL SERVICE HOTEL**

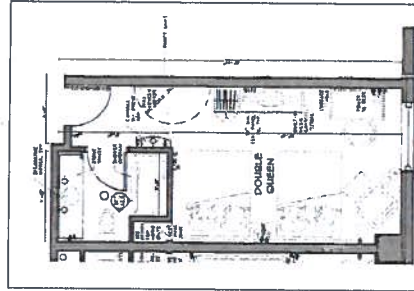


**GROUND FLOOR PLAN (NOT TO SCALE)**



### TYPICAL FLOOR PLAN

\*NOTE: TYPICAL FLOOR PLANS ARE FOR REFERENCE ONLY.  
SOURCE: D+L ARCHITECTS

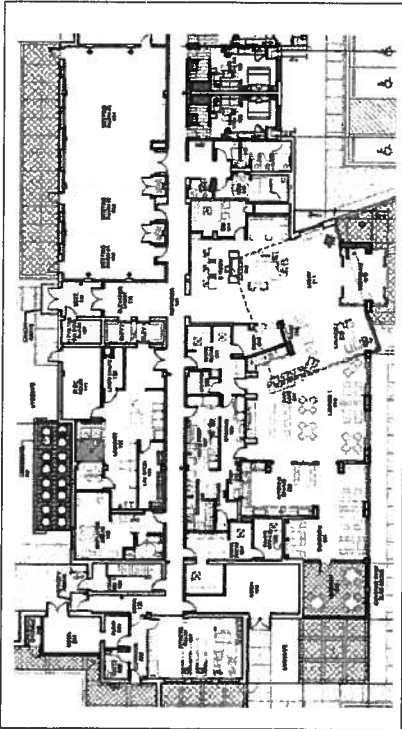


TYPICAL DOUBLE QUEEN  
GUEST ROOM

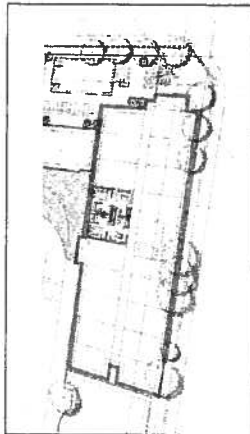
\*NOTE: ALL PARKING SPACES SHALL MEET ALL CITY STANDARDS AND DIMENSIONS.  
REFER TO "UJL SHARED PARKING STUDY" PREPARED BY RK ENGINEERING DATED 05/02/12 FOR PARKING SPACES REQUIREMENTS.

[illegible]

LIMITED SERVICE HOTEL (HARBOR)



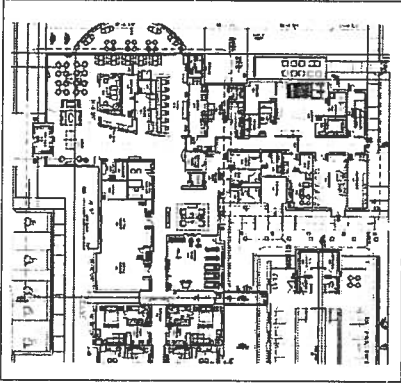
GROUND FLOOR PLAN (NOT TO SCALE)



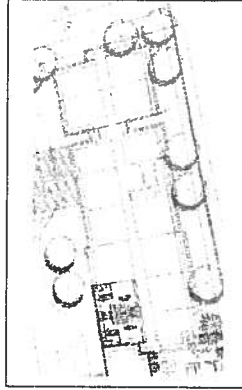
TYPICAL FLOOR PLAN

\*NOTE: TYPICAL FLOOR PLANS ARE FOR REFERENCE ONLY.  
SOURCE: O+L ARCHITECTS

LIMITED SERVICE HOTEL (TWIN TREE)

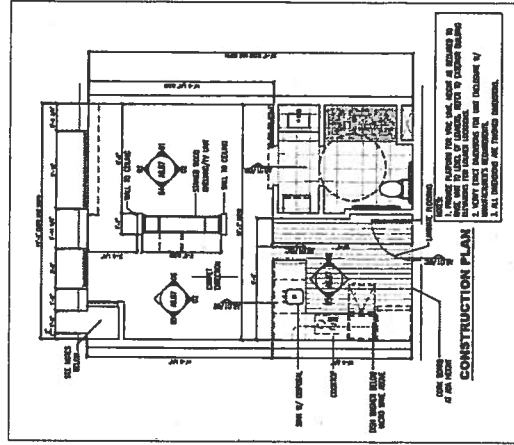


GROUND FLOOR PLAN (NOT TO SCALE)

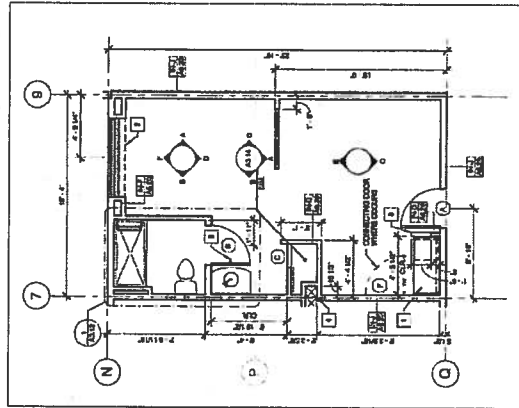


TYPICAL FLOOR PLAN

\*NOTE: TYPICAL FLOOR PLANS ARE FOR REFERENCE ONLY.  
SOURCE: O+L ARCHITECTS



TYPICAL ROOM  
SCALE: 1"=4'



TYPICAL KING SIZE  
GUEST ROOM  
SCALE: 1"=4'

CITY OF GARDEN GROVE	
TYPICAL FLOOR PLANS	SHEET 9 OF 11
FINAL DRAFT	PREPARED: 2012-07-10
APPROVED	DATE:

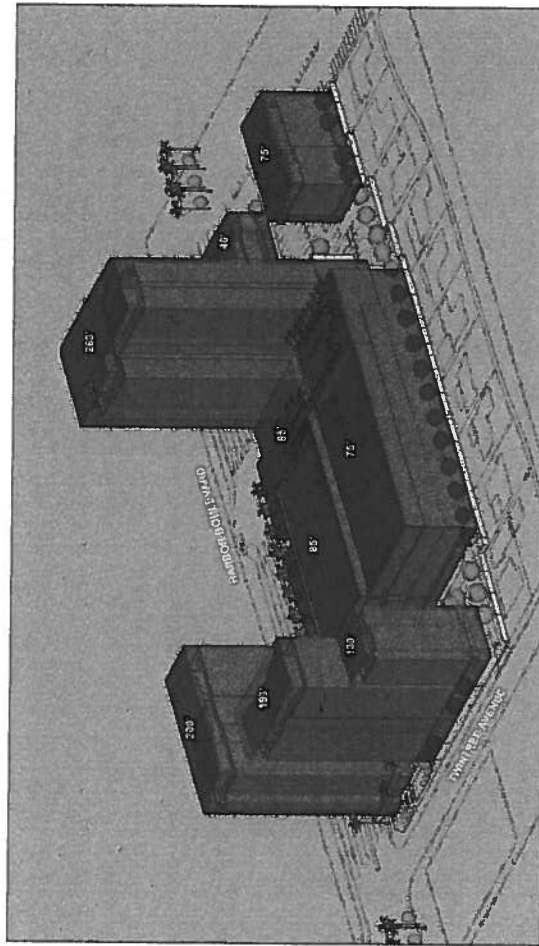
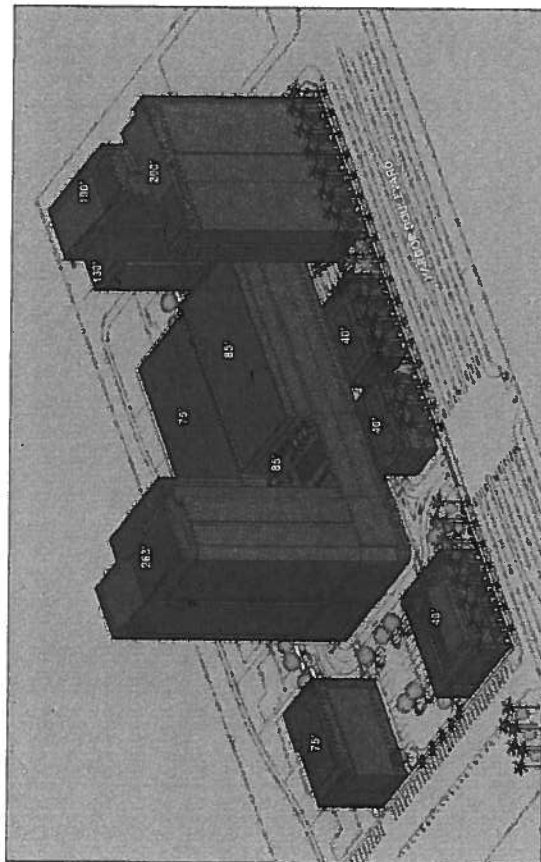
NO.	DATE	REVISIONS

CIVIL ENGINEER:	
FOCUS ENGINEERING, INC.	LAND SURVEYING
2500 N. GARDEN GROVE AVENUE, SUITE 317	IRVINE, CA 92614
TEL: (949) 453-2552	FAX: (949) 453-2552
E-MAIL: focusengr@focusengr.com	

PROJECT PLANNER:	
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FAX: (714) 947-2551	FAX: (714) 947-2551
E-MAIL: www.accion.com	

OWNER:	
GARDEN GROVE AGENCY FOR	
COMMUNITY DEVELOPMENT	
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VIEW FROM HARBOR BOULEVARD

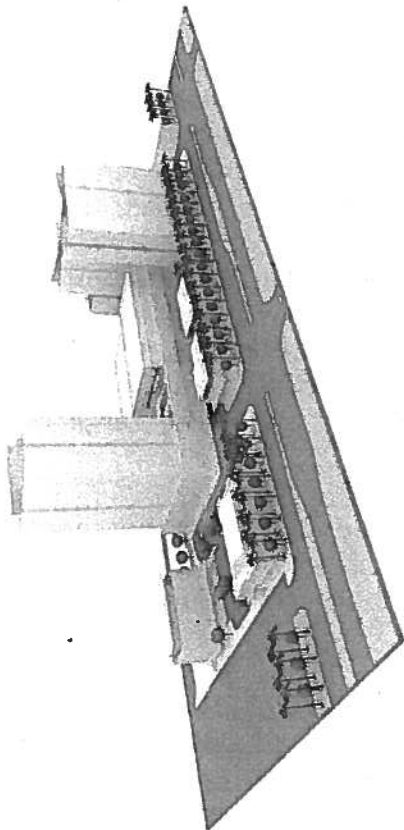
VIEW FROM TWINTREE AVENUE

**MAXIMUM BUILDING HEIGHTS:**

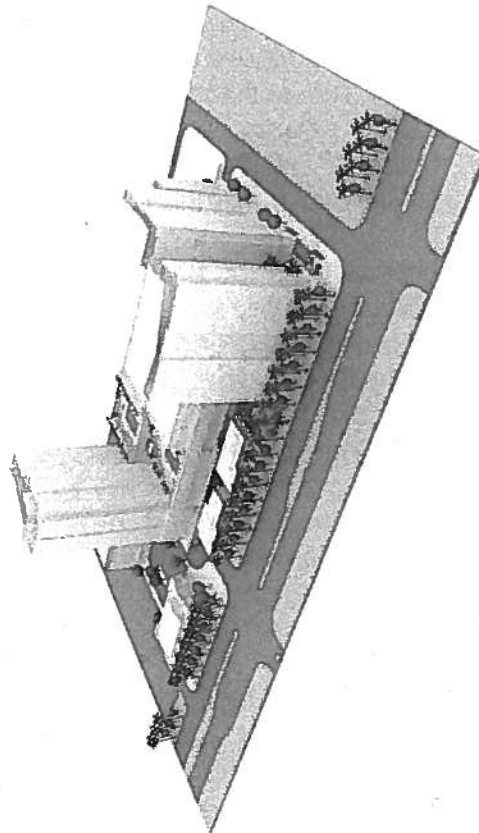
- Full-Service Hotel: 203'-0"
- Hotel Limited-Service Hotel: 200'-0"
- Tourist Limited-Service Hotel: 139'-0"
- (E. Side) to 167'-0" (N. Side)
- Parking Structures / Business & Pro. Buildings: 85'-0"
- Parking Structures (East Side): 75'-0"
- Restaurants / Old Hotel: 40'-0"
- Restaurant / Value Motel/Casino: 75'-0"

[illegible]

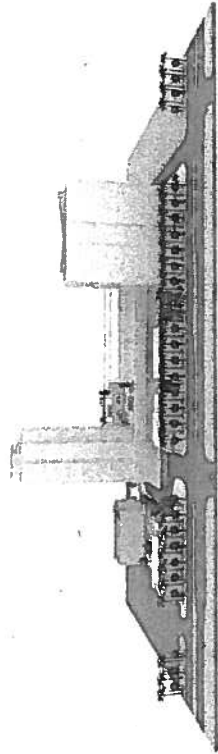
3D MASSING WITH MAXIMUM BUILDING ENVELOP FINAL DRAFT	APPROVED	FORWARDED: 2012-07-10 PROJECT:	11	OF	10	SHEET
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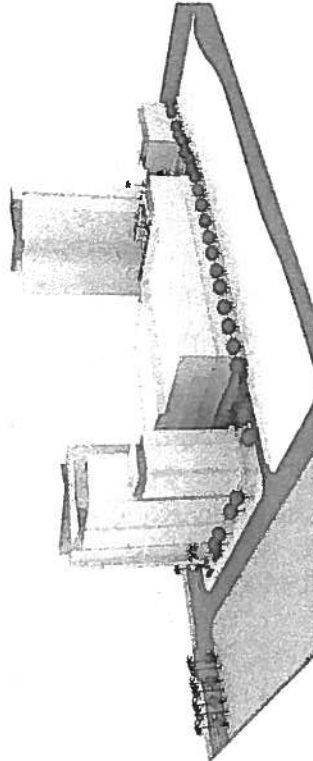
1) VIEW FROM HARBOR BOULEVARD - NORTH



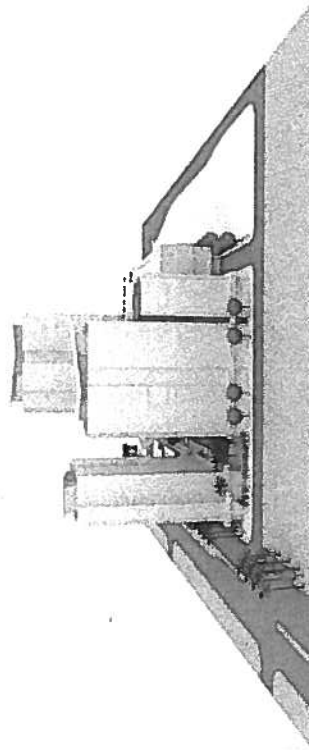
2) VIEW FROM HARBOR BOULEVARD - SOUTH



3) VIEW FROM HARBOR BOULEVARD - CENTER



4) VIEW FROM TWINTREE AVENUE - BACK



5) VIEW FROM TWINTREE AVENUE



KEY MAP

**OWNER:**  
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REVISIONS	
NO.	DESCRIPTION

CITY OF GARDEN GROVE	
3D MASSING MODEL	SHEET 11 OF 11
FINAL DRAFT	PREPARED: 2012-07-10
APPROVED	PROJECT

**RESOLUTION NO. 5779-12**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM, AND RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. GPA-2-12(B) AND PLANNED UNIT DEVELOPMENT NO. PUD-128-12.

WHEREAS, the City of Garden Grove has filed an application for General Plan Amendment No. GPA-2-12(B) and Planned Unit Development No. PUD-128-12; and

WHEREAS, General Plan Amendment No. GPA-2-12(B) proposes to change the General Plan land use designation of two (2) residential properties along Twintree Lane (12551 and 12571 Twintree Lane; APNs 231-521-09 and 231-521-10) and four (4) residential properties along Choisser Road (12233, 12235, 12237, and 12239 Choisser Road; APNs 231-491-12, 13, 14, 15, 16, 17, 18, and 19) from Low Density Residential to International West Mixed Use; and

WHEREAS, Planned Unit Development No. PUD-128-12 proposes to establish planned unit development zoning on an approximately 5.8 acre site in an urbanized area in the City of Garden Grove located at the northeast corner of Harbor Boulevard and Twintree Lane, west of Choisser Road at 12222, 12202, 12252, 12262, 12272, 12292, and 12302 Harbor Boulevard; 12511, 12531, 12551, and 12571 Twintree Lane; 12233, 12235, 12237, and 12239 Choisser Road, (Assessor Parcel Numbers: 231-491-20 & 21, 231-521-01, 02, 03, 04, 05, 06, 07, 08, 09, and 10; 231-491-12, 13, 14, 15, 16, 17, 18, and 19) and to establish development standards to facilitate the future development of a hotel project consisting of 769 rooms within one (1) full-service and two (2) limited service resort hotels with approximately 39,000 square feet of conference/meeting banquet space and 45,000 square feet of restaurant/entertainment space included on-site via freestanding pads, and two parking structures with 1,297 parking spaces; and

WHEREAS, various additional entitlements will be need to fully implement the hotel project described above, including a tentative tract map to consolidate the project site; a development agreement; conditional use permit(s) to allow the sale of alcoholic beverages in the hotels, hotel restaurants, and freestanding restaurant/entertainment facilities; and a site plan(s) for each freestanding pad restaurant and entertainment venue; and

WHEREAS, the above-described hotel project, General Plan Amendment No. GPA-2-12(B), Planned Unit Development No. PUD-128-12, and the additional future entitlements necessary to implement the hotel project are collectively referred to herein as the "Project"; and

WHEREAS, 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.*, an initial study was prepared and it has been determined that the proposed Project qualifies



for a Mitigated Negative Declaration as the proposed Project with the proposed mitigation measures cannot, or will not, have a significant effect on the environment; and

WHEREAS, a Mitigation Monitoring Program has been prepared and is attached to the Mitigated Negative Declaration listing the mitigation measures to be monitored during Project implementation; and

WHEREAS, the Mitigated Negative Declaration was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines; and

WHEREAS, the Planning Commission of the City of Garden Grove held a duly noticed public hearing on October 4, 2012, and considered all oral and written testimony presented regarding the Project, the initial study, and the Mitigated Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED, FOUND, AND DETERMINED as follows:

1. The Planning Commission has considered the proposed Mitigated Negative Declaration together with comments received during the public review process.
2. The Planning Commission finds that the Mitigated Negative Declaration reflects the City's independent judgment and analysis.
3. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment.
4. The Planning Commission hereby recommends the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring Program.
5. The record of proceedings on which the Planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on October 4, 2012, does hereby recommend that the City Council approve General Plan Amendment No. GPA-2-12(B), and Planned Unit Development No. PUD-128-12.

BE IT FURTHER RESOLVED in the matter of General Plan Amendment No. GPA-2-12(B) and Planned Unit Development No. PUD-128-12, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The case was initiated by The City of Garden Grove.

2. The applicant is requesting approval to establish a Planned Unit Development zoning on an approximately 5.8-acre site and establish development standards governing the future development of one (1) full service hotel, two (2) limited service hotels, conference/meeting banquet space, restaurant/entertainment space, along with a General Plan Amendment to change the General Plan Land Use designations of six (6) residential properties from Low Density Residential to International West Mixed Use. The proposed project would consist of up to 769 rooms within one (1) full-service and two (2) limited service resort hotels with approximately 39,000 square feet of conference/meeting banquet space, and 45,000 square feet of restaurant/entertainment space included on-site via freestanding pads, and two parking structures with 1,297 parking spaces.
3. The properties have a General Plan Land Use designation of International West Mixed Use and Low Density Residential, and are zoned Harbor Corridor Specific Plan and Single-Family Residential. The total site is 5.8 acres comprised of vacant parcels, a commercial building, and single-family homes.
4. Existing land use, zoning, and General Plan designation 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 October 4, 2012, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of October 4, 2012; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission are as follows:

FACTS:

The project site consists of 5.2 acres for the hotel development (5.8 acres for the total PUD) located on the east side of Harbor Boulevard, north of Twintree Lane, and west of Choisser Road. The property is located within the City's International West resort area, which is currently developed with hotels, restaurants, retail, and office uses. The project site abuts a commercial shopping center that includes a Target, Viva Bargain Center, and a Coco's restaurant to the north; 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.

The purpose of the proposed Planned Unit Development zoning is to establish development standards for the development of one (1) full service hotel, two (2) limited service hotels, conference/meeting banquet space, and restaurant/entertainment space on an approximately 5.2 acre site. The proposed

project would consist of 769 rooms within one (1) full-service and two (2) limited service resort hotels with approximately 39,000 square feet of conference/meeting banquet space, and 45,000 square feet of restaurant/entertainment space included on-site via freestanding pads, and two parking structures with 1,297 parking spaces. Also, the hotels would be allowed a combined maximum of 20,000 square feet of interior restaurant/bar space separate from the restaurant/entertainment pads. The proposed PUD will establish development standards for the entire development site that will facilitate construction of the hotel development. The proposed PUD includes development standards that address total number of hotel rooms, building height and setbacks, landscaping, uses, required parking, circulation and access, signage, utilities, storage and refuse collection, submittal of development plans, environmental mitigation measures, and related performance standards.

In order to facilitate the hotel development, the proposed General Plan Amendment to change the land use designation of six (6) residential properties from Low Density Residential to International West Mixed Use is also necessary.

#### FINDINGS AND REASONS:

##### General Plan Amendment:

1. The amendment is internally consistent with the goals, objectives, and elements of the City's General Plan.

The proposed General Plan Amendment is internally consistent with the goals and objectives of all elements of the City's adopted General Plan. The majority of the project site currently has a land use designation of International West Mixed Use, with the exception of six (6) residential lots that have a land use designation of Low Density Residential. The proposed General Plan Amendment will change the land use designation of the six (6) residential properties from Low Density Residential to International West Mixed Use in order to facilitate the proposed hotel development, including high density residential. The International West Mixed Use land use designation promotes the development of resorts, entertainment, retail, restaurants, and hotels along Harbor Boulevard. The proposed project will be compatible with existing hotel developments in the area, and will further the goals of the General Plan that envision entertainment/themed resorts in the area.

2. The amendment is deemed to promote the public interest, health, safety, and welfare.

The General Plan Amendment will promote the public interest, health, safety, and welfare by maintaining a General Plan land use designation of International West Mixed Use, which allows for hotel developments. The proposed hotel development is consistent with the proposed land use

designation, and will be consistent with the existing hotel improvements in the area.

3. The subject parcels are physically suitable for the requested land use designation, compatible with surrounding land uses, and consistent with the General Plan.

The proposed General Plan Amendment will change the land use designation of the six (6) residential properties from Low Density Residential to International West Mixed Use in order to facilitate the development of a hotel project. The International West Mixed Use Land Use Designation encourages the development of hotels, resort, high density residential, and tourist-based entertainment-related uses. The two properties located at 12551 and 12571 Twintree Lane, and portions of the properties located at 12233, 12235, 12237, and 12239 Choisser Road, are incorporated into the future hotel development site and will be consolidated with the other properties necessary for development of the hotel project pursuant to a subdivision map. Upon their consolidation with the rest of the project site, the subject parcels will be physically suitable for development in accordance with International West Mixed Use Land Use Designation and compatible with the surrounding land uses, which include commercial and hotel uses. Those portions of the four (4) residential parcels on Choisser Road not presently anticipated to be incorporated into the hotel project site are of sufficient size and shape to be redeveloped with other, ancillary, uses contemplated by the International West Mixed Use Land Use Designation. In addition, for the reasons stated in Finding No. 1, above, the proposed change in General Plan Land Use Designation is internally consistent with the goals and objectives of all elements of the City's adopted General Plan.

#### Planned Unit Development:

1. Establishment of the proposed Planned Unit Development is consistent with the City's General Plan.

Upon approval of General Plan Amendment No. GPA-2-12(B), the entire site will have a General Plan Land Use Designation of International West Mixed Use. The International West Mixed Use Land Use Designation promotes the development of resorts, entertainment, retail, restaurants, and hotels along Harbor Boulevard. The proposed Planned Unit Development will facilitate development of such a hotel development along Harbor Boulevard. The proposed project will be compatible with existing hotel developments in the area and will further the goals of the General Plan that envision entertainment/themed resorts in the area.

2. The location, design, and the proposed uses are compatible with the character of the existing development in the vicinity and will be well integrated into its setting, and establishment of the proposed Planned Unit

Development will insure a degree of compatibility with the surrounding properties and uses.

The proposed project is located in an area known as International West, which is designated as an entertainment resort area that encourages hotels, restaurants, and entertainment uses. The site is located in an area that is improved with hotels, restaurants, retail, and office uses that are surrounded by residential uses.

The total PUD site consists of sixteen (16) properties with a total of 5.8 acres, while the hotel development will occupy 5.2 acres of the PUD. The proposed project consists of a hotel development that consists of one (1) full service hotel, two (2) limited service hotels, conference/meeting banquet space, along with restaurants and entertainment venue that is compatible with the existing commercial and hotel developments located along Harbor Boulevard. The City's General Plan identified International West as a tourist destination with hotel, resorts, restaurants, and entertainment.

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

The proposed Planned Unit Development zoning will accommodate the project's intensity by creating a stable and desirable environment by developing the subject properties to the fullest intent prescribed in the General Plan 2030 Update. A Traffic Impact Study and Shared Parking Analysis Study were prepared for the project, and the appropriate mitigation measures were included to minimize undue traffic congestion on surrounding streets, such as providing a total of 1,297 parking spaces, implementing a valet parking service, providing a traffic signal at the project's main access on Harbor Boulevard, providing a channelize median on Twintree Lane with right turn out only from the project site. With the required mitigation measures, undue traffic congestion will be minimized to the surrounding streets, especially to the adjacent residential streets.

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

The project has been designed in accordance with the City Code provisions for providing an adequate amount of landscaping within the street setbacks and elsewhere on-site. Additionally, each hotel will provide their respective amenities that include a fitness room, spa, and outdoor swimming pool.

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

Through the required Performance Standards and conditions of approval for future development, all necessary agreements for the protection and maintenance of private areas reserved for common use will be in place prior

to the start of construction and will be required to be adhered to for the life of the project.

6. The quality of the project, achieved through the proposed Planned Unit Development zoning, is greater than could be achieved through traditional zoning.

The properties that form the project site have a current zoning of Harbor Corridor Specific Plan-Transition Zone North (HCSP-TZN) and R-1 (Single-Family Residential). The existing zoning cannot facilitate the proposed development. In order to facilitate the proposed development, and continue to further the goals of the City's General Plan 2030 Update, establishment of Planned Unit Development No. PUD-128-12 on the project site is necessary. The new PUD zone will encompass 5.8 acres, of which 5.2 acres will be used for the hotel development at this time. The hotel development, which is best facilitated through the proposed PUD zoning, will allow for increased building heights, hotels, conference, meeting, banquet space, restaurants and entertainment. Therefore, the proposed PUD will allow for a project with a superior design than what can be achieved under the existing zoning for the property.

#### **INCORPORATION OF FACTS AND FINDINGS SET FORTH IN 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.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The General Plan Amendment possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (General Plan Amendment).
2. The Planned Unit Development possesses characteristics would indicate justification of the request in accordance with Municipal Code Section 9.16.03.020 (Planned Unit Development) and 9.32.030 (Zone Change).
3. The implementation provisions for Planned Unit Development No. PUD-128-12 are as follows:

#### **Planned Unit Development provisions and development standards**

##### **A. Purpose and Intent**

The purpose and intent of this Planned Unit Development is to facilitate the development of a hotel development that consists of a total of a maximum of 769 rooms within one (1) full-service and two (2) limited service resort hotels, with up to 39,000 square feet of conference/meeting/ banquet space, a maximum of 20,000 square feet of interior restaurant/bar space within the hotels, up to 45,000

square feet of restaurant/entertainment space included on-site via freestanding pads, and up to two parking structures with approximately 1,297 parking spaces. The project site shall be governed by Covenants, Conditions, and Restrictions (CC&R's) or a similar document.

**B. Maximum Square Footages**

The aggregate square footages of the conference/meeting/banquet uses, hotel restaurant uses, and freestanding pad restaurant/entertainment uses permitted within the Planned Unit Development shall not exceed the following maximums:

- Conference/Meeting Banquet                      39,000 Square Feet
- Hotel Restaurants                                      20,000 Square Feet
- Restaurant/Entertainment Pads                      45,000 Square Feet

**C. Permitted Uses**

- Hotels, hotels with conference space, meeting rooms, banquets, restaurants, and ancillary uses such as gift shops, coffee and beverage dispensary, swimming pool, spa, and fitness room.
- Hotels with entertainment shall be limited as an accessory use to the conference, meeting, banquet area, and shall be subject to a Conditional Use Permit.
- Alcohol sales on-site and off-site are subject to all provision of Title 9 of the Municipal Code, including, but not limited to Conditional Use Permit (CUP) approval.
- Restaurants with or without alcoholic beverage sales. Restaurants with alcoholic beverage sales are subject to a Conditional Use Permit.
- Restaurant with outside eating area. The outside eating areas shall be separated from sidewalks, landscape area, and drive aisles by a minimum five-foot landscape area and a minimum five-foot high barrier that allows visibility into the outside dining area from any public area.
- Restaurants with entertainment shall be subject to a Conditional Use Permit.
- Outside vending such as hot dog carts, merchandise carts, and similar free standing/mobile vending carts subject to Conditional Use Permit approval.
- Parking lots and parking structures to serve the project.
- Athletic and health clubs, spas, and public/private gyms shall be subject to Conditional Use Permit approval.



- Any proposed use that are not listed shall be subject to an Interpretation of Use pursuant to Section 9.32.030 of the Municipal Code that shall be reviewed by the Zoning Administrator.
- Maintenance of single-family residential homes existing at the time of approval of this PUD, provided the homes are used as single-family residential and the properties comply with the permitted uses and the development standards of the of the R-1 zone.
- Uses Not Permitted:
  - a. Adult Uses
  - b. Auto and tire repair
  - c. Truck draying and freighting

#### D. Setbacks

The placement of each structure and permitted minimum setbacks for each are based on the maximum allowable heights for each structure, as illustrated in the conceptual plan reviewed in conjunction with approval of this PUD and in conjunction with the Shade and Shadow Analysis conducted as part the initial study and Mitigated Negative Declaration for the proposed project. Adjustments/changes to proposed building setbacks may be considered due to lower building heights, but any adjustment/change in building location shall require additional Shade and Shadow Analysis as deemed necessary by the Community Developer Director, in his or her sole discretion. The Community Development Director may consider and approve up to a five-foot setback modification for each structure, subject to a Shade and Shadow Analysis; however, all other modifications shall require review by the Planning Commission.

Subject to the foregoing, the perimeter building setbacks shall be as follows:

1. Minimum building setback from the face of curb along Harbor Boulevard shall be 21-feet (12 feet right-of-way and 9 feet property line setback). The area within this minimum setback area shall include a six-foot wide landscape parkway adjacent to the street curb, a seven-foot wide sidewalk, and an eight-foot wide landscape planter. This design will allow for palm trees to be planted along both sides of the sidewalks, along with accommodating the required canopy trees, shrubs, and ground covers. Note: At no time shall the buildings be located closer than nine-feet to the property line.
2. Minimum building setback along Twintree Lane shall be ten-feet from the property line. The right-of-way improvements shall include a minimum four-foot landscaped parkway adjacent to the curb, and a minimum six-foot wide sidewalk.



3. Minimum building setback along the easterly property line shall be ten-feet.
4. Building elements such as structural components, architectural features, and roof projections shall not encroach into the required perimeter setback areas.

E. Maximum Building Height

The project shall comply with the maximum building height as illustrated in the conceptual plans for the project and as specified below:

1. The full-service hotel shall not exceed a height of 263 feet.
2. The limited-service hotel located along Twintree Lane shall not exceed a height of 130 feet (east side) and 190 feet (west side). Note: The 130 foot maximum height shall apply up to 42.75 feet from the east property line.
3. The limited-service hotel located along Harbor Boulevard shall not exceed a height of 200 feet.
4. The freestanding restaurant pads shall not exceed a height of 40 feet.
5. The freestanding restaurant/entertainment pad shall not exceed a height of 75 feet.
6. The parking structures shall not exceed a height of 75 feet (east side), and 85 feet (west side).

All structures are subject to any restrictions by the California Building Code and Uniform Fire Code.

F. Landscaping

General: The site shall consist of a combination of trees, shrubs and bushes, and ground cover with the allowance for other landscape treatments such as large rocks, water elements, and unique walkway paving, and street furniture. Any area not covered by roadways, parking, walkways, and buildings, shall have landscape treatment.

Harbor Boulevard Landscape Treatment: Landscaping along Harbor Boulevard, including within the public-of-way, shall include two rows of Date Palm Trees (minimum brown trunk height of 25 feet), canopy trees (minimum 24-inch box), shrubs, and ground covers. Landscape materials shall match the landscape materials used within the project located at the southwest corner of Harbor Boulevard and Chapman Avenue. The landscape area shall include up-lighting on the trees. All aspects and elements of the Harbor Boulevard Landscape Treatment shall be included on the required Project landscape/irrigation plans and shall be reviewed and approved by the City prior to the beginning of site construction. The

Community Development Director may approve minor modifications to the foregoing standards as to height, size, and placement of the palm trees along Harbor Boulevard.

Landscape Plan: A detailed landscape plan shall be prepared and approved prior to site construction. The plan shall be detailed to show all plant material, water elements, pathways, and other landscape treatments. The landscape plan shall be the basis of how the site is to be developed and maintained for the life of the project. Should changes need to occur, revisions, renovations, or changes to the landscaping shall be reviewed by the City to ensure the aesthetics are maintained concerning this element of the overall project.

The landscape plan shall incorporate and maintain for the life of the project those means and methods to address water run-off, also identified as Low Impact Development provisions, which address water run-off. This is to also to be inclusive of any applicable Water Quality Management Plan (WQMP), the Orange County Drainage Area Management Plan (DAMP) and any other water conservation measures applicable to this type of development.

Landscaping will be provided within the project as well as along Harbor Boulevard and Twintree Lane. The landscape treatment along Harbor Boulevard will include a double row of palm trees with canopy trees, shrubs, and ground cover that complies with the envision landscape plan for Harbor Boulevard. The landscape treatment along Twintree lane is required to incorporate canopy trees, shrubs, and ground cover that is similar to the landscape treatment on Harbor Boulevard.

The property owner shall be responsible for all installation and long-term maintenance of all landscaping on the property during and after the construction period. Said responsibility shall extend to any landscaping, sidewalk, curb and pavement of the site, and shall extend to the public right-of-way. All planting areas are to be kept free of weeds, debris, and graffiti.

G. Boundary: The site's boundary for maintenance, landscaping, and improvements is that area around the project site that is to the property line along adjacent properties and where the project is adjacent to public right-of-way, the boundary shall extend to the curb of each street respectively.

H. Maintenance: The overall site, inclusive of the landscaped areas and other amenities and features (e.g., water elements, irrigation systems, sculptures, street furniture, trash receptacles, common area signage, and lighting) shall be kept in proper working condition, maintained for the life of the project, and have the planted areas to be in a weed free, healthy and growing condition, with overall debris removed on regular basis.

I. Circulation and Access

The site shall provide one (1) access point on Harbor Boulevard and one (1) secondary access point on Twintree Lane, and subsequent improvements as identified in the mitigation measures.

The main access point on Harbor Boulevard shall include a signalized intersection, that is aligned with the main access point of the hotel development located across from the project site, that will permit two-way traffic, allowing left and right-turn movements in and out of the site. The access point on Twintree Lane shall only permit left-turn into the project site, and right-turn out only.

Internal circulation shall allow vehicles ease of access to and through the parking structure, allow for convenient drop-off and pick-up areas in front of each hotel, and meet all applicable City standards. Vehicle ease of access shall account for fire trucks, sanitation trucks, delivery trucks, tour buses, etc., which shall be accommodated through turning radius and necessary height clearances as well as designated parking areas inclusive of staging areas for events, equipment loading and unloading.

The paving and concrete treatment of all driveways along Harbor Boulevard and Twintree Lane shall be subject to review and approval of the Community Development Director, who, in his or her discretion, may require decorative paving and/or enhanced concrete treatment.

Any expansion to the use, the addition of any use not covered by the subject approval and associated entitlements, or any new project shall requires a site specific traffic and parking analysis, shall be prepared for City review and approval.

#### J. Parking Areas and Requirements

The project shall provide a total of 1,297 parking spaces as per the shared parking study with the parking structures. This parking requirement is based on the total number of hotel rooms and aggregate square footages of the development that includes a maximum of 769 rooms, a maximum 39,000 square feet of conference space/ meeting banquet space, a 20,000 square feet of hotel restaurant space, and a 45,000 square feet of pad restaurant/entertainment space. 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 required number of parking spaces may be reduced to the extent justified by a parking study that is consistent with the parking ratios and standards set forth below and is reviewed and approved by the Community Development Director. The project shall implement the required mitigation measures identified in the mitigation monitoring program to minimize impacts to the parking.

Notwithstanding the Shared Parking Study, the project's required parking is calculated as follows:

Hotels shall be calculated at 0.8 space per hotel room.

Restaurants and conference rooms shall be calculated at one (1) parking space per 100 square feet of gross floor area.

Parking for other uses shall comply with the parking requirements of Section 19.16.040.150 of Title 9 of the Municipal Code.

The parking structures shall be designed to be architecturally compatible with on-site buildings, utilizing similar design features, details and materials. All sides of a parking structure that are in view from adjacent properties and public-rights-of-way shall be architecturally enhanced. Parking structures shall be well illuminated, including having the interior of the parking garage painted a light color, and designed to meet City parking standards for aisle width, stall sizes, and height clearances. Within the structures, an emergency communication system shall be installed and maintained that allows emergency services such as police, fire, and paramedics, the ability to use communication devices throughout the enclosed areas.

#### K. Perimeter Walls

All new block walls shall be of decorative, slumpstone or split face block, with decorative cap, and shall maintain a maximum height of eight-feet as measured from the property's finished grade.

A new eight-foot high block wall shall be constructed on the eastern property line, adjacent to the residential properties. Said block wall shall maintain a 15-foot setback from the Twintree Lane property line, and any wall constructed within this 15-foot area shall maintain a maximum height of three-feet. The developer shall work with adjacent property owners in designing and constructing the perimeter block wall to avoid having double walls, and to minimize any impact that it might cause to the existing landscaping on the neighbor's side as much as possible. The perimeter block wall shall be constructed and situated entirely within the subject property. In the event that the developer cannot obtain approval from the property owners, the applicant shall construct the new wall with a decorative cap to be placed between the new and existing walls.

Any new block walls constructed along the Twintree Lane property line (southern property line) shall maintain a five-foot setback from the property line. The setback to the block wall may be reduced to three-feet if additional two-feet of right-of-way landscape area is available adjacent to the property line.

Any walls constructed along the Harbor Boulevard property line shall observe a setback of 21-feet from the face of curb. At no time shall a wall be placed within nine-feet from the property line.

If, at any time the project's perimeter block wall extends toward Choisser Road, the wall shall maintain a minimum setback of 15-feet from the property line. The 15-foot setback area shall be properly landscaped and irrigated per the landscaping requirements of the project.

The Community Development Director may authorize minor modifications to the required wall heights and setbacks set forth above to accommodate permitted differences between submitted development plans and the conceptual site plans (Exhibit C). Notwithstanding the foregoing, the block wall on the easterly property line shall comply with all standards required as mitigation measures pursuant to the mitigated negative declaration and mitigation monitoring program.

#### L. Signs and Graphic Standards

A sign plan shall be provided that governs the overall site signage that is inclusive of business signage, common area signage, sales and lease signs, future tenant signs, and directional signs. The sign plan shall be approved prior to construction of the site and shall remain in effect for duration of the project. Should changes occur to the approved sign plan, the City shall first grant approval.

All sign calculations for commercial businesses shall be calculated per 9.20 of Title 9 of the Municipal Code the C-1 zone. Signs may be mounted flush with the wall surface or perpendicular to the wall (blade sign).

All common area signs, directional signs, and kiosk type signs shall be uniform in lettering, material, and coloring.

Unless the City of Garden Grove adopts a uniform freestanding sign program for Harbor Boulevard, all signage shall comply with the following:

All signage, including a freestanding monument sign shall be architecturally compatible with on-site buildings. A freestanding sign structure shall utilize similar details and finishes that are used on the on-site buildings. Location of monument signs shall not occur in any public right-of-way or within any vision clearance area and shall not exceed a height of five feet or a width of ten feet, not exceeding a sign face area of 100 square feet. These specific signs may include tenant names of up to three tenants. Signs may be double-face.

#### M. Utilities

All utility lines shall be underground or placed in locations as to be concealed from view. This includes gas and electrical lines and conduit, Cable TV, and telephone lines and conduit, and any other utility or service lines, including water pipes for domestic use and fire sprinkler systems.

#### N. Storage and Refuse Collection

All staging and storage areas for all the businesses on site shall be provided within their respective tenant space. No outside storage area shall be provided nor shall there be any outside storage of goods or merchandise at any time. The site may create designated staging areas (loading/unloading) for general deliveries of goods sold on the site, but maintained as such to not create hindrances to vehicle or

pedestrian traffic or create restrictions for emergency vehicles or emergency access.

Refuse storage and collection areas shall be provided and subject to both Garden Grove Sanitation District (GGSD), and GGSD contracted solid waste handler/hauler approval, and be subject to applicable building and fire codes.

O. Environmental Mitigation Measures

The overall development and subsequent occupancy and operation of the site shall be subject to those environmental mitigation measures identified in the Mitigated Negative Declaration for the International West Hotel - Harbor East (Site C) Project, adopted in conjunction with approval of General Plan Amendment No. GPA-2-12(B) and Planned Unit Development No. PUD-128-12, and which are summarized in Exhibit "A" attached hereto, as well as any environmental mitigation measures identified in the General Plan 2030 Update Environmental Impact Report that apply to the International West Mixed Use area.

P. Covenants, Conditions, and Restrictions (CC&R's)

Prior to any portion, unit or otherwise, of the subject site becoming under separate ownership, the developer/subdivider shall record a set of Covenants, Conditions, and Restrictions (CC&Rs) or a similar legal document reviewed and approved by the City that is all inclusive of the entire development. The CC&Rs shall include, without limitation, all provisions of PUD-128-12 development standards, the mitigation measures referenced herein, operational and maintenance provisions for the entire site and those areas noted within the boundaries of the Project site, and other provisions applicable to the Project.

Q. Absence of Provisions and Standards

Any matters pertaining to the development or occupancy or operation of the subject site that is not listed or expressly provided for herein shall be subject to the provisions and development standards of the City's Municipal Code, inclusive. This would include, but not be limited to, undergrounding all existing and new utilities serving the site, complying with all Building, Fire, and Development Codes, and paying all related fees, bonds, and other associated costs.

R. Development Plans

Should the Community Development Director determine that a Developer's submittal of development plans are in substantial compliance with the provisions of this PUD and in similar shape, form and configuration with the conceptual site plans that are included with this approval, Exhibit "C," such Developer may proceed to securing the appropriate building permits for constructing the development without further entitlement review; however, any entitlement not covered under this PUD, such as a Subdivision Map (Tentative Tract Map and/or Tentative Parcel Map),

Conditional Use Permit, or other, shall be processed in accordance with the City's Municipal Code. All pad buildings shall require approval of a Site Plan.

**S. Reservations, Dedications, and Improvements**

Should a Subdivision Map and/or development plan be processed in accordance with the Municipal Code or per this PUD, and other applicable regulations/requirements, at that time, any required reservation of land, and/or dedication or right-of-way, and/or easement(s), and/or site improvement work in the public right-of-way, shall be properly addressed and shall be fully provided for and improved prior to completion of the project or completion of any first phase of this development, unless otherwise stated in a subsequent entitlement approval such as a Subdivision Map with conditions of approval, provided that the conditions or requirements addressed and/or completed prior to Map recordation.

**T. Associated Performance Standards**

In order to fulfill the purpose and intent of Planned Unit Development No. PUD-128-12, the Performance Standards attached hereto as Exhibit "B" shall apply as conditions to the approval of any future hotel development, including any ancillary buildings, restaurant pads/buildings, and or conference/ meeting banquet space, and parking structures, and/or subdivision of property covered by this Planned Unit Development. The performance standards shall be applicable to the future development of the site, including the initial construction drawings, plan check review, during construction, after completion of the project, and for the life of the development. To the extent not inconsistent with the purpose, intent, and specific standards and requirements of this Planned Unit Development No. PUD-128-12, the Community Development Director may authorize minor modifications to the Performance Standards. This Section shall not be interpreted to in any way to limit the authority of the City to impose additional conditions of approval pursuant to subsequent project-specific City approvals.

ADOPTED this 4th day of October, 2012

/s/ JENNIFER CABRAL  
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on October 4, 2012, by the following votes:

AYES:	COMMISSIONERS:	BRIETIGAM, CABRAL, DOVINH, SILVA
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BUI, LAZENBY, PAK

/s/ JUDITH MOORE  
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is October 25, 2012.



# Exhibit "A"

## MITIGATION MEASURES

### General Plan Amendment GPA-2-12(B) Planned Unit Development No. PUD-128-12

The following Mitigation Measures, as identified in the Environmental Initial Study, and as stipulated in Resolution No. 5770-12 and the Performance Standards for the project, shall be complied with and implemented in the development's Mitigation Monitoring Program:

Mitigation Measure	Verification	Timing	Responsible Party
<b>AESTHETICS (SECTION 2.1)</b>			
<b>Light and Glare</b>			
AES-1 Prior to final site plan approval, a site specific lighting study shall be prepared which incorporates measures to ensure that the project will be in compliance with Chapter 16, Development Standards, of the City's Zoning Code for parking lot lighting so that lighting within parking areas are directed, positioned, or shielded so as to minimize light spillage. Additionally, the study shall incorporate measures necessary for the project's compatibility with the goals and policies (i.e., Policy SAF-2.1 and SAF-IMP-2A) in the General Plan for providing adequate lighting to maintain a safe public environment.	Site Plan Review	Prior to final of site plan approval	Community Development Department
AES-2 Sufficient technology currently exists to reduce lighting impacts from hotel/resort lighting to a less than significant level. However, given that the project is still in conceptual design and operation is not anticipated to begin until late 2014,	Site Plan Review	Prior to final of site plan approval	Community Development Department

## GPA-2-12(B) and PUD-128-12

## Mitigation Measures

Mitigation Measure	Verification	Timing	Responsible Party
identification of specific light reduction measures is premature since light-reduction technology is constantly evolving and advancing (i.e., more sophisticated light-reduction technology is anticipated to be available in the future that is available today). The developer shall include technologically advanced hotel/resort lighting measures in its detailed design plans to ensure that hotel/resort lighting does not significant impact the surrounding neighborhood.			
<b>AIR QUALITY (SECTION 2.2)</b>			
<b>Vehicle Emissions</b>			
AQ-1 Construction equipment shall be maintained in proper tune.	Grading and building inspections	During grading and building construction	Community Development Department/Public Works Department
AQ-2 Gasoline or electricity-powered equipment shall be utilized instead of diesel equipment whenever possible.	Grading and building inspections	During grading and building construction	Community Development Department/Public Works Department
AQ-3 The use of heavy construction equipment shall be suspended during first stage smog alerts.	Grading and building inspections	During grading and building construction	Community Development Department /Public Works Department
AQ-4 All construction vehicles shall be prohibited from excessive idling. Excessive idling is defined as five minutes or longer.	Grading and building inspections	During grading and building construction	Community Development Department /Public Works Department
AQ-5 "Clean diesel" equipment shall be used when	Grading and building	During grading and	Community

## GPA-2-12(B) and PUD-128-12

## Mitigation Measures

Mitigation Measure	Verification	Timing	Responsible Party
modified engines (catalyst equipped or newer Moyer Program retrofit) are available at a reasonable cost.	inspections	building construction	Development Department /Public Works Department
<b>Fugitive Dust Emissions and Control</b>			
AQ-6 All active construction areas shall be watered three (3) times daily.	Grading and building inspections	During grading and building construction	Community Development Department /Public Works Department
AQ-7 All haul trucks shall be covered or shall maintain at least two (2) feet of freeboard.	Grading and building inspections	During grading and building construction	Community Development Department /Public Works Department
AQ-8 All unpaved parking or staging areas shall be paved or watered three (3) times daily.	Grading and building inspections	During grading and building construction	Community Development Department /Public Works Department
AQ-9 Speed on unpaved roads shall be reduced to less than 15 mph.	Grading and building inspections	During grading and building construction	Community Development Department /Public Works Department
AQ-10 Any visible dirt deposition on any public roadway shall be swept or washed at the site access points within 30 minutes.	Grading and building inspections	During grading and building construction	Community Development Department /Public Works Department
AQ-11 Any on-site stockpiles of debris, dirt or other dusty material shall be covered or watered twice daily.	Grading and building inspections	During grading and building construction	Community Development Department /Public Works Department
AQ-12 All operations on any unpaved surface shall be	Grading and building	During grading and	Community

GPA-2-12(B) and PUD-128-12  
Mitigation Measures

Mitigation Measure	Verification	Timing	Responsible Party
suspended if winds exceed 25 mph.	inspections	building construction	Development Department/Public Works Department
AQ-13 Daily disturbance area shall be limited to two (2) acres or less.	Grading and building inspections	During grading and building construction	Community Development Department/Public Works Department
<b>Off-Site Impacts</b>			
AQ-14 Carpooling shall be encouraged for construction workers.	Grading and building inspections	During grading and building construction	Community Development Department/Public Works Department
AQ-15 Any required lane closures shall be limited to off-peak travel periods.	Grading and building inspections	During grading and building construction	Community Development Department/Public Works Department
AQ-16 Construction vehicles shall be parked off traveled roadways.	Grading and building inspections	During grading and building construction	Community Development Department/Public Works Department
AQ-17 Any dirt hauled off-site shall be wet down or covered.	Grading and building inspections	During grading and building construction	Community Development Department/Public Works Department
AQ-18 Access points shall be washed or swept daily.	Grading and building inspections	During grading and building construction	Community Development Department/Public Works Department
AQ-19 Receipt of materials shall be during non-peak	Grading and building	During grading and	Community

GPA-2-12(B) and PUD-128-12  
Mitigation Measures

Mitigation Measure	Verification	Timing	Responsible Party
traffic hours.	inspections	building construction	Development Department/Public Works Department
AQ-20 Construction sites shall be sandbagged for erosion control.	Grading and building inspections	During grading and building construction	Community Development Department/Public Works Department
<b>Operational Emissions Reduction Measures</b>			
AQ-21 Prior to the issuance of building permits, the building construction design shall demonstrate to the satisfaction of the City Building Department that it exceeds the minimum statewide energy requirements of Title 24 by 20 percent. This shall be accomplished by including the following items but not limited to: <ul style="list-style-type: none"> <li>a. Use of low emission water heaters</li> <li>b. Use of central air heating systems</li> <li>c. Use of energy efficient appliances</li> <li>d. Use of increased insulation</li> <li>e. Use of energy-efficient parking lot lights</li> <li>f. Use of lighting controls and energy efficient lighting</li> <li>g. Use of energy efficient windows</li> <li>h. Use of alternative energy (i.e., solar paneling)</li> </ul>	Grading and building inspections	Prior to the issuance of building permits	Community Development Department/Public Works Department
<b>Transportation Management Techniques to Reduce Vehicle Emissions</b>			
AQ-22 Prior to the issuance of certificates of occupancy, the below recommendations of the TDM shall be implemented:	Grading and building inspections	Prior to the issuance of certificates of occupancy	Community Development Department/Public Works Department

GPA-2-12(B) and PUD-128-12  
Mitigation Measures

Mitigation Measure	Verification	Timing	Responsible Party
<ul style="list-style-type: none"> <li>a. Use of shuttle service, public transit and carpooling shall be encouraged.</li> <li>b. Design of a Walkable community shall be encouraged.</li> <li>c. Improvement of sidewalk network shall be encouraged.</li> <li>d. Use of bicycle lanes, rack or storage area shall be encouraged to facilitate use of bikes.</li> <li>e. Participation in City's existing TDM (Transportation Demand Management) Programs shall be required.</li> <li>f. A mix of uses on the site (i.e., hotel, restaurant, recreation, and retail) shall be required to minimize off-site travel.</li> </ul>			
<b>GEOLOGY AND SOILS (SECTION 2.6)</b>			
<p>GEO-1 Prior to the approval of final design plans, a site-specific geologic investigation of liquefaction potential shall be performed. The project shall be required to comply with all mitigation, conditions and/or performance criteria recommended by the investigation. Proof of compliance with this measure shall be given by the City Engineer and Planning Director prior to the approval of the final design plans.</p>	Grading and Building Plan Review Inspections	Prior to approval of final design plans	Community Development Department/Public Works Department
<p>GEO-2 Prior to the approval of final design plans, a site-specific geotechnical investigation shall be prepared by a registered geologist. The project shall be required to comply with all mitigation, conditions and/or performance criteria</p>	Grading and Building Plan Review Inspections	Prior to approval of final design plans	Community Development Department/Public Works Department

## GPA-2-12(B) and PUD-128-12

## Mitigation Measures

Mitigation Measure	Verification	Timing	Responsible Party
recommended by the investigation. Proof of compliance with this measure shall be given by the City Engineer and Planning Director prior to the approval of the final design plans.			
<b>HAZARDS AND HAZARDOUS MATERIALS (SECTION 2.8)</b>			
HHM-1 Prior to the issuance of a grading permit, near surface soil sampling and analysis shall be performed to determine if any agricultural chemicals remained at the site. If any agricultural chemicals are found, the contamination shall be removed.	Grading inspection	Prior to the issuance of a grading permit	Community Development Department
HHM-2 Prior to the issuance of a grading permit, the project conditions of approval shall require implementation of the Phase 1 study recommendations.	Grading inspection	Prior to the issuance of a grading permit	Community Development Department
<b>NOISE (SECTION 2.12)</b>			
<b>Roadway Noise Reduction Measures</b>			
NOI-1 Roadway noise impact standards from the City of Garden Grove's Noise Standards (Garden Grove Municipal Code Section 8.47, Noise Control) shall be followed.	Grading and building inspections	During grading and building construction	Community Development Department/Public Works Department
NOI-2 Prior to the approval of the final design plans, the project architect shall demonstrate to the satisfaction of the Planning Director that the final hotel(s), parking structure(s) and restaurant(s) layout further reduce potential roadway noise impacts from Harbor Boulevard and Twintree Lane to the residential units, located adjacent to the project site.	Grading and Building Plan Review Inspections	Prior to final of building permits	Community Development Department



GPA-2-12(B) and PUD-128-12  
Mitigation Measures

Mitigation Measure	Verification	Timing	Responsible Party
NOI-3 Additional noise barrier analysis shall be conducted, which will specifically indicate the amount of noise attenuation provided by the Hotel towers to the adjacent residential area. Hotel towers will further shield roadway noise propagating from Harbor Boulevard.	Grading and Building Plan Review Inspections	Prior to final of building permits	Community Development Department
<b>Stationary Noise Reduction Measures</b>			
NOI-4 An 8-foot shielding wall shall be provided along the east property line.	Building Plan Review and Inspections	Prior to final of building permit	Community Development Department
NOI-5 Delivery truck operations and loading and unloading activities shall be limited to daytime hours between the hours of 7:00 AM to 10:00 PM.	Grading and Building inspections and during operation of project	On going	Community Development Department/Police Department Code Enforcement Department
NOI-6 All delivery trucks associated with the future uses shall not idle for more than 5 minutes.	Grading and Building inspections and during operation of project	On going	Community Development Department/Police Department Code Enforcement Department
NOI-7 Any trash compactor/pool equipment shall be shielded by a 6 to 8 feet high parapet wall, or fully enclosed. The mechanical equipment shall be placed at a distances furthest from the nearest residential dwelling units. The height of the walls shall be at least as high as or higher than the mechanical equipment (i.e., 4 feet).	Building Plan Review and Inspections	On going	Community Development Department/Police Department Code Enforcement Department



## GPA-2-12(B) and PUD-128-12

## Mitigation Measures

Mitigation Measure	Verification	Timing	Responsible Party
NOI-8 The parking structure shall have 4-foot or higher shielding walls for each floor that faces the residential units to the east. The parking structure's surface shall be treated to minimize tire screeching noise.	Building Plan Review and Inspections	Prior to final of building permit	Community Development Department
NOI-9 Once project is in operation, noise monitoring shall occur to ensure the project site is operating within the City's criteria.	After final	On going	Community Development Department
<b>Construction Noise Reduction Measures</b>			
NOI-10 Construction operations shall follow the City's General Plan and the noise ordinance which states that operations cannot exceed the stipulations set-forth in Garden Grove Municipal Sections 8.47.050 and 8.47.060.	Grading and building inspections	During grading and building construction	Community Development Department/Public Works Department
NOI-11 Construction shall not occur during the hours of 10:00 PM to 7:00 AM.	Grading and building inspections	During grading and building construction	Community Development Department/Public Works Department
NOI-12 During construction, the contractor shall ensure all construction equipment is equipped with appropriate noise attenuating devices.	Grading and building inspections	During grading and building construction	Community Development Department/Public Works Department
NOI-13 Idling equipment shall be turned off when not in use.	Grading and building inspections	During grading and building construction	Community Development Department/Public Works Department
NOI-14 Equipment shall be maintained so that vehicles and their loads are secured from rattling and banging.	Grading and building inspections	During grading and building construction	Community Development Department/Public Works Department

Mitigation Measure	Verification	Timing	Responsible Party
<b>PUBLIC SERVICES AND UTILITIES (SECTION 2.14)</b>			
PS-1 An internal fire loop shall be constructed around the site to provide adequate fire fighting capability to all structures located on the parcel.	Grading and Plan Review	Prior to final of building permits	Public Works Department
<b>TRANSPORTATION (SECTION 2.16)</b>			
<b>On-Site</b>			
TRANS-1 The on-site circulation system per the detailed site plan shall be constructed. a. A minimum of one (1) entry lane and two (2) exit lanes shall be provided at Project Access 1 Driveway at Harbor Boulevard.	Grading and Building Plan Review Inspections	Prior to final of building permits	Community Development Department/Public Works Department
TRANS-2 The following project access points on Harbor Boulevard shall be provided: a. Project Access 1 – full access, signalized.	Grading and Building Plan Review Inspections	Prior to final of building permits	Public Works Department
TRANS-3 The following project access point on Twintree Lane shall be provided: a. Project Access 2 – right out and left in only access.	Grading and Building Plan Review Inspections	Prior to final of building permits	Public Works Department
TRANS-4 Stop signs, stop bars and stop legends shall be installed at Project Access 2.	Grading and Building Plan Review Inspections	Prior to final of building permits	Public Works Department
TRANS-5 Project Access 1 / Sheraton Driveway shall line-up and be reconfigured with the installation of a traffic signal.	Grading and Building Plan Review Inspections	Prior to final of building permits	Public Works Department
TRANS-6 Channelization median and signage to restrict access to the residential neighborhood along Twintree Lane shall be installed.	Grading and Building Plan Review Inspections	Prior to final of building permits	Public Works Department
TRANS-7 A minimum of 1,297 parking spaces shall be provided within the site.	Grading and Building Plan Review Inspections	Prior to final of building permits	Public Works Department

GPA-2-12(B) and PUD-128-12  
Mitigation Measures

Mitigation Measure		Verification	Timing	Responsible Party
<b>Area-Wide</b>				
TRANS-8	Any remaining street half-section improvements on Harbor Boulevard, directly adjacent to the project boundaries, shall be completed.	Grading and Building Plan Review Inspections	Prior to final of building permits	Public Works Department
TRANS-9	Any remaining street half-section improvements on Twintree Lane, directly adjacent to the project boundaries, shall be completed.	Grading and Building Plan Review Inspections	Prior to final of building permits	Public Works Department
TRANS-10	The Project shall participate in the installation of the following off-site improvements: a. Harbor Boulevard (NS) at Project Access 1 (EW): i. Install traffic signal. ii. Reconfigure NB left turn median. iii. Reconfigure SB left turn median. iv. Install SB left turn pocket with 225 feet of storage. Refer to Section 6.0 of the Appendix G for the minimum queuing capacity required for this lane. v. Reconfigure EB Sheraton Driveway to be full access. vi. Install shared left/through/right lane.	Grading and Building Plan Review Inspections	Prior to final of building permits	Public Works Department
TRANS-11	Traffic signing/stripping should be implemented in conjunction with detailed construction plans for the project site.	Grading and Plan Review	Prior to final of building permits	Public Works Department
<b>Fair Share</b>				
TRANS-12	The project shall contribute to the City's fair share improvement program for those intersections improvements that are not called out as solely the project's responsibility. Table 10 in Appendix G	Grading and Building Plan Review Inspections	Prior to final of building permits	Public Works Department

## GPA-2-12(B) and PUD-128-12

## Mitigation Measures

Mitigation Measure	Verification	Timing	Responsible Party
identified the project traffic contribution to the study area intersections.			
<b>Regional Funding Mechanisms</b>			
TRANS-13 The project shall participate in the City's sponsored regional transportation funding programs or as agreed upon with the City of Garden Grove.	Grading and Building Plan Review Inspections	Prior to final of building permits	Public Works Department
<b>Parking</b>			
TRANS-14 Prior to the issuance of certificates of occupancy, the below recommendations of the shared parking assessment Exhibit G (found in Appendix H) shall be implemented for the proposed project: <ul style="list-style-type: none"> <li>a. Implement a valet and self-park parking program.</li> <li>b. Provide for a bus/van pick-up and drop-off location site for hotel guests and employees.</li> <li>c. Encourage alternative transportation methods for employees through transportation management incentives, such as employee reimbursement for using the transit and providing a transportation coordinator for the staff</li> <li>d. Provide a total of three (3) onsite bicycle racks (approximately 5-8 bicycles per rack) in convenient locations throughout the hotel property (Exhibit G).</li> <li>e. Post "No Parking in Neighborhood" signage</li> </ul>	Grading and Building Plan Review Inspections	Prior to the issuance of certificates of occupancy	Public Works Department

## GPA-2-12(B) and PUD-128-12

## Mitigation Measures

Mitigation Measure	Verification	Timing	Responsible Party
(Exhibit G). f. Dedicate up to three (3) bus parking spots for buses (Exhibit G). g. Provide a plan to monitor the project's peak parking demand as needed to refine parking management operations at the site. h. Provide emergency vehicles access to the first floor of the parking structure that can be able to drive through one (1) entrance and out the other.			
<b>UTILITIES AND SERVICE SYSTEMS (SECTION 2.17)</b>			
USS-1 Prior to the issuance of a grading permit, it shall be demonstrated to the satisfaction of the City Engineer that proper hydromodification methods have been applied to the proposed on-site storm drain improvements.	Grading and Building Plan Review Inspections	Prior to the issuance of a grading permit	Public Works Department

## **Exhibit "B"**

### **PERFORMANCE STANDARDS**

#### **Planned Unit Development No. PUD-128-12**

The following performance standards shall apply as conditions of approval to any future hotel resort development and/or subdivision of property covered by this Planned Unit Development:

1. The developer shall execute, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, on the property prior to issuance of building permits. These conditions of approval run with the land and are binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. The term "applicant," as referenced herein, shall refer to both the developer, tenant/business operators and the property owners, including subsequent purchasers and/or tenants of the project. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Hearing Body.
3. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.
4. All mitigation measures that are part of the Mitigated Negative Declaration that was adopted in conjunction with approval of General Plan Amendment No. GPA-2-12(B) and Planned Unit Development No. PUD-128-12 shall be required to be implemented as part of the conditions of approval for this project.
5. The project is subject to the Mitigation Monitoring Program adopted by the City Council as part of the Mitigated Negative Declaration adopted by the City in conjunction with approval of General Plan Amendment No. GPA-2-12(B) and Planned Unit Development No. PUD-128-12. In order to assist City to verify that all required project mitigation measures are complied with in a timely manner, a project-specific mitigation-monitoring program for monitoring all applicable project-related mitigation measures shall be prepared by the developer/applicant and approved by the Planning Division prior to issuance of building permits. Said mitigation monitoring program shall be implemented during project construction through completion. The developer shall provide the City with a quarterly report demonstrating adherence to all mitigation measures. A person shall be designated by the developer and or hotel operator that will be responsible for any hotel and pad

Planned Unit Development No. PUD-128-12  
Performance Standards

restaurants operational mitigation measures that extend beyond construction completion. Said person shall provide a report to the City when requested.

6. In order to verify compliance with the applicable project mitigation measures and performance standards for Planned Unit Development No. PUD-128-12, the developer shall submit a full set of construction plans to the Community Development Department for review prior to plan check submittal. The plans shall include a dimensioned and detailed site plan, a floor plan, elevations, a landscaping plan, and a lighting plan, each of which complies with all the requirements established in these performance standards.

**Public Works Engineering Division**

The following provisions of the Public Works Engineering Division shall be complied with:

7. The applicant shall be subject to Traffic Mitigation Fees.
8. Prior to the issuance of certificates of use and occupancy, the applicant shall design and construct a traffic signal at the intersection of Harbor Boulevard and the Project Entrance in a manner meeting the approval of the City Traffic Engineer.
9. Prior to the issuance of certificates of use and occupancy, the applicant shall design and construct raised median improvements on Harbor Boulevard to facilitate ingress and egress at the Project Entrance in a manner meeting the approval of the City Traffic Engineer. Said improvements shall include a 225-foot southbound left turn pocket with a 90-foot taper and removal/reconstruction of the median within, and south of the intersection, to provide a full access to the Sheraton Hotel with a proper left turn pocket and taper.
10. The main driveway approach on Harbor Boulevard shall be constructed in accordance with Garden Grove Standard Plan B-120, or B-120a.
11. 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 of the interior drive aisle and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and



- implementations, including soil compaction, saturation, permeability and groundwater levels.
12. A separate street permit is required for work performed within the public right-of-way.
  13. Grading and street improvement plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including adjacent properties, and designed to preclude cross-lot drainage. Minimum grades shall be 0.50% for concrete flow lines, 1.25% for asphalt surfaces and 2.0% for landscaped areas. The grading plan shall also include water and sewer improvements. All fees collected at the time of permit issuance shall be based on the fee schedule in effect at that time.
  14. 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 such as 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 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.
  15. 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 on-site.
  - d. Submit for review and approval by the City an Operations and Maintenance (O&M) Plan for all structural BMPs.
16. The applicant shall provide a hydrological analysis with scaled map and calculations and hydraulic calculations to size drainage facilities per Orange County RDMD standards. Parkway culverts shall be designed per Orange County standard plan 1309, Type B.
17. All trash container areas shall meet the following requirements:
- 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 off-site transport of trash; and
  - 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 Stormwater Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information.
  - f. The trash enclosures shall be located to allow pick-up and maneuvering, including turnarounds, in the area of the enclosures.
18. 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.
19. DIGITAL MAP SUBMISSION:

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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.

20. 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.
21. Any new or required block walls and/or retaining walls shall be shown on the grading plans. Block walls shall be designed in accordance to City standards or designed by a professional registered engineer.
22. The applicant shall remove the existing sidewalk on Harbor Boulevard along the property frontage and construct a seven-foot decorative sidewalk consistent with the existing enhanced sidewalk pattern 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 Division Manager.
23. The applicant shall remove the existing sidewalk on Twintree Lane, along the property frontage, and construct a six-foot sidewalk per City Standard Plan B-106. Said sidewalk shall be separated from the street curb by a four-foot landscaped area. The landscaped areas in front of, and in back of, the sidewalk shall be designed in a manner meeting the approval of the Planning Division Manager.
24. The applicant shall be responsible for the maintenance of the landscape, sidewalk and lighting in the public right-of-way along Harbor Boulevard, in a manner meeting the approval of the City Engineer.

**Building Services Division**

The following provisions of the Community Development Building Services Division shall be met:

25. All buildings and facilities shall be accessible from the sidewalks. Accessible routes of travel shall be provided between all building and facilities on-site.
26. Openings in exterior walls are limited per Table 705.8 of the CBC depending on proximity to the property line or to the imaginary property line between buildings.
27. All buildings must be fully sprinklered.
28. All buildings and facilities shall comply with the California Building Standards Code.

**Public Works Water Services Division**

The following provisions of the Garden Grove Public Works Water Services Division shall be met:

29. Water meters shall be located within the City right-of-way or within dedicated waterline easement. Fire and water services, shall be installed by contractor with Class A or C-34 license, per City water standards and inspected by approved Public Works inspector.
30. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
31. It shall be the responsibility of owner/developer to abandon any existing private water well(s) per Orange County Health Department requirements. Abandonment(s) shall be inspected by Orange County Health Department inspector after permits have been obtained.
32. A composite utility site plan shall be part of the water plan approval.
33. Water system within private streets shall be constructed per City Standards by developer and dedicated to the City. Bonding will be required.
34. Owner shall dedicate all rights to underground water without the right to surface entry.

35. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
36. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
37. Fire service shall have above ground backflow device with a double check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above ground assembly shall be screened from public view as required by the Planning Division.
38. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) pass all bacteriological and pressure tests.
39. No permanent structures, trees or deep-rooted plants shall be placed over sewer main or water main.
40. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.
41. Site shall be graded so that no rain or landscape irrigation water can drain into sewer drains in wash bays. All wash bays shall have adequate roof overhang to prevent rainwater from entering wash bays. No outside sinks or wash area shall be permitted. Owner shall maintain service records for sewer lateral clarifier adequately demonstrating that clarifier maintained and that wastes are disposed of in accordance with current laws and regulations for hazardous waste.
42. All water generated from any dewatering system for subterranean construction shall be discharged to the sanitary sewer as required by the City of Garden Grove. The owner shall obtain a special discharge permit as required by the Orange County Sanitation District. Owner shall be responsible for sampling, testing, and discharge as required by the Orange County Sanitation District. Ground water pumped from under or around the underground parking structure shall be discharged to the sewer system. A separate "Industrial Waste Discharge" permit is required from the Orange County Sanitation District prior to the City allowing any occupancy permits or finals.

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43. Commercial food use of any type shall require the installation of an approved grease interceptor prior to obtaining a business license.
44. A properly sized grease interceptor shall be installed on the sewer lateral and maintained by the property owner. There shall be a separate sanitary waste line that will connect to the sewer lateral downstream of the grease interceptor. All other waste lines shall be drained through the grease interceptor. Grease interceptor shall be located outside of the building and accessible for routine maintenance. Owner shall maintain comprehensive grease interceptor maintenance records and shall make them available to the City of Garden Grove upon demand.
45. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations. Existing units are to be removed.
46. Owner shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 6" min. dia., extra strength VCP with wedgelock joints.
47. Contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete.

**Planning Services Division**

The following provisions of the Community Development Planning Services Division shall be met:

48. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the City's Planning Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting. Lighting in the common areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences.
49. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community Development Department for review and approval prior to Building Division Plan Check. The project shall also be subject to the following:

- a. All on-site and off-site utilities (off-site refers to the areas within public right-of-way to the center line of the streets adjacent to the subject property) within the perimeter of the site and to the centerline of the adjacent streets shall be installed or relocated underground.
  - b. Above-ground utility equipment (e.g., electrical, gas, telephone, cable TV) shall not be located in the street setbacks along Harbor Boulevard and Twintree Lane, and shall be screened to the satisfaction of the Community Development Department.
  - c. No roof-mounted mechanical equipment, including but not limited to dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
  - d. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site.
50. All landscaping shall be consistent with the landscape requirements within the development standards set forth in Planned Unit Development No. PUD-128-12. The developer shall submit a complete landscape plan governing the entire development. The landscape irrigation plans shall include type, size, location and quantity of all plant material. The landscape plan shall include irrigation plans and staking and planting specifications. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines. The landscape plan is also subject to the following:
- a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaping areas shown on the plan. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
  - b. The plan shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box, and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. These trees shall be incorporated into the landscaped frontages of all streets. Where clinging vines are considered for covering walls, drought tolerant vines shall be used.

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- c. Trees planted within ten feet (10') of any public right-of-way shall be planted in a root barrier shield. All landscaping along street frontages adjacent to driveways shall be of the low-height variety to ensure safe sight clearance.
  - d. Landscaping along Harbor Boulevard, including within the public-of-way, shall include two rows of Date Palm Trees (minimum brown trunk height of 25 feet), canopy trees (minimum 24-inch box), shrubs, and ground covers. Landscape materials shall match the landscape materials used within the project located at the southwest corner of Harbor Boulevard and Chapman Avenue unless the City adopts a landscape design for Harbor Boulevard. The Community Development Director may approve minor modifications to the foregoing standards as to height, size, and placement of the palm trees along Harbor Boulevard.
  - e. Landscaping along Twintree Lane, including within the public-of-way shall include canopy trees (minimum 24-inch box), shrubs, and ground covers. Landscape materials shall match the landscape materials used along the Harbor Boulevard, and shall be properly maintained.
  - f. Flexibility to the height of the palm trees, and their placement along Harbor Boulevard, shall be reviewed and approved by the Community Development Director.
  - g. All landscape areas, including the areas located within the public right-of-way along Harbor Boulevard and Twintree Lane, are the responsibility of the developer/operator of the hotels and restaurants.
  - h. The landscape plan shall incorporate and maintain for the life of the project those means and methods to address water run-off also identified as Low Impact Development provisions, which address water run-off. This is to also to be inclusive of any application of Water Quality Management Plans (WQMP), Drainage Area Management Plans (DAMP) and any other water conservation measures applicable to this type of development.
51. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:
- a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).



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- b. Sunday and Federal Holidays may work the same hours but subject to the restrictions as stipulated in Sections 8.47.040 to 8.47.060 of the Municipal Code.
52. The developer shall receive approval of a subdivision map (Tentative Tract Map) in order to reconfigure the project site prior to submitting construction plans to the City of Garden Grove. Said approval shall be subject to a Development Agreement.
53. The developer/owner shall prepare Covenants, Conditions, and Restrictions (CC&R's), or a similar document, for review and approval by the City Attorney's office and Community Development Department prior to the issuance of building permits, which will bind the owner(s) / operator(s) of the project site in the future. The CC&Rs shall include, without limitation, all provisions of PUD-128-12 development standards, all applicable project mitigation measures, operational and maintenance provisions for the entire site and those areas noted within the boundaries of the Project site, and other provisions applicable to the Project. The approved CC&R's shall be recorded at the same time that the subdivision map is recorded and two copies of the recorded CC&R's shall be provided to the Planning Division. The CC&R's shall include the following stipulations:
- a. Provisions for common maintenance of all the landscape areas, including landscaping and landscape lighting within the project, public right-of-way, driveways, and parking areas.
  - b. Provisions for reciprocal access and parking between properties. Parking provisions shall also include provisions for future Valet Parking.
  - c. Best Management Practices shall be incorporated to detour and/or abate any graffiti vandalism throughout the project and throughout the life of the project.
  - d. The CC&R's shall provide provisions for the tenant/property owners a means of contacting persons responsible for site maintenance, repairs, trash pick-up, and other related matters for a development of this type. This also includes ensuring tree overhangs do not block or hinder any vehicles such street sweepers, trash trucks, fire trucks, etc., from maneuvering on the streets within the project.
  - e. The above stipulations shall not be modified without the approval of the City of Garden Grove. The CC&R's shall contain a provision that indicates CC&R's may not be terminated or substantially amended without the consent of the City.



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- f. The CC&R's shall include provisions acceptable to City regarding the Association's and Owners' responsibilities for compliance with all applicable water quality laws and regulations. Such provisions shall require the Association and Owners to maintain the site and all common areas in compliance with all applicable water quality laws, regulations, and standards of the State, City, or any other applicable governmental agency, including, but not limited to, all National Pollution Discharge Elimination System (NPDES) regulations presently in effect and as amended, and the provisions of Title 6, Chapter 40 (Stormwater Quality) of the Garden Grove Municipal Code, as it may be amended from time to time. In addition, the CC&Rs shall expressly allocate responsibility to the Association or another entity to implement, and fund implementation of, the Operations and Maintenance ("O&M") Plan applicable to the Property, which was approved by the City as part of the Water Quality Management Plan ("WQMP") required for development of the Property, and to operate and maintain the Best Management Practices ("BMPs") described in the O&M Plan.
- g. Provisions substantially similar to the follow shall be included within the CC&R's:
- i. Enforcement: The City is hereby made a party to this Declaration solely for purposes of enforcing its provisions, the Performance Standards of Planned Unit Development No. PUD-128-12, and the Conditions of Approval of [*IDENTIFY APPLICABLE ENTITLEMENT*]. The City, its agents, departments and employees shall have the unrestricted right and authority, but not the obligation, to enforce the provisions of this Declaration, the Performance Standards of Planned Unit Development No. PUD-128-12, and the Conditions of Approval of [*IDENTIFY APPLICABLE ENTITLEMENT*]. The City, its agents, departments and employees may further refuse to issue any building, electrical or plumbing permit that may be in violation of this Declaration or the Performance Standards and other provisions of Planned Unit Development No. PUD-128-12; however, the City shall not be liable for failing or refusing to enforce the provisions of this Declaration, the Performance Standards of Planned Unit Development No. PUD-128-12, or the Conditions of Approval of [*IDENTIFY APPLICABLE ENTITLEMENT*]. In the enforcement of this Declaration, the City shall not be limited to the procedures or processes described herein and may use any remedy provided under law or equity, including the City' Municipal Code. The alternative dispute resolution procedures set forth in [*SPECIFY APPLICABLE*

*ARTICLE OR SECTION] of this Declaration shall not apply to the City.*

- ii. Assessments: The City may levy special assessments against the properties in connection with its actions to enforce the provisions of this Declaration, the Performance Standards of Planned Unit Development No. PUD-128-12, and/or the Conditions of Approval of [IDENTIFY APPLICABLE ENTITLEMENT],, or to abate the violation thereof. The City shall have the same power as the Association to levy special assessments pursuant to the provisions of [SECTION] of this Declaration in the event that it incurs expenses in the enforcement of the provisions of this Declaration, the Performance Standards of Planned Unit Development No. PUD-128-12, and/or the Conditions of Approval of [IDENTIFY APPLICABLE ENTITLEMENT]. Notice of intention to make such assessment shall be mailed by the City to the Owner of each affected [LOT/UNIT] affording the Owner thirty (30) days' notice to satisfy or reimburse the City's expenditure. In the event of the failure of any Owner of any affected [LOT/UNIT] to reimburse the City within thirty (30) days, notice of such assessment shall be mailed by the City to said Owner, and said assessment shall thereafter be due as a separate debt to the City within thirty (30) days following the mailing of such notice. Any such delinquent assessment may be and may become a lien upon the interest of the defaulting Owner in the Lot upon the execution by the City and the recording in the Orange County Recorder's office of a notice of delinquent assessment under the same conditions that the Association could record the same pursuant to the provisions of [SECTION]. The City may foreclose on such notice of delinquent assessment in the same manner and with the same power as the Association could foreclose on such notice pursuant to the provisions of [SECTION]. It is the intent of Declarant, which intent shall be binding upon all of Declarant's successors in interest in the Properties, that the City shall be deemed an interest holder pursuant to the provisions of these Declarations in order to enforce the rights which have been given to the City generally in these Declarations and specifically pursuant to this Section.
- iii. Attorney Fees: The City shall be entitled to recover its attorney's fees incurred in connection with its actions to enforce the provisions of this Declaration, the Performance Standards of Planned Unit Development No. PUD-128-12, and/or the

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Conditions of Approval of [IDENTIFY APPLICABLE ENTITLEMENT], or to abate the violation thereof.

- iv. Public Safety Access: The Police and Fire Department personnel may enter upon any part of the common area for the purpose of enforcing State and Local laws.

54. The developer shall comply with all provisions of the Community Development Department including, but not limited to, the following:

- a. The facades of the hotels and freestanding pad buildings shall be designed with sound attenuation features including the use of dual pane windows and limiting, when possible, the use of windows and vents. These features shall be approved by the Community Development Department prior to the issuance of building permits.
- b. Prior to the finalization of working drawings for Planning Division, Engineering Division, and Building Division Plan Check, the developer shall submit to the Community Development Department detailed and dimensioned plot plans, floor plans, exterior elevations, and landscape plans which reflect the above conditions of approval. The plans shall indicate cross sections of all streets within the development, landscape materials, wall materials, and building materials proposed for the project. Each unit shall have phone jacks and cable-TV outlets in all hotel rooms. Mechanical equipment, including air conditioning units, pool equipment, sump pump, etc., shall not be located closer than five feet of any side or rear property line and shall not be located in the front landscape setback. Air conditioning units and all other mechanical shall be completely screened from public view from the street and/or common open space area.
- c. Should the developer elect to build the project in more than one phase, then a phasing plan shall be submitted to the Community Development Department prior to issuance of building permits. The phasing plan shall include, but not limited to, a site plan showing the phasing areas, protection of finished units, and protection for related safety issues concerning pedestrians and non-construction vehicles. The perimeter improvements including landscaping, walls, street improvements, and underground utilities, shall be completed in the first phase. The phasing plan shall be approved by the Community Development, Fire, and Public Works Departments prior to issuance of building permits.
- d. If at any time after the construction of the hotels, the City receives complaints about the light and glare reflected by the hotel's windows,

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the developer/operator shall remedy the situation to the satisfaction of the Community Development Department.

55. Any new or required block walls and/or retaining wall(s) shall be shown on the grading plans. Block walls shall be developed to City Standards or designed by a Registered Engineer and shall be measured from on-site finished grade. The applicant shall provide the following:
- a. All block walls constructed on the project site shall be of slump stone or split-face block with decorative caps, subject to Community Development Department's approval, shall maintain a maximum height of 8-feet as measured from the property's finished grade.
  - b. An eight-foot high block wall shall be constructed along the eastern property line, adjacent to the residential properties. Said block wall shall maintain a 15-foot setback from the Twintree Lane property line, and any wall constructed within this 15-foot area shall maintain a maximum height of three-feet.
  - c. Any new block walls constructed along the Twintree Lane property line (southern property line) shall maintain a five-foot setback from the property line. The setback to the block wall may be reduced to three-feet if additional two-feet of right-of-way landscape area is available adjacent to the property line.
  - d. Any walls constructed along the Harbor Boulevard property line shall observe a setback of 21-feet from the face of curb. At no time shall a wall be placed within nine-feet from the property line.
  - e. If, at any time, the project's perimeter block wall extends toward Choisser Road, the wall shall maintain a minimum setback of 15 feet from the property line. The 15-foot setback area shall be properly landscaped and irrigated per the landscaping requirements of the project.
  - f. The developer shall work with adjacent property owners in designing and constructing the required perimeter block wall to avoid having double walls, and to minimize any impact that it might cause to the existing landscaping on the neighbor's side as much as possible. The perimeter block wall shall be constructed and situated entirely within the subject property. In the event that the applicant cannot obtain approval from the property owners, the applicant shall construct the new wall with a decorative cap to be placed between the new and existing walls. In the event the location of a new wall adjacent to an

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existing wall or fence has the potential to affect the landscape planter, then the Developer shall work with City Staff to address this situation.

- g. The Community Development Director may authorize minor modifications to the required wall heights and setbacks set forth above as authorized pursuant to the Ordinance approving Planned Unit Development No. PUD-128-12. Notwithstanding the foregoing, with exception of the block wall on the easterly property line shall comply with all standards required as by mitigation measures pursuant to the mitigated negative declaration and identified in the mitigation monitoring program.
56. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, the use of solar or low-emission water heaters, use low-sodium parking lot lights, and ensure compliance with Title 24.
57. Building color and material samples shall be submitted to the Planning Division for review and approval prior to issuance of building permits. All buildings shall incorporate decorative design features, architectural enhancements, and other design elements that are designed to the satisfaction of the Community Development Department.
58. The parking structures shall be designed to be architecturally compatible with on-site buildings, utilizing similar design features, details, and materials. All sides of a parking structure that are in view from adjacent properties and public-rights-of-way shall be architecturally enhanced. Parking structures shall be well illuminated, including having the interior of the parking garage painted a light color, and designed to meet City parking standards for aisle width, stall sizes, and height clearances. The design of the parking structure stair well shall architecturally match the design of the parking structure, and shall be designed to reduce visibility to the adjacent residential properties. The interior driving surfaces of the parking structure shall be treated in a manner to prevent tire screeching.
59. The driveways on Harbor Boulevard and Twintree Lane shall have enhanced concrete treatment. All details of the decorative entry shall be submitted on the required landscape plans for review and approval of the Community Development Department.

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60. The service and sale of alcoholic beverages shall be subject to approval of a Conditional Use Permit. Also, Site Plan approval shall be required for each pad building.
61. Refuse storage and collection areas shall be provided and subject to both Garden Grove Sanitation District (GGSD), and GGSD contracted solid waste handler/hauler approval, and be subject to applicable building and fire codes.
62. The refuse storage areas shall be properly maintained. The refuse storage enclosure doors shall be kept closed and secured, except during trash disposal or pickup. Trash pickups and automated parking lot cleaning/sweeping, shall occur between the hours of 8:00 a.m. and 6:00 p.m. Trash pickups shall occur a minimum of three (3) trash pickups per week.
63. No satellite dish antennas shall be installed on said premises unless and until plans have been submitted to and approved by the Community Development Department, Planning Division, which may require proper screening to hide such appurtenances from public view.
64. The service doors of all buildings shall be kept closed at all times during hours of operation except in case of emergency or to permit deliveries. Panic hardware on doors shall comply with all City Code requirements.
65. The developer/owner shall submit signed letters acknowledging receipt of the decision for General Plan Amendment No. GPA-2-12(B) and Planned Development No. PUD-128-12, and their agreement with all conditions of approval.
66. Litter shall be removed daily from the project site including adjacent public sidewalks and all parking areas under the control of the developers. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
67. Graffiti shall be removed from the project site and all parking lots under the control of the developer within 120 hours of application/notification.
68. For all buildings in which alcoholic beverages will be served, a prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The size, format, form, placement, and languages of the sign shall be determined by the Department of Alcoholic Beverage Control.
69. The operation of the hotels and restaurants shall comply with the standards of Planned Unit Development No. PUD-128-12, and the mitigation measures outlined within the Mitigated Negative Declaration adopted for this project.

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This includes complying with all provisions of Alcoholic Beverage Control Act.

In addition, this provision also governs the conference rooms, meeting rooms, restaurants, and the indoor/outdoor areas. In regards to specific activities within the meeting rooms, and recreation areas, regardless of the type of event conducted, no event or activity shall at any time be or become a nuisance, disturbance or, or cause complaints for hotel guests or occupants of the surrounding area/properties, or in any way, endanger the public health, safety, or welfare.

70. In the event any legal action or proceeding is filed against the City of Garden Grove and/or applicant or its successors or assigns, seeking to attack, set aside, void or annul any approval or condition of approval of the City of Garden Grove concerning the Project, including, but not limited to, the Mitigated Negative Declaration, General Plan Amendment No. GPA-2-12(B), Planned Unit Development No. PUD-128-12, any applicable Conditional Use Permit approved by the City, or any Development Agreement approved by the City defend (with legal counsel mutually selected by the applicant and the office of the City Attorney), indemnify, and hold harmless the City, its officers, agents, and employees from and against any such legal action or proceeding.

**Fire Department**

The following provisions of the Garden Grove Fire Department and the California Fire Code shall be met:

71. Buildings shall be required to meet current High-Rise Standards, including, but it not limited to, the following:
- a. Including Fire Command Center (FCC).
  - b. Fire pumps, NFPA 20.
  - c. Installation of water tank as a secondary water source.
  - d. Fire Department standpipes shall be in vestibules and not stairwells.
  - e. Fire Department connections will be within 50-feet of a City Hydrant.
  - f. Knox-Box key systems shall be installed at the Fire Control Rooms and emergency gates and where deemed necessary. Hinged recessed mount to structure style required.
  - g. Life safety alarms per NFPA 72.



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- h. Smoke control systems.
- 72. All buildings shall be required to meet all adopted local changes to the California Building Code (CBC) and California Fire Code (CFC) in the municipal Code, Chapters 12 and 32.
- 73. All vehicle access shall meet the standards provided for in the CFC for widths, turning radius, and hammerhead turnarounds. The fire access area shall be paved. Any fencing that crosses the subject fire emergency access shall be provided with a Knox override system. An emergency access plan shall be submitted to the Fire Department for review and approval prior to installation of the fire access.
- 74. A Bi-Directional Amplifier (BDA) system for emergency radios shall be installed for use in all areas not meeting radio coverage requirements, CFC Section 510.
- 75. Water supply and hydrants shall be installed before the start of construction.
- 76. All interior decorations shall meet the State Fire marshal flame retardant test.
- 77. The development shall meet the City's hazardous materials disclosure plan for any storage or use of hazardous materials.
- 78. The development is subject to a third party inspector, at the owner's expense to certify the alarm systems, sprinkler systems, and smoke removal systems.
- 79. All plans submitted are subject to review and corrections, as needed per CBC and CFC conditions.
- 80. Fire hydrants shall be provided on-site. The fire hydrants shall be on a loop system approved by the Fire Department and on their own water line. The fire hydrants shall be within 50'-0" of the Fire Department connection (FDC). All sprinklers shall be on their own dedicated lines. The fire hydrants shall be installed and fully operational prior to any combustible material being delivered to the site. Prior to and during construction, a temporary roadway shall be constructed and maintained to the satisfaction of the Fire Department for access to each of these fire hydrants. The Fire lanes serving the site shall be constructed to support the weight load of Fire truck(s) per Fire Department requirements.
- 81. All Fire related aspects of the proposed project shall comply with California Fire Codes and the California Building Codes 2010 Edition.



Planned Unit Development No. PUD-128-12  
Performance Standards

82. An all-weather fire access road shall be in place before combustible materials are placed on-site. Required water supply for fire protection shall be in place before building with combustible materials commences.
83. All buildings shall be sprinklered according to NFPA 13 standards and shall have fire alarms according to NPA 72 under the current year adopted by the Garden Grove Fire Department.
84. All Fire Department connections shall have a 3'-0" clearance and shall be clear of all obstructions and vegetation.

1 2 3 4 5

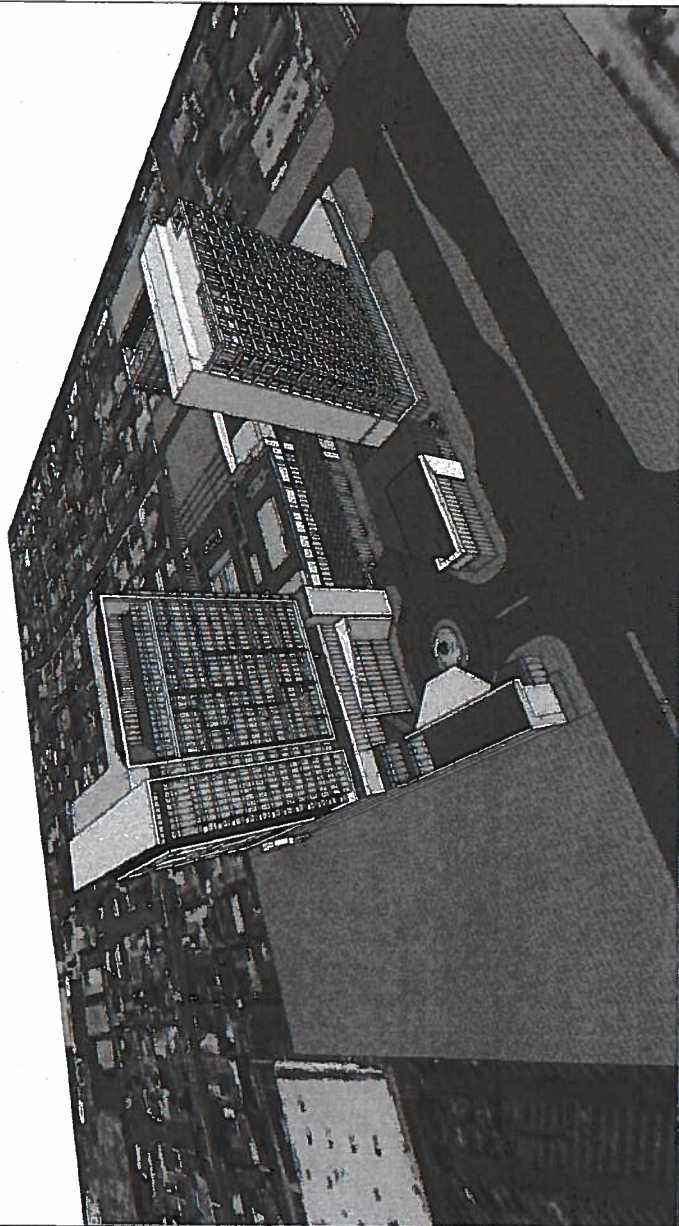
A

B

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D

E

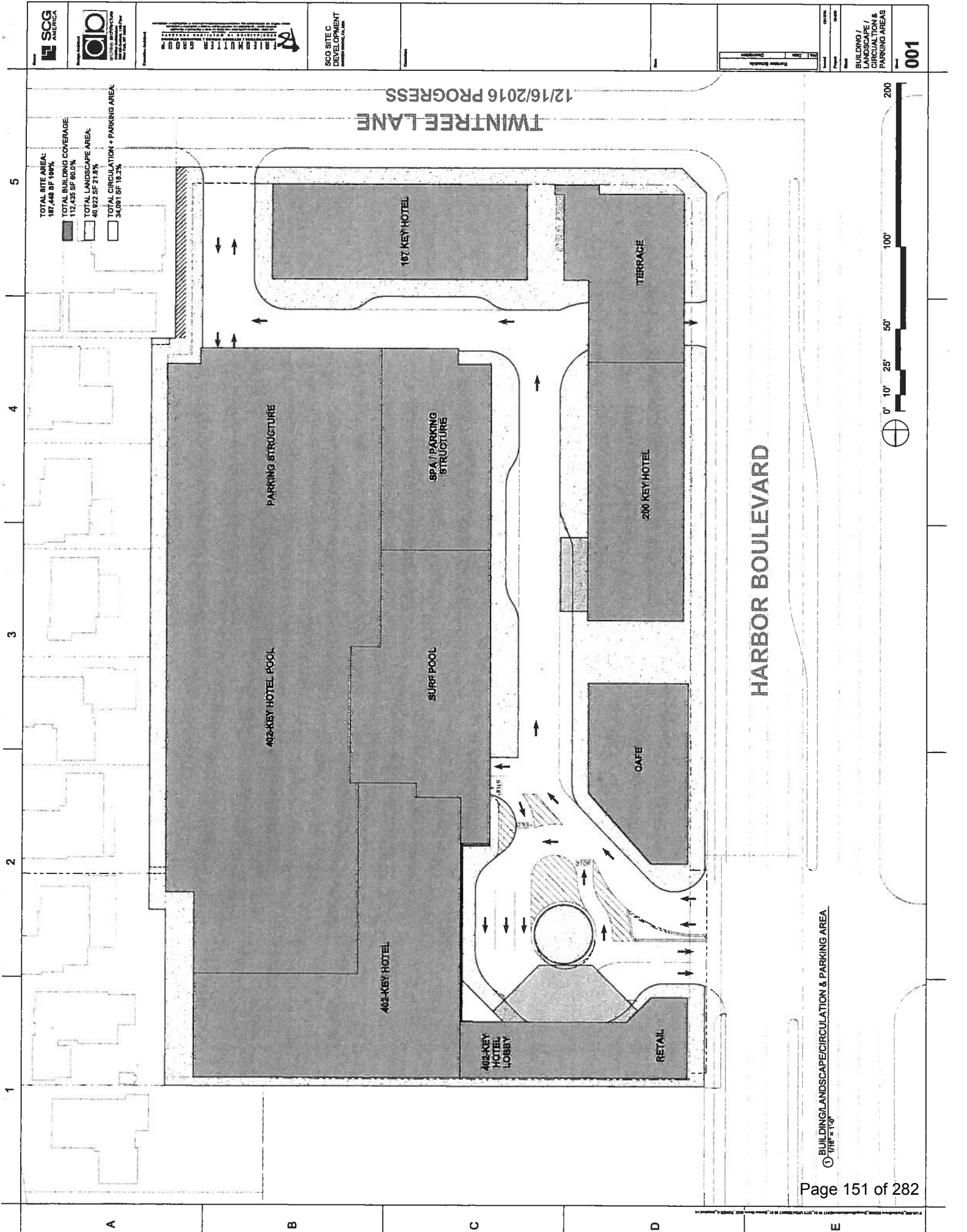


**PROJECT SUMMARY**  
PROJECT SITE: 4.3 Acres (187,448 SF)  
**PROGRAM**  
TOTAL HOTEL ROOMS: 769 KEYS  
LUXURY HOTEL  
200-KEY HOTEL  
167-KEY HOTEL  
**MAXIMUM BUILDING HEIGHTS:**  
LUXURY HOTEL: 240'-0"  
200-KEY HOTEL: 200'-0"  
167-KEY HOTEL: 158'-0" (WEST SIDE), 130'-0" (EAST SIDE)  
PARKING STRUCTURE: 85'-0" (WEST SIDE), 75'-0" (EAST SIDE)  
200-KEY HOTEL SPA/PARKING STRUCTURE: 75'-0" (WEST SIDE)  
LUXURY CAFE: 40'-0"  
**PROGRAM FLOOR AREA**  
BALLROOM/MEETING SPACE: 41,383 SF  
LUXURY HOTEL CAFE: 10,143 SF  
OTHER RETAIL: 36,058 SF  
**PARKING SPACES PROVIDED: 1,297 STALLS**  
**ACREAGE**  
SITE AREA: 187,448 SF 100% (4.3 Acres)  
**BUILDING COVERAGE:**  
112,435 SF 80.0% (2.58 Acres)  
**LANDSCAPE AREA:**  
40,922 SF 21.8% (0.94 Acres)  
**CIRCULATION/PARKING AREA:**  
34,091 SF 18.2% (0.78 Acres)

2/16/2016 PROGRESS

EXHIBIT D

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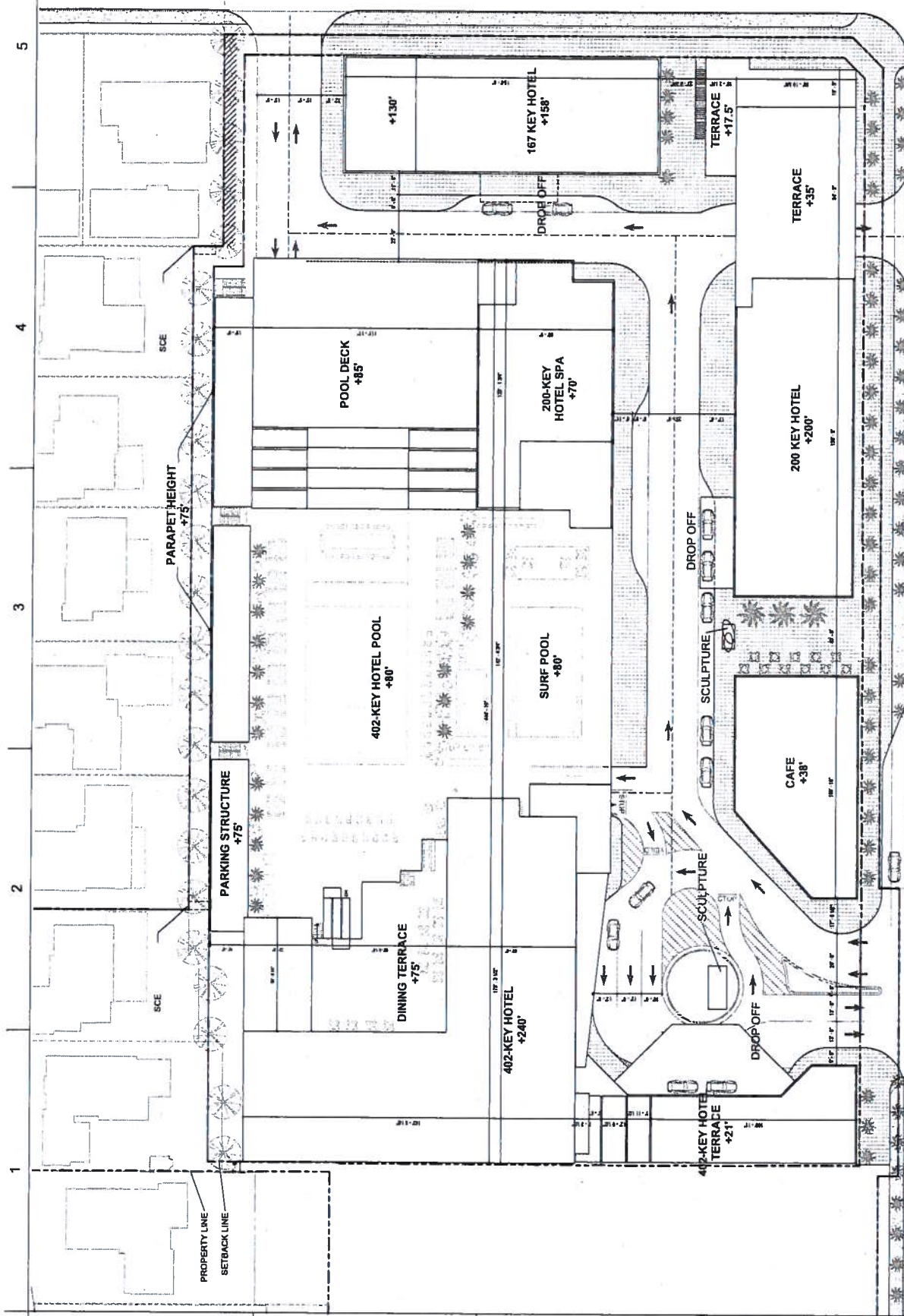




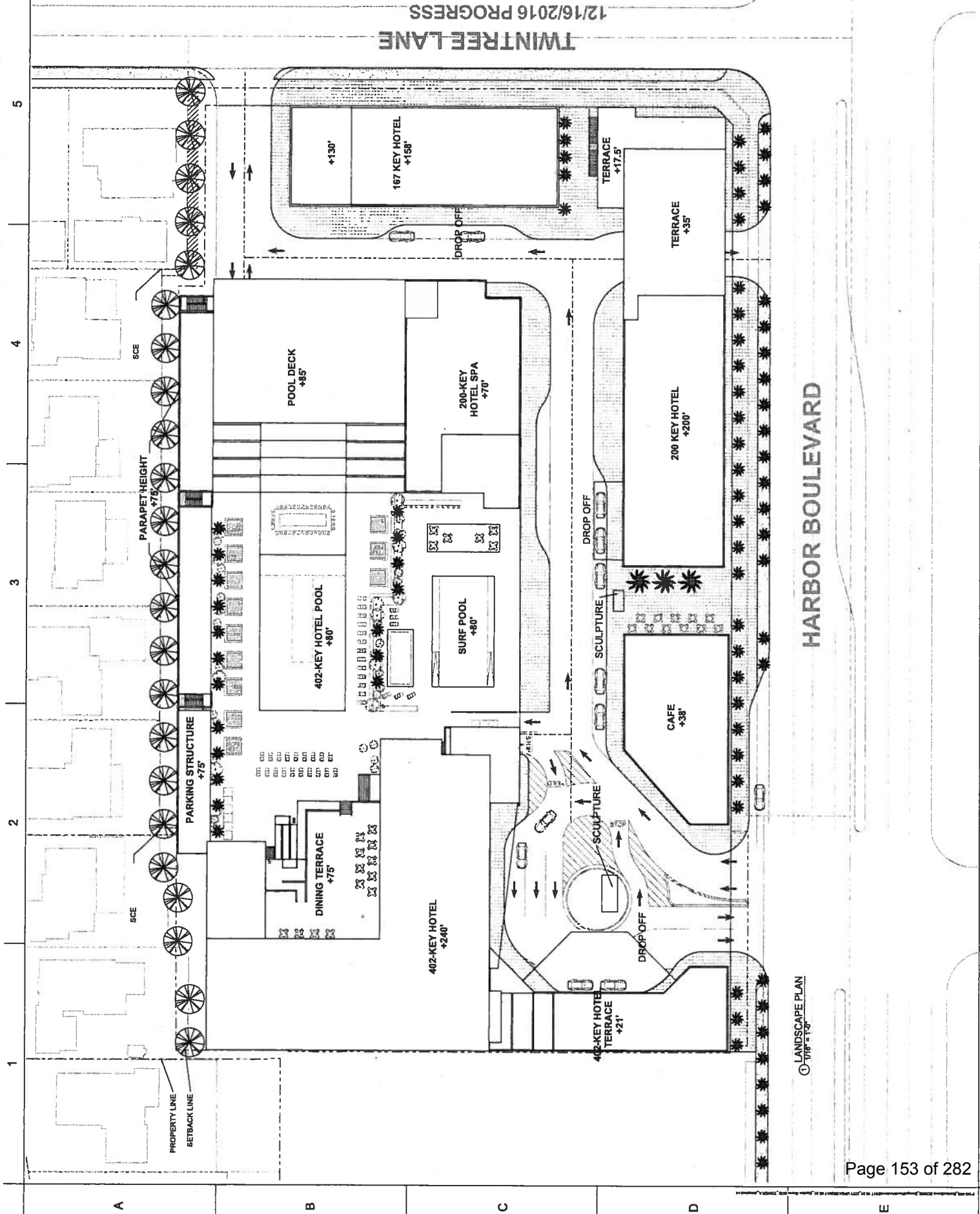
12/16/2016 PROGRESS

TWINTREE LANE

HARBOR BOULEVARD



① SITE PLAN  
1/16" = 1'-0"







A

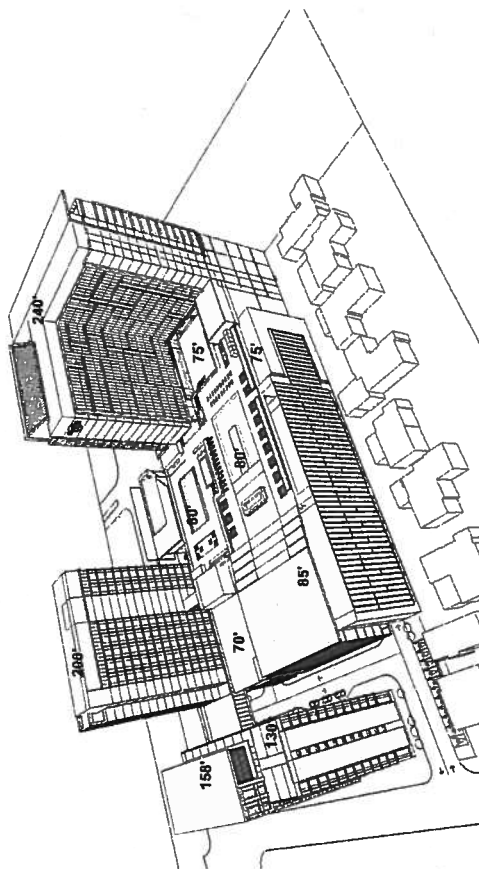
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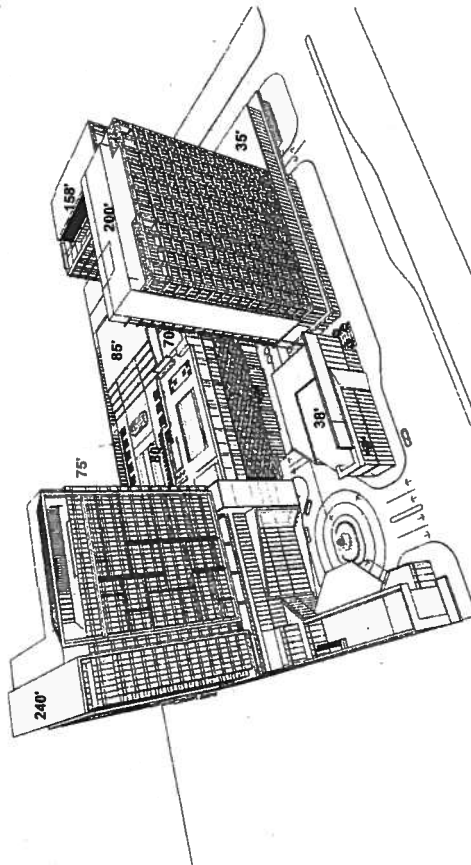
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1 2 3 4 5



VIEW FROM TWIN TREE LANE

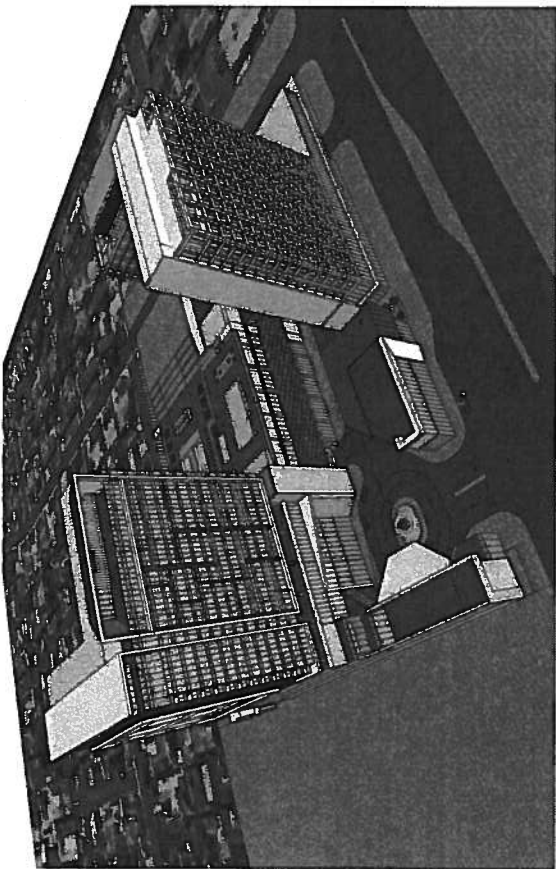


VIEW FROM HARBOR BOULEVARD

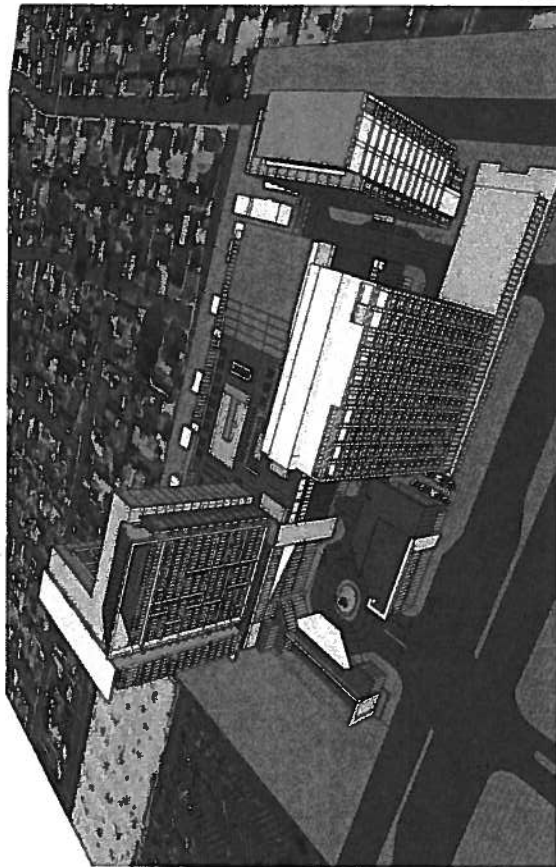
**MAXIMUM BUILDING HEIGHTS:**  
402-KEY HOTEL: 240'-0" - MAX 263' ALLOWED PER ENTITLEMENT  
200-KEY HOTEL: 200'-0"  
167-KEY HOTEL: 158'-0" (WEST SIDE), 130'-0" (EAST SIDE)  
POOL DECK/PARKING STRUCTURE: 85'-0" (WEST SIDE), 75'-0" (EAST SIDE)  
200-KEY HOTEL SPARKING STRUCTURE: 85'-0" (WEST SIDE)  
CAFE: 40'-0"



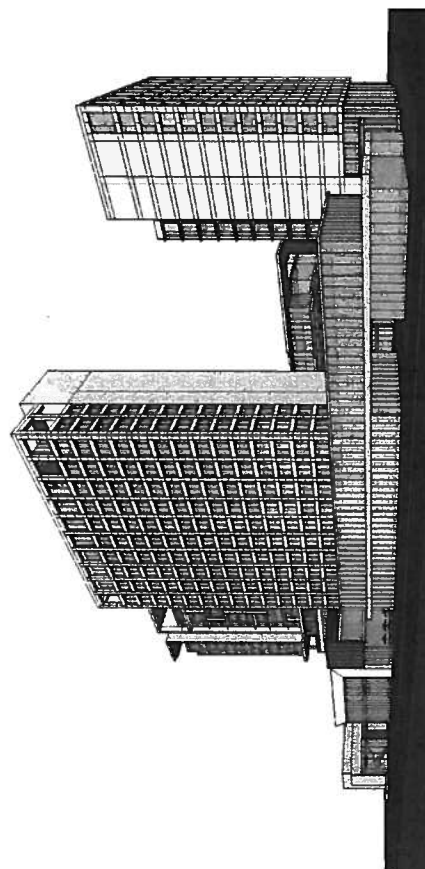
1 2 3 4 5



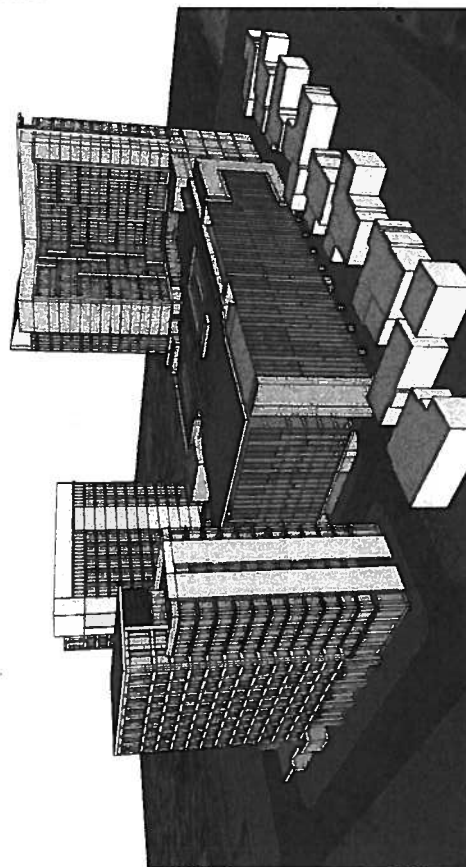
VIEW FROM HARBOR BOULEVARD (NORTH)



VIEW FROM HARBOR BOULEVARD (SOUTH)

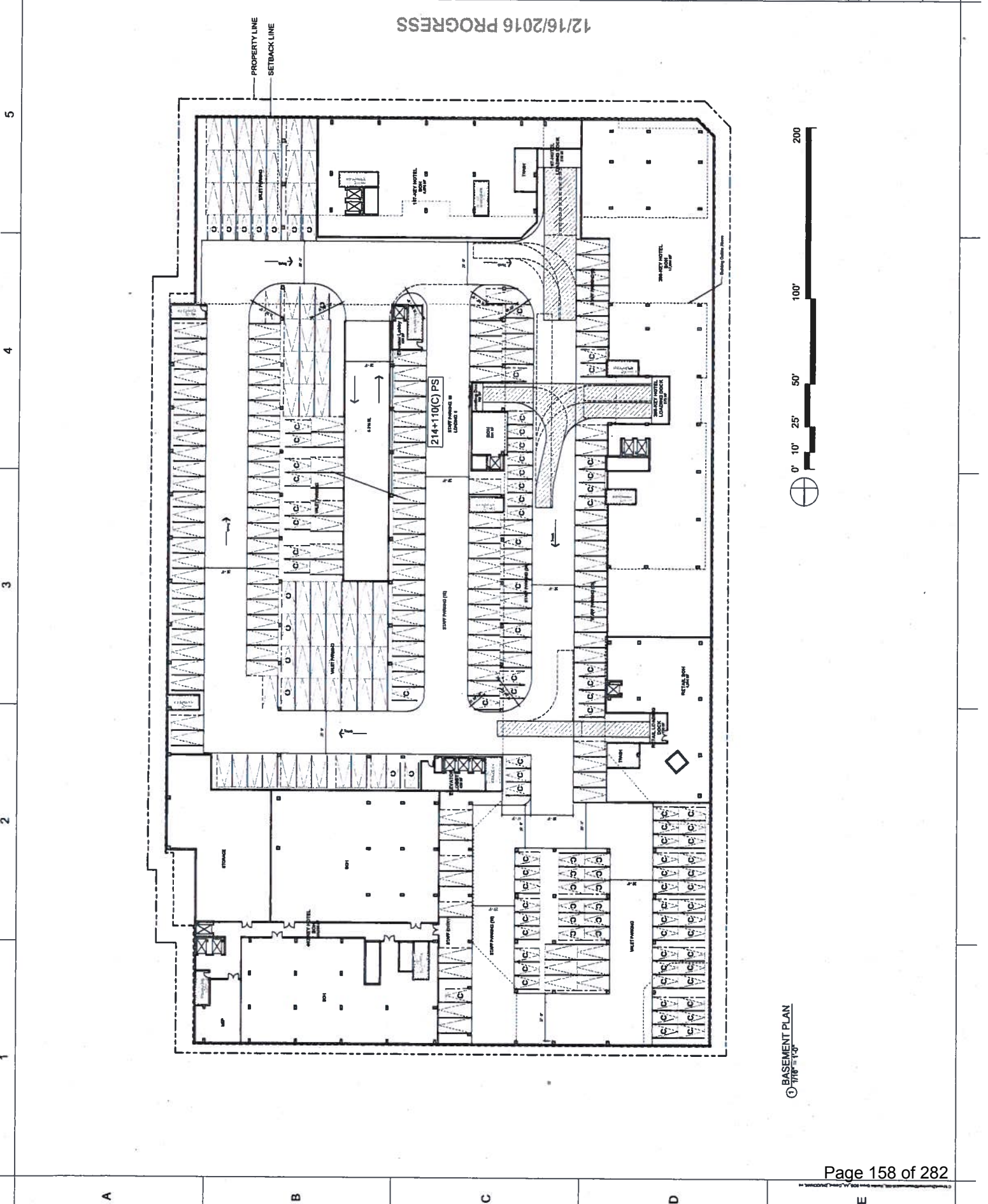


VIEW FROM HARBOR BOULEVARD  
(SOUTH, STREET VIEW)



VIEW FROM TWINTREE LANE (BACK)

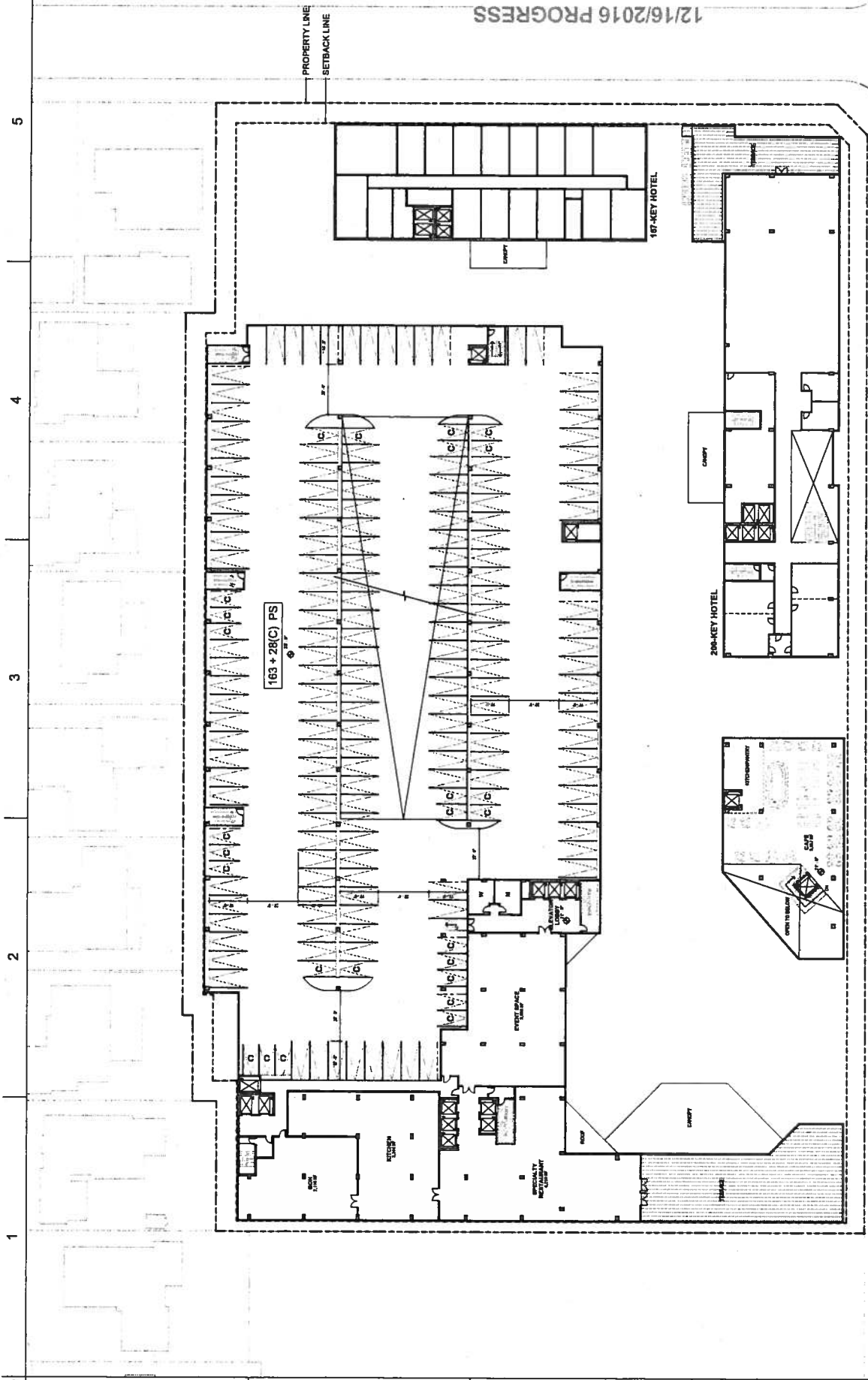
12/16/2016 PROGRESS













SCG SITE C  
SCG SITE C  
SCG AMERICA

Project:  
Location:  
Date:

Revision Schedule  
Rev. No. Date Description  
1 12/16/2016

Project:  
Location:  
Date:

014

12/16/2016 PROGRESS

PROPERTY LINE  
SETBACK LINE

187-KEY HOTEL

163+28(C) PS

200-KEY HOTEL

CLASH ROOM

ELEVATION

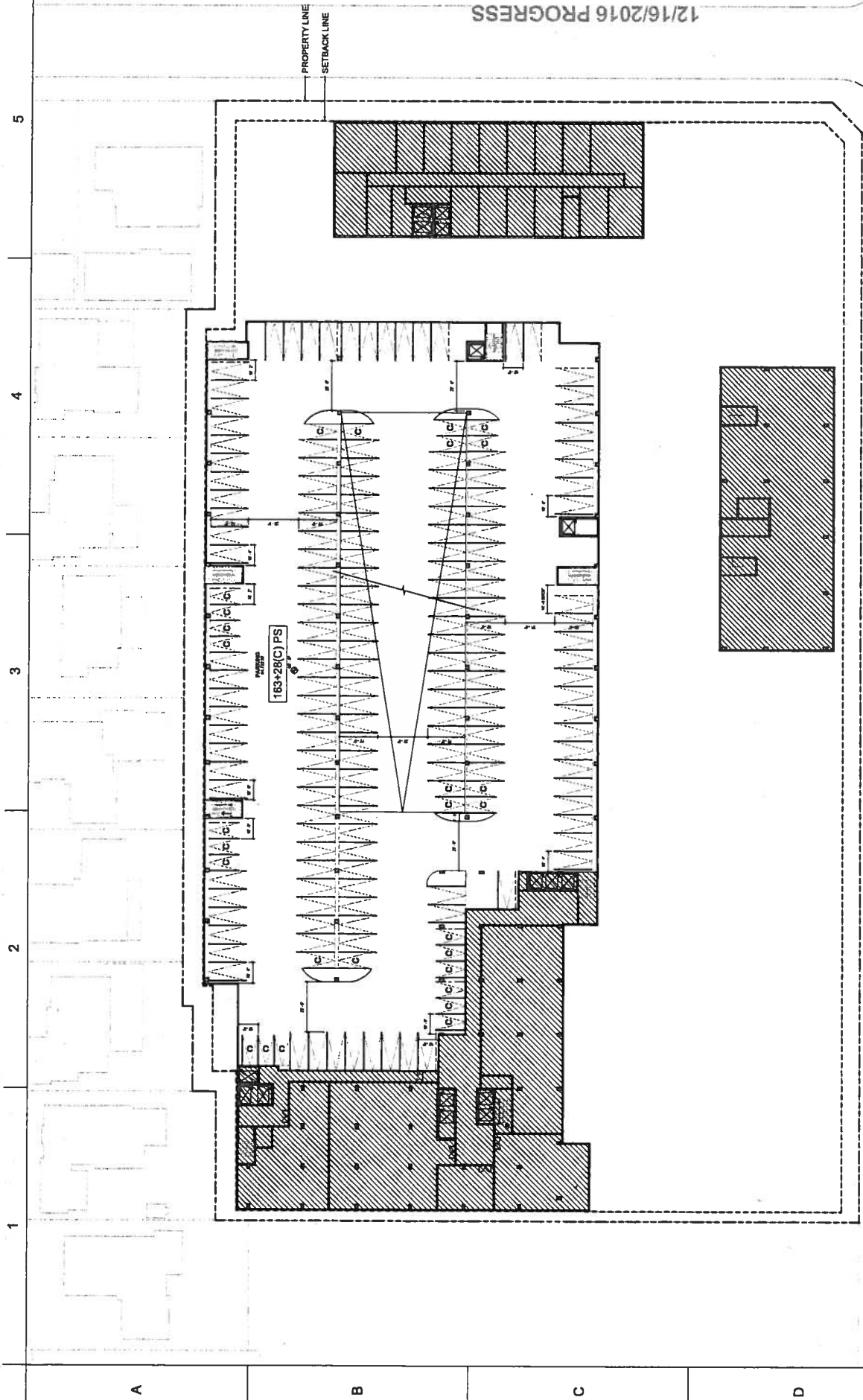
ROOF CLASH

ROOF BELOW

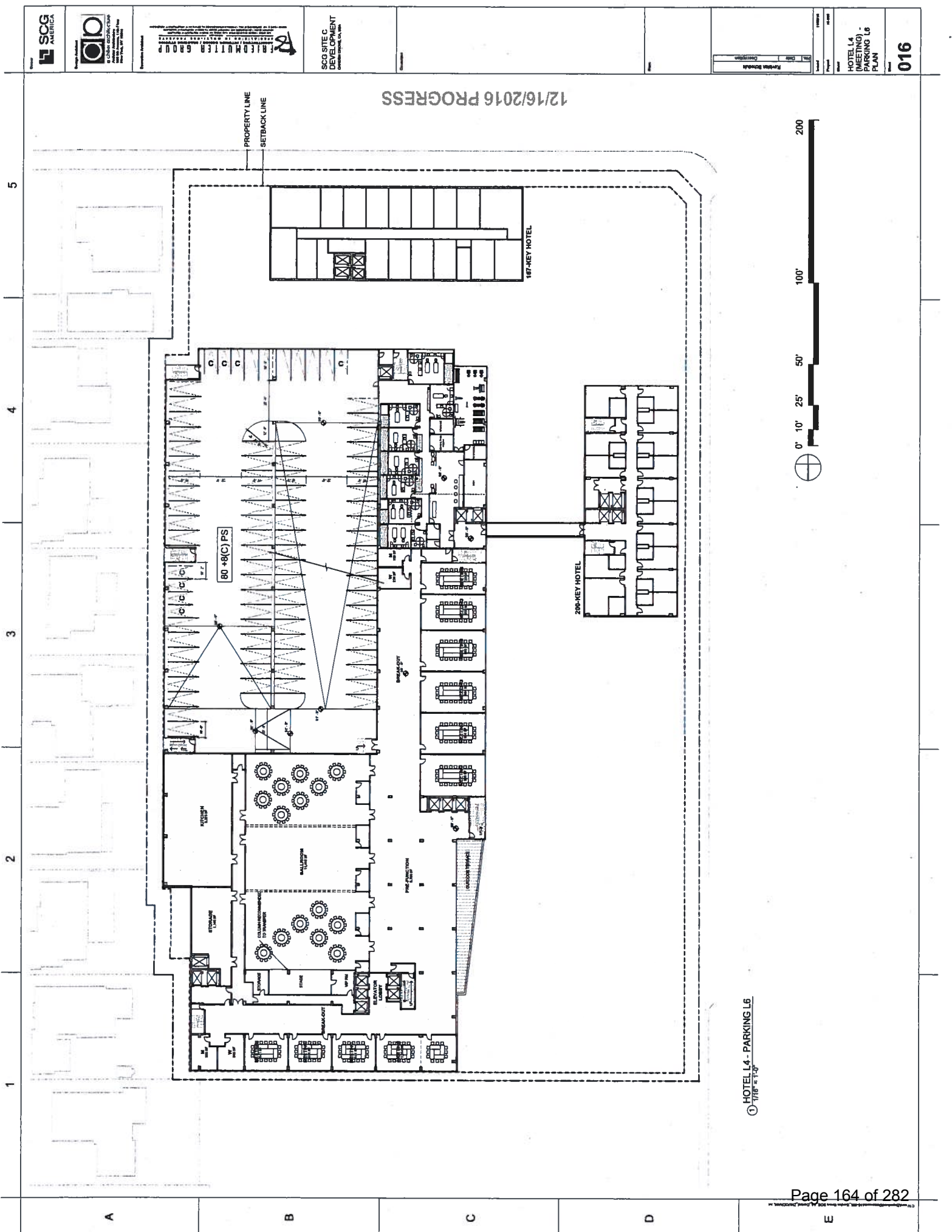


① HOTEL L3 - PARKING L4  
1/16" = 1'-0"





① PARKING L5 PLAN  
1/16" = 1'-0"



① HOTEL L4 - PARKING L6  
1/18/16



12/16/2016 PROGRESS

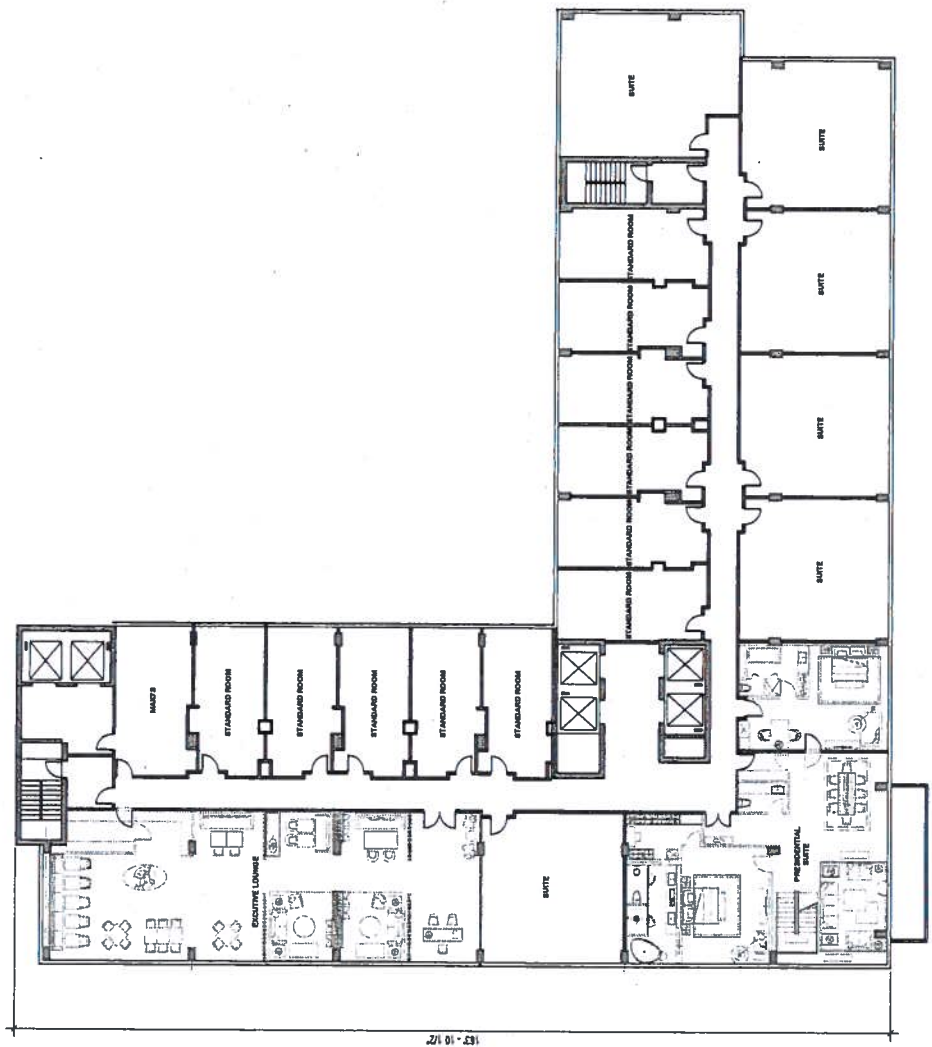








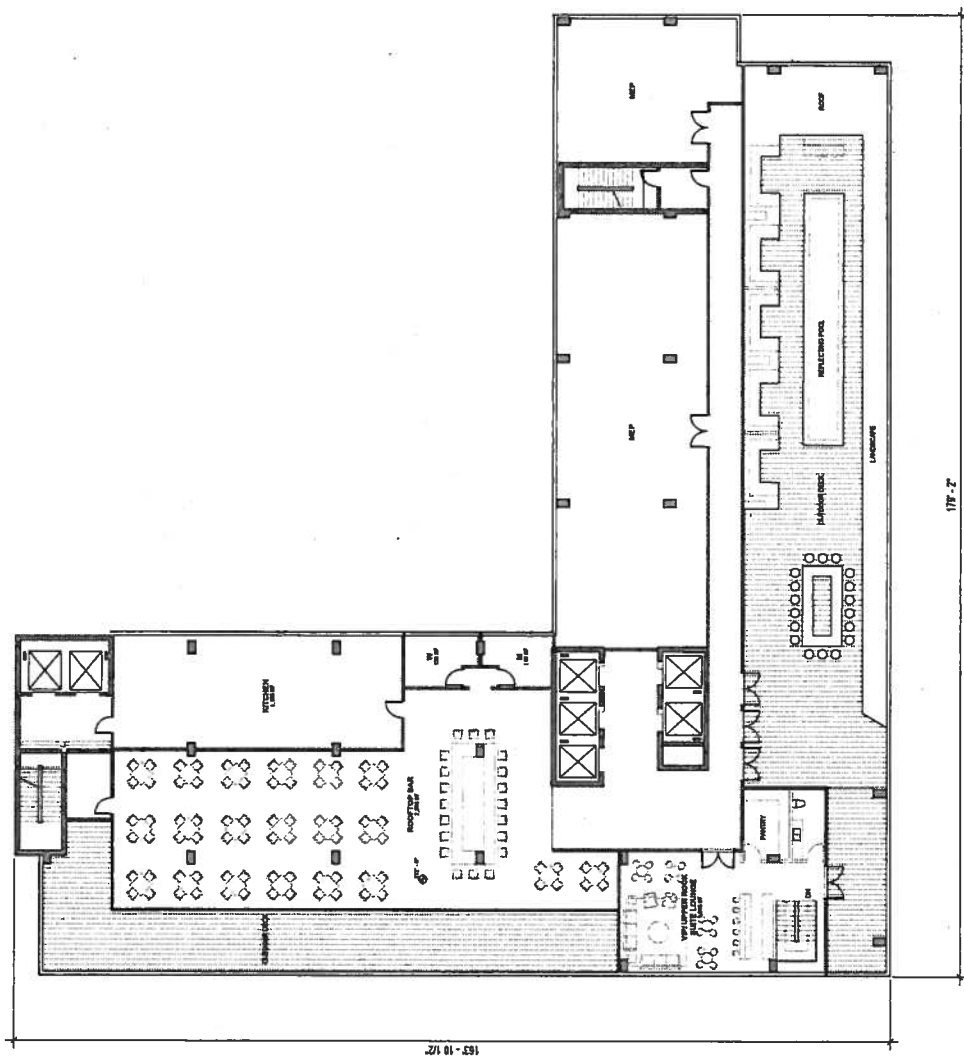
12/16/2016 PROGRESS



**402-KEY HOTEL EXECUTIVE FLOOR KEY COUNTS:**  
STANDARD ROOM: 11 KEYS  
SUITES: 7 KEYS



①  $\frac{1}{8"} \approx 1'-0"$



① 402-KEY HOTEL L19 PLAN (ROOFTOP BAR)



50.

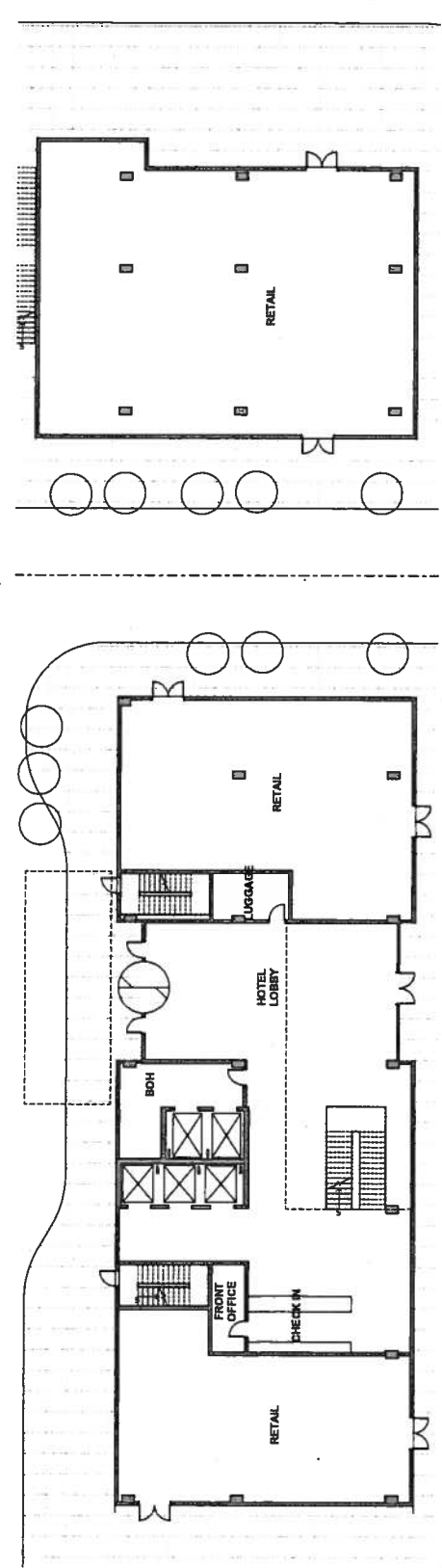
25'

3.6

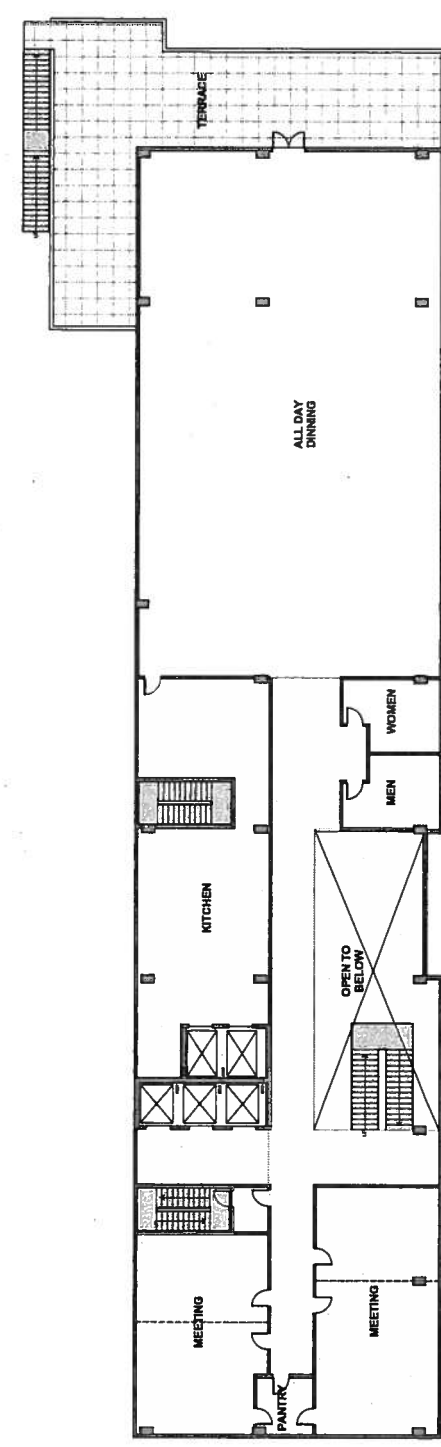
E

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① HOTEL B L1  
1/8" = 1'-0"



② HOTEL B L2  
1/8" = 1'-0"







1 2 3 4 5

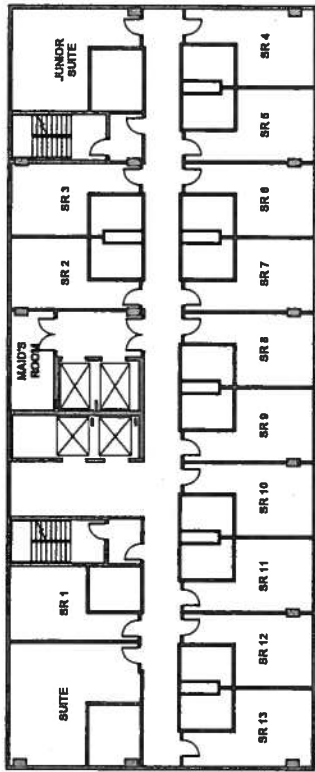
A

B

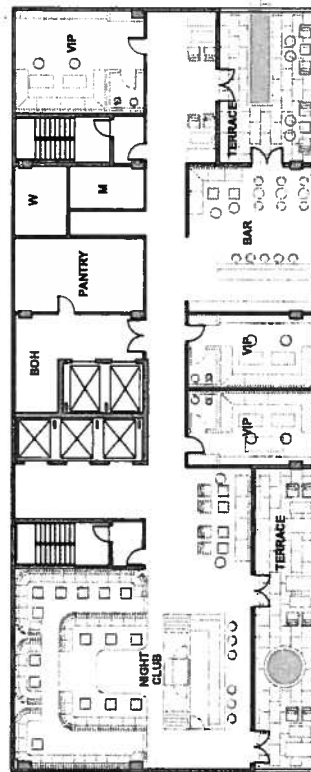
C

D

E



② HOTEL B TYPICAL FLOOR PLAN  
1/8" = 1'-0"



① HOTEL B L17 PLAN  
1/8" = 1'-0"



12/16/2016 PROGRESS

		<p>SCG SITE C DEVELOPMENT HAWAII, HAWAII, CA, USA</p>				<p>Project: SCG SITE C DEVELOPMENT Client: SCG America Date: 12/16/2016</p>	<p>Project: SCG SITE C DEVELOPMENT Client: SCG America Date: 12/16/2016</p>	<p>025</p>
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FOR COMMERCIAL LOTS, INDIVIDUAL LOTS, HOTEL AND CONDOMINIUM PURPOSES  
IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA

ADDRESS: NORTHEAST CORNER OF HARBOR BLVD AND THIRTYTHREE LN  
GROSS AREA: 5.76 ACRES  
NET AREA: 3.11 ACRES

WATER: CITY OF CARSON GROVE WATER DIVISION (714) 741-3335  
SEWER: CITY OF CARSON GROVE SEWER SERVICES (714) 741-3385  
GAS: SOUTHERN CALIFORNIA GAS COMPANY (714) 834-3053  
ELECTRIC: SOUTHERN CALIFORNIA Edison COMPANY (714) 953-5448  
TELEPHONE: PACIFIC BELL (714) 868-3440  
CABLE TV: THE WARNER COMMUNICATIONS (714) 903-6307

**CURRENT JOURNAL USE**

1. THE PROJECT CONTAINS FIFTEEN (15) EXISTING GARAGES AS SHOWN HEREON.
2. THE PROPOSED SIDE HAS A TOTAL OF TWO (2) COMMERCIAL USE LOTS AND FOUR (4) RESIDENTIAL USE LOTS.
3. THIS IS A MAP OF A COMMERCIAL PROJECT, AS DEFINED IN SECTION 4125 OF THE CALIFORNIA CIVIL CODE. FOR UP TO TWENTY (20) LOTS, THE PROJECT MAY BE SUBMITTED AS A MAP OF A RESIDENTIAL PROJECT.
4. HARBOR GOVERNMENT, TWENTY LANE AND CHERRY ROAD ARE PUBLIC STREETS.
5. EXISTING DRIVEWAYS SHALL BE SET AS FOLLOWS UNLESS OTHERWISE NOTED.
6. BUILDING SETBACKS SHALL BE SET AS FOLLOWS UNLESS OTHERWISE NOTED.
- 7.

TWENTYTHREE LN - 5 FT  
 REAR YARD - 10 FT

8. AVERAGE SLOPE OF BOTH FEASIBLE ACCESS ROUTE AND FEASIBLE BUILDING SIDE DOES NOT EXCEED TEN PERCENT (10%).
9. THE PROJECT SHALL BE IN COMPLIANCE WITH APPENDIX 33 OF THE UNIFORM BUILDING CODE (CURRENT EDITION).
10. THIS PROJECT IS PLANNED FOR TWO (2) PHASES OF CONSTRUCTION.
11. THE TENTATIVE TRACT MAP (TM) INCLUDES THE ENTIRE CONTIGUOUS OWNERSHIP OF THE LAND (EXCLUDES LOTS 3-8).

ENCO ENGINEERING, INC.  
3842 VON KARMAN AVE. STE 150

D.: (949) 753-8111  
 CONTACT: JOSEPH LITVINOFF, P.E.

THE BEARINGS SHOWN HEREON ARE BASED ON THE GRID BEARING "N00°30'15"E" BETWEEN O.C.S. HORIZONTAL CONTROL STATION OPS NO. 2714 AND OPS NO. 3073 PER RECORDS ON FILE IN THE OFFICE OF THE ORANGE COUNTY SURVEYOR.

FRANCE COUNTY BENCHMARK: BM NO. 1F-101-02

DESIGNED BY D.L.C. 2002-YOUNG 3" N.C.S. ALUMINUM BENCHMARK POST STAMPED "11-181-187", SET IN THE SOUTHEASTLY CORNER OF A 10 FT CONCRETE CATCH BASIN. MONUMENT IS LOCATED IN THE NORTHEASTLY CORNER OF THE INTERSECTION OF LAMPSON AVE AND 18TH AVE. THE MONUMENT IS LOCATED AT THE CENTER OF THE CURBLINE OF HARBOR BOULEVARD AND 25 FT NORTHERLY OF THE CENTERLINE OF LAMPSON AVENUE. MONUMENT IS SET LEVEL WITH THE SURFACE.

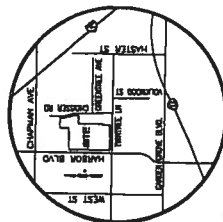
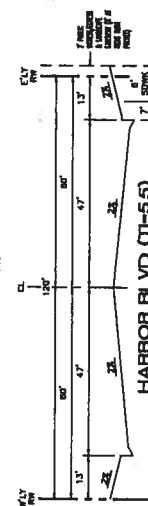
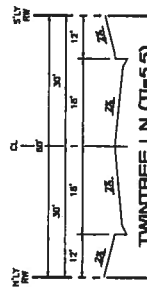
ENCLINCH 111.1807 (NAD 83) YEAR ENDED 2010

**SHEET 1 - TITLE SHEET (UNDERLYING ORIGINAL LOTS)**

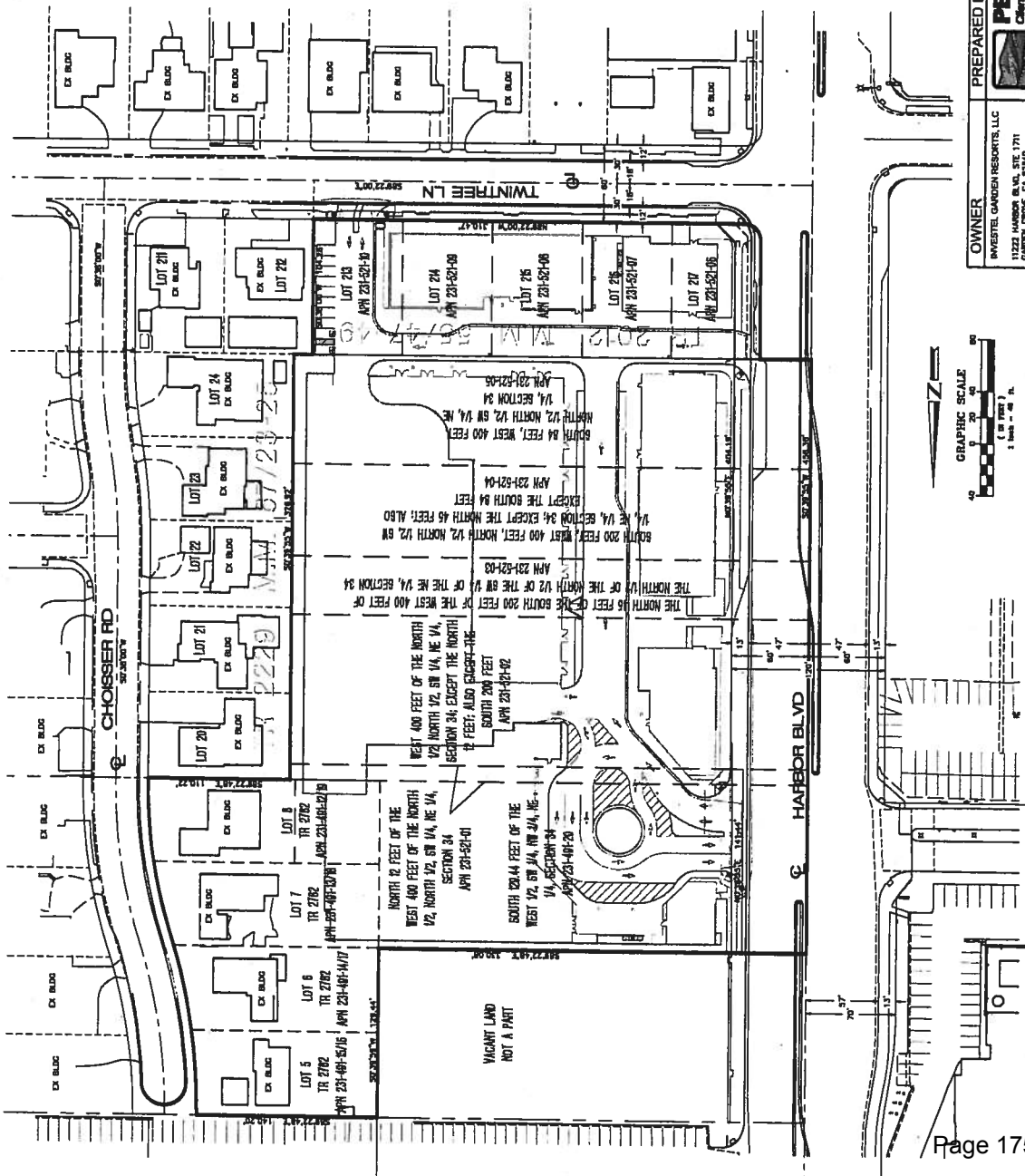
- SHEET 2 - EXISTING EASEMENTS  
 SHEET 3 - EXISTING PARCELS AND EASEMENT NOTES  
 SHEET 4 - LEGAL DESCRIPTION  
 SHEET 5 - CONCEPTUAL SITE PLAN  
 SHEET 6 - PROPOSED PARCELS AND EASEMENT

**BUILDING**  
**CONSTRUCTION**

- LEANTHORE  
EASTLEY  
EASTMONT  
EASTMONT  
EXISTING  
FRESH FLOOR  
FLOWLINE  
FINISH SLURF/A  
HIGH POINT  
NORTHERLY  
NOT TO SCALE  
RIGHT-OF-WAY  
SOUTHERLY  
TOP OF CURB  
TOP OF GRAB  
TYPICAL  
WESTLEY



### VICINITY MAP



GRAPHIC SCALE

**OWNER**

**PREPARED BY**

ED BY  
**PENCOENG**

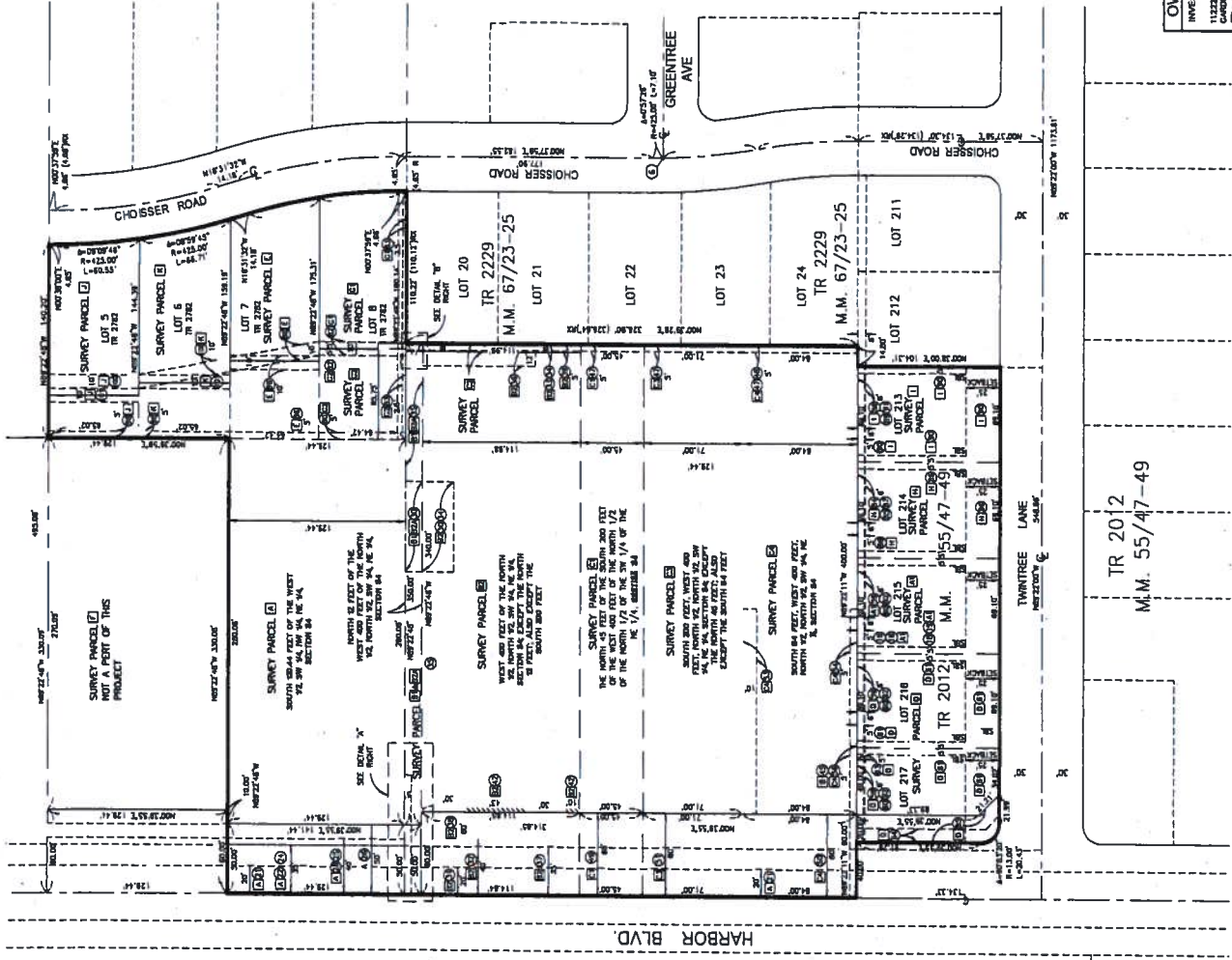
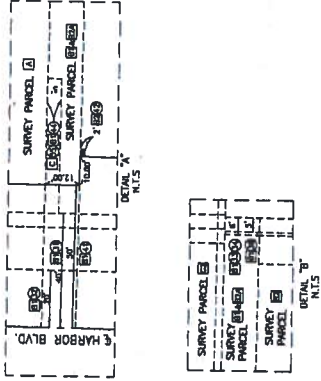
**World Success Is Our Success**  
1842 VON KARLHAF AVENUE SUITE 150  
IRVINE, CALIFORNIA 92608 (949) 753-8111  
Citi Franchising • Missions • Success

TENTATIVE TRACT MAP NO. 17455  
FOR COMMERCIAL LOTS, INDIVIDUAL LOTS, HOTEL AND CONDOMINIUM PURPOSES  
TITLE SHEET (UNDERLYING ORIGINAL LOTS)

CITY OF GARDEN GROVE, CALIFORNIA

DATE PREPARED: 10/23/17

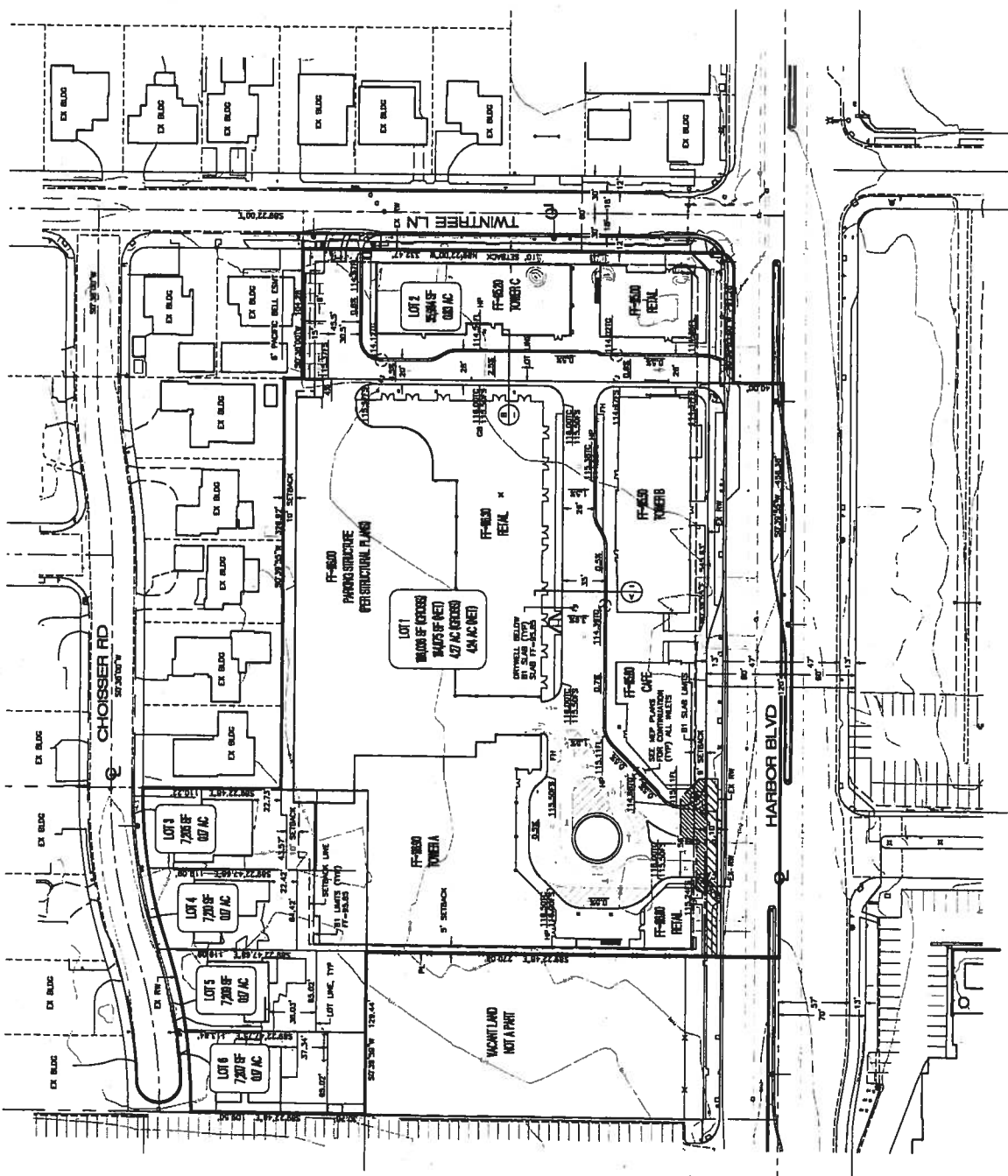
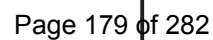
NOTE:  
 SEE SHEET 3 FOR EXISTING PARCEL INFO AND EXISTING NOTES  
 SEE SHEET 4 FOR LEGAL DESCRIPTION  
 □ FOR TITLE REPORT EXISTING SCHEDULE "B"  
 ○ FOR TITLE REPORT LEGAL DESCRIPTION SCHEDULE "A"

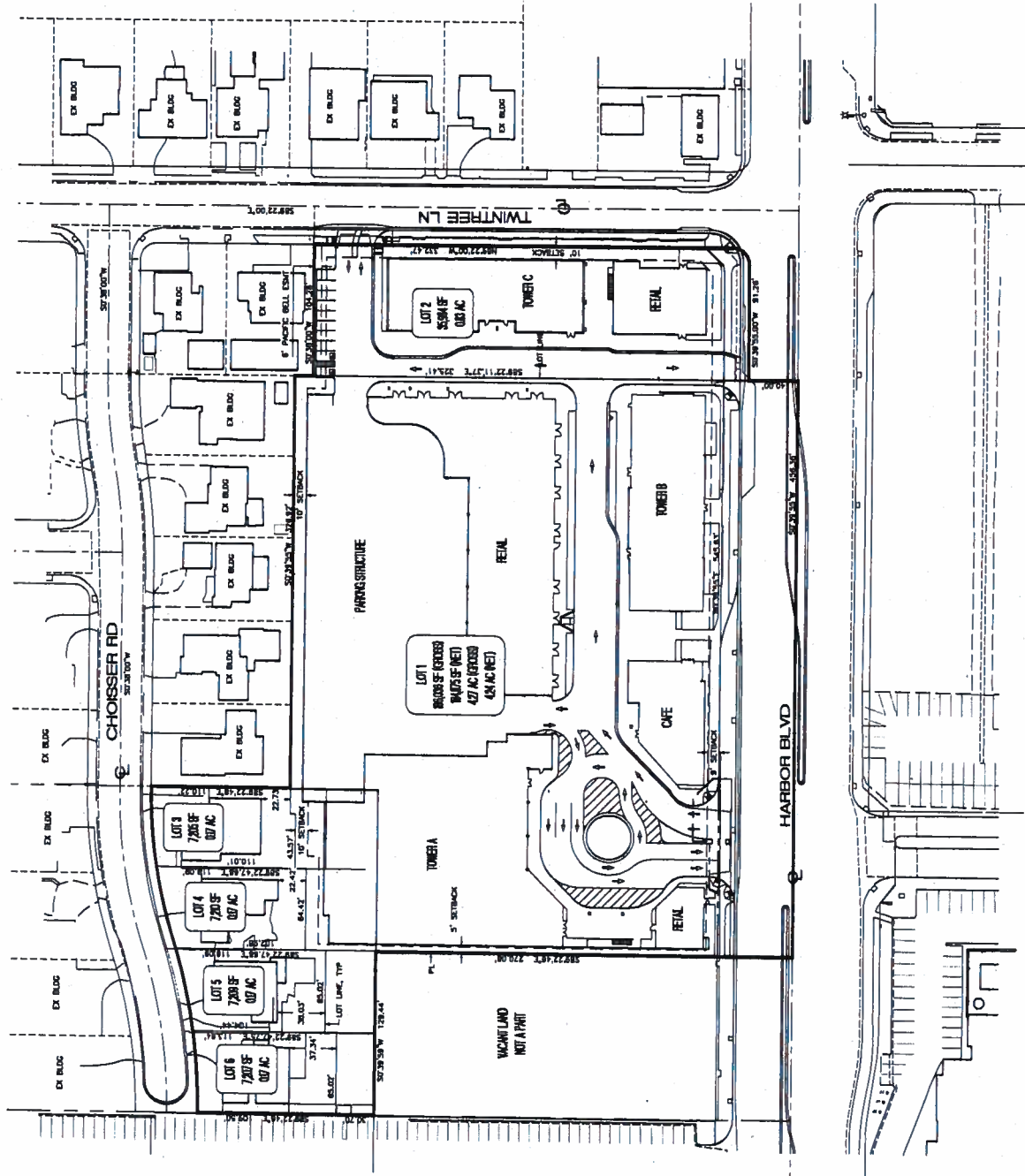












<p><b>TENTATIVE TRACT MAP NO. 17455</b> FOR COMMERCIAL LOTS, INDIVIDUAL LOTS, HOTEL AND CONDOMINIUM PURPOSES <b>PROPOSED PARCELS AND EASEMENT</b> CITY OF GARDEN GROVE, CALIFORNIA</p>	<p><b>OWNER</b> INVESTEL GARDEN RESORTS, LLC 17500 HARBOR BLVD, STE 1701 GARDEN GROVE, CA 92647 TEL: (714) 383-8280</p> <p><b>PREPARED BY</b> <b>PENCOENG</b> Civil Success in Our Success 18842 VAN NEWMAN AVENUE, SUITE 150 GARDEN GROVE, CA 92647 TEL: (714) 383-8280 Civil Engineering - Planning - Surveying</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

SHEET 6 OF 6



RESOLUTION NO. 5898-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A SUBSEQUENT MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE SITE C HOTEL RESORT PROJECT.

A. 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 known as the "Site C Project" on approximately 5.2 acres of land located at the northeast corner of Harbor Boulevard and Twintree Lane, west of Choisser Road (the "Site"). 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. Planned Unit Development No. PUD-128-12 incorporated a conceptual site plan depicting the Site C Project, as it was contemplated in 2012.

B. Investel Garden Resorts, LLC ("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 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.

C. Pursuant to the Modified Project, the number of hotels, maximum number of hotel rooms, and maximum building heights will remain the same as approved in 2012, 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 will be constructed on 4.3-acres 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. 231-491-20, 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.

D. The Modified Project generally includes: (1) a change to two full-service hotels and one limited-service hotel; (2) changes to on-site circulation and access, including a new secondary driveway along Harbor Boulevard at the most southerly portion of the site, and changes to the parking structure including two entrances instead of the previous three entrances, and one level of subterranean parking (maintaining the same 1,297 total spaces approved in 2012); (3) the introduction of retail uses; (4) minor changes to the total square footage of conference/ meeting banquet space, restaurant/retail/entertainment space, hotel ancillary uses (such as

gyms, spas, salon, a hotel shop, and a kids club) and hotel restaurant space; and (5) modifications to the building placements and configuration, including (a) shifting the placement of Hotel A to maintain a 5-foot setback from the north property line, a 10-foot setback from the east property line, and expanding the hotel's second floor terrace along the northerly portion of the property line toward Harbor Boulevard, constructing a new retail building at the northwest corner of the site that connects to hotel a via a second floor terrace, and relocating the valet drop-off for Hotel A; (b) swapping the placement of Hotel B with a restaurant pad building so that the restaurant pad is located at the southwest corner of the project site and Hotel B is located just north of the restaurant pad building with a connection provided between both structures via the hotel's second floor terrace; and (c) expanding and reconfiguring the usable outdoor roof deck area of Hotel A, which includes increasing the height of certain portions of the outdoor roof deck area from 75 feet to 80 feet and 85 feet, while continuing to maintain the easterly most portion of the parking structure at a height of 75 feet. The size of the Modified Project site has been reduced from 5.2-acres to 4.3-acres. The land use actions requested to implement the Modified Project include: (1) Site Plan No. SP-043-2017 depicting the Modified Project; (2) Tentative Tract Map No. TT-17455 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 existing parcels on the Modified Project site into two (2) lots to facilitate development of the Modified Project and future commercial condominiumization; and (3) Development Agreement No. DA-008-2017, 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.

E. 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 reflected in 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.

F. A Mitigation Monitoring and Reporting Program has been prepared and is attached to the Subsequent Mitigated Negative Declaration listing the mitigation measures and design features to be monitored during project implementation, which is also summarized in Exhibit "A" attached hereto.

G. The Subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines.

H. The Planning Commission of the City of Garden Grove held a duly noticed public hearing on November 2, 2017, and considered all oral and written testimony presented regarding the initial study, the Subsequent Mitigated Negative Declaration, the Mitigation Monitoring and Reporting Program, and the Modified Project.

I. A duly noticed public hearing was held by the Planning Commission on November 2, 2017, and all interested persons were given an opportunity to be heard.

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

NOW, THEREFORE, BE IT RESOLVED, FOUND, AND DETERMINED as follows:

1. The Planning Commission of the City of Garden Grove has independently considered the proposed Subsequent Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program, together with comments received during the public review process.
2. The Planning Commission of the City of Garden Grove finds on the basis of the whole record before it, including the Initial Study and comments received, that there is no substantial evidence that the Modified Project will have any new significant effect on the environment or result in a substantial increase in the severity of previously identified significant effects.
3. The Planning Commission further finds that the adoption of the Subsequent Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis.
4. Therefore, the Planning Commission of the City of Garden Grove, in regular session assembled on November 2, 2017, does hereby adopt the Subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
5. The record of proceedings on which the Planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community and Economic Development.

Resolution No. 5898-17

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"

### SUBSEQUENT MITIGATED NEGATIVE DECLARATION

#### MITIGATION MONITORING AND REPORTING PROGRAM

#### MITIGATION MEASURES

The following Mitigation Measures, as identified in the Subsequent Mitigation Negative Declaration, and as stipulated in Resolution No. 5898-17 and the Performance Standards of Planned Unit Development No. PUD-128-12, shall be complied with and implemented in the development's Mitigation Monitoring and Reporting Program

MITIGATION MEASURE		VERIFICATION	TIMING	RESPONSIBLE PARTY
<b>AESTHETICS</b>				
<b>Light and Glare</b>				
AES-1	Prior to final site plan approval, a site specific lighting study shall be prepared which incorporates measures to ensure that the project will be in compliance with Chapter 16, Development Standards, of the City's Zoning Code for parking lot lighting so that lighting within parking areas are directed, positioned, or shielded so as to minimize light spillage. Additionally, the study shall incorporate measures necessary for the project's compatibility with the goals and policies (i.e., Policy SAF-2.1 and SAF-IMP-2A) in the General Plan for providing adequate lighting to maintain a safe public environment.	Site Plan Review	Prior to final site plan approval	Community and Economic Development Department
AES-2	Sufficient technology currently exists to reduce	Site Plan Review	Prior to final	Community and

## Mitigation Measures

MITIGATION MEASURE		VERIFICATION	TIMING	RESPONSIBLE PARTY
lighting impacts from hotel/resort lighting to a less than significant level. However, given that the project is still in conceptual design and operation is not anticipated to begin until late 2021, identification of specific light reduction measures is premature since light reduction technology is constantly evolving and advancing (i.e., more sophisticated light-reduction technology is anticipated to be available in the future that is not available today). The developer shall include technologically advanced hotel/resort lighting measures in its detailed design plans to ensure that hotel/resort lighting does not result in a significant impact on the surrounding neighborhood.			site plan approval	Economic Development Department
<b>AIR QUALITY</b>				
<b>Construction</b>				
AQ-1	Limit the number of soil hauling trips to 40 truck loads per day or less during soil excavation.	Grading and building inspections	During grading and building construction	Community and Economic Development Department /Public Works Department
AQ-2	Use high-volume, low-pressure (HVL) coating application systems with air pressure less than 10 pounds per square inch to reduce overspray and increase transfer efficiency.	Grading and building inspections	During grading and building construction	Community and Economic Development Department /Public Works

## Mitigation Measures

MITIGATION MEASURE		VERIFICATION	TIMING	RESPONSIBLE PARTY
				Department
<b>Operational</b>				
AQ-3	<p>The project should implement a vehicle trip reduction program that includes the following strategies:</p> <ul style="list-style-type: none"> <li>i. Install secure on-site bicycle racks in easily accessible and highly visible locations.</li> <li>ii. Install a bus shelter on the east side of Harbor Boulevard, along the project frontage.</li> <li>iii. Provide transit/shuttle service for guests to local area attractions.</li> <li>iv. Hotel management/concierge should provide information that promotes walking, bicycling and public transit options to nearby attractions</li> </ul>	Grading and building inspections	During grading, building construction and operation	Community and Economic Development Department /Public Works Department
AQ-4	Limit the number of large diesel trucks coming to the site (i.e., for deliveries, trash collection or other services) to less than 20 per day. This restriction is specifically applicable to trucks classified as medium-heavy duty and heavy-heavy duty with gross vehicle weight (GVW) greater than 19,500 pounds.	During operation of project	On going	Community and Economic Development Department /Public Works Department
AQ-5	Use zero VOC interior paint for re-application purposes.	During operation of project	On going	Community Development Department/Public Works Department
<b>Design Features</b>				
DF-AQ-1	Construction equipment shall be maintained in	Grading and	During grading	Community and



## Mitigation Measures

MITIGATION MEASURE	VERIFICATION	TIMING	RESPONSIBLE PARTY
proper tune.	building inspections	and building construction	Economic Development Department /Public Works Department
DF-AQ-2 Gasoline or electricity-powered equipment shall be utilized instead of diesel equipment whenever possible.	Grading and building inspections	During grading and building construction	Community and Economic Development Department /Public Works Department
DF-AQ-3 The use of heavy construction equipment shall be suspended during first-stage smog alerts.	Grading and building inspections	During grading and building construction	Community and Economic Development Department /Public Works Department
DF-AQ-4 All construction vehicles shall be prohibited from excessive idling. Excessive idling is defined as five minutes or longer.	Grading and building inspections	During grading and building construction	Community and Economic Development Department /Public Works Department
DF-AQ-5 "Clean diesel" equipment shall be used when modified engines (catalyst equipped or newer Moyer Program retrofit) are available at a reasonable cost.	Grading and building inspections	During grading and building construction	Community and Economic Development Department Public

## Mitigation Measures

MITIGATION MEASURE	VERIFICATION	TIMING	RESPONSIBLE PARTY
<p>DF-AQ-6 The project must follow SCAQMD rules and requirements with regards to fugitive dust control, which include but are not limited to the following:</p> <ul style="list-style-type: none"> <li>i. All active construction areas shall be watered three (3) times daily.</li> <li>ii. All haul trucks shall be covered or shall maintain at least two (2) feet of freeboard.</li> <li>iii. All unpaved parking or staging areas shall be paved or watered a minimum of two (2) times daily.</li> <li>iv. Speed on unpaved roads shall be reduced to less than 15 mph.</li> <li>v. Any visible dirt deposition on any public roadway shall be swept or washed at the site access points within 30 minutes.</li> <li>vi. Any on-site stockpiles of debris, dirt or other dusty material shall be covered or watered twice daily.</li> <li>vii. All operations on any unpaved surface shall be suspended if winds exceed 25 mph.</li> </ul>	Grading and building inspections	During grading and building construction	<p>Works Department</p> <p>Community and Economic Development Department /Public Works Department</p>
<p>DF-AQ-7 Carpooling shall be encouraged for construction workers.</p>	Grading and building inspections	During grading and building construction	Community and Economic Development Department /Public Works

## Mitigation Measures

MITIGATION MEASURE		VERIFICATION	TIMING	RESPONSIBLE PARTY
DF-AQ-8	Any dirt hauled off-site shall be wetted down or covered.	Grading and building inspections	During grading and building construction	Department Community and Economic Development Department /Public Works Department
DF-AQ-9	Access points shall be washed or swept daily.	Grading and building inspections	During grading and building construction	Community and Economic Development Department /Public Works Department
DF-AQ-10	Construction sites shall be sandbagged for erosion control.	Grading and building inspections	During grading and building construction	Community and Economic Development Department /Public Works Department
DF-AQ-11	The project shall comply with current California Title 24 standards.	Grading and building inspections	During grading and building construction	Community and Economic Development Department /Public Works Department
<b>GEOLOGY AND SOILS</b>				
GEO-1	Prior to the approval of final design plans, a site-	Grading and	Prior to	Community and

## Mitigation Measures

MITIGATION MEASURE	VERIFICATION	TIMING	RESPONSIBLE PARTY
specific geologic investigation of liquefaction potential shall be performed. The project shall be required to comply with all mitigation, conditions and/or performance criteria recommended by the investigation. Proof of compliance with this measure shall be given by the City Engineer and Planning Director prior to the approval of the final design plans.	Building Plan Review Inspections	approval of final design plans	Economic Development Department /Public Works Department
GEO-2 Prior to the approval of final design plans, a site-specific geotechnical investigation shall be prepared by a registered geologist. The project shall be required to comply with all mitigation, conditions and/or performance criteria recommended by the investigation. Proof of compliance with this measure shall be given by the City Engineer and Planning Director prior to the approval of the final design plans.	Grading and Building Plan Review Inspections	Prior to approval of final design plans	Community and Economic Development Department /Public Works Department
<b>GREENHOUSE GAS EMISSIONS</b>			
GHG-1 Install Energy Star rated lighting for all lighting uses that are not part of the building envelope, such as lamps and other "plug-ins" that are not subject to Title 24 regulation.	Grading and building inspections	Prior to the issuance of building permits	Community and Economic Development Department /Public Works Department
GHG-2 No hearths allowed.	Grading and building inspections	Prior to the issuance of building	Community and Economic Development

## Mitigation Measures

MITIGATION MEASURE	VERIFICATION	TIMING	RESPONSIBLE PARTY
		permits	Department /Public Works Department
GHG-3 Use electric landscaping equipment, such as lawn mowers and leaf blowers.	During operation of project	On going	Community and Economic Development Department /Public Works Department
GHG-4 Implement a water conservation program that includes the following strategies: i. Install low flow fixtures and toilets. ii. Install water efficient irrigation systems and drought tolerant/native landscaping. No turf.	Grading and building inspections	Prior to the issuance of building permits	Community and Economic Development Department /Public Works Department
GHG-5 Implement a waste recycling and composting program to divert over 50% of waste away from a landfill.	During operation of project	On going	Community and Economic Development Department /Public Works Department
<b>HAZARDS AND HAZARDOUS MATERIALS</b>			
HHM-1 Prior to the issuance of a grading permit, soil sampling and analysis shall be performed to determine if any agricultural chemicals remained at the site. If any agricultural chemicals are found, the contamination shall be removed.	Grading inspection	Prior to the issuance of a grading permit	Community and Economic Development Department

## Mitigation Measures

MITIGATION MEASURE		VERIFICATION	TIMING	RESPONSIBLE PARTY
HHM-2	Prior to the issuance of a grading permit, the project conditions of approval shall require implementation of the Phase 1 study recommendations.	Grading inspection	Prior to the issuance of a grading permit	Community and Economic Development Department
<b>NOISE</b>				
NOI-1	Install an 8-foot masonry block sound wall along eastern property boundary.	Building Plan Review and Inspections	Prior to final of building permit	Community and Economic Development Department
NOI-2	Install 4-foot noise shielding walls on each floor of the parking structure facing the residential neighborhood to the east and the parking surface shall be treated to minimize tire screeching.	Building Plan Review and Inspections	Prior to final of building permit	Community and Economic Development Department
NOI-3	Locate all mechanical equipment at least 100 feet from residential property line.	Grading and Building inspections and during operation of project	On going	Community and Economic Development Department
NOI-4	A "windows closed" condition and upgraded STC-rated windows is required to meet interior noise standards for all hotel rooms.	Building Plan Review and Inspections	Prior to final of building permit	Community and Economic Development Department
NOI-5	Notify the surrounding neighbors prior to beginning the heavy earth work.	Grading and building inspections	During grading and building construction	Community and Economic Development Department /Public Works

## Mitigation Measures

MITIGATION MEASURE		VERIFICATION	TIMING	RESPONSIBLE PARTY
NOI-6	No impact pile driving activities shall be allowed on the project site.	Grading and building inspections	During grading and building construction	Department Community and Economic Development Department /Public Works Department
<b>Design Features</b>				
DF-NOI-1	No outdoor amplified music shall be played on the pool deck past 10:00 p.m.	During operation of project	On going	Community and Economic Development Department
DF-NOI-2	All pool equipment should be fully shielded or enclosed from line of sight. Shielding/parapet wall should be at least as high as the equipment.	Building Plan Review and Inspections	On going	Community and Economic Development Department
DF-NOI-3	Delivery, loading/unloading activity, and trash pick-up hours should be limited to daytime (7:00 AM-10:00 PM) hours only.	Grading and Building inspections during operation of project	On going	Community and Economic Development Department
DF-NOI-4	Limit engine idling time for all delivery vehicles and moving trucks to 5 minutes or less.	Grading and Building inspections during operation of project	On going	Community and Economic Development Department
DF-NOI-5	A noise monitoring program should be	During operation	On going	Community and

MITIGATION MEASURE	VERIFICATION	TIMING	RESPONSIBLE PARTY
implemented during project operations, especially during live events with amplified music, to ensure noise levels do not exceed the City's noise standards.	of project		Economic Development Department
DF-NOI-6 For proper acoustical performance, all exterior windows, doors, and sliding glass doors must have a positive seal and leaks/cracks must be kept to a minimum.	Building inspections and during operation of project	On going	Community and Economic Development Department
DF-NOI-7 All construction activities should take place during day time hours, between 7:00 AM to 10:00 PM, Monday through Saturday. No construction activity shall occur on Sundays or Federal holidays.	Grading and building inspections	During grading and building construction	Community and Economic Development Department /Public Works Department
DF-NOI-8 During construction, the contractor shall ensure all construction equipment is equipped with appropriate noise attenuating devices and equipment shall be maintained so that vehicles and their loads are secured from rattling and banging. Idling equipment should be turned off when not in use.	Grading and building inspections	During grading and building construction	Community and Economic Development Department /Public Works Department
DF-NOI-9 Locate staging area, generators and stationary construction equipment as far from the easterly property line, as reasonably feasible.	Grading and building inspections	During grading and building construction	Community and Economic Development Department /Public Works Department



## Mitigation Measures

MITIGATION MEASURE		VERIFICATION	TIMING	RESPONSIBLE PARTY
DF-NOI-10	Construction-related noise activities shall comply with the requirements set forth in the City of Garden Grove Municipal Code Section 8.47.	Grading and building inspections	During grading and building construction	Community and Economic Development Department /Public Works Department
DF-NOI-11	A noise and vibration monitoring program will be implemented during construction. The monitoring program will alert construction management personnel when noise levels approach the upper limits of the 8-hour Leq exceedance threshold (80 dBA) along the residential property line. Vibration monitoring should occur during phases of heavy earthmoving and report incidents over 0.25 PPV (in/sec) at the adjacent residential structures.	Grading and building inspections	During grading and building construction	Community and Economic Development Department /Public Works Department
<b>PUBLIC SERVICES AND UTILITIES</b>				
PS-1	An internal fire loop shall be constructed around the site to provide adequate fire fighting capability to all structures located on the parcel.	Grading and Plan Review	Prior to final of building permits	Public Works Department
<b>TRANSPORTATION</b>				
TR-1	Install a traffic signal at the intersection of Harbor Boulevard and Project Access (PA) 1.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
TR-2	Lengthen southbound left turn pocket on Harbor Boulevard at PA 1 to provide at least 200 feet of vehicle storage area.	Grading and Building Plan Review	Prior to final building permits	Public Works Department

## Mitigation Measures

MITIGATION MEASURE		VERIFICATION	TIMING	RESPONSIBLE PARTY
		Inspections		
TR-3	Install northbound right turn pocket on Harbor Boulevard at PA 1 to provide at least 100 feet of storage/deceleration area.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
TR-4	Lengthen driveway throat at PA 1 to provide a minimum of ninety (90) feet of uninterrupted ingress access from the curb face of Harbor Boulevard onto the project site. (Orange County Code of Ordinances, § 7-9-145.4)	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
TR-5	Install a traffic signal at the intersection of Harbor Boulevard and Twintree Lane.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
TR-6	Pay a fair-share contribution of 13% towards the improvements at the intersection of Haster Street and Chapman Avenue to restore acceptable level of service for future cumulative traffic conditions. The recommended improvements identified in this study include: <ul style="list-style-type: none"> <li>• Modify eastbound approach leg on Chapman Avenue to include two (2) left turn lanes, two (2) through lanes, and one (1) right turn lane.</li> <li>• Recommended intersection improvements are expected to fit within the existing right-of-way.</li> </ul>	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
TR-7	Pay a fair-share contribution of 11% towards the improvements at the intersection of Lewis Street and	Grading and Building Plan	Prior to final building	Public Works Department

## Mitigation Measures

MITIGATION MEASURE	VERIFICATION	TIMING	RESPONSIBLE PARTY
<p>Chapman Avenue to restore acceptable level of service for future cumulative traffic conditions. The recommended improvements identified in this study include:</p> <ul style="list-style-type: none"> <li>• Modify southbound approach leg on Lewis Street to include one (1) left turn lane, one (1) through lane, and one (1) shared through/right turn lane.</li> <li>• Modify westbound approach leg on Chapman Avenue to include one (1) left turn lane, two (2) through lanes, and one (1) shared through/right turn lane.</li> <li>• Recommended intersection improvements are expected to fit within the existing right-of-way.</li> </ul>	Review Inspections	permits	
<b>Design Features</b>			
<b>Traffic</b>			
DF-TR-1 A worksite traffic control plan should be prepared prior to beginning construction, to the satisfaction of the City Engineer.	Grading and Building Plan Review Inspections	Prior to beginning of construction	Public Works Department
DF-TR-2 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.	Grading and building inspections	During grading and building construction	Public Works Department
DF-TR-3 Any required lane closures should occur outside of peak travel periods.	Grading and building inspections	During grading and building construction	Public Works Department
DF-TR-4 Construction vehicles should be parked off	Grading and	During grading	Public Works

## Mitigation Measures

MITIGATION MEASURE	VERIFICATION	TIMING	RESPONSIBLE PARTY
traveled roadways.	building inspections	and building construction	Department
DF-TR-5 The driveway design for PA 1 should be modified to provide additional queuing capacity for vehicles exiting the site. <ul style="list-style-type: none"> <li>• Single westbound left turn lane - 150 feet storage; or</li> <li>• Dual westbound left turn lanes - 75 feet storage</li> </ul>	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-TR-6 PA 1 driveway should provide uninterrupted storage lanes, free from merging traffic or parking vehicles.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-TR-7 PA 1 driveway should align with Sheraton Driveway across Harbor Blvd.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-TR-8 The traffic signal at PA 1 should include protected left turn phasing for northbound and southbound movements on Harbor Boulevard.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-TR-9 PA 2 driveway should be limited to right-out only access.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-TR-10 PA 3 driveway should be restricted to left-in/right-out only access to restrict vehicles from cutting through the existing residential neighborhood	Grading and Building Plan Review	Prior to final building permits	Public Works Department

MITIGATION MEASURE	VERIFICATION	TIMING	RESPONSIBLE PARTY
east of the site. Raised driveway medians, signage, and striping should be installed to restrict access.	Inspections		
DF-TR-11 Install wayfinding signage at all project access driveways and at internal drive aisle intersections. On-site wayfinding shall also be provided to direct vehicles departing the site to utilize the project driveway located on Twintree Lane and the southerly driveway located along Harbor Boulevard. (Refer to DF-P-11 and -12)	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-TR-12 Stop signs, stop bars and stop legends should be installed.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-TR-13 Provide adequate parking, valet parking program, and parking management plans per the detailed findings and recommendations of the Site C Hotel Parking Study.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-TR-14 Full-time valet attendants should be present at drop-off areas in front of Hotel A, Hotel B, and Hotel C to ensure vehicles do not block drive aisles.	During operation of project	On going	Public Works Department
DF-TR-15 Install an electronic parking guidance system that monitors and displays the number of available spots on each floor to guests entering the parking structure. The system will help alert management of when the structure is reaching capacity. Additionally, it will allow guests to more easily find parking spaces, especially when the parking structure begins	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department

MITIGATION MEASURE	VERIFICATION	TIMING	RESPONSIBLE PARTY
to reach maximum capacity. (Refer to DF-P-13)			
DF-TR-16 Provide a final detailed on-site circulation plan incorporating the recommendations listed in this report, to the satisfaction of the City of Garden Grove.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-TR-17 The on-site circulation plan should be reviewed by the Garden Grove Fire Department to ensure adequate emergency access is provided. Emergency vehicles must have access to the first floor of the parking structure and be able to drive through one (1) entrance and out the other.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department/Fire Department
DF-TR-18 The on-site circulation plan should be reviewed by the Garden Grove waste management provider to ensure adequate access is provided for trash collection.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-TR-19 Provide crosswalks on all legs of the new traffic signals at Harbor Boulevard and PA 1 and Harbor Boulevard and Twintree Lane.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-TR-20 Internal crosswalks shall be clearly marked. In-road lighting, textured pavement and curb bulb outs are examples of crosswalk enhancement features that should be implemented to improve pedestrian safety and accessibility.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-TR-21 Install a bus shelter on the east side of Harbor Boulevard, along the project frontage.	Grading and Building Plan Review	Prior to final building permits	Public Works Department

MITIGATION MEASURE	VERIFICATION	TIMING	RESPONSIBLE PARTY
	Inspections		
DF-TR-22 Provide at least five (5) onsite bicycle racks (approximately 5-8 bicycles per rack) in convenient and visible locations throughout the hotel property. (Refer to DF-P-24)	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-TR-23 Provide shuttle service to Disneyland, the Anaheim Convention Center, and other popular attractions in the area.	During operation of project	On going	Community and Economic Development Department /Public Works Department
DF-TR-24 Encourage management to display a poster/message board that promotes walking, bicycling, and public transit options to nearby attractions.	During operation of project	On going	Community and Economic Development Department Public Works Department
DF-TR-25 Encourage employees to use alternative modes of transportation, such as ridesharing and public transit by providing monetary incentives and subsidies (i.e., \$50/month). (Refer to DF-P-6)	During operation of project	On going	Community and Economic Development Department /Public Works Department
DF-TR-26 Sight distance at the project access points should be designed per City of Garden Grove and State of California design standards.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department

MITIGATION MEASURE	VERIFICATION	TIMING	RESPONSIBLE PARTY
DF-TR-27 A limited use area shall be maintained where a clear line of sight can be established.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-TR-28 The limited use area shall be used for the purpose of prohibiting or clearing obstructions to maintain adequate sight distance at intersections.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-TR-29 Limited use area shall be kept clear of all obstructions over 30 inches high, including vegetation.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-TR-30 No trees, walls or any obstructions shall be allowed in the limited use area.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-TR-31 Site operations should be periodically reviewed to assure that the traffic operations are satisfactory.	During operation of project	On going	Public Works Department
DF-TR-32 Post "No Parking in Neighborhood" signage on-site near Twintree Lane access. (Refer to DF-PF-27)	Grading and Building inspections and during operation of project	On going	Community and Economic Development Department
DF-TR-33 Participate in the City's approved Transportation Facilities Fee program.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department



## Mitigation Measures

MITIGATION MEASURE		VERIFICATION	TIMING	RESPONSIBLE PARTY
<b>Parking</b>				
DF-P-1	Utilizing the shared parking concept, the parking demand for the project has been estimated to be 1,110 parking spaces during peak weekday conditions and 1,051 parking spaces during peak weekend conditions. With the added 10% overage, the project is required to provide a total of 1,221 parking spaces. The project provides a total of 1,297 parking spaces which is sufficient to meet the parking demands of the project.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-P-2	Implement a parking valet program for registered hotel guests during peak parking demand times. The parking structure includes a valet configuration within the basement level to accommodate approximately 324 parking spaces. All other users (visitors, employees, etc.) can utilize the parking structure for self-parking.	During operation of project	On going	Public Works Department
DF-P-3	Designate the basement portion of the parking structure for valet parking configuration as provided. Registered guests shall utilize the valet during peak parking demand times. Employees and visitors are encouraged to self-park within the parking structure. This will ensure efficient valet service.	Grading and Building Plan Review Inspections and during operation of project	Prior to final building permits and on going	Public Works Department
DF-P-4	As indicated on the basement floor of the parking structure, the valet parking configuration can allow for up to 324 vehicles to be parked double/tandem.	Grading and Building Plan Review Inspections and	Prior to final building permits and on going	Public Works Department

## Mitigation Measures

MITIGATION MEASURE	VERIFICATION	TIMING	RESPONSIBLE PARTY
	during operation of project		
DF-P-5 Offer a valet parking program that can be expanded to meet the changing parking demands for the project. During times of peak occupancy, special events, etc., offer additional valet services for all guests and visitors. The valet personnel can utilize the lower levels of the parking structure to expand the capacity of the valet configuration if needed.	During operation of project	On going	Public Works Department
DF-P-6 Encourage employees to use alternative modes of transportation, such as ridesharing and public transit by providing monetary incentives and subsidies (i.e., \$50/month). (Refer to DF-TR-25)	During operation of project	On going	Public Works Department
DF-P-7 Designate rideshare parking spaces in conveniently located areas of the parking structure as additional incentive for employees to carpool.	Grading and Building Plan Review Inspections and during operation of project	Prior to final building permits and on going	Public Works Department
DF-P-8 Designate parking spaces for employees to self-park near the top floors of the parking structure in order to improve the parking convenience for other self-park guests and visitors.	Grading and Building Plan Review Inspections and during operation of project	Prior to final building permits and on going	Public Works Department
DF-P-9 The project shall communicate and share the recommendations in this report with all employees.	During operation of project	On going	Public Works Department

## Mitigation Measures

MITIGATION MEASURE	VERIFICATION	TIMING	RESPONSIBLE PARTY
<p>A designated team member can be assigned as the ETC (Employee Transportation Coordinator) to assist in implementing and promoting the Parking Management Strategies onsite.</p>			
<p>DF-P-10 Information about transit options such as bus shuttle, taxi, etc. to Disneyland, airports and other local attractions should be readily available to guests. This information should also be easily found on the hotel website. This will encourage guests to use these forms of transportation as opposed to utilizing parking spaces inside the parking structure.</p>	<p>During operation of project</p>	<p>On going</p>	<p>Public Works Department</p>
<p>DF-P-11 Install wayfinding signage at all project access driveways and at internal drive aisle intersections. The goal of wayfinding is to take guests from the roadway system into a parking space and then eventually back onto the roadway system in the most efficient way possible. (Refer to DF-TR-11)</p>	<p>Grading and Building Plan Review Inspections</p>	<p>Prior to final building permits</p>	<p>Public Works Department</p>
<p>DF-P-12 On-site wayfinding shall also be provided to direct vehicles departing the site to utilize the project driveway located on Twintree Lane and the southerly driveway located along Harbor Boulevard. (Refer to DF-TR-11)</p>	<p>Grading and Building Plan Review Inspections</p>	<p>Prior to final building permits</p>	<p>Public Works Department</p>
<p>DF-P-13 Install an electronic parking guidance system that monitors and displays the number of available spots on each floor to guests entering the parking structure. The system will help alert management of when the structure is reaching capacity.</p>	<p>Grading and Building Plan Review Inspections</p>	<p>Prior to final building permits</p>	<p>Public Works Department</p>

## Mitigation Measures

MITIGATION MEASURE	VERIFICATION	TIMING	RESPONSIBLE PARTY
Additionally, it will allow guests to more easily find parking spaces, especially when the parking structure begins to reach maximum capacity. (Refer to DF-TR-15)			
DF-P-14 Parking demand for the project should be monitored within the first 12 months of the hotel's operation with an updated observed parking analysis by a registered traffic engineer to ensure that parking is adequate and does not create an overflow parking situation into neighboring residential and commercial uses. If parking problems are identified, the developer shall resolve the issue to the satisfaction of the City of Garden Grove Traffic Engineer.	During operation of project	On going	Public Works Department
DF-P-15 Valet attendants shall be present at all drop-off areas and in the designated valet area located in the basement of the parking structure.	During operation of project	On going	Public Works Department
DF-P-16 Valet parking plans should be adaptable and flexible to meet parking demands and special events. Offer a valet parking program that can be expanded. During times of peak occupancy, special events, etc., offer additional valet services to all guests and visitors. The valet personnel can utilize the lower levels of the parking structure to expand the capacity of the valet configuration if needed.	Grading and Building Plan Review Inspections and during operation of project	Prior to final building permits and on going	Public Works Department
DF-P-17 The parking structure should be configured in a way in which the drive aisles are wide enough to	Grading and Building Plan	Prior to final building	Public Works Department

## Mitigation Measures

MITIGATION MEASURE	VERIFICATION	TIMING	RESPONSIBLE PARTY
accommodate emergency vehicles and designed so as to not inhibit the response time of emergency vehicles.	Review Inspections	permits	
DF-P-18 The valet parking plan must not block any major drive aisles or hinder the driving ability of emergency vehicles.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-P-19 The project will need to provide a detailed valet operations plan prior to occupancy. This will include a number of valet attendants and vehicle stacking areas.	Grading and Building Plan Review Inspections	Prior to the issuance of certificates of occupancy	Public Works Department
DF-P-20 In order to provide the maximum amount of vehicle stacking for the valet, the project should expand the drop-off areas located in front of Hotels B and C to accommodate more vehicles.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-P-21 Valet parking should be adaptable and flexible to meet parking demands and special events. Offer a valet parking program that can be expanded. During times of peak occupancy, special events, etc., offer additional valet services to all guests and visitors. The valet personnel can utilize the lower levels of the parking structure to expand the capacity of the valet configuration.	During operation of project	On going	Public Works Department
DF-P-22 Provide for a bus/van pick-up and drop-off location site for hotel guests and employees.	Grading and Building Plan Review Inspections and	Prior to final building permits and on going	Public Works Department

## Mitigation Measures

MITIGATION MEASURE	VERIFICATION	TIMING	RESPONSIBLE PARTY
	during operation of project		
DF-P-23 Encourage alternative transportation methods for employees through transportation management incentives. These would include such things as employee reimbursement for using the transit and providing a transportation coordinator for the staff.	During operation of project	On going	Public Works Department
DF-P-24 Provide at least five (5) onsite bicycle racks (approximately 5-8 bicycles per rack) in convenient and visible locations throughout the hotel property. (Refer to DF-TR-22)	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-P-25 Parking spaces for the physically handicapped shall be provided per Table 11B-208.2 in accordance with the California Building Code.	Grading and Building Plan Review Inspections	Prior to final building permits	Public Works Department
DF-P-26 It is anticipated that the emergency services can access the site directly from the main entrance (along Harbor Boulevard) and the side entrance (along Twintree Lane). Emergency vehicles must have access to the first floor of the parking structure and be able to drive through one (1) entrance and out the other. The on-site circulation plan should be reviewed by the Garden Grove Fire Department to ensure adequate emergency access is provided.	Grading and Building Plan Review Inspections	Prior to final building permits	Community Development Department/Fire Department
DF-P-27 Post "No Parking in Neighborhood" signage on-site near Twintree Lane access. (Refer to DF-TR-32)	Grading and Building inspections and	On going	Community and Economic Development

MITIGATION MEASURE	VERIFICATION	TIMING	RESPONSIBLE PARTY
	during operation of project		Department
<b>UTILITIES AND SERVICE SYSTEMS</b>			
USS-1 Prior to the issuance of a grading permit, it shall be demonstrated to the satisfaction of the City Engineer that proper hydromodification methods have been applied to the proposed on-site storm drain improvements.	Grading and Building Plan Review Inspections	Prior to the issuance of a grading permit	Public Works Department

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.

RESOLUTION NO. 5900-17

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING APPROVAL OF DEVELOPMENT AGREEMENT NO. DA-008-2017 TO THE CITY COUNCIL FOR THE SITE C HOTEL RESORT PROJECT.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on November 2, 2017, does hereby recommend City Council approval of Development Agreement No. DA-008-2017 for the Site C Hotel Resort Project 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. 231-491-20, 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 (collectively, the "Site").

BE IT FURTHER RESOLVED in the matter of Development Agreement No. DA-008-2017, 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 amount and type of ancillary uses, and the internal circulation and site access; (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) 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 City 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 designation 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 a Mitigation Monitoring and Reporting Program for the Modified Project, and Resolution No. 5899-17 approving Site Plan No. SP-043-2017 and Tentative Tract Map. No. TT-17455. The facts and findings set forth in Planning Commission Resolution Nos. 5898-17 and 5899-17 are hereby incorporated into this Resolution by reference.
9. The Planning Commission gave due and careful consideration to the matter during its meeting on November 2, 2017, and considered all oral and written testimony presented regarding the Modified Project.

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, 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-service 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 they 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.

Pursuant to the proposed Development Agreement with the City, the Applicant and/or its successors in interest will be granted a vested right to construct and complete development of the Modified Project consistent with Planned Unit Development No. PUD-128-12, Site Plan No. SP-043-2017 and Tentative Tract Map. No. 17455, in exchange for constructing and installing certain public improvements and providing other specified public benefits and development agreement payments to reimburse the City for the cost of certain City services required by the Modified Project that are not otherwise being reimbursed to the City.

#### FINDINGS AND REASONS:

1. The Development Agreement is consistent with the General Plan.

The Development Agreement provides the Applicant and its successors and assigns with a vested right to develop the Modified Project in accordance with Site Plan No. SP-043-2017 and Tentative Tract Map. No. 17455. The Modified Project is consistent with the property's General Plan Land Use Designation of 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 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. Also, the Modified Project is consistent with the development and performance standards of 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 this area.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT AND OTHER RESOLUTIONS

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 Nos. 5898-17 and 5899-17.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Development Agreement possesses characteristics that would indicate justification of the request in accordance with Government Code Section 65864 et. seq, provisions for Development Agreements.

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

# **City of Garden Grove**

## **Site C**

### **Subsequent Mitigated Negative Declaration**

### **Response to Comments (RTC)**



**Prepared by  
City of Garden Grove**

**October 2017**









## **1.0 WRITTEN COMMENT LETTERS AND RESPONSES:**

This document provides responses to the written comments made on the Draft Subsequent Mitigated Negative Declaration (MND) during the Office of Planning and Research (OPR) published public review and comment period of September 25, 2017 to October 24, 2017 and the City's public review and comment period from September 26, 2017 to October 26, 2017. The comment letters received on the Draft Subsequent MND are numbered, as listed below, and are included in the following pages along with the formal responses prepared for the comments. To assist in referencing comments and responses, each specific comment is numbered and refers to a statement or paragraph in the corresponding letter. All correspondence from those agencies or individual comments on the Draft Subsequent MND is reproduced on the following pages. Following each comment letter are responses to each letter.

### **1.1 Comment Letters**

A total of three (3) written comment letters were received at the end of the 30-day public review period.

1. State of California, Governor's Office of Planning and Research, State Clearinghouse and Planning Unit, letter dated October 25, 2017
2. Department of Transportation, letter dated October 25, 2017.
3. City of Anaheim, Planning and Building Department, letter dated October 26, 2017.

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EDMUND G. BROWN JR.  
GOVERNOR

October 25, 2017

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX  
DIRECTOR

Maria Parra  
City of Garden Grove  
11222 Acacia Parkway  
P.O. Box 3070  
Garden Grove, CA 92842

Subject: Site C  
SCH#: 2012081036

Dear Maria Parra:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on October 24, 2017, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044  
(916) 445-0613 FAX (916) 323-3018 [www.opr.ca.gov](http://www.opr.ca.gov)

Document Details Report  
State Clearinghouse Data Base

**SCH#** 2012081036  
**Project Title** Site C  
**Lead Agency** Garden Grove, City of

**Type** MND Mitigated Negative Declaration  
**Description** Note: Subsequent MND

The Site C project was originally approved in 2012. The 2012 project called for the development of: 1 full service hotel; 2 limited service hotels; conference/meeting/banquet space; several restaurants; and an indoor entertainment venue on a 5.2 acre site. The 2012 project called for 789 hotel rooms that range from 10 to 19 stories and a multi-level parking garage with 1,297 total spaces.

**Lead Agency Contact**

**Name** Maria Parra  
**Agency** City of Garden Grove  
**Phone** (714) 741-5312  
**email**  
**Address** 11222 Acacia Parkway  
P.O. Box 3070  
**City** Garden Grove  
**State** CA **Zip** 92842

**Project Location**

**County** Orange  
**City** Garden Grove  
**Region**  
**Lat / Long** 33° 47' 3.15" N / 117° 54' 50.1" W  
**Cross Streets** Northwest corner of Harbor Boulevard and Twintree Lane, west of Cholsner Road  
**Parcel No.**  
**Township** 4S **Range** 10W **Section** 34 **Base**

**Proximity to:**

**Highways** SR 22, I-5, SR 57  
**Airports**  
**Railways**  
**Waterways**  
**Schools** Lampson, Parkview  
**Land Use** vacant lot/planned unit development no. PUD-128-12/International west mixed use

**Project Issues** Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual; Agricultural Land; Forest Land/Fire Hazard

**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 12; Office of Emergency Services, California; Department of Housing and Community Development; Regional Water Quality Control Board, Region 8; State Water Resources Control Board, Division of Drinking Water; Native American Heritage Commission

**Date Received** 09/25/2017 **Start of Review** 09/25/2017 **End of Review** 10/24/2017

Note: Blanks in data fields result from insufficient information provided by lead agency.

**1. RESPONSE TO COMMENT FROM SCOTT MORGAN, DIRECTOR, STATE  
CLEARINGHOUSE, GOVERNOR'S OFFICE OF PLANNING AND RESEARCH (OPR), STATE  
OF CALIFORNIA**

The comment acknowledges compliance with the CEQA MND public review requirements and requires no further response.

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STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

**DEPARTMENT OF TRANSPORTATION****DISTRICT 12**

1750 EAST FOURTH STREET, SUITE 100

SANTA ANA, CA 92705

PHONE (657) 328-6267

FAX (657) 328-6510

TTY 711

[www.dot.ca.gov](http://www.dot.ca.gov)

*Making Conservation  
a California Way of Life.*

October 25, 2017

Ms. Maria Parra  
City of Garden Grove  
11222 Acacia Parkway  
Garden Grove, CA 92842

File: IGR/CEQA  
SCH#: 2012081036  
IGR LOG # 2017-00717  
SR22  
PM 8.549

Dear Ms. Parra,

Thank you for continuing to include the California Department of Transportation (Caltrans) in the review of the Mitigated Negative Declaration for the Site C Project. The Modified Project consists of development of two full-service hotels, one limited-service hotel (Twintree Lane Hotel), conference/meeting banquet space, several restaurants and bars, retail uses, and pools (including a surf pool), on an approximately 4.3-acre site in the City of Garden Grove. Specifically, the Modified Project would consist of 769 rooms, approximately 39,867 square feet of conference/meeting banquet space, 36,885 square feet of restaurant/retail/entertainment space, 24,014 square feet of hotel restaurant space, 26,090 square feet of additional hotel ancillary uses (i.e., gyms, spas, salon, a hotel shop, and a kids' club), and a total of 1,297 above- and below-ground parking spaces. Three access driveways, two along Harbor Boulevard and one along Twintree Lane would serve the project site. The Modified Project is located at the northeast corner of Harbor Boulevard and Twintree Lane, south of the Target Shopping Center parking lot, and west of Choisser Road. Regional access to the project site is provided by State Route (SR) 22.

Caltrans is a responsible agency on this project and has the following comments:

**Traffic Operations**

1. Please provide the queuing analysis for the following locations including on and off-ramps for SR22:
  - Intersection No.12- Harbor Boulevard at SR22 westbound off-ramp/Banner Drive.
  - Intersection No.13- Harbor Boulevard at Trask Avenue.
  - Intersection No.14- SR22 eastbound on-ramp at Trask Avenue.

Caltrans-1

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

City of Garden Grove  
October 25, 2017  
Page 2

**Encroachment Permit**

1. Any project work proposed within Caltrans Right-of-Way requires an Encroachment Permit and all environmental concerns must be addressed. If the environmental documentation for the project does not meet Caltrans requirements, additional documentation would be required before approval of the encroachment permit. For application forms and specific details on Caltrans Encroachment Permits procedure, please refer to Encroachment Permits Manual. The latest edition of the Manual is available on: <http://www.dot.ca.gov/trafficops/ep/apps.html>

Caltrans-2

Please continue to coordinate with Caltrans for any future developments that could potentially impact State transportation facilities. If you have any questions, please do not hesitate to contact Maryam Molavi, at (657) 328-6280 or [Maryam.Molavi@dot.ca.gov](mailto:Molavi@dot.ca.gov).

Sincerely,



YATMAN KWAN, AICP  
Acting Branch Chief, Regional-IGR-Transit Planning  
District 12

*"Provide a safe, sustainable, integrated and efficient transportation system  
to enhance California's economy and livability"*

## **2. RESPONSES TO COMMENTS FROM YATMAN KWAN, AICP, ACTING BRANCH CHIEF, REGIONAL-IGR-TRANSIT PLANNING, DISTRICT 12, DEPARTMENT OF TRANSPORTATION**

**Caltrans-1** In response to Caltrans-1 Comment, a supplemental queuing analysis has been prepared at the three requested locations shown below. This queuing analysis is based on the Highway Capacity Manual 2010 methodology. The 95th percentile queue is reported using Synchro 10 analysis software. Traffic volume data is based on the September 13, 2017 Traffic Study.

1. Intersection No. 12 – Harbor Boulevard at SR22 westbound off-ramp/Banner Drive:

Table 1 below shows the results of the queuing analysis at the intersection of Harbor Boulevard at SR22 westbound off-ramp/Banner Drive. The project may cause vehicle queue to increase by as much as 36 feet during the PM peak hour for the southbound through movement on Harbor Boulevard. This is equivalent to approximately 1.4 additional vehicles per lane.

2. Intersection No. 13 – Harbor Boulevard at Trask Avenue:

Table 2 below shows the results of the queuing analysis at the intersection of Harbor Boulevard at Trask Avenue. The project may cause vehicle queue to increase by as much as 44 feet during the AM peak hour for the northbound right turn movement on Harbor Boulevard. This is equivalent to approximately 1.8 additional vehicles per lane.

3. Intersection No. 14 – SR22 on-ramp at Trask Avenue:

Table 3 below shows the results of the queuing analysis at the intersection of SR22 on-ramp at Trask Avenue. The project may cause vehicle queue to increase by as much as 50 feet during the AM peak hour for the eastbound left turn movement on Trask Avenue. This is equivalent to approximately 2 additional vehicles per lane.

This queuing analysis has been provided for informational purposes only. The project related traffic impact at the study area intersections is based on level of service standards established by the City of Garden Grove and Caltrans. Based on the results of the level of service analysis, all study area intersections will operate at acceptable levels of service with the recommended project mitigation measures and the project impact is considered less than significant. The queuing analysis report sheets are provided in Attachment A.

**TABLE 1**  
**Queue Analysis for Harbor Boulevard at Banner Dr/SR-22 WB Ramps**

AM Peak Hour Queue												
Analysis Scenario	Northbound			Southbound			Eastbound			Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Opening Year (2021) Without Project	101 ft.	326 ft.	--	--	530 ft.	--	--	150 ft.	--	590 ft.	592 ft.	42 ft.
Opening Year (2021) With Project	101 ft.	340 ft.	--	--	556 ft.	--	--	150 ft.	--	590 ft.	592 ft.	46 ft.
Increase from Project (ft.)	0 ft.	14 ft.	--	--	26 ft.	--	--	0 ft.	--	0 ft.	0 ft.	4 ft.

PM Peak Hour Queue												
Analysis Scenario	Northbound			Southbound			Eastbound			Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Opening Year (2021) Without Project	169 ft.	400 ft.	--	--	465 ft.	--	--	90 ft.	--	380 ft.	390 ft.	49 ft.
Opening Year (2021) With Project	169 ft.	420 ft.	--	--	501 ft.	--	--	90 ft.	--	380 ft.	390 ft.	75 ft.
Increase from Project (ft.)	0 ft.	20 ft.	--	--	36 ft.	--	--	0 ft.	--	0 ft.	0 ft.	26 ft.

<sup>1</sup> Queue length is based on the Highway Capacity Manual (HCM) 2010 methodology. 95th percentile queue is reported per lane. Traffic volume is based the Site C Mixed Use Hotel Traffic Impact Study (9/13/17).

<sup>2</sup> -- = Movement does not have a dedicated lane; turning movement queue is combined and reported with thru movement queue.

**TABLE 2**  
**Queue Analysis for Harbor Boulevard at Trask Avenue**

AM Peak Hour Queue												
Analysis Scenario	Northbound			Southbound			Eastbound			Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Opening Year (2021) Without Project	103 ft.	212 ft.	299 ft.	348 ft.	335 ft.	28 ft.	125 ft.	245 ft.	272 ft.	128 ft.	185 ft.	219 ft.
Opening Year (2021) With Project	80 ft.	211 ft.	343 ft.	373 ft.	347 ft.	29 ft.	136 ft.	245 ft.	213 ft.	139 ft.	185 ft.	234 ft.
Increase from Project (ft.)	-23 ft.	-1 ft.	44 ft.	25 ft.	12 ft.	1 ft.	11 ft.	0 ft.	-59 ft.	11 ft.	0 ft.	15 ft.

PM Peak Hour Queue												
Analysis Scenario	Northbound			Southbound			Eastbound			Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Opening Year (2021) Without Project	125 ft.	424 ft.	198 ft.	391 ft.	294 ft.	45 ft.	251 ft.	269 ft.	255 ft.	137 ft.	287 ft.	301 ft.
Opening Year (2021) With Project	119 ft.	434 ft.	184 ft.	426 ft.	310 ft.	46 ft.	263 ft.	234 ft.	286 ft.	172 ft.	287 ft.	315 ft.
Increase from Project (ft.)	-6 ft.	10 ft.	-14 ft.	35 ft.	16 ft.	1 ft.	12 ft.	-35 ft.	31 ft.	35 ft.	0 ft.	14 ft.

<sup>1</sup> Queue length is based on the Highway Capacity Manual (HCM) 2010 methodology; 95th percentile queue is reported per lane. Traffic volume is based the Site C Mixed Use Hotel Traffic Impact Study (9/13/17).

<sup>2</sup> \* = Movement does not have a dedicated lane; turning movement queue is combined and reported with thru movement queue.

**TABLE 3**  
**Queue Analysis for SR-22 EB Ramps at Trask Avenue**

**AM Peak Hour Queue**

Analysis Scenario	Northbound			Southbound			Eastbound			Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Opening Year (2021) Without Project	n/a	n/a	n/a	n/a	n/a	n/a	96 ft.	0 ft.	n/a	n/a	117 ft.	--
Opening Year (2021) With Project	n/a	n/a	n/a	n/a	n/a	n/a	146 ft.	0 ft.	n/a	n/a	162 ft.	--
Increase from Project (ft.)	n/a	n/a	n/a	n/a	n/a	n/a	50 ft.	0 ft.	n/a	n/a	45 ft.	--

**PM Peak Hour Queue**

Analysis Scenario	Northbound			Southbound			Eastbound			Westbound		
	L	T	R	L	T	R	L	T	R	L	T	R
Opening Year (2021) Without Project	n/a	n/a	n/a	n/a	n/a	n/a	116 ft.	0 ft.	n/a	n/a	121 ft.	--
Opening Year (2021) With Project	n/a	n/a	n/a	n/a	n/a	n/a	123 ft.	0 ft.	n/a	n/a	125 ft.	--
Increase from Project (ft.)	n/a	n/a	n/a	n/a	n/a	n/a	7 ft.	0 ft.	n/a	n/a	4 ft.	--

<sup>1</sup> Queue length is based on the Highway Capacity Manual (HCM) 2010 methodology. 95th percentile queue is reported per lane. Traffic volume is based the Site C Mixed Use Hotel Traffic Impact Study (9/13/17).

<sup>2</sup> -- = Movement does not have a dedicated lane; turning movement queue is combined and reported with thru movement queue.

<sup>3</sup> N/A = Movement no present at intersection.

**Attachment A**  
**Queuing Analysis Report Sheets**

## Queues

SITE C MIXED USE TIS (JN: 0762-2016-01)

12: Harbor Boulevard &amp; Banner Drive/CA-22 WB Off-Ramp

10/27/2017



Lane Group	EBT	WBL	WBT	WBR	NBL	NBT	SBT
Lane Group Flow (vph)	218	522	526	134	62	1470	1748
v/c Ratio	0.75	0.99	0.99	0.23	0.71	0.66	0.92
Control Delay	38.0	72.5	71.7	5.8	93.4	23.5	39.7
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	38.0	72.5	71.7	5.8	93.4	23.5	39.7
Queue Length 50th (ft)	70	334	336	0	32	256	383
Queue Length 95th (ft)	150	#590	#592	42	#101	326	#530
Internal Link Dist (ft)	455		799			727	1778
Turn Bay Length (ft)		400		400	67		
Base Capacity (vph)	361	526	530	587	73	2229	1892
Starvation Cap Reductn	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0
Reduced v/c Ratio	0.60	0.99	0.99	0.23	0.71	0.66	0.92

## Intersection Summary

# 95th percentile volume exceeds capacity, queue may be longer.  
Queue shown is maximum after two cycles.



## Queues

SITE C MIXED USE TIS (JN: 0762-2016-01)

12: Harbor Boulevard &amp; Banner Drive/CA-22 WB Off-Ramp

10/27/2017



Lane Group	EBT	WBL	WBT	WBR	NBL	NBT	SBT
Lane Group Flow (vph)	171	347	356	163	122	2010	1778
v/c Ratio	0.61	0.90	0.92	0.33	0.82	0.76	0.91
Control Delay	23.8	61.1	62.9	7.1	78.9	18.9	33.1
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	23.8	61.1	62.9	7.1	78.9	18.9	33.1
Queue Length 50th (ft)	30	184	189	0	63	284	309
Queue Length 95th (ft)	90	#380	#390	49	#169	400	#465
Internal Link Dist (ft)	455		799			727	1778
Turn Bay Length (ft)		400		400	67		
Base Capacity (vph)	416	384	389	487	149	2632	1954
Starvation Cap Reductn	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0
Reduced v/c Ratio	0.41	0.90	0.92	0.33	0.82	0.76	0.91

## Intersection Summary













# 95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.

Queues  
13: Trask Avenue & Harbor Boulevard

SITE C MIXED USE TIS (JN: 0762-2016-01)

10/27/2017

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Group Flow (vph)	103	653	425	105	257	936	72	1030	527	400	1870	136
v/c Ratio	0.73	0.87	0.87	0.74	0.65	0.64	0.77	0.80	0.76	0.94	0.84	0.18
Control Delay	64.7	42.4	37.0	66.4	35.6	14.6	83.6	31.9	23.6	62.4	22.9	3.2
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	64.7	42.4	37.0	66.4	35.6	14.6	83.6	31.9	23.6	62.4	22.9	3.2
Queue Length 50th (ft)	48	155	108	49	110	152	34	164	157	183	271	0
Queue Length 95th (ft)	#125	#245	#272	#128	185	219	#103	212	#299	#348	335	28
Internal Link Dist (ft)		264			619			257			727	
Turn Bay Length (ft)				100		100				100		
Base Capacity (vph)	141	754	486	141	397	1456	94	1288	692	424	2237	772
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.73	0.87	0.87	0.74	0.65	0.64	0.77	0.80	0.76	0.94	0.84	0.18

Intersection Summary










# 95th percentile volume exceeds capacity, queue may be longer.  
Queue shown is maximum after two cycles.

## Queues

SITE C MIXED USE TIS (JN: 0762-2016-01)

13: Trask Avenue &amp; Harbor Boulevard

10/27/2017

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SSL	SBT	SBR
Lane Group Flow (vph)	204	612	474	114	278	905	128	1548	407	371	1380	227
v/c Ratio	0.94	0.87	0.83	0.64	0.84	0.73	0.50	0.98	0.52	0.99	0.72	0.31
Control Delay	90.0	49.1	25.6	57.0	59.2	23.8	43.1	49.7	15.3	82.9	26.5	3.9
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	90.0	49.1	25.6	57.0	59.2	23.8	43.1	49.7	15.3	82.9	26.5	3.9
Queue Length 50th (ft)	117	178	83	63	154	219	68	317	114	212	241	0
Queue Length 95th (ft)	#251	#269	#255	#137	#287	301	125	#424	198	#391	294	45
Internal Link Dist (ft)		264			619			257			727	
Turn Bay Length (ft)				100		100				100		
Base Capacity (vph)	216	707	571	177	331	1242	255	1582	780	373	1921	739
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.94	0.87	0.83	0.64	0.84	0.73	0.50	0.98	0.52	0.99	0.72	0.31

## Intersection Summary

# 95th percentile volume exceeds capacity, queue may be longer.  
Queue shown is maximum after two cycles.



## Queues

SITE C MIXED USE TIS (JN: 0762-2016-01)

## 14: Trask Avenue &amp; CA-22 EB On-Ramp

10/27/2017



Lane Group	EBL	EBT	WBT
Lane Group Flow (vph)	743	1004	1069
v/c Ratio	0.65	0.54	0.68
Control Delay	13.8	1.1	10.6
Queue Delay	0.0	0.0	0.0
Total Delay	13.8	1.1	10.6
Queue Length 50th (ft)	68	0	85
Queue Length 95th (ft)	96	0	117
Internal Link Dist (ft)		619	392
Turn Bay Length (ft)	260		
Base Capacity (vph)	1322	1859	1744
Starvation Cap Reductn	0	0	0
Spillback Cap Reductn	0	0	0
Storage Cap Reductn	0	0	0
Reduced v/c Ratio	0.56	0.54	0.61
Intersection Summary			

## Queues

SITE C MIXED USE TIS (JN: 0762-2016-01)

## 14: Trask Avenue &amp; CA-22 EB On-Ramp

10/27/2017



Lane Group	EBL	EBT	WBT
Lane Group Flow (vph)	636	687	820
w/c Ratio	0.54	0.37	0.53
Control Delay	12.7	0.6	9.3
Queue Delay	0.0	0.0	0.0
Total Delay	12.7	0.6	9.3
Queue Length 50th (ft)	50	0	53
Queue Length 95th (ft)	116	0	121
Internal Link Dist (ft)		619	392
Turn Bay Length (ft)	260		
Base Capacity (vph)	2209	1863	2777
Starvation Cap Reductn	0	0	0
Spillback Cap Reductn	0	0	0
Storage Cap Reductn	0	0	0
Reduced w/c Ratio	0.29	0.37	0.30

## Intersection Summary

## Queues

SITE C MIXED USE TIS (JN: 0762-2016-01)

12: Harbor Boulevard &amp; Banner Drive/CA-22 WB Off-Ramp

10/27/2017

	→	↖	←	↗	↖	↑	↓
Lane Group	EBT	WBL	WBT	WBR	NBL	NBT	SBT
Lane Group Flow (vph)	218	522	525	164	52	1515	1800
v/c Ratio	0.75	0.99	0.99	0.27	0.71	0.68	0.95
Control Delay	38.0	72.5	71.7	5.5	93.4	24.0	43.1
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	38.0	72.5	71.7	5.5	93.4	24.0	43.1
Queue Length 50th (ft)	70	334	336	0	32	267	-406
Queue Length 95th (ft)	150	#590	#592	46	#101	340	#556
Internal Link Dist (ft)	455		799			727	1778
Turn Bay Length (ft)		400		400	67		
Base Capacity (vph)	361	526	530	608	73	2229	1892
Starvation Cap Reductn	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0
Reduced v/c Ratio	0.60	0.99	0.99	0.27	0.71	0.68	0.95

## Intersection Summary

- Volume exceeds capacity, queue is theoretically infinite.  
Queue shown is maximum after two cycles.
- # 95th percentile volume exceeds capacity, queue may be longer.  
Queue shown is maximum after two cycles.

## Queues

SITE C MIXED USE TIS (JN: 0762-2016-01)

12: Harbor Boulevard &amp; Banner Drive/CA-22 WB Off-Ramp

10/27/2017

	→	↘	←	↖	↙	↑	↓
Lane Group	EBT	WBL	WBT	WBR	NBL	NBT	SBT
Lane Group Flow (vph)	171	347	356	204	122	2072	1859
v/c Ratio	0.61	0.90	0.92	0.42	0.82	0.79	0.96
Control Delay	23.8	61.1	62.9	10.6	78.9	19.6	37.9
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	23.8	61.1	62.9	10.6	78.9	19.6	37.9
Queue Length 50th (ft)	30	184	189	15	63	299	332
Queue Length 95th (ft)	90	#880	#890	75	#169	420	#501
Internal Link Dist (ft)	465		799			727	1778
Turn Bay Length (ft)		400		400	67		
Base Capacity (vph)	416	384	389	490	149	2632	1954
Starvation Cap Reductn	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0
Reduced v/c Ratio	0.41	0.90	0.92	0.42	0.82	0.79	0.96

## Intersection Summary

# 95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.















## Queues

SITE C MIXED USE TIS (JN: 0762-2016-01)

13: Trask Avenue &amp; Harbor Boulevard

10/30/2017

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Group Flow (vph)	103	653	425	105	257	965	72	1046	527	421	1880	136
v/c Ratio	0.87	0.88	0.67	0.89	0.66	0.67	0.51	0.77	0.92	0.99	0.86	0.18
Control Delay	93.0	43.5	20.4	96.4	36.0	15.5	46.9	29.8	40.4	72.6	24.8	3.3
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	93.0	43.5	20.4	96.4	36.0	15.5	46.9	29.8	40.4	72.6	24.8	3.3
Queue Length 50th (ft)	49	155	113	50	110	164	33	164	161	195	280	0
Queue Length 95th (ft)	#136	#245	213	#139	185	234	#80	211	#343	#373	347	29
Internal Link Dist (ft)		264			619			267			727	
Turn Bay Length (ft)				100		100				100		
Base Capacity (vph)	118	757	631	118	398	1444	141	1360	574	425	2179	756
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	0.87	0.86	0.67	0.89	0.65	0.67	0.51	0.77	0.92	0.99	0.86	0.18

## Intersection Summary

# 95th percentile volume exceeds capacity, queue may be longer.

Queue shown is maximum after two cycles.




## Queues

SITE C MIXED USE TIS (JN: 0762-2016-01)

13: Trask Avenue &amp; Harbor Boulevard

10/30/2017

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Group Flow (vph)	204	612	474	114	278	948	128	1570	407	405	1398	227
v/c Ratio	1.04	0.80	0.72	0.96	0.87	0.75	0.55	0.99	0.63	1.03	0.68	0.29
Control Delay	115.1	41.9	26.1	118.0	62.7	24.0	44.6	51.2	16.4	88.2	24.7	4.0
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	115.1	41.9	26.1	118.0	62.7	24.0	44.6	51.2	16.4	88.2	24.7	4.0
Queue Length 50th (ft)	~126	173	193	66	154	231	69	323	83	~249	234	0
Queue Length 95th (ft)	#263	234	286	#172	#287	315	119	#434	184	#426	310	46
Internal Link Dist (ft)		264			619			267			727	
Turn Bay Length (ft)				100		100				100		
Base Capacity (vph)	197	791	732	119	333	1263	316	1592	649	395	2055	775
Starvation Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0	0	0	0	0	0	0
Reduced v/c Ratio	1.04	0.77	0.65	0.96	0.83	0.75	0.41	0.99	0.63	1.03	0.68	0.29

## Intersection Summary

- ~ Volume exceeds capacity, queue is theoretically infinite.  
Queue shown is maximum after two cycles.
- # 95th percentile volume exceeds capacity, queue may be longer.  
Queue shown is maximum after two cycles.

Queues  
14: Trask Avenue & CA-22 EB On-Ramp

SITE C MIXED USE TIS (JN: 0762-2016-01)

10/27/2017



Lane Group	EBL	EBT	WBT
Lane Group Flow (vph)	767	1004	1069
v/c Ratio	0.65	0.54	0.64
Control Delay	16.7	1.1	11.3
Queue Delay	0.0	0.0	0.0
Total Delay	16.7	1.1	11.3
Queue Length 50th (ft)	87	0	100
Queue Length 95th (ft)	146	0	162
Internal Link Dist (ft)		619	392
Turn Bay Length (ft)	260		
Base Capacity (vph)	1705	1860	2367
Starvation Cap Reductn	0	0	0
Spillback Cap Reductn	0	0	0
Storage Cap Reductn	0	0	0
Reduced v/c Ratio	0.45	0.54	0.45

Intersection Summary

## Queues

SITE C MIXED USE TIS (JN: 0762-2016-01)

## 14: Trask Avenue &amp; CA-22 EB On-Ramp

10/27/2017



Lane Group	EBL	EBT	WBT
Lane Group Flow (vph)	669	687	820
v/c Ratio	0.56	0.37	0.54
Control Delay	12.8	0.6	9.7
Queue Delay	0.0	0.0	0.0
Total Delay	12.8	0.6	9.7
Queue Length 50th (ft)	53	0	55
Queue Length 95th (ft)	123	0	125
Internal Link Dist (ft)		619	392
Turn Bay Length (ft)	260		
Base Capacity (vph)	2269	1863	2674
Starvation Cap Reductn	0	0	0
Spillback Cap Reductn	0	0	0
Storage Cap Reductn	0	0	0
Reduced v/c Ratio	0.29	0.37	0.31

## Intersection Summary

**Caltrans-2** The comment is acknowledged. Should any work be performed within the Caltrans Right- of-Way, an Encroachment Permit will be obtained in accordance with the Caltrans procedures prior to the start of the work.



City of Anaheim  
**PLANNING AND BUILDING DEPARTMENT**

October 26, 2017

Maria Parra  
 Senior Planner  
 City of Garden Grove Planning Division  
 11222 Acacia Parkway  
 Garden Grove, CA 92840

by email to: mariap@ci.garden-grove.ca.us

Subject: City of Garden Grove Notice of Intent to Adopt a Subsequent Mitigated  
 Negative Declaration for Site C

Dear Ms. Parra:

Thank you for the opportunity to review and comment on the above-referenced document. City of Anaheim interdepartmental staff has reviewed the document. The Public Works Department, Traffic Engineering Division has provided the comments below. Please contact Linda Johnson, Principal Planner at (714) 765-4957 or [ljohnson@anaheim.net](mailto:ljohnson@anaheim.net) with questions pertaining to these comments.

- Regarding "DF-TR-23 Provide shuttle service to Disneyland, the Anaheim Convention Center and other popular attractions in the area" (Page 66 in the Traffic and Transportation Section), City staff recommends that the Property Owner/Developer participate in the Anaheim Transportation Network (ATN), which operates the Anaheim Resort Transportation (ART) buses. ATN has a franchise with the City of Anaheim to operate ART buses to provide transportation on regular routes to destinations in and around The Anaheim Resort. ATN was formed to mitigate traffic in The Anaheim Resort by consolidating vehicle trips to a regular bus operation. Through the franchise with the City, ART also operates limited routes to other cities such as Garden Grove.
- Regarding Exhibit 3-4 (City of Garden Grove Master Plan of Bikeway Facilities) – This map shows bike lanes on Katella Avenue in the City of Anaheim which is not consistent with the City of Anaheim's recently adopted Bicycle Master Plan (adopted on May 23, 2017, see page 31 of the following link: <http://www.anaheim.net/DocumentCenter/Home/View/2027>).

Anaheim-1

Anaheim-2

Please forward any subsequent public notices regarding this project to my attention at the address listed at the bottom of the first page of this letter. If you have any questions regarding this response, please do not hesitate to contact me at (714) 765-5238 or [csaunders@anaheim.net](mailto:csaunders@anaheim.net).

200 S Anaheim Blvd  
 Suite #162  
 Anaheim, CA 92805  
 Tel (714) 765-5139  
 Fax (714) 765-5280  
[www.anaheim.net](http://www.anaheim.net)

LETTER 3  
cont'd

Ms. Parra  
October 26, 2017  
Page 2 of 2

Sincerely,

A handwritten signature in blue ink that reads "Christine Saunders". The signature is written in a cursive style with a horizontal line at the end.

Christine Saunders  
Associate Planner

Cc: Linda Johnson, Public Works Department, Traffic Engineering  
Jamie Lai, Public Works Department, Traffic Engineering

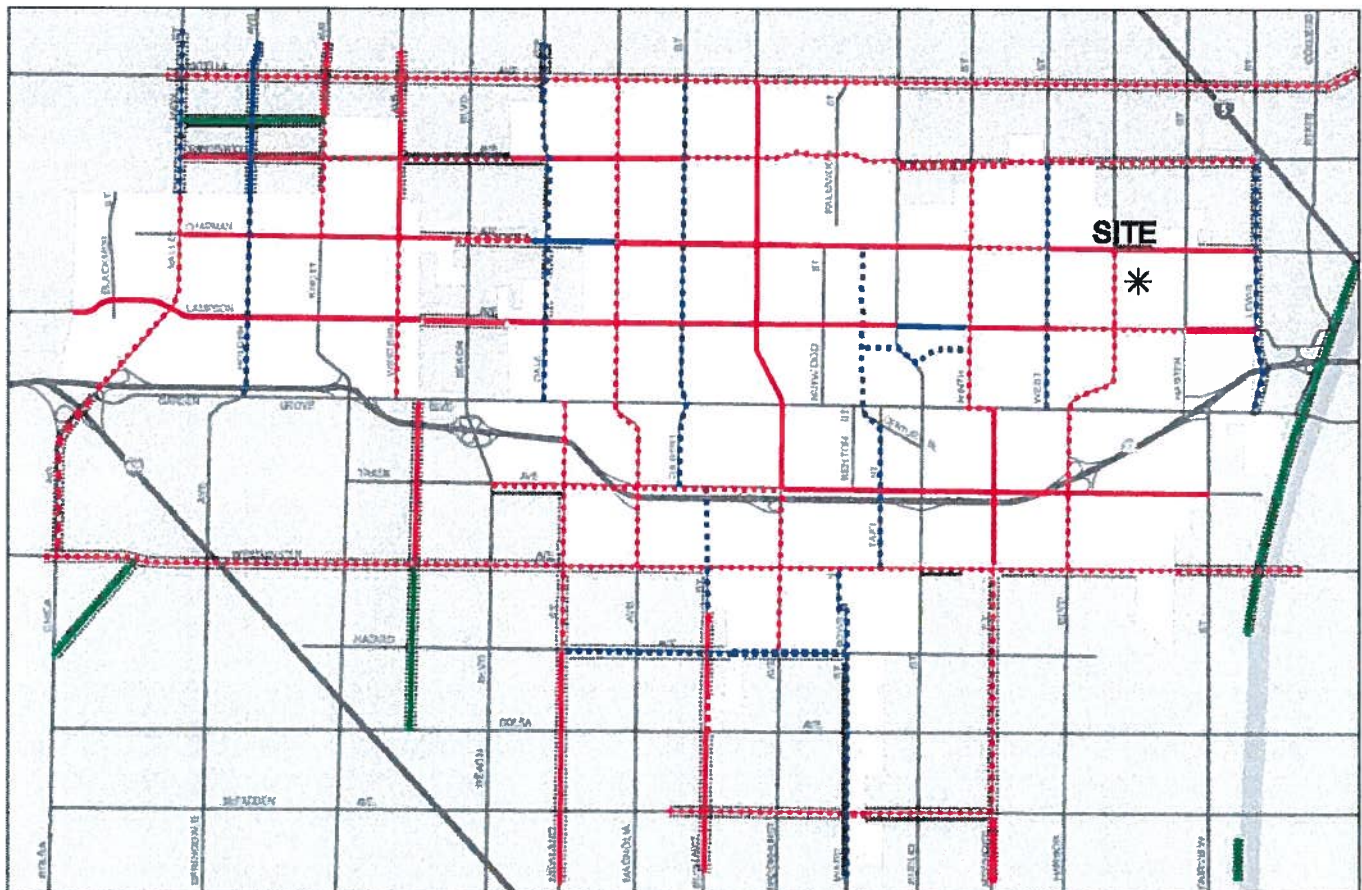


### **3. RESPONSES TO COMMENTS FROM CHRISTINE SAUNDERS, ASSOCIATE PLANNER, CITY OF ANAHEIM, PLANNING AND BUILDING DEPARTMENT**

**Anaheim-1** The comment is acknowledged and will be shared with the Property Owner/Developer for their consideration. Since this comment does not raise an issue regarding the environmental analysis contained in the Draft Subsequent MND, no further action is required.

**Anaheim-2** The comment is acknowledged. Please note that Exhibit 3-4 of the Traffic Impact Study was based on the City of Garden Grove Bikeway Master Plan. However, to address this discrepancy (bike lanes on Katella Avenue) between the City of Garden Grove Bikeway Master Plan and the City of Anaheim Bicycle Master Plan, a note has been added to Exhibit 3-4 to correct this issue. See the revised Exhibit 3-4 on the next page.

# Exhibit 3-4 City of Garden Grove Master Plan of Bikeway Facilities



Please note that the bike lanes on Katella Avenue are no longer proposed per the City of Anaheim Bicycle Master Plan which was adopted on May 23, 2017.

## Legend:

### City of Garden Grove

Existing	Proposed	
		Class I Bike Trail (Off Street Trail)
		Class II Bike Lanes (On-Street Striped Lanes)
		Class III Bike Route (On-Street Signed Route)

### County of Orange and Adjacent Cities

Existing	Proposed	
		Class I Bike Trail (Off Street Trail)
		Class II Bike Lanes (On-Street Striped Lanes)
		Class III Bike Route (On-Street Signed Route)

0762-2016-01 (Ex-3-4)

SITE "C" MIXED USE HOTEL TRAFFIC IMPACT STUDY, Garden Grove, California

**RK** engineering  
group, inc.



# UNITE<sup>HERE</sup>! Local 11

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464 Lucas Ave., Suite 201 • Los Angeles, California 90017 • (213) 481-8530 • FAX (213) 481-0352

---

November 1, 2017

Garden Grove Planning Commission  
11222 Acacia Parkway  
Garden Grove, CA 92840

**RE: Item C.1. Subsequent Mitigated Negative Declaration, Site Plan No. SP-043-2017,  
Tentative Tract Map No. TT-17455, Development Agreement No. DA-008-2017**

Dear Planning Commissioners:

I write to you on behalf of UNITE HERE Local 11, a labor union that represents over 25,000 hospitality workers across Southern California. We urge you to deny the International West “Site C” project (“Modified Project”) as it is currently proposed. Our local represents 136 members who live in the city of Garden Grove, and are deeply concerned about the impact this and similar projects will have on the quality of life in this community. Of particular concerns are the lack of comprehensive environmental review, the outdated land valuation and subsidy calculations, and the lack of community benefits commensurate with the projected amount of monetary and land subsidies.

**Both the Modified Project and 2012 Project lack sufficient environmental review.** A Mitigated Negative Declaration (MND) was prepared for both versions of the Site C project, rather than a more comprehensive Environmental Impact Report (EIR). The IS/MND from 2012 concluded a less-than-significant impact to the “existing visual character or quality of the site and its surroundings” based on the design guidelines for the International West Mixed Use Area in the 2008 General Plan.<sup>1</sup> The City of Garden Grove has changed dramatically since 2008, including the addition of several new commercial developments along major thoroughfares, such as Great Wolf Lodge Resort. We believe this warrants further environmental review.

**The land value and subsidy calculations are based on an outdated study.** When the project was originally approved in 2013, Horwath HTL, LLC “Horwath” prepared an economic evaluation of the Project. Based on the project’s plans at that time – a 360-room full-service hotel and two 150-room limited service hotels – Horwath concluded a negative residual land value for the land on which the hotels would be built of approximately \$31.5 million. The local hotel market and scope of the project have changed significantly since 2013, and this body should consider how these changes may have impacted the value of the land that the City is considering conveying upon the developer at little to no cost. The Modified Project includes two luxury, full-service hotels with 402 and 200 rooms, respectively, and one limited service hotel with 167 rooms. It also includes the introduction of retail uses on the site. The addition of a second full-service hotel makes this a very different development from what was approved in 2013. Having a full-service hotel will justify higher room rates and, ultimately, higher revenues

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<sup>1</sup> Site C Subsequent Mitigated Negative Declaration and Study, September 2017, 17.

# UNITEHERE! Local 11

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464 Lucas Ave., Suite 201 • Los Angeles, California 90017 • (213) 481-8530 • FAX (213) 481-0352

---

for the combined hotels. It is possible that with a higher end product in this project, the financing “gap” in the deal and the financial assistance needs of the current developer will be lower than those of the prior developer. If that is indeed the case, this body should have the developer compensate the City for the land. At minimum, these issues should be studied further before approving this modified deal.

The Horwath report also notes that estimates were based on a lack of projects in the planning stages at the time the report was prepared. “However, if additional rooms other than those mentioned in this report were to be added to the competitive supply, it could have a material impact on the market and the projected performance of the subject.” Since 2013, the City of Garden Grove has opened Great Wolf Lodge Resort, a 600-room hotel and indoor water park. At least 2 hotels are in the planning stages or close to filing for entitlements. Several new hotels have opened in Anaheim, and at least 4 are in the planning stages.

**This project will be highly subsidized by the City without sufficient benefits to the community.** The 2013 Grove District Resort Hotel Development Agreement (GDRHDA) projected an estimated Net Present Value of \$17.6 million for assistance to be provided to the developer over the next 20 years. While the GDRHDA recognizes the creation of jobs, it does not address the quality of these jobs nor does it consider whether most of those jobs will actually go to Garden Grove residents. This body should ensure that there are guarantees related to job quality and local hiring before approving modifications to this project. We encourage the Planning Commission to pay special attention to this matter.

Thank you for your time and consideration. We hope that you will consider our objections, and deny this project in its current form.

Sincerely,

Danielle Wilson  
Research Analyst, UNITE HERE Local 11  
(213)481-8530, [Danielle.wilson@unitehere11.org](mailto:Danielle.wilson@unitehere11.org)

#### **4. RESPONSES TO COMMENTS FROM DANIELLA WILSON, RESEARCH ANALYST, UNITE HERE LOCAL 11**

**Comment:**

**Both the Modified Project and 2012 Project lack sufficient environmental review.** A Mitigated Negative Declaration (MND) was prepared for both versions of the Site C project, rather than a more comprehensive Environmental Impact Report (EIR). The IS/MND from 2012 concluded a less-than-significant impact to the “existing visual character or quality of the site and its surroundings” based on the design guidelines for the International West Mixed Use Area in the 2008 General Plan. The City of Garden Grove has changed dramatically since 2008, including the addition of several new commercial developments along major thoroughfares, such as Great Wolf Lodge Resort. We believe this warrants further environmental review.

**Response:**

The Site C project was originally approved in 2012. (the “2012 Project”). The City prepared an initial study and mitigated negative declaration that were also adopted in 2012 when the 2012 Project was approved (the 2012 IS/MND). A Notice of Determination for the 2012 Project was filed and posted accordingly on November 28, 2012.

Minor modifications to 2012 Project are now proposed (the “Modified Project”). Pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162, the City has prepared a subsequent initial study. Specifically, CEQA Guidelines section 15162 provides:

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:
  - (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
  - (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
  - (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
    - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
    - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
    - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of

- the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

On this basis, the City's subsequent initial study analyzed whether the Modified Project meets any of the criteria listed in CEQA Guidelines Section 15162 requiring a subsequent EIR. As stated in the City's subsequent initial study, the Modified Project does not meet any of those criteria. The subsequent initial study concludes, based on numerous technical studies and facts in the record, that the Modified Project's environmental impacts can be mitigated to a level of less than significant. As a result, the City has prepared a Subsequent Mitigated Negative Declaration (the "Subsequent IS/MND").

The applicable designation in the project area is the International West Mixed Use designation which is intended to provide for a mix of uses, including resort, entertainment, retail, hotel, and some higher density residential that are appropriate for a major entertainment and tourism destination. As stated in the 2012 IS/MND and the Subsequent IS/MND, the existing surrounding land uses consist primarily of commercial and hotel uses. In addition, future development across Harbor Boulevard would complement the project as it would be developed under the overall vision for the International West Mixed Use Area. The Modified Project is therefore consistent with the surrounding uses and the mix of uses intended by the International West Mixed Use designation, including the new commercial developments along major thoroughfares, such as Great Wolf Lodge Resort, referenced in the comment. In addition, the Modified Project, as with the 2012 Project, would add to the visual interest of the streetscape and maintain a similar ambiance with the existing, surrounding area consistent with the applicable Community Design Element Guidelines for the International West Mixed Use Area. Therefore, impacts related to the existing visual character or quality of the site and its surroundings were determined to be less than significant in the Subsequent IS/MND.

DRAFT MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

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PUBLIC HEARING - MITIGATED NEGATIVE DECLARATION, SITE PLAN NO. SP-043-2017, TENTATIVE TRACT MAP NO. TT-17455, AND DEVELOPMENT AGREEMENT NO. DA-008-2017. FOR PROPERTY LOCATED AT 12222, 12252, 12262, 12272, 12292 AND 12302 HARBOR BOULEVARD; 12511, 12531, 12551 AND 12571 HARBOR BOULEVARD; 12233, 12235, 12237 AND 12239 CHOISSER ROAD, NORTHEAST CORNER OF HARBOR BOULEVARD AND TWINTREE LANE, WEST OF CHOISSER ROAD.

Applicant: INVESTEL GARDEN RESORTS, LLC  
Date: November 2, 2017

Request: A request for approval of a Site Plan, Tentative Tract Map, and Development Agreement to implement a previously approved resort hotel development project on "Site C" at the Northwest corner of Harbor Boulevard and Twintree Lane in the City of Garden Grove.

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 on Site C. As approved in 2012, the Site C project called for up to 769 rooms in one (1) full service hotel and up to two (2) limited service hotels ranging from 10-19 stories; associated conference/meeting/banquet space, several restaurants; an indoor entertainment venue; and a multi-level parking garage with 1,297 total spaces on a 5.2 acre site, as depicted on a conceptual site plan (the "2012 Project").

Modifications to the project adopted in 2012 are now proposed (the "Modified Project") in conjunction with the proposed Site Plan. The Modified Project includes the same number of hotels, hotel rooms, and maximum building heights as the 2012 Project, but the configuration of the buildings, the amount and type of ancillary uses, and the site access have been modified. The Modified Project generally includes: (1) a change to two (2) full service hotels and one (1) limited service hotel; (2) changes to on-site circulation and access, including a new second driveway along Harbor Boulevard at the most southerly portion of the site, and changes to the parking structure including one entrance instead of the previous two entrances and one level of subterranean parking (maintaining the same 1,297 total spaces approved in the 2012 Project); (3) the introduction of retail uses; (4) minor changes to the total square footage of conference/meeting

banquet space, restaurant/retail/entertainment space, hotel ancillary uses (such as gyms, spas, salon, a hotel shop, and a kids club) and hotel restaurant space; and (5) modifications to the 2012 Project's building placements and configuration including (a) shifting the placement of Hotel A to maintain a 5-foot setback from the north property line, a 10-foot setback from the east property line, and expanding the hotel's second floor terrace along the northerly portion of the property line toward Harbor Boulevard, constructing a new retail building at the northwest corner of the site that connects to Hotel A via a second floor terrace, and relocating the valet drop-off for Hotel A; (b) swapping the placement of Hotel B with a restaurant pad building so that the restaurant pad is located at the southwest corner of the project site and Hotel B is located just north of the restaurant pad building with a connection provided between both structures via the hotel's second floor terrace; and (c) expanding and reconfiguring the usable outdoor roof deck area of Hotel A, which includes increasing the height of certain portions of the outdoor roof deck area from 75 feet to 80 feet and 85 feet, while continuing to maintain the easterly most portion of the parking structure at a height of 75 feet. The size of the Modified Project site has been reduced from 5.2 acres to 4.3 acres. The proposed Tentative Tract Map will adjust the rear property lines of four 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 will consolidate the existing parcels on the Modified Project site into two lots to facilitate development of the Modified Project and future commercial condominiumization. The Tentative Tract Map will result in two lots; one with 4.24 acres and a second parcel with .83 acres, for a total of 5.07 acres. The Planning Commission will also consider a recommendation for City Council approval of a Development Agreement with the developer of the Modified Project.

The Planning Commission will also consider adoption of a Subsequent Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the modified project.

Action: Public Hearing held. Speaker(s): Matthew Reid, Danielle Wilson (Unite Here-Local 11)

Action: Resolution Nos. 5898-17 (SMND), 5899-17 (SP/TT), and 5900-17 (DA) were approved.

Motion: Lehman Second: Brietigam

Ayes: (6) Brietigam, Kanzler, Lazenby, Lehman, Nguyen, Truong

Noes: (0) None  
Absent: (1) Salazar