



AGENDA

Garden Grove City
Council

Tuesday, August 23, 2022

6:30 PM

Community Meeting
Center 11300 Stanford
Avenue Garden Grove
California 92840

Steve Jones

Mayor

Diedre Thu-Ha Nguyen

Mayor Pro Tem - District 3

George S. Brietigam

Council Member - District 1

John R. O'Neill

Council Member - District 2

Patrick Phat Bui

Council Member - District 4

Stephanie Klopfenstein

Council Member - District 5

Kim B. Nguyen

Council Member - District 6

COVID-19 Information: Members of the public can address the City Council during the public comment portion of the meeting in person or via e-mail. If you plan to attend the meeting in person, masks or face coverings are required to be worn if you are not vaccinated. If you feel ill or are showing symptoms of COVID-19, please consider submitting comments by e-mail. Instructions are available on the City's website at <https://ggcity.org/city-council/meetings-participation>

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 who attend the meeting in-person and would like 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 before the meeting begins. 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: 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 BRIETIGAM, COUNCIL MEMBER O'NEILL, COUNCIL MEMBER BUI, COUNCIL MEMBER KLOPFENSTEIN, COUNCIL MEMBER K. NGUYEN, MAYOR PRO TEM D. NGUYEN, MAYOR JONES

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

1. PRESENTATIONS

- 1.a. Community Spotlight in recognition of the City of Hope Orange County Lennar Foundation Cancer Center.
- 1.b. Community Spotlight in recognition of the West Grove Scrappers for their 2022 Central "C" District Championship.

2. ORAL COMMUNICATIONS (to be held simultaneously with other legislative bodies)

RECESS

CONDUCT OTHER LEGISLATIVE BODIES' BUSINESS

RECONVENE

3. CONSENT ITEMS

(Consent Items will be acted on simultaneously with one motion unless separate discussion and/or action is requested by a Council Member.)

- 3.a. Adoption of a Proclamation recognizing September as Hunger Action Month in Garden Grove. (*Action Item*)
- 3.b. Authorize issuance of a purchase order to National Auto Fleet Group for a new Community Services Department Park Patrol pickup truck. (Cost: \$34,714.08) (*Action Item*)
- 3.c. Authorize issuance of a purchase order to National Auto Fleet

Group for a new Police Department van. (Cost: \$53,923.68) (*Action Item*)

- 3.d. Receive and file minutes from the meeting held on June 28, 2022. (*Action Item*)
- 3.e. Receive and file warrants. (*Action Item*)
- 3.f. Approval to waive full reading of ordinances listed. (*Action Item*)

4. PUBLIC HEARINGS

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

- 4.a. Adoption of Resolutions to: approve the development of the Site B2 Hotel Project/Nickelodeon Hotel Resort; deny the appeal filed by UNITE HERE Local 11 and Marlene Perez for the Planning Commission's actions regarding the Site B2 Hotel Project; adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project; approval of Site Plan No. SP-107-2022; and the introduction and first reading of an ordinance approving Planned Unit Development No. PUD-141-01(A)
Entitled: An Ordinance of the City Council of the City of Garden Grove approving an amendment to Planned Unit Development No. PUD-141-01 to create a sub-area Planned Unit Development zoning, PUD-141-01(A), establishing development standards and performance standards for the Site B2 Hotel Project for properties located at the northwest corner of Harbor Boulevard and Twintree Avenue, east of Tamerlane Drive at 12241, 12261, 12271, 12291, 12311 and 12323/12321 Harbor Boulevard, 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291, 12311, and 12321 Thackery Drive, (Assessor Parcel Numbers: 231-471-06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24). (*Action Item*)

5. COMMISSION/COMMITTEE MATTERS

- 5.a. Acceptance of Commissioner Kevin Rhee's resignation from the Parks, Recreation and Arts Commission. (*Action Item*)

6. MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER

- 6.a. Discussion on the adoption of a Proclamation celebrating August 2022 as American Muslim Appreciation and Awareness Month in Garden Grove, as requested by Mayor Pro Tem Diedre Thu-Ha Nguyen. (*Action Item*)
- 6.b. Update on keeping park restrooms open as requested by City Manager Stiles.

7. ADJOURNMENT

The next Regular City Council Meeting is scheduled for Tuesday, September

13, 2022, at 5:30 p.m. in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California 92840.

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Scott C. Stiles From: Teresa Pomeroy

Dept.: City Manager Dept.: City Clerk

Subject: Adoption of a Proclamation Date: 8/23/2022
recognizing September as
Hunger Action Month in
Garden Grove. (*Action
Item*)

Attached is a Proclamation recognizing September as Hunger Action Month recommended for adoption.

ATTACHMENTS:

Description	Upload Date	Type	File Name
Proclamation	7/29/2022	Proclamation	8-23- 22_Sept_2022_Hunger_Action_Month_Proclamation.docx

PROCLAMATION

September 2022 as Hunger Action Month

WHEREAS, hunger, poverty, and food and nutritional insecurity are issues of vital concern in California where 20% of Californians face food insecurity on a daily basis and one in every six children do not know where their next meal will come from;

WHEREAS, the City of Garden Grove of California is committed to taking steps to combat hunger in every part of our community and to provide additional resources that those in City of Garden Grove need;

WHEREAS, the City of Garden Grove of California is committed to working with the Orange County Hunger Alliance in educating people about the role and importance of food banks in addressing hunger and raising awareness of the need to devote more resources and attention to hunger issues;

WHEREAS, more than eight hundred thousand individuals in Orange County on average rely on food provided by the CAPOC/Orange County Food Bank, Second Harvest Food Bank of Orange County and Abound Food Care monthly;

WHEREAS, the coronavirus pandemic has had devastating health and economic impacts across the country, and it is projected that hundreds of thousands people could face continued hunger and food insecurity in Orange County in the wake of the pandemic along with the increasing cost of living this year;

WHEREAS, the above named members of the Orange County Hunger Alliance have distributed more than 82 million pounds of food in the last year through its network of food pantries, soup kitchens, shelters and other community organizations;

WHEREAS, the month of September has been designated "Hunger Action Month" in order to bring attention to food insecurity in our communities and to enlist the public in the fight to end hunger by taking action – including volunteer shifts, social media shares and donations – to ensure nobody has to make an impossible choice between food and other necessities like medicine, utilities or childcare; and

WHEREAS, food banks across the country, including the members of the California Association of Food Banks, will host numerous events throughout the month of September to bring awareness and help end hunger and food insecurity in their local community;

NOW, THEREFORE, The City of Garden Grove City Council does hereby recognize September 2022, as HUNGER ACTION MONTH in the City of Garden Grove and hereby calls this observance to the attention of our residents.

August 23, 2022

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	William E. Murray
Dept.:	City Manager	Dept.:	Public Works
Subject:	Authorize issuance of a purchase order to National Auto Fleet Group for a new Community Services Department Park Patrol pickup truck. (Cost: \$34,714.08) (<i>Action Item</i>)		
		Date:	8/23/2022

OBJECTIVE

To secure City Council authorization to purchase one (1) new Community Services Department Park Patrol pickup truck from National Auto Fleet Group through the Sourcwell competitive bid program, Contract #091521-NAF.

BACKGROUND

The Public Works Department has one (1) truck that currently meets the City's guidelines for replacement and was approved through the FY-22/23 budget process. This truck is replacing a 2008 Ford Ranger truck, VIN# 1FTYR14DX8PA61001, with 128,000 miles from the Community Services Department. Experience has shown that the City's buying power is enhanced through joining with other public agencies to purchase fleet vehicles and equipment.

DISCUSSION

Sourcwell nationally solicits, evaluates and awards contracts through a competitive bid process. As a member of Sourcwell, the City is able to utilize bid awards for equipment purchases. Staff recommends piggybacking on the results of a recent Sourcwell competitive bid program, Contract #091521-NAF. The results deemed National Auto Fleet Group as the lowest responsive bid.

National Auto Fleet Group	\$34,714.08*
Ford F-150 Regular Cab	

* This price includes all applicable tax and destination charges.

FINANCIAL IMPACT

There is no impact to the General Fund. The financial impact is \$34,714.08 to the Fleet Management Fund. The surplus equipment will be sold at public auction.

RECOMMENDATION

It is recommended that the City Council:

- Authorize the Finance Director to issue a purchase order in the amount of \$34,714.08 to National Auto Fleet Group for the purchase of one (1) new Community Services Department Park Patrol pickup truck.

By: Steve Sudduth, Equipment Maintenance Supervisor

ATTACHMENTS:

Description	Upload Date	Type	File Name
Nation Auto Fleet Group Quote	8/3/2022	Backup Material	National_Auto_Fleet_Group_Quote_Ford_F-150.pdf



National Auto Fleet Group

A Division of Chevrolet of Watsonville

490 Auto Center Drive, Watsonville, CA 95076

(855) 289-6572 • (855) BUY-NJPA • (831) 480-8497 Fax

Fleet@NationalAutoFleetGroup.com

UNIT TBD

August 1, 2022

Mr. Steve Sudduth
City of Garden Grove
13802 New Hope St
Garden Grove, Ca 92843
Delivery Via Email

Dear Mr. Sudduth,

In response to your inquiry, we are pleased to submit the following for your consideration:

National Auto Fleet Group will sell, service and deliver at Garden Grove, new/unused 2023 Ford F-150 Regular Cab XL SuperCab 6.5' Box responding to your requirement with the attached specifications for \$ 31,298.00 plus State Sales Tax, and \$8.75 tire tax (non-taxable). These vehicles are available under the Sourcewell (Formerly Known as NJPA) master vehicle contract# 091521-NAF. Unit to be White.

	One Unit MSRP	One Unit	Total Savings	Total Savings
2023 Ford F-150 XL Reg				
Cab Short Bed	37,935.00	31,298.00	17.50%	6,637.00
Two Extra Keys		500.00		
Sub Total		31,798.00		
Sales Tax		2,782.33		
Transportation		125.00		
Tire Tax		8.75		
Total		34,714.08		

Terms are net 30 days.

Delivery 120-180 Days ARO

National Auto Fleet Group welcomes the opportunity to assist you in your vehicle requirements.

Kevin Buzzard
National Law Enforcement Sales Manager
National Auto Fleet Group
Wondries Fleet Group
626-457-5590 O / 714-264-1867 C / Buzzard5150@gmail.com



Vehicle: [Fleet] 2023 Ford F-150 (F1C) XL 2WD Reg Cab 6.5' Box

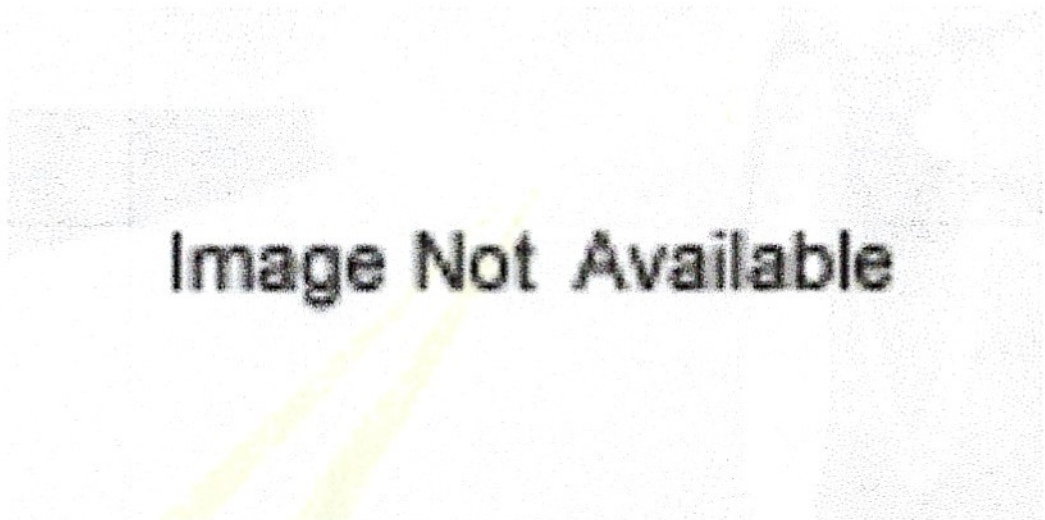



Image Not Available

National Auto Fleet Group

Prepared By:

Kevin Buzzard
National Auto Fleet Group
626-457-5590 OFC
Buzzard5150@gmail.com

Vehicle: [Fleet] 2023 Ford F-150 (F1C) XL 2WD Reg Cab 6.5' Box ( Complete)

Selected Model and Options

MODEL

CODE	MODEL
F1C	2023 Ford F-150 XL 2WD Reg Cab 6.5' Box

COLORS

CODE	DESCRIPTION
YZ	Oxford White

ENGINE

CODE	DESCRIPTION
99B	Engine: 3.3L V6 PFDI -inc: auto start-stop technology and flex-fuel capability (STD)

TRANSMISSION

CODE	DESCRIPTION
44G	Transmission: Electronic 10-Speed Automatic -inc: selectable drive modes: normal, ECO, sport, tow/haul, slippery and trail (STD)

OPTION PACKAGE

CODE	DESCRIPTION
101A	Equipment Group 101A Standard

AXLE RATIO

CODE	DESCRIPTION
X19	3.55 Axle Ratio (STD)

WHEELS

CODE	DESCRIPTION
64C	Wheels: 17" Silver Steel (STD)


TIRES

CODE	DESCRIPTION
—	Tires: 245/70R17 BSW A/S (STD)

PRIMARY PAINT

CODE	DESCRIPTION
YZ	Oxford White

Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided. Data Version: 17087, Data updated Jul 31, 2022 6:56:00 PM PDT

Vehicle: [Fleet] 2023 Ford F-150 (F1C) XL 2WD Reg Cab 6.5' Box ( Complete)

SEAT TYPE

CODE	DESCRIPTION
AS	Black w/Medium Dark Slate, Vinyl 40/20/40 Front Seat

ADDITIONAL EQUIPMENT - MECHANICAL

CODE	DESCRIPTION
52X	Auto Start-Stop Removal *CREDIT*
53B	Class IV Trailer Hitch Receiver -inc: towing capability up to TBD lbs, on 3.3L V6 PFDI engine (99B) and 2.7L EcoBoost engine (99P) or up to TBD lbs, on 3.5L EcoBoost engine (998) and 5.0L V8 engine (995), 7/4-pin connector, class IV trailer hitch receiver, smart trailer tow connector (BLIS w/trailer tow coverage where BLIS is available)
67T	Integrated Trailer Brake Controller

ADDITIONAL EQUIPMENT - EXTERIOR


CODE	DESCRIPTION
924	Rear Window Fixed Privacy Glass
57Q	Rear Window Defroster
153	Front License Plate Bracket -inc: Standard in states requiring 2 license plates, optional to all others
18B	Black Platform Running Boards
96W	Tough Bed Spray-In Bedliner

ADDITIONAL EQUIPMENT - INTERIOR

CODE	DESCRIPTION
91P	8-Way Power Driver's Seat w/Power Lumbar

Options Total

Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided. Data Version: 17087, Data updated Jul 31, 2022 6:56:00 PM PDT

Vehicle: [Fleet] 2023 Ford F-150 (F1C) XL 2WD Reg Cab 6.5' Box ( Complete)

Standard Equipment

Mechanical

Engine: 3.3L V6 PFDI -inc: auto start-stop technology and flex-fuel capability (STD)

Transmission: Electronic 10-Speed Automatic -inc: selectable drive modes: normal, ECO, sport, tow/haul, slippery and trail (STD)

3.55 Axle Ratio (STD)

50 State Emissions

Rear-Wheel Drive

70-Amp/Hr 610CCA Maintenance-Free Battery w/Run Down Protection

200 Amp Alternator

Towing Equipment -inc: Trailer Sway Control

Trailer Wiring Harness

1985# Maximum Payload

GVWR: 6,010 lbs Payload Package

HD Shock Absorbers

Front Anti-Roll Bar

Electric Power-Assist Speed-Sensing Steering

23 Gal. Fuel Tank

Single Stainless Steel Exhaust

Double Wishbone Front Suspension w/Coil Springs

Solid Axle Rear Suspension w/Leaf Springs

4-Wheel Disc Brakes w/4-Wheel ABS, Front And Rear Vented Discs, Brake Assist, Hill Hold Control and Electric Parking Brake

Exterior

Wheels: 17" Silver Steel (STD)

Tires: 245/70R17 BSW A/S (STD)

Regular Box Style

Steel Spare Wheel

Full-Size Spare Tire Stored Underbody w/Crankdown


Clearcoat Paint

Black Front Bumper w/Body-Colored Rub Strip/Fascia Accent

Black Rear Step Bumper

Black Side Windows Trim

Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided. Data Version: 17087, Data updated Jul 31, 2022 6:56:00 PM PDT

Vehicle: [Fleet] 2023 Ford F-150 (F1C) XL 2WD Reg Cab 6.5' Box ( Complete)

Exterior

Black Door Handles

Black Power Heated Side Mirrors w/Manual Folding

Fixed Rear Window

Light Tinted Glass

Variable Intermittent Wipers

Aluminum Panels

Black Grille

Tailgate Rear Cargo Access

Tailgate/Rear Door Lock Included w/Power Door Locks

Ford Co-Pilot360 - Autolamp Auto On/Off Aero-Composite Halogen Daytime Running Lights Preference Setting Headlamps w/Delay-Off

Cargo Lamp w/High Mount Stop Light

Auto High Beam

Entertainment

Radio w/Seek-Scan, Clock, Speed Compensated Volume Control and Radio Data System

Radio: AM/FM Stereo w/4 Speakers -inc: auxiliary audio input jack

Fixed Antenna

Interior

Cloth 40/20/40 Front Seat -inc: 2-way manual driver/passenger adjustment and armrest

Driver Seat

Passenger Seat

Manual Tilt/Telescoping Steering Column

Gauges -inc: Speedometer, Odometer, Voltmeter, Oil Pressure, Engine Coolant Temp, Tachometer, Transmission Fluid Temp, Trip Odometer and Trip Computer

FordPass Connect 4G Mobile Hotspot Internet Access

Front Cupholder

Compass

Remote Keyless Entry w/Integrated Key Transmitter, Illuminated Entry and Panic Button

Cruise Control w/Steering Wheel Controls


Manual Air Conditioning

Locking Glove Box

Interior Trim -inc: Cabback Insulator and Metal-Look Interior Accents

Full Cloth Headliner

Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided. Data Version: 17087, Data updated Jul 31, 2022 6:56:00 PM PDT

Vehicle: [Fleet] 2023 Ford F-150 (F1C) XL 2WD Reg Cab 6.5' Box ( Complete)

Interior

Urethane Gear Shifter Material

Day-Night Rearview Mirror

Passenger Visor Vanity Mirror

Mini Overhead Console w/Storage and 1 12V DC Power Outlet

Front Map Lights

Fade-To-Off Interior Lighting

Full Vinyl/Rubber Floor Covering

Pickup Cargo Box Lights

Smart Device Remote Engine Start

SYNC 4 -inc: 8" LCD capacitive touchscreen w/swipe capability, wireless phone connection, cloud connected, AppLink w/App catalog, 911 Assist, Apple CarPlay and Android Auto compatibility and digital owners manual

Instrument Panel Bin, Dashboard Storage, Interior Concealed Storage, Driver And Passenger Door Bins

Power 1st Row Windows w/Driver And Passenger 1-Touch Up/Down

Delayed Accessory Power

Power Door Locks w/Autolock Feature

Trip Computer

Outside Temp Gauge

Analog Appearance

Lane-Keeping System -inc: lane-keeping alert, lane-keeping aid and driver alert

Pre-Collision Assist w/Automatic Emergency Braking -inc: pedestrian detection, forward collision warning and dynamic brake support

Rear View Camera

Seats w/Carpet Back Material

Manual Adjustable Front Head Restraints

Perimeter Alarm

Securilock Anti-Theft Ignition (pats) Immobilizer

1 12V DC Power Outlet

Air Filtration

Safety-Mechanical


AdvanceTrac with Curve Control Electronic Stability Control (ESC) And Roll Stability Control (RSC)

ABS And Driveline Traction Control

Safety-Exterior

Side Impact Beams

Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided. Data Version: 17087, Data updated Jul 31, 2022 6:56:00 PM PDT

Vehicle: [Fleet] 2023 Ford F-150 (F1C) XL 2WD Reg Cab 6.5' Box ( Complete)

Safety-Interior

Dual Stage Driver And Passenger Seat-Mounted Side Airbags

Reverse Sensing System Rear Parking Sensors

Tire Specific Low Tire Pressure Warning


Dual Stage Driver And Passenger Front Airbags

Safety Canopy System Curtain 1st Row Airbags

Airbag Occupancy Sensor

Mykey System -inc: Top Speed Limiter, Audio Volume Limiter, Early Low Fuel Warning, Programmable Sound Chimes and Beltminder w/Audio Mute

Outboard Front Lap And Shoulder Safety Belts -inc: Height Adjusters and Pretensioners

Vehicle: [Fleet] 2023 Ford F-150 (F1C) XL 2WD Reg Cab 6.5' Box ( Complete)

Window Sticker

SUMMARY

[Fleet] 2023 Ford F-150 (F1C) XL 2WD Reg Cab 6.5' Box

MSRP:\$34,085.00

Interior:Black w/Medium Dark Slate, Vinyl 40/20/40 Front Seat

Exterior 1:Oxford White

Exterior 2:No color has been selected.


Engine: 3.3L V6 PFDI

Transmission: Electronic 10-Speed Automatic

OPTIONS

CODE	MODEL	MSRP
F1C	[Fleet] 2023 Ford F-150 (F1C) XL 2WD Reg Cab 6.5' Box	\$34,085.00
OPTIONS		
101A	Equipment Group 101A Standard	\$0.00
153	Front License Plate Bracket	\$0.00
18B	Black Platform Running Boards	\$250.00
44G	Transmission: Electronic 10-Speed Automatic	\$0.00
52X	Auto Start-Stop Removal	(\$50.00)
53B	Class IV Trailer Hitch Receiver	\$315.00
57Q	Rear Window Defroster	\$220.00
64C	Wheels: 17" Silver Steel	\$0.00
67T	Integrated Trailer Brake Controller	\$275.00
91P	8-Way Power Driver's Seat w/Power Lumbar	\$350.00
924	Rear Window Fixed Privacy Glass	\$100.00
96W	Tough Bed Spray-In Bedliner	\$595.00
99B	Engine: 3.3L V6 PFDI	\$0.00
AS	Black w/Medium Dark Slate, Vinyl 40/20/40 Front Seat	\$0.00
X19	3.55 Axle Ratio	\$0.00
YZ	Oxford White	\$0.00
—	Tires: 245/70R17 BSW A/S	\$0.00
SUBTOTAL		\$36,140.00
Adjustments Total		\$0.00
Destination Charge		\$1,795.00

Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided. Data Version: 17087, Data updated Jul 31, 2022 6:56:00 PM PDT

Vehicle: [Fleet] 2023 Ford F-150 (F1C) XL 2WD Reg Cab 6.5' Box ( Complete)

TOTAL PRICE

\$37,935.00

FUEL ECONOMY

Est City:19 (2022) MPG

Est Highway:24 (2022) MPG

Est Highway Cruising Range:552.00 mi

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	William E. Murray
Dept.:	City Manager	Dept.:	Public Works
Subject:	Authorize issuance of a purchase order to National Auto Fleet Group for a new Police Department van. (Cost: \$53,923.68) (<i>Action Item</i>)	Date:	8/23/2022

OBJECTIVE

To secure City Council authorization to purchase one (1) new Police Department van from National Auto Fleet Group through the Sourcwell competitive bid program, Contract #091521-NAF.

BACKGROUND

The Public Works Department has one (1) Police Department van that currently meets the City's guidelines for replacement and was approved through the FY-22/23 budget process. This van is replacing a 2006 Ford E350 van, VIN# 1FMRE11W56DA53212, with 53,678 miles from the Police Department. Experience has shown that the City's buying power is enhanced through joining with other public agencies to purchase fleet vehicles and equipment.

DISCUSSION

Sourcwell nationally solicits, evaluates and awards contracts through a competitive bid process. As a member of Sourcwell, the City is able to utilize bid awards for equipment purchases. Staff recommends piggybacking on the results of a recent Sourcwell competitive bid program, Contract #091521-NAF. The results deemed National Auto Fleet Group as the lowest responsive bid.

National Auto Fleet Group \$53,923.68*
Ford Transit Van

* This price includes all applicable tax and destination charges.

FINANCIAL IMPACT

There is no impact to the General Fund. The financial impact is \$53,923.68 to the Fleet Management Fund. The surplus equipment will be sold at public auction.

RECOMMENDATION

It is recommended that the City Council:

- Authorize the Finance Director to issue a purchase order in the amount of \$53,923.68 to National Auto Fleet Group for the purchase of one (1) new Police Department van.

By: Steve Sudduth, Equipment Maintenance Supervisor

ATTACHMENTS:

Description	Upload Date	Type	File Name
Nation Auto Fleet Group Quote	8/4/2022	Cover Memo	National_Auto_Fleet_Quote_Police_Department_van.pdf



National Auto Fleet Group

A Division of Chevrolet of Watsonville

490 Auto Center Drive, Watsonville, CA 95076
 (855) 289-6572 • (855) BUY-NJPA • (831) 480-8497 Fax
 Fleet@NationalAutoFleetGroup.com

UNIT TBD

August 1, 2022

Mr. Steve Sudduth
 City of Garden Grove
 13802 New Hope St
 Garden Grove, Ca 92843
 Delivery Via Email

Dear Mr. Sudduth,

In response to your inquiry, we are pleased to submit the following for your consideration:

National Auto Fleet Group will sell, service and deliver at Garden Grove, new/unused 2023 Ford Transit T-350 148" WB Low Roof XL RWD responding to your requirement with the attached specifications for \$ 49,462.00 plus State Sales Tax, and \$8.75 tire tax (non-taxable). These vehicles are available under the Sourcewell (Formerly Known as NJPA) master vehicle contract# 091521-NAF. Unit to be White.

	One Unit MSRP	One Unit	Total Savings	Total Savings
2023 Ford Transit T-350 12 Pass Van Low Roof 148" WB	52,795.00	49,462.00	6.31%	3,333.00
Sub Total		49,462.00		
Sales Tax		4,327.93		
Transportation		125.00		
Tire Tax		8.75		
Total		53,923.68		

Terms are net 30 days.

Delivery 120-180 Days ARO

National Auto Fleet Group welcomes the opportunity to assist you in your vehicle requirements.

Kevin Buzzard
 National Law Enforcement Sales Manager
 National Auto Fleet Group
 Wondries Fleet Group
 626-457-5590 O / 714-264-1867 C / Buzzard5150@gmail.com




Vehicle: [Fleet] 2023 Ford Transit Passenger Wagon (X2Y) T-350 148" Low Roof XL RWD



National Auto Fleet Group

Prepared By:

Kevin Buzzard
National Auto Fleet Group
626-457-5590 OFC
Buzzard5150@gmail.com

Vehicle: [Fleet] 2023 Ford Transit Passenger Wagon (X2Y) T-350 148" Low Roof XL RWD ( Complete)

Selected Model and Options

MODEL

CODE

MODEL

X2Y

2023 Ford Transit Passenger Wagon T-350 148" Low Roof XL RWD

COLORS

CODE

DESCRIPTION

YZ

Oxford White

ENGINE

CODE

DESCRIPTION

998

Engine: 3.5L PFDi V6 Flex-Fuel -inc: port injection and auto start-stop technology (STD)

TRANSMISSION

CODE

DESCRIPTION

44U

Transmission: 10-Spd Automatic w/OD & SelectShift -inc: auxiliary transmission oil cooler (STD)

OPTION PACKAGE

CODE

DESCRIPTION

301A

Order Code 301A

AXLE RATIO

CODE

DESCRIPTION

X73

3.73 Axle Ratio (STD)

WHEELS

CODE

DESCRIPTION

64H

Wheels: 16" Steel w/Full Silver Cover

PRIMARY PAINT

CODE

DESCRIPTION

YZ

Oxford White

SEAT TYPE


CODE

DESCRIPTION

CB

Ebony, Cloth Front Bucket Seats

Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided. Data Version: 17087, Data updated Jul 31, 2022 6:56:00 PM PDT

Vehicle: [Fleet] 2023 Ford Transit Passenger Wagon (X2Y) T-350 148" Low Roof XL RWD ( Complete)

SEATING ARRANGEMENT

CODE	DESCRIPTION
21M	Ebony Cloth Bucket Seats -inc: 2-way manual driver seat w/lumbar, 2-way manual passenger seat and driver and passenger armrest (STD)

ADDITIONAL EQUIPMENT - MECHANICAL

CODE	DESCRIPTION
19X	Auto Start-Stop Delete *CREDIT*

ADDITIONAL EQUIPMENT - EXTERIOR

CODE	DESCRIPTION
545	Short-Arm Manual-Folding Heated Pwr Adjusting Mirrors -inc: turn signals
92E	Privacy Glass -inc: Provides protection of vehicle occupant(s) and occupant personal belongings, The glass also provides occupant comfort by helping to reduce vehicle cool-down time
153	Front License Plate Bracket
68J	Extended Length Running Boards -inc: Covers the A-B pillar driver-side and A-C pillar passenger-side
91B	Wiper Activated Headlamps -inc: wiper activated headlamps, When the headlamp control is in the AutoLamp position, the headlamps will turn on automatically in low lighting conditions, The headlamps will also stay on for a set period of time after the owner turns off the ignition
85D	Dual-Note Horn

ADDITIONAL EQUIPMENT - ENTERTAINMENT


CODE	DESCRIPTION
58V	Radio: AM/FM Stereo w/SYNC 3 -inc: 4.0" multi-function display, Bluetooth and dual USB ports, SYNC 3 Communications & Entertainment System, 911 Assist, VHR, SYNC Services, AppLink, Bluetooth, steering wheel controls, USB port and auxiliary input jack

ADDITIONAL EQUIPMENT - INTERIOR

CODE	DESCRIPTION
86F	2 Additional Keys (4 Total) -inc: key fobs
60C	Cruise Control w/Adjustable Spd Limiting Device (ASLD) -inc: The ASLD feature is great for city driving; it allows the driver to set an upper speed limit for the vehicle, If the vehicle begins to approach the upper speed limit then audible and visual warning are given
43R	Reverse Sensing System
61C	Vehicle Maintenance Monitor -inc: engine hour meter, Depending on the engine, this feature will display engine hour meter, oil life, oil level and tire pressure status

Options Total

Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided. Data Version: 17087, Data updated Jul 31, 2022 6:56:00 PM PDT

Vehicle: [Fleet] 2023 Ford Transit Passenger Wagon (X2Y) T-350 148" Low Roof XL RWD ( Complete)

Standard Equipment


Mechanical

Engine: 3.5L PFDi V6 Flex-Fuel -inc: port injection and auto start-stop technology (STD)
Transmission: 10-Spd Automatic w/OD & SelectShift -inc: auxiliary transmission oil cooler (STD)
3.73 Axle Ratio (STD)
50-State Emissions System
Engine Auto Stop-Start Feature
Rear-Wheel Drive
70-Amp/Hr Maintenance-Free Battery w/Run Down Protection
HD 250 Amp Alternator
3226# Maximum Payload
GVWR: 9,250 lbs
Gas-Pressurized Front Shock Absorbers and HD Rear Shock Absorbers
Front Anti-Roll Bar
Electric Power-Assist Steering
25.1 Gal. Fuel Tank
Single Stainless Steel Exhaust
Strut Front Suspension w/Coil Springs
Solid Axle Rear Suspension w/Leaf Springs
4-Wheel Disc Brakes w/4-Wheel ABS, Front Vented Discs, Brake Assist, Hill Hold Control and Electric Parking Brake

Exterior

Wheels: 16" Silver Steel w/Black Hubcap
Tires: 235/65R16C 121/119 R AS BSW
Steel Spare Wheel
Full-Size Spare Tire Stored Underbody w/Crankdown
Clearcoat Paint
Black Front Bumper
Black Rear Bumper w/1 Tow Hook
Black Bodyside Cladding and Black Wheel Well Trim
Black Side Windows Trim and Black Front Windshield Trim
Black Door Handles
Black Power Side Mirrors w/Convex Spotter and Manual Folding

Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided. Data Version: 17087, Data updated Jul 31, 2022 6:56:00 PM PDT

Vehicle: [Fleet] 2023 Ford Transit Passenger Wagon (X2Y) T-350 148" Low Roof XL RWD ( Complete)

Exterior

Fixed Rear Window w/Defroster
Light Tinted Glass
Rain Detecting Variable Intermittent Wipers
Fully Galvanized Steel Panels
Black Grille
Sliding Rear Passenger Side Door
Split Swing-Out Rear Cargo Access
Tailgate/Rear Door Lock Included w/Power Door Locks
Ford Co-Pilot360 - Autolamp Auto On/Off Aero-Composite Halogen Auto High-Beam Headlamps w/Delay-Off
Headlights-Automatic Highbeams


Entertainment

Radio w/Seek-Scan, Clock, Aux Audio Input Jack, Steering Wheel Controls and SYNC 3 External Memory Control
Radio: AM/FM Stereo -inc: 4.0" multi-function display, Bluetooth and dual USB ports
Streaming Audio
Fixed Antenna
8 Speakers (4 Front/4 Rear)
Bluetooth Wireless Phone Connectivity
1 LCD Monitor In The Front

Interior

Ebony Cloth Bucket Seats -inc: 2-way manual driver seat w/lumbar, 2-way manual passenger seat and driver and passenger armrest (STD)
4-Way Driver Seat
4-Way Passenger Seat
Removable Bench Front Facing Rear Seat
Manual Tilt/Telescoping Steering Column
Gauges -inc: Speedometer, Odometer, Engine Coolant Temp, Tachometer and Trip Odometer
Fixed Rear Windows and Fixed 3rd Row Windows
FordPass Connect 4G Mobile Hotspot Internet Access
Removable Split-Bench 3rd Row Seat Front, 3 Manual and Adjustable Head Restraints
Removable Split-Bench Front Facing 4th Row Seat Number, Control and Type Head Restraint
Front Cupholder
Rear Cupholder

Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided. Data Version: 17087, Data updated Jul 31, 2022 6:56:00 PM PDT

Vehicle: [Fleet] 2023 Ford Transit Passenger Wagon (X2Y) T-350 148" Low Roof XL RWD ( Complete)

Interior

Remote Keyless Entry w/Integrated Key Transmitter, Illuminated Entry and Panic Button

Manual Air Conditioning

Rear HVAC

HVAC -inc: Underseat Ducts

Locking Glove Box

Driver Foot Rest

Interior Trim -inc: Metal-Look Instrument Panel Insert

Full Cloth Headliner

Urethane Gear Shifter Material

Cloth Front Bucket Seats

Day-Night Rearview Mirror

Driver And Passenger Visor Vanity Mirrors w/Driver And Passenger Illumination

Partial Floor Console w/Storage and 2 12V DC Power Outlets

Front Map Lights

Fade-To-Off Interior Lighting

Full Vinyl/Rubber Floor Covering

Vinyl/Rubber Floor Trim

Cargo Space Lights

Pre-Collision Assist w/Automatic Emergency Braking

Instrument Panel Bin, Driver / Passenger And Rear Door Bins

Power 1st Row Windows w/Driver 1-Touch Down

Power Door Locks w/Autolock Feature

Systems Monitor

Analog Appearance

Seats w/Cloth Back Material

Manual Adjustable Front Head Restraints and Manual Adjustable Rear Head Restraints

Securilock Anti-Theft Ignition (pats) Immobilizer


2 12V DC Power Outlets

Safety-Mechanical

Ford Co-Pilot360 w/Side Wind Stabilization Electronic Stability Control (ESC) And Roll Stability Control (RSC)

ABS And Driveline Traction Control

Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided. Data Version: 17087, Data updated Jul 31, 2022 6:56:00 PM PDT

Vehicle: [Fleet] 2023 Ford Transit Passenger Wagon (X2Y) T-350 148" Low Roof XL RWD ( Complete)

Safety-Exterior

Side Impact Beams

Safety-Interior

Dual Stage Driver And Passenger Seat-Mounted Side Airbags

Emergency Sos

Ford Co-Pilot360 - Lane-Keeping System Lane Departure Warning

Driver Monitoring-Alert

Low Tire Pressure Warning


Dual Stage Driver And Passenger Front Airbags

Safety Canopy System Curtain 1st, 2nd And 3rd Row Airbags

Airbag Occupancy Sensor

Outboard Front Lap And Shoulder Safety Belts -inc: Rear Center 3 Point, Height Adjusters and Pretensioners

Back-Up Camera

Vehicle: [Fleet] 2023 Ford Transit Passenger Wagon (X2Y) T-350 148" Low Roof XL RWD ( Complete)

Window Sticker

SUMMARY

[Fleet] 2023 Ford Transit Passenger Wagon (X2Y) T-350 148" Low Roof XL RWD

MSRP:\$48,630.00

Interior:Ebony, Cloth Front Bucket Seats

Exterior 1:Oxford White

Exterior 2:No color has been selected.


Engine: 3.5L PFDi V6 Flex-Fuel

Transmission: 10-Spd Automatic w/OD & SelectShift

OPTIONS

CODE	MODEL	MSRP
X2Y	[Fleet] 2023 Ford Transit Passenger Wagon (X2Y) T-350 148" Low Roof XL RWD	\$48,630.00
OPTIONS		
153	Front License Plate Bracket	\$0.00
19X	Auto Start-Stop Delete	(\$50.00)
21M	Ebony Cloth Bucket Seats	\$0.00
301A	Order Code 301A	\$0.00
43R	Reverse Sensing System	\$295.00
44U	Transmission: 10-Spd Automatic w/OD & SelectShift	\$0.00
545	Short-Arm Manual-Folding Heated Pwr Adjusting Mirrors	\$160.00
58V	Radio: AM/FM Stereo w/SYNC 3	\$280.00
60C	Cruise Control w/Adjustable Spd Limiting Device (ASLD)	\$325.00
61C	Vehicle Maintenance Monitor	\$45.00
64H	Wheels: 16" Steel w/Full Silver Cover	\$35.00
68J	Extended Length Running Boards	\$655.00
85D	Dual-Note Horn	\$20.00
86F	2 Additional Keys (4 Total)	\$75.00
91B	Wiper Activated Headlamps	\$30.00
92E	Privacy Glass	\$500.00
998	Engine: 3.5L PFDi V6 Flex-Fuel	\$0.00
CB	Ebony, Cloth Front Bucket Seats	\$0.00
X73	3.73 Axle Ratio	\$0.00

Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided. Data Version: 17087, Data updated Jul 31, 2022 6:56:00 PM PDT

Vehicle: [Fleet] 2023 Ford Transit Passenger Wagon (X2Y) T-350 148" Low Roof XL RWD ( Complete)

YZ	Oxford White	\$0.00
SUBTOTAL		\$51,000.00
	Adjustments Total	\$0.00
	Destination Charge	\$1,795.00
	TOTAL PRICE	\$52,795.00

FUEL ECONOMY

Est City:N/A

Est Highway:N/A

Est Highway Cruising Range:N/A

Prices, specifications, and availability are subject to change without notice, and do not include certain fees, taxes and charges that may be required by law or vary by manufacturer or region. Performance figures are guidelines only, and actual performance may vary. Photos may not represent actual vehicles or exact configurations. Content based on report preparer's input is subject to the accuracy of the input provided. Data Version: 17087, Data updated Jul 31, 2022 6:56:00 PM PDT

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Scott C. Stiles From: Teresa Pomeroy

Dept.: City Manager Dept.: City Clerk

Subject: Receive and file minutes Date: 8/23/2022
from the meeting held on
June 28, 2022. (*Action
Item*)

Attached are the minutes from the meeting held on June 28, 2022, recommended to be received and filed as submitted or amended.

ATTACHMENTS:

Description	Upload Date	Type	File Name
Minutes	8/18/2022	Minutes	cc-min_06_28_2022.pdf

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

COMMUNITY SPOTLIGHT - CINDY SPINDLE IN HONOR OF HER RETIREMENT AND WITH APPRECIATION OF HER SERVICE TO THE GARDEN GROVE CHAMBER OF COMMERCE

ORAL COMMUNICATIONS

Speakers: Kadi Kiisk-Mohr, Kyle Mason, Ana Parker, Tom Raber, Daniel Chao, Brian Malley, audience member

RECESS

At 7:11 p.m. Mayor Jones recessed the meeting.

RECONVENE

At 7:14 p.m., Mayor Jones reconvened the meeting in the Council Chamber with Council Members Brietigam, O'Neill, Klopfenstein, K. Nguyen, and D. Nguyen present.

ADOPTION OF A PROCLAMATION DECLARING JULY AS PARKS MAKE LIFE BETTER MONTH (F: 83.1)

It was moved by Council Member K. Nguyen, seconded by Council Member Brietigam that:

A Proclamation be adopted declaring July 2022 as Parks and Recreation Month in Garden Grove.

The motion carried by a 6-0-1 vote as follows:

Ayes:	(6)	Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen, Jones
Noes:	(0)	None
Absent:	(1)	Klopfenstein

APPROVAL OF AMENDMENT NO. 5 TO THE AGREEMENT WITH MUFG UNION BANK, N.A. FOR BANKING SERVICES (F: 55 - MUFG UNION BANK, N.A.)

It was moved by Council Member K. Nguyen, seconded by Council Member Brietigam that:

Amendment No. 5 to the existing contract with MUFG Union Bank N.A., to extend the City's banking services for the period of July 1, 2022 through June 30, 2023, be approved;

That the option to extend the said amendment for one additional year through June 30, 2024, if necessary, be approved; and

The City Manager be authorized to execute the amendment on behalf of the City, to approve the option to extend if necessary, and make minor modifications to the contract as appropriate.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

APPROVAL OF AMENDMENT NO. 3 TO THE AGREEMENT WITH STRAY CAT ALLIANCE
FOR THE FIELD CAT TRAPPING PROGRAM (F: 55 – STRAY CAT ALLIANCE)

It was moved by Council Member K. Nguyen, seconded by Council Member Brietigam that:

Amendment No. 3 to the agreement with Stray Cat Alliance to extend the contract through June 30, 2023, in an amount not-to-exceed \$70,000, be approved; and

The City Manager be authorized to sign Amendment No. 3, and to make minor modifications as appropriate on behalf of the City.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

APPROVAL OF AMENDMENTS TO CONTRACTS WITH KEYSER MARSTON ASSOCIATES,
INC., TIERRA WEST ADVISORS, INC., AND HARRIS & ASSOCIATES, INC. TO PROVIDE
FINANCIAL FEASIBILITY SERVICES (F: 55 – KEYSER MARSTON ASSOCIATES, INC.;
55 – TIERRA WEST ADVISORS, INC.; 55 – HARRIS & ASSOCIATES, INC.)

It was moved by Council Member K. Nguyen, seconded by Council Member Brietigam that:

The contract for financial feasibility services to Keyser Marston Associates, Inc. be extended by one (1) year, in the not-to-exceed amount of \$100,000 per year, be approved;

The contract for financial feasibility services to Tierra West Advisors, Inc. be extended by one (1) year, in the not-to-exceed amount of \$100,000 per year;

The contract for financial feasibility services to Harris & Associates, Inc. be extended by one (1) year, in the not-to-exceed amount of \$100,000 per year;

The City Manager, or his designees, be authorized to execute the contracts referenced above, and make minor modifications as appropriate thereto, on behalf of the City; and

The City Manager, or his designees, be authorized to exercise option year terms and sign the option year amendments.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

APPROVAL TO RATIFY AMENDMENT NO. 2 TO THE AGREEMENT WITH CABCO YELLOW, INC., FOR TRANSPORTATION SERVICES FOR THE H. LOUIS LAKE SENIOR CENTER SENIOR MOBILITY PROGRAM (SMP)
(F: 55 – CABCO YELLOW, INC.)

It was moved by Council Member K. Nguyen, seconded by Council Member Brietigam that:

Amendment No. 2 to the Agreement with Cabco Yellow, Inc., for transportation services for the City's Senior Mobility Program at the H. Louis Lake Senior Center, in the amount not to exceed \$205,000 during Fiscal Year 2022-2023, be ratified; and

Authorizing the City Manager's signatures on behalf of the City, including making minor modifications as appropriate and necessary.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

ADOPTION OF A RESOLUTION FOR THE FISCAL YEAR 2022-23 PROJECT LIST FUNDED BY GAS TAX REVENUE FROM SENATE BILL 1 (SB1) – THE ROAD REPAIR AND ACCOUNTABILITY ACT OF 2017 (F: 34.1.FY2022-23)

It was moved by Council Member K. Nguyen, seconded by Council Member Brietigam that:

Resolution No. 9747-22 entitled: A Resolution of the City Council of the City of Garden Grove adopting a list of projects for Fiscal Year 2022-23 funded by SB1: The Road Repair and Accountability Act of 2017, be adopted.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

APPROVAL OF MEASURE M2'S FISCAL YEAR 2022-23 SEVEN-YEAR CAPITAL IMPROVEMENT PLAN AND ADOPTION OF A RESOLUTION UPDATING THE 2022 PAVEMENT MANAGEMENT PLAN (F: 23.18C)

It was moved by Council Member K. Nguyen, seconded by Council Member Brietigam that:

The Fiscal Year 2022-23 Measure M2 Seven-Year Capital Improvement Plan, be adopted; and

Resolution No. 9748-22 entitled: A Resolution of the City Council of the City of Garden Grove concerning the status and update of the Pavement Management Plan for the Measure M2 (M2) Program, be adopted.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

ADOPTION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF GARDEN GROVE AND THE ORANGE COUNTY EMPLOYEE'S ASSOCIATION, GARDEN GROVE CHAPTER AND THE ORANGE COUNTY, EMPLOYEE'S ASSOCIATION GARDEN GROVE EMPLOYEE'S LEAGUE (F: 78.9A – LEAGUE; 78.13C – EMPLOYEE ASSOC)

It was moved by Council Member K. Nguyen, seconded by Council Member Brietigam that:

Resolution No. 9749-22 entitled: A Resolution of the City Council of the City of Garden Grove approving the Memorandum of Understanding on salaries, wages, and fringe benefits for the term 2022-2025 by and between the Orange County

Employee's Association, Garden Grove Chapter and the City of Garden Grove, be adopted;

Resolution No. 9764-22 entitled: A Resolution of the City Council of the City of Garden Grove approving the Memorandum of Understanding on salaries, wages, and fringe benefits for the term 2022-2025 by and between the Orange County Employee's Association, Garden Grove Employee's League and the City of Garden Grove, be adopted.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

ADOPTION OF THE RESOLUTION IMPLEMENTING THE TERMS AND CONDITIONS OF EMPLOYMENT FOR MIDDLE MANAGEMENT (F: 78.13B)

It was moved by Council Member K. Nguyen, seconded by Council Member Brietigam that:

Resolution No. 9751-22 entitled: A Resolution of the City Council of the City of Garden Grove establishing salaries and compensation, fringe benefits and exempting Middle Management classifications from Municipal Code Section 2.44.390 and overtime, be adopted.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

RECEIVE AND FILE MINUTES FROM THE MEETING HELD ON MAY 24, 2022 (F: Vault)

It was moved by Council Member K. Nguyen, seconded by Council Member Brietigam that:

The Minutes from the meeting held on May 24, 2022, be received and filed.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

WARRANTS

It was moved by Council Member K. Nguyen, seconded by Council Member Brietigam that:

Payroll deposits 00007072 through 00007693 and checks 00184996 through 00185021 inclusive have been verified by the Finance Division as properly issued and bear all proper signatures;

Payroll deposits 00007695 through 00008321 and checks 00185022 through 00185039 inclusive have been verified by the Finance Division as properly issued and bear all proper signatures;

Demands covered by EFT numbers 00024521 through 00024538 and check numbers 00679268 through 00679369 inclusive have been verified by the Finance Division as properly issued and bear all proper signatures;

Demands covered by WIRE numbers 00001100 through 00001104, EFT numbers 0024539 through 00024566, and check numbers 00679370 through 00679442 inclusive have been verified by the Finance Division as properly issued and bear all proper signatures; and

Demands covered by EFT numbers 0024567 through 0024598, and check numbers 00679443 through 00679600 inclusive have been verified by the Finance Division as properly issued and bear all proper signatures, be received and filed.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

APPROVAL TO WAIVE FULL READING OF ORDINANCES LISTED

It was moved by Council Member K. Nguyen, seconded by Council Member Brietigam that:

Full reading of ordinances listed be waived.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

PUBLIC HEARING - ADOPTION OF A RESOLUTION CONFIRMING THE GARDEN GROVE
TOURISM IMPROVEMENT DISTRICT ADVISORY BOARD REPORT AND LEVYING AN
ASSESSMENT FOR FISCAL YEAR 2022-23 (F: 32.1)

Following staff's presentation, Council Member K. Nguyen asked whether Garden Grove Improvement District funds could be used for street repairs; she highlighted the increased traffic flows in the hotel tourism district.

City Attorney Sandoval stated that street repair funding needs to be reviewed and approved by the Garden Grove Improvement District (GGTID) Advisory Board.

Council Member K. Nguyen requested that staff work with the GGTID Advisory Board to consider the inclusion of street repair cost in their budget. She also expressed concern with the traffic signal located on Harbor Boulevard and Twintree as it does not function like a standard traffic signal, and inquired about having a replacement traffic signal funded by the GGTID.

Assistant City Manager Lisa Kim stated that the Site C project has incorporated the upgrade and installation of a new traffic signal at this location.

With no further questions from the City Council, Mayor Jones declared the public hearing open and asked if anyone wished to address the City Council.

Speakers: Brian Malley

There being no further response from the audience, the public hearing was declared closed.

The Deputy City Clerk announced that no protests were received; therefore, there was not a majority protest.

Council Member Brietigam expressed concern with the lack of City of Garden Grove representation within the program and requested a periodic analysis of the program's benefit to the residents of Garden Grove.

Council Member Bui requested that staff provide periodic updates on GGTID activities.

With no further discussion, it was moved by Council Member O'Neill, seconded by Council Member K. Nguyen that:

Resolution No. 9752-22 entitled: A Resolution of the City Council of the City of Garden Grove confirming the annual report of the Garden Grove Tourism Improvement District Advisory Board and levying the assessment for Fiscal Year 2022-23 for the Garden Grove Tourism Improvement District, be adopted.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

ADOPTION OF A RESOLUTION IMPLEMENTING THE TERMS AND CONDITIONS OF EMPLOYMENT FOR CENTRAL MANAGEMENT AND THE CITY MANAGER (F: 78.13A)

Following staff's introduction, it was moved by Council Member O'Neill, seconded by Council Member Brietigam that:

Resolution No. 9753-22 entitled: A Resolution of the City Council of the City of Garden Grove establishing salaries, fringe benefits and exempting Central Management classifications from Municipal Code Section 2.44.390 and overtime, and adjusting the City Manager base salary, be adopted.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

ADOPTION OF A RESOLUTION ESTABLISHING A CAPITAL ASSET RENEWAL AND REPLACEMENT RESERVES POLICY (F: 127.8)

Following staff's presentation, it was moved by Council Member K. Nguyen, seconded by Mayor Pro Tem D. Nguyen that:

Resolution No. 9754-22 entitled: A Resolution of the City Council of the City of Garden, California adopting the City of Garden Capital Asset Renewal and Replacement Reserves Policy, be adopted.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

ADOPTION OF RESOLUTIONS AMENDING THE FISCAL YEAR 2022-23 BUDGETS
(F: 34.1-FY2022-23)

Following City Manager Stiles introductory remarks, Finance Director, Patricia Song provided the budget PowerPoint presentation.

Following staff's presentation, it was moved by Council Member O'Neill, seconded by Council Member Bui that:

Resolution No. 9755-22 entitled: A Resolution of the City Council of the City of Garden Grove amending the City's adopted Biennial Budget for Fiscal Year 2022-23, be adopted;

Resolution No. 9756-22 entitled: A Resolution of the City Council of the City of Garden Grove adopting an appropriations limit for Fiscal Year 2022-23 implementing Article XIII B of the State Constitution as amended by Proposition 111 pursuant to Section 7900 et seq. of the Government Code, be adopted;

Resolution No. 9757-22 entitled: A Resolution of the City Council of the City of Garden Grove amending the City's Stability Reserves for Fiscal Year 2022-23, be adopted;

Resolution No. 9758-22 entitled: A Resolution of the City Council of the City of Garden Grove appropriating fund balances as of June 30, 2022, to reserves for future year reappropriation, be adopted;

Resolution No. 9759-22 entitled: A Resolution of the City Council of the City of Garden Grove reappropriating certain Fiscal Year 2021-22 project balances and encumbrances for the Fiscal Year 2022-23, be adopted; and

Resolution No. 9760-22 entitled: A Resolution of the City Council of the City of Garden Grove, California adding new employee classification and salary range for Emergency Operations Manager, be adopted.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

ADOPTION OF RESOLUTIONS APPROVING THE AMENDED AND RESTATED
EXCLUSIVE FRANCHISE AGREEMENT WITH REPUBLIC WASTE SERVICES OF
SOUTHERN CALIFORNIA, LLC DBA GARDEN GROVE DISPOSAL (JOINT ACTION ITEM
WITH THE SANITARY DISTRICT (Joint Action Item with the Garden Grove Sanitary
District) (S-55.1 – REPUBLIC WASTE SERVICES)(XR: 121.2)

SANITARY DISTRICT ACTION

Following staff's presentation, President O'Neill highlighted the increased services incorporated into the new contract and also highlighted the reduction in residential rates.

Member Brietigam expressed appreciation for the new alley monitoring service and expressed overall satisfaction with Republic Services' response to City needs.

Vice President D. Nguyen concurred with Member Brietigam's comments and expressed satisfaction with the community clean-up events.

Member K. Nguyen asked for clarification on the 2-year timeframe for reporting out on the Organic Waste Recycling Program compliance status.

General Counsel Sandoval stated that the program is starting mid-year and will require some time for residents to begin complying with the new Organic Waste Recycling mandate. Two years provides sufficient time to compile information to provide a substantive report.

Member K. Nguyen requested an update from Republic Services in a year that provides the overall progress or identifies issues encountered in implementing the Organic Waste Recycling program. Additionally, she requested that additional outreach be done on the Discount for Disabled and Low Income Seniors program, specifically for areas with known low income seniors like those in mobile home parks. Lastly, she expressed satisfaction with the additional services covered in the new contract and Republic Services' overall performance in providing this service.

It was moved by Member K. Nguyen, and seconded by Member Bui that:

Resolution No. 3812-22 entitled: A Resolution of the Board of Directors of the Garden Grove Sanitary District approving the Amended and Restated Exclusive Franchise Agreement with Republic Waste Services of Southern California, LLC dba Garden Grove Disposal, be adopted.

The motion carried by a 6-0-1 vote as follows:

Ayes:	(6)	Brietigam, Jones, Bui, K. Nguyen, D. Nguyen, O'Neill
Noes:	(0)	None
Absent:	(1)	Klopfenstein

CITY COUNCIL ACTION

Following staff's presentation, it was moved by Council Member O'Neill, seconded by Council Member K. Nguyen that:

Resolution No. 9761-22 entitled: A Resolution of the City Council of the City of Garden Grove approving the Amended and Restated Exclusive Franchise Agreement with Republic Waste Services of Southern California, LLC dba Garden Grove Disposal, be adopted;

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

SECOND READING OF ORDINANCE NO. 2936
(F: 60.11)

(As approved earlier in the meeting, it was moved by Council Member K. Nguyen, seconded by Council Member Brietigam, and approved by a 6-0-1 vote, that full reading of ordinances listed be waived.)

Following the introduction, it was moved by Council Member K. Nguyen, seconded by Council Member O'Neill that:

Ordinance No. 2923 entitled: An Ordinance of the City Council of the City of Garden Grove establishing the amount of money for paramedic services that must be raised by an ad valorem tax override and the setting of the tax rate of said override.

The motion carried by a 6-0-1 vote as follows:

Ayes: (6) Brietigam, O'Neill, Bui, K. Nguyen, D. Nguyen,
Jones
Noes: (0) None
Absent: (1) Klopfenstein

MATTERS FROM THE MAYOR, CITY COUNCIL MEMBERS, AND CITY MANAGER

Council Member Brietigam requested information regarding current regulations on speed bumps in relation to the information and inquiry from a public speaker earlier in the meeting. He also mentioned that the electric sign on Valley View Street is not functioning correctly and requested it be addressed. Council Member Brietigam also reminded the public to practice safety and caution during the 4th of July celebration. Lastly, he also invited Garden Grove residents to attend a catalytic converter engraving event to be held on July 10, 2022 from 9:00 a.m. to 1:00 p.m. at Grease Monkey of Garden Grove, located at 6962 Chapman Avenue; service will be free of charge.

Council Member O'Neill wished everyone a safe and happy 4th of July holiday. He cautioned the public on pool safety, especially for children.

Mayor Pro Tem D. Nguyen reminded the public to keep pets safe and secure and wished everyone a happy 4th of July holiday.

Council Member K. Nguyen shared with staff that she received a complaint about the playground equipment at Faylane Park. She reminded residents to be considerate of veterans suffering from PTSD and pets when using fireworks.

Council Member Bui shared that the State Legislature recently passed Senate Bill 357 in which it is no longer illegal to stand on a public sidewalk to solicit prostitution. He stated that Governor Newsom has not yet signed the bill into law, and that he plans to send a letter urging the Governor to veto the bill. Additionally, Council Member Bui suggested that the City Manager's Office contact the Garden Grove Tourism Improvement District Advisory Board for their support in opposition to this bill. Lastly, he wished everyone a safe and happy 4th of July.

City Attorney Sandoval announced that no reportable action was taken during closed session.

Mayor Jones noted the recent passing of former City Manager George Tindall who served the city from 1984 to 2004.

ADJOURNMENT

At 9:15 p.m., Mayor Jones adjourned the meeting in memory of former Garden Grove City Manager George Tindall. The next Regular City Council Meeting will be held on Tuesday, July 12, 2022, at 5:30 p.m. at the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California.

Lizabeth Vasquez
Deputy City Clerk

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Scott C. Stiles From: Patricia Song
Dept.: City Manager Dept.: Finance
Subject: Receive and file warrants. Date: 8/23/2022
 (*Action Item*)

Attached are the warrants recommended to be received and filed.

ATTACHMENTS:

Description	Upload Date	Type	File Name
Warrants	8/17/2022	Warrants	22.08.05_- _Payroll_Warrant_Register.pdf

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 1

EF - Payroll EFT

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00010221	E03973	AVILA, VERONICA	08/11/2022	\$2,489.18
00010222	E04755	BRIETIGAM III, GEORGE S	08/11/2022	\$262.05
00010223	E04332	BUI, PHAT T	08/11/2022	\$295.97
00010224	E01338	CARRENO, SHAUNA J	08/11/2022	\$2,203.83
00010225	E02788	DAVIS, JEFFREY P	08/11/2022	\$1,753.77
00010226	E00803	HADDAD, PAMELA M	08/11/2022	\$2,052.28
00010227	E04750	HO, VY D	08/11/2022	\$1,844.73
00010228	E04096	HUYNH, DANNY	08/11/2022	\$5,093.69
00010229	E03612	JONES, STEVEN R	08/11/2022	\$274.04
00010230	E04131	KIM, NOELLE N	08/11/2022	\$2,576.84
00010231	E02612	KLOESS, VILMA C	08/11/2022	\$2,847.93
00010232	E04536	KLOPFENSTEIN, STEPHANIE L	08/11/2022	\$146.65
00010233	E01949	LE, IVY	08/11/2022	\$1,922.92
00010234	E01280	LE, TAMMY	08/11/2022	\$1,863.78
00010235	E05828	MIDDENDORF, LINDA	08/11/2022	\$3,362.59
00010236	E02787	MORAN, MARIE L	08/11/2022	\$2,733.11
00010237	E02539	NAVARRO, MARIA A	08/11/2022	\$2,658.79
00010238	E04535	NGUYEN, DIEDRE THU HA	08/11/2022	\$277.75
00010239	E04948	NGUYEN, HOAI THUONG H	08/11/2022	\$1,492.42
00010240	E04537	NGUYEN, KIM B	08/11/2022	\$281.98
00010241	E03255	NGUYEN, PHUONG VIEN T	08/11/2022	\$2,233.58
00010242	E02560	NGUYEN, QUANG	08/11/2022	\$2,790.76
00010243	E01286	NGUYEN, TINA T	08/11/2022	\$2,212.43
00010244	E04534	ONEILL, JOHN R	08/11/2022	\$295.98
00010245	E04528	PARK, SHAWN S	08/11/2022	\$2,971.93
00010246	E03541	PHI, THYANA T	08/11/2022	\$2,844.28
00010247	E04443	POLLOCK, AMANDA M	08/11/2022	\$1,928.68
00010248	E06945	POMEROY, TERESA L	08/11/2022	\$4,194.50
00010249	E01964	PULIDO, ANA E	08/11/2022	\$4,163.37
00010250	E01356	RAMOS, MARIA	08/11/2022	\$3,645.86
00010251	E04387	STILES, SCOTT C	08/11/2022	\$6,108.60
00010252	E00564	STIPE, MARIA A	08/11/2022	\$5,899.65
00010253	E03715	THAI, KRISTY H	08/11/2022	\$2,505.16

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 2

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00010254	E02543	TO, TANYA L	08/11/2022	\$1,734.22
00010255	E01971	TRAN, CUONG K	08/11/2022	\$2,413.23
00010256	E02056	TRUONG, ELAINE	08/11/2022	\$1,895.83
00010257	E03983	VASQUEZ, LIZABETH C	08/11/2022	\$2,451.05
00010258	E04971	VITAL, ANDREA	08/11/2022	\$1,612.57
00010259	E02562	VO, THANH-NGUYEN	08/11/2022	\$1,884.93
00010260	E04944	ANDERSON CAMBA, ASHLEIGH R	08/11/2022	\$2,260.98
00010261	E04764	BRADLEY, JANNA K	08/11/2022	\$2,632.74
00010262	E03766	CERDA, MARY C	08/11/2022	\$2,244.54
00010263	E04673	HART, BRANDI M	08/11/2022	\$1,436.20
00010264	E04363	KWAN, LIANE Y	08/11/2022	\$4,107.72
00010265	E01985	LEE, JANY H	08/11/2022	\$4,284.90
00010266	E05007	NGUYEN, LE V	08/11/2022	\$1,049.29
00010267	E03420	PROCTOR, SHERRILL A	08/11/2022	\$2,483.04
00010268	E04726	RICHARDS, STEPHANIE E	08/11/2022	\$5,936.80
00010269	E04417	STEPHENSON, CAITLYN M	08/11/2022	\$2,787.86
00010270	E02115	STOVER, LAURA J	08/11/2022	\$5,846.60
00010271	E04445	BROWN, KAREN J	08/11/2022	\$1,013.26
00010272	E03313	BUI, AI N	08/11/2022	\$1,705.52
00010273	E04961	CHAO, VICTORIA	08/11/2022	\$1,605.90
00010274	E03686	CHAVEZ, JAIME F	08/11/2022	\$1,798.83
00010275	E03760	CHUNG, JANET J	08/11/2022	\$3,013.48
00010276	E04957	CURTSEIT, MARIA	08/11/2022	\$1,956.01
00010277	E04960	FUKAZAWA, KEISUKE	08/11/2022	\$1,625.27
00010278	E05055	GAMINO, LINDA M	08/11/2022	\$615.26
00010279	E03134	GARCIA, SYLVIA	08/11/2022	\$2,736.56
00010280	E03429	GULLEY, SUSAN J	08/11/2022	\$973.28
00010281	E03016	HERNANDEZ, GARY F	08/11/2022	\$1,845.45
00010282	E04569	HOFFMAN, CORINNE L	08/11/2022	\$2,550.60
00010283	E04968	HONG, SEUNGBUM	08/11/2022	\$1,783.76
00010284	E04959	LE, KENNETH H	08/11/2022	\$1,496.32
00010285	E00057	MANALANSAN, NEAL M	08/11/2022	\$2,120.94
00010286	E01668	MAY, ROBERT W	08/11/2022	\$1,714.56
00010287	E01393	MENDEZ, ANGELA M	08/11/2022	\$2,027.79

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 3

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00010288	E03628	MENDOZA, CHRISTI C	08/11/2022	\$2,325.80
00010289	E04958	NGO, TINA	08/11/2022	\$2,588.11
00010290	E04838	NIGATU, SELAMAWIT	08/11/2022	\$2,332.16
00010291	E01362	PETERSON, JENNIFER L	08/11/2022	\$2,158.97
00010292	E02429	PHAM, ANH	08/11/2022	\$1,881.16
00010293	E03610	RAMIREZ, EVA	08/11/2022	\$2,111.68
00010294	E05008	RAMOS, ASHLEY	08/11/2022	\$741.57
00010295	E04973	RAMOS, NANCY	08/11/2022	\$2,818.96
00010296	E03539	SEGAWA, SANDRA E	08/11/2022	\$3,812.43
00010297	E04780	SONG, YUAN	08/11/2022	\$5,376.14
00010298	E04859	VO, MY TRA	08/11/2022	\$2,570.57
00010299	E03433	WESTON, RETA J	08/11/2022	\$94.88
00010300	E04674	WHITTAKER DEGEN, HELEN E	08/11/2022	\$747.13
00010301	E04527	YOO, MEENA	08/11/2022	\$2,452.65
00010302	E04493	ANDREWS, STEVEN F	08/11/2022	\$2,516.57
00010303	E00845	CHANG, TERENCE S	08/11/2022	\$3,037.61
00010304	E03498	ESPINOZA, VERNA L	08/11/2022	\$2,690.88
00010305	E04523	GALLO, CESAR	08/11/2022	\$3,158.82
00010306	E04415	GOLD, ANNA L	08/11/2022	\$2,311.29
00010307	E04713	HINGCO, ERNIE E	08/11/2022	\$2,148.43
00010308	E02617	KLOESS, GEOFFREY A	08/11/2022	\$3,967.38
00010309	E03571	MORAGRAAN, RACHOT	08/11/2022	\$4,207.74
00010310	E01277	PROFFITT, NOEL J	08/11/2022	\$3,390.29
00010311	E01901	RAO, ANAND V	08/11/2022	\$5,457.05
00010312	E05027	SANCHEZ MENDOZA, ALFREDO	08/11/2022	\$2,015.33
00010313	E03384	SCHULZE, KATRENA J	08/11/2022	\$2,730.76
00010314	E04395	SWANSON, MATTHEW T	08/11/2022	\$1,976.58
00010315	E01674	VALENZUELA, ANTHONY	08/11/2022	\$1,710.96
00010316	E00809	VICTORIA, ROD T	08/11/2022	\$2,358.69
00010317	E03014	WILDER, CANDY G	08/11/2022	\$2,227.65
00010318	E03509	WINSTON, TERREL KEITH	08/11/2022	\$3,307.40
00010319	E03725	ABU HAMDIYYAH, AMEENAH	08/11/2022	\$2,141.67
00010320	E02996	ASHLEIGH, JULIE A	08/11/2022	\$2,098.05
00010321	E03161	AUSTIN, MICHAEL G	08/11/2022	\$2,843.74

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 4

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00010322	E00740	BLODGETT, GREG	08/11/2022	\$4,154.81
00010323	E03808	CHENG, ALANA R	08/11/2022	\$3,453.34
00010324	E03601	CHUNG, CHRISTOPHER	08/11/2022	\$2,846.82
00010325	E03353	COVARRUBIAS, MONICA	08/11/2022	\$3,681.20
00010326	E00128	CRAMER, RITA M	08/11/2022	\$2,695.79
00010327	E04394	DAHLHEIMER, BRYSON T	08/11/2022	\$2,406.80
00010328	E04879	DAKE, RYAN J	08/11/2022	\$2,408.26
00010329	E04578	DENT, DAVID A	08/11/2022	\$4,609.46
00010330	E03697	GUERRERO, PAUL	08/11/2022	\$3,489.18
00010331	E03600	HARTWIG, TODD C	08/11/2022	\$2,891.23
00010332	E03531	HERNANDEZ, RALPH V	08/11/2022	\$2,372.66
00010333	E04855	HERRERA JR, ARMANDO	08/11/2022	\$767.85
00010334	E03410	HODSON, AARON J	08/11/2022	\$2,350.65
00010335	E04716	KASKLA, PRIIT J	08/11/2022	\$2,150.68
00010336	E04442	KIM, LISA L	08/11/2022	\$5,014.08
00010337	E03617	LEE, GRACE E	08/11/2022	\$2,816.58
00010338	E04490	LY, HUONG Q	08/11/2022	\$2,277.83
00010339	E03412	MARINO, LEE W	08/11/2022	\$4,617.85
00010340	E04194	MARTINEZ, MARIA L	08/11/2022	\$2,585.95
00010341	E03044	MOORE, JUDITH A	08/11/2022	\$2,188.83
00010342	E02895	MOURE, SVETLANA	08/11/2022	\$2,397.37
00010343	E04635	NGUYEN, PHU T	08/11/2022	\$3,945.62
00010344	E02842	PARRA, MARIA C	08/11/2022	\$3,324.00
00010345	E04894	REFUERZO JR., ORLINO CAMPOS	08/11/2022	\$973.27
00010346	E04992	ROBLES, ALFONSO	08/11/2022	\$2,470.78
00010347	E04408	THRONE, TIMOTHY E	08/11/2022	\$2,280.68
00010348	E04862	TRAN, JAKE P	08/11/2022	\$2,019.34
00010349	E05048	TUONG, NGHIA T	08/11/2022	\$1,613.94
00010350	E03643	ALVARADO, YOLANDA A	08/11/2022	\$1,804.96
00010351	E05009	ALVAREZ, CYNTHIA	08/11/2022	\$819.61
00010352	E04390	AMBRIZ, STEPHANIE	08/11/2022	\$867.38
00010353	E04978	AVINA, MIKAYLA M	08/11/2022	\$470.55
00010354	E04771	BAILOR, REBECCA J	08/11/2022	\$515.31
00010355	E04010	BAIRD, SARAH M	08/11/2022	\$487.25

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 5

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00010356	E04988	BAUTISTA, BRENDA	08/11/2022	\$1,994.31
00010357	E04262	BEARD, ALEX C	08/11/2022	\$1,541.36
00010358	E02658	CAMARENA, RACHEL M	08/11/2022	\$2,262.93
00010359	E01588	CAMARENA, RENE	08/11/2022	\$2,320.70
00010360	E01902	CASILLAS, VICTORIA M	08/11/2022	\$2,070.89
00010361	E05058	CATAQUIZ, CHARLIZE N	08/11/2022	\$776.17
00010362	E04949	CEDILLO PADILLA, JESSICA	08/11/2022	\$622.35
00010363	E04611	CROSS, AMANDA D	08/11/2022	\$1,915.18
00010364	E04814	DE ROSAS, VICTOR	08/11/2022	\$594.20
00010365	E04688	DELGADO CHAVEZ, MARLY	08/11/2022	\$777.13
00010366	E04653	DIAZ, GABRIELA	08/11/2022	\$373.83
00010367	E04794	DINH, AARON D	08/11/2022	\$524.39
00010368	E05036	DINH, NGUYEN KHOA	08/11/2022	\$553.37
00010369	E04791	DOWNS, KELDEN A	08/11/2022	\$943.33
00010370	E02120	FRAUSTO, LUIZ F	08/11/2022	\$301.87
00010371	E04679	FREEMAN, MARK C	08/11/2022	\$3,665.42
00010372	E05019	FUENTES, DIANA	08/11/2022	\$366.75
00010373	E04481	GARCIA, JARED D	08/11/2022	\$557.08
00010374	E04253	GARCIA, VANESSA L	08/11/2022	\$458.13
00010375	E03337	GODDARD, JENNIFER DANIELLE	08/11/2022	\$2,762.35
00010376	E03877	GOMEZ, STEVEN E	08/11/2022	\$863.40
00010377	E04982	GONZALEZ, KATHERYN	08/11/2022	\$629.40
00010378	E00940	GRANT, JACOB R	08/11/2022	\$2,564.63
00010379	E04967	HASHEMI, SETAREH	08/11/2022	\$319.31
00010380	E01687	HOLER, KIMBERLY K	08/11/2022	\$453.48
00010381	E04171	KONRAD, JOHN C	08/11/2022	\$193.75
00010382	E04682	LOPEZ, KALYSTA N	08/11/2022	\$754.12
00010383	E03603	MA AE, ELAINE M	08/11/2022	\$3,101.93
00010384	E05014	MARIN, AMANDA T	08/11/2022	\$1,049.99
00010385	E01552	MEDINA, JESUS	08/11/2022	\$1,875.42
00010386	E00455	MEDINA, JUAN	08/11/2022	\$2,424.11
00010387	E04925	MENDOZA, JESSICA	08/11/2022	\$916.54
00010388	E05038	MILLER, RUBY C	08/11/2022	\$304.47
00010389	E02808	MONTANCHEZ, JOHN A	08/11/2022	\$5,673.47

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 6

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00010390	E05022	MUNOZ, JULIANNE I	08/11/2022	\$670.57
00010391	E04173	NAKAISHI, KIRSTEN K	08/11/2022	\$71.71
00010392	E04947	NGUYEN, ALEXANDER H	08/11/2022	\$408.27
00010393	E05052	NGUYEN, RYAN N	08/11/2022	\$630.38
00010394	E04391	NICHOLAS, NOEL N	08/11/2022	\$1,580.38
00010395	E04931	NODAL, NATALIE	08/11/2022	\$335.61
00010396	E00785	OCADIZ HERNANDEZ, GABRIELA	08/11/2022	\$3,631.37
00010397	E04965	ORDUNO, SAMANTHA	08/11/2022	\$449.79
00010398	E03881	PANGAN, CHRISTIAN	08/11/2022	\$0.00
00010399	E03361	PELAYO, JANET E	08/11/2022	\$3,923.44
00010400	E04777	PHAN, EDOUARD T	08/11/2022	\$240.53
00010401	E03893	PICKRELL, ARIELLE	08/11/2022	\$1,686.66
00010402	E04463	PUAILOA, SHADY S	08/11/2022	\$596.63
00010403	E04932	RAYO, ALONDRA	08/11/2022	\$1,070.25
00010404	E02754	REYNOSO, SUGEIRY	08/11/2022	\$2,661.87
00010405	E04646	RIVERA, CATIA J	08/11/2022	\$322.68
00010406	E03362	ROMERO, MARINA Y	08/11/2022	\$2,097.94
00010407	E04684	ROSALES, MARIA D	08/11/2022	\$582.48
00010408	E04614	ROSAS, TANYA	08/11/2022	\$357.33
00010409	E04933	ROSAS, VANESSA	08/11/2022	\$1,041.34
00010410	E04620	SALDIVAR, DIANA	08/11/2022	\$402.18
00010411	E01893	SAUCEDO, DANA MARIE	08/11/2022	\$2,925.87
00010412	E00925	SCHLUMPBERGER, EMERON J	08/11/2022	\$1,071.89
00010413	E04926	SERNA, SAMANTHA M	08/11/2022	\$1,007.93
00010414	E05016	SIERRA, AILEEN S	08/11/2022	\$664.03
00010415	E04795	SIEVE, MYCHAELLA J	08/11/2022	\$350.44
00010416	E04927	SINGER, LAUREN ROSE EMIKO N	08/11/2022	\$876.32
00010417	E05034	SMITH, NATHAN O	08/11/2022	\$1,047.10
00010418	E03895	SMITH, REBECCA S	08/11/2022	\$711.87
00010419	E04798	TANG, ETHAN	08/11/2022	\$845.98
00010420	E03292	TRAN-LUONG, ANNIE NGAN	08/11/2022	\$0.00
00010421	E05030	TRIGGS, MARY SHANNON	08/11/2022	\$1,637.45
00010422	E04924	TU, KATHY	08/11/2022	\$442.87
00010423	E01396	VALDIVIA, CLAUDIA	08/11/2022	\$3,475.18

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 7

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00010424	E00015	VAN SICKLE, JEFFREY	08/11/2022	\$2,714.17
00010425	E04687	VARGAS, SAMANTHA B	08/11/2022	\$796.91
00010426	E05046	VARGAS-CABRERA, ARMANDO	08/11/2022	\$422.11
00010427	E05017	VARGAS-SERNA, KELLY	08/11/2022	\$500.52
00010428	E04478	VENCES, JOSHUA	08/11/2022	\$433.26
00010429	E03085	VICTORIA, PAUL E	08/11/2022	\$1,513.09
00010430	E05018	VILLEGAS, MIA A	08/11/2022	\$446.32
00010431	E04609	VIRAMONTES, JACOB D	08/11/2022	\$296.49
00010432	E04937	VO, ADRIAN K	08/11/2022	\$677.24
00010433	E04274	WILMES, DAVID M	08/11/2022	\$724.65
00010434	E04734	ACOSTA, GIOVANNI	08/11/2022	\$2,469.79
00010435	E03819	ALAMILLO, MARCOS R	08/11/2022	\$3,711.10
00010436	E03712	ALARCON, CLAUDIA	08/11/2022	\$3,574.94
00010437	E05029	ALARID, DAVID M	08/11/2022	\$1,885.69
00010438	E03616	ALCARAZ, MARIA A	08/11/2022	\$2,132.37
00010439	E00121	ALLISON, WILLIAM	08/11/2022	\$5,462.71
00010440	E04873	ALVARADO, MADELINE M	08/11/2022	\$1,928.69
00010441	E04080	ALVAREZ BROWN, RICHARD A	08/11/2022	\$3,212.14
00010442	E05028	AMAYA, JOSE J	08/11/2022	\$1,886.90
00010443	E03011	ANDERSON, BOBBY B	08/11/2022	\$3,569.67
00010444	E05040	ARCHULETA, ANDREW M	08/11/2022	\$1,999.84
00010445	E01234	ARELLANO, PEDRO R	08/11/2022	\$4,228.43
00010446	E04875	ARROYO, SANDRA M	08/11/2022	\$2,577.82
00010447	E04497	ASHBAUGH, TIMOTHY R	08/11/2022	\$2,861.59
00010448	E03397	ASHBY, PAUL W	08/11/2022	\$3,577.77
00010449	E04719	ATWOOD, MARIA S	08/11/2022	\$2,089.68
00010450	E04613	AVALOS JR, FRANCISCO	08/11/2022	\$2,263.91
00010451	E04550	BAEK, SHARON S	08/11/2022	\$2,297.14
00010452	E04209	BAINTO, JUDY A	08/11/2022	\$257.09
00010453	E04778	BAKER, COLLIN E	08/11/2022	\$3,864.54
00010454	E03005	BANKSON, JOHN F	08/11/2022	\$4,026.96
00010455	E04645	BARRAZA, RENE	08/11/2022	\$3,391.51
00010456	E05041	BARRIOS-ROA, JAYDE D.	08/11/2022	\$1,791.77
00010457	E04432	BEHZAD, JOSHUA K	08/11/2022	\$2,515.45

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 8

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00010458	E04951	BELLO, ANGELICA	08/11/2022	\$1,892.83
00010459	E03006	BELTHIUS, LISA A	08/11/2022	\$255.39
00010460	E04976	BELTHIUS, TYLER E	08/11/2022	\$547.15
00010461	E04753	BERENGER, BEAU A	08/11/2022	\$3,526.51
00010462	E03296	BERESFORD, EVAN S	08/11/2022	\$4,281.42
00010463	E01604	BERLETH, RYAN S	08/11/2022	\$2,337.03
00010464	E03443	BLUM, JAMES A	08/11/2022	\$3,428.68
00010465	E04149	BOGUE, SUMMER A	08/11/2022	\$2,257.96
00010466	E03363	BOWEN, GENA M	08/11/2022	\$2,118.13
00010467	E04767	BOWMAN, TROY F	08/11/2022	\$2,545.36
00010468	E04963	BOYENS III, ROBERT	08/11/2022	\$3,040.83
00010469	E00946	BRAME, KAREN D	08/11/2022	\$2,205.63
00010470	E04803	BRANTNER, BRITTANEE N	08/11/2022	\$1,750.98
00010471	E03380	BROWN, JEFFREY A	08/11/2022	\$5,559.33
00010472	E03968	BRUNICK, CARISSA L	08/11/2022	\$1,714.26
00010473	E02031	BURILLO, RICHARD O	08/11/2022	\$5,331.48
00010474	E03972	BUSTILLOS, RYAN V	08/11/2022	\$5,763.06
00010475	E03964	CAMARA, DANIEL A	08/11/2022	\$2,818.40
00010476	E04074	CAMPOS, JESENIA	08/11/2022	\$2,225.21
00010477	E03739	CAPPS, THOMAS A	08/11/2022	\$4,225.42
00010478	E05002	CARBALLO, MILTON A	08/11/2022	\$2,243.58
00010479	E02372	CENTENO, JUAN C	08/11/2022	\$4,842.44
00010480	E03607	CHANG, DAVID Y H	08/11/2022	\$3,401.01
00010481	E04867	CHAPPELL, SHYLER R.D.	08/11/2022	\$2,111.46
00010482	E03481	CHAURAN HAIRGROVE, TAMMY L	08/11/2022	\$2,328.06
00010483	E04498	CHEATHAM, JEROME L	08/11/2022	\$3,492.05
00010484	E01541	CHO, HAN J	08/11/2022	\$4,573.67
00010485	E03423	CHOWDHURY, JACINTA F	08/11/2022	\$1,996.37
00010486	E04414	CHUNG, RANDY G	08/11/2022	\$447.05
00010487	E00003	CIBOSKY, COURTNEY P	08/11/2022	\$3,361.02
00010488	E04539	CLASBY JR, BRIAN M	08/11/2022	\$3,522.22
00010489	E04062	COOPMAN, AARON J	08/11/2022	\$3,496.01
00010490	E04872	CORNETT, KRISTINA L	08/11/2022	\$1,607.03
00010491	E04832	CORTEZ JR, DARRYL B	08/11/2022	\$2,527.55

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 9

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00010492	E04666	CORTEZ, JULIO C	08/11/2022	\$2,700.19
00010493	E01875	COUGHRAN, ADAM B	08/11/2022	\$0.00
00010494	E01796	COULTER, GARY L	08/11/2022	\$2,962.38
00010495	E04555	CRUZ, REYNA	08/11/2022	\$2,045.84
00010496	E01364	DALTON, BRIAN D	08/11/2022	\$14,840.65
00010497	E04874	DANG, JOHN	08/11/2022	\$655.35
00010498	E00126	DANIELEY III, CHARLIE	08/11/2022	\$3,162.93
00010499	E01951	DANIELSON, PAUL E	08/11/2022	\$733.88
00010500	E01968	DARE, THOMAS R	08/11/2022	\$9,804.37
00010501	E04503	DAVILA, ISAAC	08/11/2022	\$2,855.75
00010502	E04431	DE ALMEIDA LOPES, NICHOLAS A	08/11/2022	\$3,880.58
00010503	E04731	DE PADUA, TANNER C	08/11/2022	\$2,776.49
00010504	E03691	DELGADO JR, JUAN L	08/11/2022	\$4,514.35
00010505	E03395	DIX, JENNIFER A	08/11/2022	\$3,041.23
00010506	E02313	DOSCHER, RONALD A	08/11/2022	\$3,378.44
00010507	E04586	DOVEAS, CHRISTOPHER C	08/11/2022	\$263.85
00010508	E04281	DRISCOLL, RUSSELL B	08/11/2022	\$2,696.09
00010509	E04844	DUARTE, TAYLOR M	08/11/2022	\$2,709.43
00010510	E04720	DUDLEY, BROD D	08/11/2022	\$2,475.92
00010511	E03625	EARLE, CHRISTOPHER M	08/11/2022	\$3,685.04
00010512	E03740	EL FARRA, AMIR A	08/11/2022	\$5,107.47
00010513	E03927	ELHAMI, MICHAEL K	08/11/2022	\$5,371.75
00010514	E03933	ELIZONDO, BENJAMIN M	08/11/2022	\$3,362.00
00010515	E04016	ELIZONDO, FLOR DE LIS	08/11/2022	\$2,364.13
00010516	E01598	ELSOUSOU, HELENA	08/11/2022	\$3,055.54
00010517	E02734	ESCALANTE, OTTO J	08/11/2022	\$11,891.87
00010518	E04334	ESCOBEDO, JOSHUA N	08/11/2022	\$3,758.72
00010519	E02724	ESTLOW, STEPHEN C	08/11/2022	\$3,295.84
00010520	E04358	ESTRADA MONSANTO, MICHELLE N	08/11/2022	\$3,392.91
00010521	E04748	FAJARDO, JESUS	08/11/2022	\$2,491.34
00010522	E04303	FERREIRA JR, HECTOR	08/11/2022	\$3,315.92
00010523	E01663	FERRIN, KORY C	08/11/2022	\$4,133.57
00010524	E03976	FIGUEREDO, GEORGE R	08/11/2022	\$3,269.71
00010525	E02838	FISCHER, JAMES D	08/11/2022	\$702.35

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 10

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00010526	E04774	FLINN, PATRICIA C	08/11/2022	\$2,836.74
00010527	E02887	FOSTER, VICTORIA M	08/11/2022	\$1,850.70
00010528	E04033	FRANCISCO, KATHERINE M	08/11/2022	\$2,818.39
00010529	E02963	FRANKS, JAMES D	08/11/2022	\$3,298.31
00010530	E04747	FRESENIUS, ROBERT D	08/11/2022	\$2,531.27
00010531	E00903	FRUTOS, VERONICA	08/11/2022	\$1,869.15
00010532	E04729	GARCIA, JOSEPH A	08/11/2022	\$2,975.22
00010533	E03086	GARCIA, PETE	08/11/2022	\$4,046.10
00010534	E03659	GARNER, AMANDA B	08/11/2022	\$1,083.90
00010535	E02606	GEORGE, DAVID L	08/11/2022	\$2,279.63
00010536	E04351	GERDIN, MICHAEL E	08/11/2022	\$3,176.90
00010537	E04542	GIFFORD, ROBERT J	08/11/2022	\$4,394.14
00010538	E04658	GIRGENTI, BRIAN C	08/11/2022	\$3,946.90
00010539	E04401	GLEASON, SEAN M	08/11/2022	\$2,750.81
00010540	E04917	GOMEZ, JESUS	08/11/2022	\$2,599.70
00010541	E04863	GONZALEZ JR, GONZALO	08/11/2022	\$2,615.41
00010542	E05003	HA, DANNY	08/11/2022	\$2,610.08
00010543	E04732	HADDEN, TRAVIS J	08/11/2022	\$2,440.96
00010544	E04787	HALEY, KYLE N	08/11/2022	\$3,558.87
00010545	E03527	HALLER, TROY	08/11/2022	\$4,925.54
00010546	E03402	HEINE, STEVEN H	08/11/2022	\$4,627.14
00010547	E02469	HERRERA, JOSE D	08/11/2022	\$6,765.78
00010548	E04244	HINGCO, PINKY C	08/11/2022	\$2,515.97
00010549	E03713	HOLLOWAY, WILLIAM T	08/11/2022	\$4,095.85
00010550	E04739	HOWARD, JASON A	08/11/2022	\$3,017.26
00010551	E04654	HURLEY, KIRK P	08/11/2022	\$2,309.37
00010552	E04089	HUTCHINS, DONALD J	08/11/2022	\$3,767.50
00010553	E03815	HUYNH, AI KELLY	08/11/2022	\$2,270.31
00010554	E03559	HUYNH, THI A	08/11/2022	\$3,034.05
00010555	E04915	ITURRALDE, JENNIFER L	08/11/2022	\$1,056.17
00010556	E04583	JENSEN, MICHAEL J	08/11/2022	\$4,198.20
00010557	E02935	JENSEN, NICKOLAS K	08/11/2022	\$3,974.99
00010558	E04587	JIMENEZ JR, EFRAIN A	08/11/2022	\$3,145.48
00010559	E04781	JIMENEZ TAVAREZ, SERGIO J	08/11/2022	\$2,090.08

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 11

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00010560	E04655	JOHNSON, CODY M	08/11/2022	\$2,625.19
00010561	E03368	JOHNSON, JASON L	08/11/2022	\$3,241.86
00010562	E03831	JORDAN, GERALD F	08/11/2022	\$5,394.21
00010563	E04610	JORDAN, VICTORIA A	08/11/2022	\$226.11
00010564	E04444	JULIENNE, PATRICK R	08/11/2022	\$3,007.33
00010565	E04559	KELLEY, KRISTOFER D	08/11/2022	\$3,677.68
00010566	E04353	KEUILIAN, SHELBY	08/11/2022	\$2,148.76
00010567	E04663	KIM, CHAD B	08/11/2022	\$2,462.71
00010568	E04641	KIM, EDWARD K	08/11/2022	\$233.16
00010569	E04538	KIMBERLY, ALLYSON L	08/11/2022	\$1,839.17
00010570	E03932	KIVLER, ROBERT J	08/11/2022	\$2,814.52
00010571	E03389	KOLANO, JOSEPH L	08/11/2022	\$2,784.96
00010572	E03294	KOVACS, LEA K	08/11/2022	\$3,130.55
00010573	E05000	KOVACS, TIMOTHY M	08/11/2022	\$2,502.00
00010574	E04669	KOVACS, TIMOTHY P	08/11/2022	\$3,404.57
00010575	E03484	KUNKEL, PETER M	08/11/2022	\$3,636.48
00010576	E04804	LADD, LAUREN M	08/11/2022	\$2,410.64
00010577	E04857	LANG, MICHAEL J	08/11/2022	\$3,149.53
00010578	E03511	LAZENBY, NICHOLAS A	08/11/2022	\$4,748.55
00010579	E04877	LE, BAO TINH THI	08/11/2022	\$1,954.25
00010580	E04021	LEE, RAPHAEL M	08/11/2022	\$3,177.76
00010581	E04970	LEIVA, EDUARDO C	08/11/2022	\$5,242.40
00010582	E03488	LEYVA, ERICK	08/11/2022	\$7,061.15
00010583	E04541	LINK, DEREK M	08/11/2022	\$3,876.17
00010584	E00030	LOERA JR, RAFAEL	08/11/2022	\$4,918.00
00010585	E05033	LOFFLER, CHARLES H	08/11/2022	\$4,009.90
00010586	E02645	LOPEZ, DAVID	08/11/2022	\$3,567.52
00010587	E05066	LORD, MARK A	08/11/2022	\$4,336.58
00010588	E04581	LOWEN, BRADLEY A	08/11/2022	\$3,193.50
00010589	E04761	LUCATERO, JESSE A	08/11/2022	\$2,678.19
00010590	E00027	LUKAS, STEVEN W	08/11/2022	\$2,320.23
00010591	E04048	LUX, ROBERT D	08/11/2022	\$2,349.11
00010592	E03663	LUX, RYAN M	08/11/2022	\$3,913.24
00010593	E04772	LY, LINDALINH THU	08/11/2022	\$1,570.06

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 12

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00010594	E04661	MACHUCA, ROBERTO	08/11/2022	\$3,112.21
00010595	E03752	MACY, TAYLOR A	08/11/2022	\$3,267.75
00010596	E04532	MANIACI, GIANLUCA F	08/11/2022	\$3,069.35
00010597	E04435	MARCHAND, MATTHEW P	08/11/2022	\$3,571.88
00010598	E01359	MARTINEZ JR, MARIO	08/11/2022	\$4,662.57
00010599	E04974	MARTINEZ, JUANITA PATRICIA	08/11/2022	\$2,955.83
00010600	E02792	MATA, RAQUEL D	08/11/2022	\$823.30
00010601	E04656	MAZON, JORGE L	08/11/2022	\$3,265.40
00010602	E02796	MCFARLANE, MARIA C	08/11/2022	\$2,563.91
00010603	E06761	MEEKS, REBECCA S	08/11/2022	\$3,163.45
00010604	E03826	MEERS, BRYAN J	08/11/2022	\$5,849.90
00010605	E02655	MENDOZA CAMPOS, MELISSA	08/11/2022	\$2,507.80
00010606	E04402	MERRILL, KENNETH E	08/11/2022	\$559.77
00010607	E03965	MIHALIK, DANNY J	08/11/2022	\$4,220.80
00010608	E04840	MONTOYA, DAWN M	08/11/2022	\$1,737.98
00010609	E04865	MORIN, LINDA M	08/11/2022	\$4,063.12
00010610	E04352	MORSE, JEREMY N	08/11/2022	\$4,886.92
00010611	E01940	MORTON, NATHAN D	08/11/2022	\$3,621.55
00010612	E04454	MOSER, MICHAEL A	08/11/2022	\$2,272.37
00010613	E03929	MURILLO JR, RAUL	08/11/2022	\$4,215.88
00010614	E04626	MURO, JASON M	08/11/2022	\$4,495.29
00010615	E04577	MUSCHETTO, PATRICK J	08/11/2022	\$3,199.64
00010616	E03422	NADOLSKI, THOMAS R	08/11/2022	\$2,728.38
00010617	E04111	NEELY, JACOB J	08/11/2022	\$2,084.01
00010618	E04436	NGUYEN, JEFFREY C	08/11/2022	\$3,352.49
00010619	E02813	NGUYEN, TRINA T	08/11/2022	\$1,965.35
00010620	E04540	NIKOLIC, ADAM C	08/11/2022	\$5,411.14
00010621	E05054	NUNEZ, BREANNE S	08/11/2022	\$1,648.14
00010622	E03350	OLIVO, JOSHUA T	08/11/2022	\$4,006.75
00010623	E04035	ORTIZ, STEVEN TRUJILLO	08/11/2022	\$3,013.70
00010624	E03427	PANELLA, JOSEPH N	08/11/2022	\$2,244.21
00010625	E04910	PAQUA, BRANDON J	08/11/2022	\$2,238.54
00010626	E01948	PARK, BRANDY J	08/11/2022	\$3,039.63
00010627	E02995	PAYAN, CRISTINA V	08/11/2022	\$2,463.89

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 13

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00010628	E00824	PAYAN, LUIS A	08/11/2022	\$4,688.60
00010629	E04843	PEREZ, EMMANUEL	08/11/2022	\$2,531.23
00010630	E00145	PERKINS, JASON S	08/11/2022	\$5,185.77
00010631	E04429	PHAM, PHILLIP H	08/11/2022	\$3,097.04
00010632	E06938	PLUARD, DOUGLAS A	08/11/2022	\$4,422.31
00010633	E03299	POLOPEK, COREY T	08/11/2022	\$3,710.53
00010634	E05050	QUANG, DENNIS	08/11/2022	\$2,970.83
00010635	E04788	QUIROZ, LUIS A	08/11/2022	\$2,092.54
00010636	E03967	RAMIREZ OROZCO, SINDY	08/11/2022	\$4,327.48
00010637	E04955	RAMIREZ, KAYLYN C	08/11/2022	\$2,178.15
00010638	E03390	RAMIREZ, LUIS F	08/11/2022	\$3,790.54
00010639	E05021	RAMIREZ, TERRA M	08/11/2022	\$3,068.04
00010640	E05049	RAMOS, DAVID N	08/11/2022	\$3,021.90
00010641	E04914	RAMOS, RODOLFO B	08/11/2022	\$584.45
00010642	E03217	RANEY, JOHN E	08/11/2022	\$4,028.43
00010643	E04941	RASMUSSEN, TRENTON L	08/11/2022	\$2,476.05
00010644	E04659	REED, THOMAS S	08/11/2022	\$3,947.73
00010645	E03486	REYES, RON A	08/11/2022	\$5,245.47
00010646	E04911	RICHARDS, BRYANT D	08/11/2022	\$2,289.22
00010647	E04437	RICHMOND, RYAN R	08/11/2022	\$2,878.43
00010648	E04860	ROCHA, RUDY A	08/11/2022	\$559.58
00010649	E04738	RODRIGUEZ, DANIEL	08/11/2022	\$2,968.28
00010650	E04082	RODRIGUEZ, JENNIFER M	08/11/2022	\$2,596.90
00010651	E05001	RODRIGUEZ, RYAN ELIJAH	08/11/2022	\$2,128.40
00010652	E04438	ROGERS, CHRISTIN E	08/11/2022	\$3,847.82
00010653	E04385	ROJAS, ASHLEY C	08/11/2022	\$2,152.85
00010654	E04507	ROMBOUGH, JENNIFER V	08/11/2022	\$1,972.45
00010655	E04552	RUZIECKI, ERIC T	08/11/2022	\$3,709.88
00010656	E02845	SALAZAR, SEAN M	08/11/2022	\$3,082.79
00010657	E04845	SALGADO JR., ALFREDO	08/11/2022	\$2,306.94
00010658	E03297	SAMOFF, TANYA L	08/11/2022	\$3,226.24
00010659	E02646	SANTANA, LINO G	08/11/2022	\$6,778.49
00010660	E03035	SEYMOUR, SUSAN A I	08/11/2022	\$4,568.88
00010661	E04282	SHELGREN, CHRISTOPHER M	08/11/2022	\$3,101.22

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 14

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00010662	E04616	SHIPLEY, AARON T	08/11/2022	\$2,439.49
00010663	E02937	SHORROW, NICOLE D	08/11/2022	\$3,508.72
00010664	E04864	SILVA, LEVI JOENIEL	08/11/2022	\$2,732.75
00010665	E04576	SIMONS, SHAYLEN L	08/11/2022	\$3,446.89
00010666	E04934	SLETTVET, HEATHER P	08/11/2022	\$1,977.14
00010667	E02587	SOSEBEE, DANNY J	08/11/2022	\$2,464.98
00010668	E03563	SPELLMAN, MARSHA D	08/11/2022	\$2,554.62
00010669	E04500	STAAL, GAREY D	08/11/2022	\$2,235.80
00010670	E03218	STARNES, CHARLES W	08/11/2022	\$4,226.18
00010671	E03761	STEPHENSON III, ROBERT M	08/11/2022	\$4,847.72
00010672	E04584	STROUD, BRIAN T	08/11/2022	\$5,944.84
00010673	E02979	TESSIER, PAUL M	08/11/2022	\$3,743.46
00010674	E04449	TRAN, SPENCER T	08/11/2022	\$2,542.58
00010675	E02982	VAICARO, VINCENTE J	08/11/2022	\$4,392.33
00010676	E03053	VALENCIA, EDGAR	08/11/2022	\$3,881.21
00010677	E04667	VAUGHN, CALEB I	08/11/2022	\$83.04
00010678	E04434	VELLANOWETH, KIMBRA S	08/11/2022	\$2,172.53
00010679	E04903	VIGIL, DANIEL C	08/11/2022	\$2,698.26
00010680	E03022	VU, TUONG-VAN NGUYEN	08/11/2022	\$2,709.76
00010681	E04730	VU, TYLER D	08/11/2022	\$547.15
00010682	E01905	WAINWRIGHT, JONATHAN B	08/11/2022	\$3,606.87
00010683	E03220	WARDLE, DENNIS	08/11/2022	\$3,697.60
00010684	E03213	WARDLE, SANTA	08/11/2022	\$2,695.04
00010685	E04758	WEYKER, CHRYSTAL L	08/11/2022	\$1,739.56
00010686	E03930	WHITNEY, CHERYL L	08/11/2022	\$2,137.22
00010687	E03305	WIMMER, ROYCE C	08/11/2022	\$5,097.17
00010688	E04762	WREN, DANIELLE E	08/11/2022	\$3,019.57
00010689	E04763	WRIGHT, SARAH A	08/11/2022	\$2,637.20
00010690	E04856	XU, DUO	08/11/2022	\$1,887.69
00010691	E03543	YELENSKY, SHANNON M	08/11/2022	\$1,891.27
00010692	E04156	YERGLER, JOHN J	08/11/2022	\$4,476.44
00010693	E04722	YNIGUEZ, COLE A	08/11/2022	\$2,314.10
00010694	E01978	ZMIJA, ADAM D	08/11/2022	\$3,681.22
00010695	E04517	AGUIRRE, ALFRED J	08/11/2022	\$3,153.08

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 15

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00010696	E01626	AGUIRRE, ANSELMO	08/11/2022	\$2,174.43
00010697	E04451	AGUIRRE, ANTHONY U	08/11/2022	\$327.36
00010698	E04631	ANDREI, IOAN	08/11/2022	\$1,127.29
00010699	E04678	BABINSKI IV, SYLVESTER A	08/11/2022	\$1,991.21
00010700	E04336	BECERRA, RODOLPHO M	08/11/2022	\$5,143.63
00010701	E04972	BECERRA-SAMANIEGO JR, GABRIEL	08/11/2022	\$1,871.26
00010702	E04770	BELL, DONEISHA L	08/11/2022	\$839.80
00010703	E01255	BOS, MICHAEL C	08/11/2022	\$3,657.77
00010704	E04650	BUCHLER, RAYMOND A	08/11/2022	\$1,627.87
00010705	E01584	CANDELARIA, DANIEL J	08/11/2022	\$4,556.00
00010706	E04300	CANO, EDGAR A	08/11/2022	\$2,441.11
00010707	E03828	CANTRELL, JEFFREY G	08/11/2022	\$2,767.74
00010708	E03811	CARRISOZA, ALBERT J	08/11/2022	\$2,630.61
00010709	E00916	CARTER, PHILLIP J	08/11/2022	\$3,434.91
00010710	E04869	CHAVEZ, DAMIAN JESUS	08/11/2022	\$721.53
00010711	E04551	CONTRERAS, GABRIELA R	08/11/2022	\$3,005.48
00010712	E03518	COTTON, JULIE T	08/11/2022	\$1,860.34
00010713	E03807	DE LA ROSA, VINCENT L	08/11/2022	\$3,215.79
00010714	E03736	DIBAJ, KAMYAR	08/11/2022	\$3,759.52
00010715	E04989	DOCHERTY, PAUL	08/11/2022	\$614.11
00010716	E02515	DUVALL, RICK L	08/11/2022	\$2,848.17
00010717	E04514	ESPINOZA, ERIC M	08/11/2022	\$2,018.34
00010718	E03733	ESPINOZA, JULIA	08/11/2022	\$1,317.70
00010719	E03405	FERNANDEZ, CECELIA A	08/11/2022	\$1,293.41
00010720	E04997	FLORES, ANTHONY	08/11/2022	\$733.54
00010721	E04990	FLORES, MITCHELL C	08/11/2022	\$733.54
00010722	E00558	FREGOSO, ALICE K	08/11/2022	\$2,192.42
00010723	E05037	GAINES, JEFFREY S	08/11/2022	\$740.66
00010724	E05010	GALVAN, EDGAR	08/11/2022	\$919.39
00010725	E04754	GARCIA, ALICIA R	08/11/2022	\$1,681.08
00010726	E04677	GIROUARD, CASEY G	08/11/2022	\$1,820.72
00010727	E04629	GOMEZ, DIANA	08/11/2022	\$1,055.19
00010728	E03341	GONZALEZ, JORGE	08/11/2022	\$1,248.71
00010729	E04473	GOUNTOUMA, SOUMELIA K	08/11/2022	\$2,622.59

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 16

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00010730	E03400	GREENE, MICHAEL R	08/11/2022	\$2,169.62
00010731	E03685	GUZMAN, JESSE	08/11/2022	\$839.30
00010732	E04299	HANSEN, AARON R	08/11/2022	\$1,961.07
00010733	E03523	HARO, GLORIA A	08/11/2022	\$1,261.82
00010734	E03759	HERNANDEZ, HERMILO	08/11/2022	\$2,762.09
00010735	E04622	HOFER, ALICIA M	08/11/2022	\$2,097.90
00010736	E02874	HOLMON III, ALBERT J	08/11/2022	\$3,902.15
00010737	E04347	HSIEH, NICOLAS C	08/11/2022	\$3,715.41
00010738	E03588	HUYNH, HUY HOA	08/11/2022	\$2,433.50
00010739	E04831	ILFELD, MATTHEW D	08/11/2022	\$1,978.90
00010740	E01907	JACOT, ROSEMARIE	08/11/2022	\$2,348.60
00010741	E04296	JOHNSON, ERIC W	08/11/2022	\$2,007.23
00010742	E04979	JURADO, MICHAEL	08/11/2022	\$1,278.69
00010743	E04470	KAYLOR, BRENT	08/11/2022	\$2,498.96
00010744	E04728	KHALIL, MARK M	08/11/2022	\$2,176.34
00010745	E04382	KWIATKOWSKI, BRYAN D	08/11/2022	\$1,997.66
00010746	E02852	LADNEY, MARK W	08/11/2022	\$3,783.39
00010747	E04769	LAMAS, LEONEL A	08/11/2022	\$1,003.74
00010748	E03813	LEWIS, SHAN L	08/11/2022	\$2,820.23
00010749	E03301	LEYVA, RAUL	08/11/2022	\$3,188.63
00010750	E05006	MARQUEZ, STEVEN ADAM	08/11/2022	\$1,270.18
00010751	E05364	MARU, NAVIN B	08/11/2022	\$3,689.51
00010752	E04665	MEJIA, DIEGO A	08/11/2022	\$1,986.89
00010753	E03493	MENDEZ, RIGOBERTO	08/11/2022	\$2,467.50
00010754	E04998	MENDOZA, LAURA	08/11/2022	\$965.79
00010755	E04724	MOORE, DOUGLAS A	08/11/2022	\$2,364.20
00010756	E04827	MORELAND, ANDREW J	08/11/2022	\$1,623.16
00010757	E04222	MOSS, DANIEL C	08/11/2022	\$2,321.02
00010758	E01243	MURRAY JR, WILLIAM E	08/11/2022	\$6,781.39
00010759	E04634	NAVARRO, JUAN C	08/11/2022	\$2,778.30
00010760	E04969	ORNELLAS, MICHAEL	08/11/2022	\$1,139.54
00010761	E03378	ORTIZ, STEVEN T	08/11/2022	\$2,573.63
00010762	E04999	ORTUNO, ANIBAL	08/11/2022	\$1,962.01
00010763	E05056	PHAM, KENNY N	08/11/2022	\$162.17

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 17

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00010764	E03754	PINKSTON, RICHARD L	08/11/2022	\$2,616.23
00010765	E04567	POWELL, AUSTIN H	08/11/2022	\$2,538.28
00010766	E03799	QUIROZ, ROLANDO	08/11/2022	\$2,259.12
00010767	E05031	RAMIREZ, AACIN	08/11/2022	\$2,052.65
00010768	E04572	REED, MELVIN P	08/11/2022	\$1,802.55
00010769	E02058	REYES, DELFRADO C	08/11/2022	\$1,309.65
00010770	E04295	ROBLES, RAFAEL	08/11/2022	\$1,949.72
00010771	E04563	RODRIGUEZ, ADRIANNA M	08/11/2022	\$1,241.63
00010772	E05004	RUELAS, SERGIO	08/11/2022	\$771.44
00010773	E04289	SALDIVAR, RICARDO	08/11/2022	\$2,074.26
00010774	E04505	SANTOS, MICHAEL F	08/11/2022	\$3,503.95
00010775	E04215	SMOUSE, TREVOR G	08/11/2022	\$2,538.49
00010776	E04836	SOTO, WILLIAM A	08/11/2022	\$1,797.50
00010777	E03091	SUDDUTH, STEPHEN D	08/11/2022	\$2,812.36
00010778	E01625	TAPIA, LUIS A	08/11/2022	\$2,779.88
00010779	E04756	TARIN, ALEXIS P	08/11/2022	\$2,214.91
00010780	E03239	TAUANU U, STEVE J	08/11/2022	\$2,114.30
00010781	E04773	THURMAN JR, EDWIN O	08/11/2022	\$1,024.39
00010782	E08679	THURMAN, RODERICK	08/11/2022	\$1,860.32
00010783	E03480	TRIMBLE, EMILY H	08/11/2022	\$2,020.79
00010784	E04825	TRUJILLO, JOSEPH E	08/11/2022	\$1,499.09
00010785	E02482	UPHUS, MARK P	08/11/2022	\$4,573.25
00010786	E03681	VASQUEZ, JOSE A	08/11/2022	\$2,997.21
00010787	E02942	VERA, EVARISTO	08/11/2022	\$2,066.44
00010788	E03727	VERGARA NEAL, ANA G	08/11/2022	\$3,200.22
00010789	E03670	VITALI, SUSAN	08/11/2022	\$634.29
00010790	E01580	VU, DAI C	08/11/2022	\$4,590.31
00010791	E04362	VU, KHANG L	08/11/2022	\$3,292.67
00010792	E01619	WHITE, WILLIAM J	08/11/2022	\$2,374.17
00010793	E03414	WILLIAMS, HILLARD J	08/11/2022	\$185.07
00010794	E04006	WILLIAMS, RICHARD L	08/11/2022	\$2,376.43
00010795	E05023	YNIGUEZ, KARISSA N	08/11/2022	\$2,378.75
00010796	E03436	ZIEGLER, RICK S	08/11/2022	\$810.47
00010797	E03917	ALLEN, CHRISTOPHER L	08/11/2022	\$118.44

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 18

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00010798	E04163	AMBRIZ GARCIA, EDWARD D	08/11/2022	\$1,665.61
00010799	E04784	BANUELOS, ALEJANDRO	08/11/2022	\$2,766.52
00010800	E04063	BERGER, JAN	08/11/2022	\$2,546.34
00010801	E00651	BERMUDEZ, ROBERT P	08/11/2022	\$3,439.48
00010802	E03495	BLAS, VICTOR T	08/11/2022	\$3,180.79
00010803	E00070	CANNON, TIM P	08/11/2022	\$4,199.21
00010804	E04365	DAN, CARINA M	08/11/2022	\$2,459.90
00010805	E04440	DAVIS, RYAN H	08/11/2022	\$1,921.42
00010806	E03051	DIEMERT, RONALD W	08/11/2022	\$2,293.29
00010807	E02718	ESCOBAR, CHRIS N	08/11/2022	\$2,783.83
00010808	E03688	GLENN, JEREMY J	08/11/2022	\$1,678.84
00010809	E01618	GOMEZ, JOSE	08/11/2022	\$2,835.17
00010810	E02701	GONZALEZ, ALEJANDRO	08/11/2022	\$2,668.46
00010811	E03763	GRIFFIN, LARRY	08/11/2022	\$2,717.22
00010812	E04828	GUERRERO, MICHAEL V	08/11/2022	\$1,876.63
00010813	E04018	HAENDIGES, ROBERT A	08/11/2022	\$3,536.17
00010814	E03575	HART, RYAN S	08/11/2022	\$4,559.80
00010815	E03701	HAYES, BRENT W	08/11/2022	\$3,540.05
00010816	E03399	HOWENSTEIN, FRANK D	08/11/2022	\$2,582.32
00010817	E03406	HUY, EDWARD A	08/11/2022	\$2,986.39
00010818	E04782	JIN, LIYAN	08/11/2022	\$2,484.59
00010819	E03534	KIM, SAMUEL K	08/11/2022	\$3,844.68
00010820	E03254	KIRZHNER, ALLEN G	08/11/2022	\$2,718.92
00010821	E03988	LI, REBECCA PIK KWAN	08/11/2022	\$3,905.96
00010822	E02063	MA AE, DAVID	08/11/2022	\$2,116.02
00010823	E03249	MANSON, RAQUEL K	08/11/2022	\$2,828.18
00010824	E04837	MARTINEZ, ALFREDO	08/11/2022	\$1,965.78
00010825	E02124	MEISLAHN, TYLER	08/11/2022	\$1,724.37
00010826	E04403	MONTGOMERY, JESSE K	08/11/2022	\$2,957.81
00010827	E04707	MORRIS, JUSTIN M	08/11/2022	\$3,702.35
00010828	E03590	MOYA JR, STEVEN J	08/11/2022	\$2,448.33
00010829	E03519	MURAD, BASIL G	08/11/2022	\$2,783.53
00010830	E03144	NATLAND, KIRK L	08/11/2022	\$1,206.48
00010831	E04291	NGUYEN, DUC TRUNG	08/11/2022	\$2,606.27

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 19

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00010832	E04904	NGUYEN, LISA	08/11/2022	\$929.52
00010833	E03221	NICOLAE, CORNELIU	08/11/2022	\$3,227.11
00010834	E04210	NUNES, BRANDON S	08/11/2022	\$1,768.90
00010835	E03923	ORNELAS, ANDREW I	08/11/2022	\$2,580.33
00010836	E03582	ORTEGA, DAVID A	08/11/2022	\$2,700.19
00010837	E03578	PASILLAS, CELESTINO J	08/11/2022	\$3,059.87
00010838	E03170	PEARSON, WILLIAM F	08/11/2022	\$3,229.27
00010839	E04950	PHAM ADA, DYLLAN TUAN ANH	08/11/2022	\$274.92
00010840	E04805	POLIDORI, JESSICA J	08/11/2022	\$3,479.50
00010841	E02500	PORRAS, STEPHEN	08/11/2022	\$3,806.91
00010842	E07590	RUITENSCHILD, LES A	08/11/2022	\$3,537.97
00010843	E03926	RUIZ, JONATHAN	08/11/2022	\$2,692.11
00010844	E07690	SANTOS, ALEXIS	08/11/2022	\$2,010.73
00010845	E07692	SARMIENTO, ADRIAN M	08/11/2022	\$3,593.58
00010846	E04956	SON, TOMMY T	08/11/2022	\$2,296.30
00010847	E04301	TALAMANTES JR, ALBERT	08/11/2022	\$2,203.28
00010848	E04121	TRAN, MINH K	08/11/2022	\$2,567.87
00010849	E00151	VALENZUELA JR, ALEJANDRO	08/11/2022	\$0.00
00010850	E08881	VALENZUELA, ALEJANDRO N	08/11/2022	\$3,470.63
00010851	E01882	VIRAMONTES, JESSE	08/11/2022	\$2,851.31
00010852	E04195	WOLLAND, RONALD J	08/11/2022	\$1,713.02
00010853	E09940	YERGENSEN, VICTOR K	08/11/2022	\$2,278.71
00010854	E09954	ZAVALA, JOHN	08/11/2022	\$3,092.21

Issued:	634	\$1,611,512.87
EF - Payroll EFT Total:	634	\$1,611,512.87

CITY OF GARDEN GROVE
FEFM001 All Checks Register
Check Dates Aug 11, 2022
Bank(s): EF - Payroll EFT, PY - Payroll

Report Generated on Aug 10, 2022 11:21:51 AM

Page 20

PY - Payroll

Check	Vendor #	Vendor Name	Issue Date	Check Amount
00185106	E04994	GREENUP, BREANNA C	08/11/2022	\$597.44
00185107	E00977	BELAIR, DIANE	08/11/2022	\$2,286.88
00185108	E05043	BARRAGAN, AUDREY A	08/11/2022	\$687.23
00185109	E05051	CHEN, GUANTING	08/11/2022	\$607.30
00185110	E04930	CHOW, IRIS L	08/11/2022	\$1,085.43
00185111	E05013	DINH, TIFFANY	08/11/2022	\$474.00
00185112	E05015	FALETOI, TERRY U	08/11/2022	\$395.95
00185113	E04808	HUANG, HALLIE S	08/11/2022	\$368.98
00185114	E05059	LIANG, ALLISON M	08/11/2022	\$1,064.70
00185115	E05044	NADEAU, RYANN E	08/11/2022	\$440.10
00185116	E04936	NGUYEN, BRENDAN L	08/11/2022	\$292.71
00185117	E05026	PACHECO, ALEXANDER	08/11/2022	\$705.86
00185118	E04824	PACHECO, LAURA M	08/11/2022	\$215.66
00185119	E05045	VIRAMONTES, KATE E	08/11/2022	\$138.40
00185120	E05957	FERNANDEZ, ARYANA C	08/11/2022	\$466.54
00185121	E05012	HODNETT, RYAN P	08/11/2022	\$626.21
00185122	E03529	ROCHA, MICHAEL F	08/11/2022	\$2,167.58
00185123	E03145	DE LA ROSA, FRANK X	08/11/2022	\$1,941.41
00185124	E03446	JIMENEZ, VIDAL	08/11/2022	\$2,122.32

Issued: 19 \$16,684.70
PY - Payroll Total: 19 \$16,684.70

Issued: 653 \$1,628,197.57
Summary Total: 653 \$1,628,197.57



City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Scott C. Stiles	From:	Lisa L. Kim
Dept.:	City Manager	Dept.:	Community and Economic Development
Subject:	Adoption of Resolutions to: approve the development of the Site B2 Hotel Project/Nickelodeon Hotel Resort; deny the appeal filed by UNITE HERE Local 11 and Marlene Perez for the Planning Commission's actions regarding the Site B2 Hotel Project; adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project; approval of Site Plan No. SP-107- 2022; and the introduction and first reading of an ordinance approving Planned Unit Development No. PUD-141-01(A)		
		Date:	8/23/2022

OBJECTIVE

To transmit recommendations from the Planning Commission to the City Council regarding land use approvals for the proposed Site B2 Hotel Project/Nickelodeon Hotel Resort ("Project") and to consider an appeal of the Planning Commission's actions pertaining to the Project filed by UNITE HERE Local 11 and Marlene Perez. The City Council is requested to take the following actions: (i) to adopt a Resolution denying the appeal; (ii) to adopt a Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project, (iii) to introduce and conduct the first reading of an Ordinance approving an amendment to Planned Unit Development No. PUD-141-01 to create a sub-area, PUD-141-01(A), establishing development standards and performance standards for the Project; and (iv) to adopt a Resolution contingently approving Site Plan No. SP-107-2022 to facilitate development of the Project.

BACKGROUND

The Project site consists of 3.72-acres comprised nineteen (19) parcels, including Thackery Drive, and a public alley, located on the northwest corner of Harbor Boulevard and Twintree Avenue, east of Tamerlane Drive. Thackery Drive and the public alley are proposed to be vacated by the City Council under Street Vacation No. SV-002-2002 and integrated into the project site.

The properties have a General Plan Land Use designation of International West Mixed Use. Thirteen of the existing parcels within the Project site are currently zoned PUD-141-01, which was adopted in 2002 to facilitate the development of two hotels. Six of the existing vacant parcels are still technically designated as zoned R-1; however, this zoning is inconsistent with the International West Mixed Use Land Use Designation, and single-family residential uses could not legally be established on these parcels. The Project site abuts the Sheraton Hotel to the north; residential apartments to the northwest; single-family homes to the west; single-family homes and a commercial building across Twintree Avenue to the south; and vacant parcels entitled for the Site C hotel resort across Harbor Boulevard to the east. The Project site is vacant and secured with a perimeter chain link

Harbor Boulevard to the east. The Project site is vacant and secured with a perimeter chain-link fence. The properties were previously developed with single-family and commercial structures that were demolished between 2004 and 2013.

In 1998, Planned Unit Development No. PUD-121-98 was adopted to rezone 53 acres of land, including portions of the Site B2 project site, from various land use designations to facilitate the development of the Riverwalk Retail Complex. The Riverwalk Retail Complex was never constructed, but the PUD 121-98 zoning remained in place. In 2002, Planned Unit Development No. PUD-141-01, Site Plan No. SP-301-01, Parcel Map-2001-227, and a Development Agreement were approved to facilitate the development of two (2) hotels with a combined total of 483 hotel rooms. The PUD encompasses the property that is currently developed with the Sheraton Hotel and thirteen (13) parcels that comprise a portion of the Site B2 Project site. The Sheraton Hotel was developed, but the second hotel was not developed since both the City and developer envisioned a hotel resort. At the time, the former Garden Grove Redevelopment Agency and the City of Garden Grove acquired additional properties located on the west side of Thackery Drive to expand the project area. In 2008, the comprehensive General Plan update was adopted that included changing the General Plan Land Use designation of all of the parcels comprising the proposed project site to International West Mixed Use. The International West Mixed Use Land Use designation 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.

The proposed Project includes a request to amend Planned Unit Development No. PUD-141-01 to expand it to cover the six (6) parcels not currently encompassed within it and to create a sub-area PUD zone, PUD-141-01(A), over the entire Project site with specific development standards to facilitate the development of the Site B2 Project with the contemplated Nickelodeon hotel resort. Approval of a Site Plan is also requested to authorize the construction of the proposed hotel resort as depicted in the concept plans. The proposed Project includes a hotel resort with 500 hotel rooms; 17,715 square feet of combined ballroom/meeting space; 22,296 square of combined restaurant (food and beverage) space; and 5,480 square feet of retail. The project includes a 600-seat theater; a 6,488 square foot of family entertainment (Studio Hall); an arcade; a spa and fitness center, and a themed pool deck with a lazy river and a pool slide.

As part of the entitlement process, a neighborhood meeting was held on April 28, 2022. The meeting was held to provide information to surrounding residents about the proposed project, as well as to address concerns raised by those in attendance. Sixteen (16) persons were in attendance. At the meeting, the applicant presented the project and answered questions from attendees. The attendees inquired about the hotel's construction timeframe, water usage, traffic, noise, and benefits of the project to the community.

On July 7, 2022, the Planning Commission held a Public Hearing to consider Planned Unit Development No. PUD-141-01(A) and Site Plan No. SP-107-2022. At the meeting, four (4) representatives from the Orange County Union Carpenters Local 714 spoke in favor of the Project, citing the ability to live and work in the same area. One representative from UNITE HERE Local 11 submitted a letter and spoke in opposition to the Project, stating a residential project would better suit the community and have less of a carbon footprint. Also, one person noted that hotel TOT tax revenue would benefit the City and the carbon footprint would be less by using local workers. By a vote of 7-0, the Planning Commission adopted Resolution No. 6044-22 recommending that the City Council adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project and approve Planned Unit Development No. PUD-141-01(A). The Planning Commission also adopted Resolution No. 6045-22 regarding contingent approval of Site Plan No. SP 107 2022.

Also on July 7, 2022, the Planning Commission separately considered and adopted Resolution No. 6046-22, finding and reporting to the City Council that the location, purpose, and extent of the vacation and disposition of Thackery Drive, and the public alley, located on the north side of Twintree Avenue, west of Harbor Boulevard, and east of Tamerlane Drive, is in conformance with the City's adopted General Plan in accordance with Government Code Section 65402. On July 27, 2022, an appeal of the Planning Commission actions described above was filed by UNITE HERE Local 11 and Marlene Perez. The appeal generally alleges that the July 7, 2022, Planning Commissions actions violate CEQA and are inconsistent with various goals and policies in the General Plan.

DISCUSSION

PLANNED UNIT DEVELOPMENT AMENDMENT

The applicant proposes an amendment to PUD-141-01(A) to facilitate the development of the Site B2 Hotel Project with the contemplated Nickelodeon themed hotel resort. The project site is currently zoned Planned Unit Development No. PUD-141-01 and R-1. To facilitate the proposed hotel resort, a sub-area PUD, PUD-141-01(A), will be created. The proposed PUD amendment would place the entire project site parcels into its own PUD sub-area with specific development standards established to facilitate the hotel's construction.

A Planned Unit Development (PUD) is a precise plan that provides for the regulation of buildings, structures, and uses of land to implement the General Plan. The PUD zoning designation establishes development standards and uses specific to a particular project that achieve a higher-quality project than what could be achieved with traditional zoning. The specific development standards applicable to a Planned Unit Development are set forth in the ordinance approving the PUD. Where a PUD is silent regarding operating conditions, maintenance, or other standards regulating a particular use, the appropriate Land Use Code standards apply.

PUD-141-01(A) will establish development standards for the entire development. The PUD will incorporate specific development standards regulating the number of hotel rooms, building heights, building setbacks, landscaping, permitted uses, required parking, site circulation and access, signage, utilities, storage and refuse collection, and environmental mitigation measures. Specifically, PUD-141-01(A) will facilitate the development of a hotel resort with 500 hotel rooms; 17,715 square feet of combined ballroom/meeting space; 22,296 square of combined restaurant (food and beverage) space; and 5,480 square feet of retail. The proposed PUD will allow the hotel resort to have specific hotel amenities, including a 600-seat theater; a 6,488 square foot of family entertainment (Studio Hall); an arcade; a spa and fitness center, and a themed pool deck with a lazy river and a pool slide.

SITE PLAN

The applicant is concurrently requesting contingent approval of a Site Plan to authorize the construction of the proposed hotel resort as depicted in the concept plans. Because the Site Plan approval is contingent upon the City Council's approval of the proposed PUD amendment and Mitigated Negative Declaration, the City Council is the appropriate final decision-maker on the Site Plan application, as well. The envisioned build-out of the project site is based on the submitted concept plan and environmental document that is the basis for setting the development standards for the proposed hotel resort. All construction plans for the hotel resort must be consistent with the PUD standards and the associated plans, environmental documentation, and conditions of approval that are approved through the entitlement process. The building placement of the proposed hotel, along with the proposed building setbacks and the proposed building height, have been analyzed in the Shade and Shadow Study prepared in conjunction with the environmental document. Specific elements of the proposed Site Plan and development are discussed below – and in more detail in the attached July 7, 2022, Planning Commission Staff Report.

- The Project site will be accessed from a main entrance located on Harbor Boulevard, and a secondary entrance located on Twintree Avenue. The Harbor Boulevard entrance will provide access for all guests, visitors, hotel employees, and tourist and shuttle buses. The Twintree Avenue will serve as a service entrance limited for the use of emergency vehicles, maintenance vehicles, and trash and delivery trucks only. Vehicles entering and exiting the site from Twintree Avenue will be limited to left turn-out and right turn-in to minimize traffic impacts to the adjacent residential neighborhood.
- The Project site's internal drive-aisles are designed to circulate throughout the site and provide access to the guest drop-off area located in front of the hotel, the parking structure, and the service corridor.

• The Project will provide a total of 528 parking spaces within a five-level parking structure (four

- The Project will provide a total of 528 parking spaces within a five-level parking structure (four levels above-grade and one level below-grade). A Shared Parking Study was prepared to estimate the peak parking demand for the project to ensure that sufficient on-site parking spaces are provided at all times to accommodate the hotel's uses. The Shared Parking Study concluded that the project must provide a minimum of 480 parking spaces. The proposed Project will provide a total of 528 parking spaces, which is sufficient to accommodate the proposed peak parking demand of 480 parking spaces.
- The proposed hotel is a resort destination with amenities and programming themed to the Nickelodeon brand. The proposed hotel will include specific entertainment amenities unique to Nickelodeon Hotel Resort, including a Nick Studio, a Studio Hall, Kid's Lounge, and a fine dining restaurant called The Odeon. The project will include a pool deck area that will be themed to the Nickelodeon SpongeBob SquarePants animation cartoon, and will feature a pool, a lazy river that transverses along the pool deck, and a pool slide.
- The proposed hotel includes a total of 23 stories with the main hotel tower at a height of 335 feet. The lower building structure, as measured from grade to the pool deck, will have a height of approximately 61 feet. The hotel tower will feature a unique serpentine shape with a transparent glass façade.

FUTURE ENTITLEMENTS

It is anticipated that implementation of the hotel project will require future consideration of the following land use entitlements by the City:

- A Tentative Tract Map to consolidate the project site. Approval of a Map is an integral part of the ultimate development of the project.
- A Development Agreement between the City and the applicant, in conjunction with the Tentative Tract Map.
- Conditional Use Permit(s) to allow for the sale of alcoholic beverages in the hotel, the ballroom and meeting rooms, and the hotel restaurant.

In addition, Thackery Drive, and a public alley, located on the north side of Twintree Avenue, west of Harbor Boulevard and east of Tamerlane Drive, will need to be vacated in order to implement the Project. On August 9, 2022, the City Council adopted Resolution No. 9750-22, providing notice of its intention to vacate Thackery Drive and the public alley and setting a public hearing thereon for September 13, 2022.

ENVIRONMENTAL REVIEW

The proposed project was reviewed and an Initial Study and Mitigated Negative Declaration (IS/ND) was prepared pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. and the CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.). Based on the Initial Study and supporting technical analyses, it was determined that all potentially significant impacts can be mitigated to a level of less than significance. A copy of the Initial Study/Mitigated Negative Declaration is attached for your review. The technical analysis associated with the Initial Study/Mitigated Negative Declaration are available for review on the City's webpage at: <https://ggcity.org/planning/environmental-documents>

The 20-day public comment period on the Mitigated Negative Declaration occurred from June 9, 2022 to June 28, 2022. Comment letters were received on the environmental, and the City has prepared responses to each comment letters which are incorporated in the Final Initial Study/Mitigated Negative Declaration attached to this report. The complete final initial study/mitigated negative declaration with associated attachments is available for review at the above referenced webpage.

APPEAL

-

On July 27, 2022, UNITE HERE Local 11 ("Local 11") and Marlene Perez filed an appeal of the July 7, 2022, actions taken by the Planning Commission concerning the Project and the proposed street vacation pursuant to the provisions of Chapter 9.32 of the Garden Grove Municipal Code. The appeal generally alleges that the July 7, 2022, Planning Commission's actions violate CEQA and are inconsistent with various goals and policies in the General Plan. A copy of the appeal is attached to this report.

Pursuant to Chapter 9.32 of the Garden Grove Municipal Code, final decisions of the Planning Commission on land use actions may be appealed by the applicant or other interested individuals to the City Council. But actions taken by the Planning Commission as a recommending or advisory body are not appealable, since the City Council is the ultimate decision-maker on such items. City Staff does not believe any of the Planning Commission's July 7, 2022, actions pertaining to the Site B2 Project are appealable in this instance, since the Planning Commission was acting in an advisory or recommending capacity and the City Council will be the final decision-maker on the relevant Project approvals. Further, the Planning Commission's determinations and recommendations regarding adoption of the Mitigated Negative Declaration and conformance of the proposed street vacation with the General Plan are not "land use actions" that are separately appealable under Chapter 9.32. Even if the Planning Commission's actions were appealable and were not made moot by the City Council's final actions, Staff would recommend the appeal be denied. The CEQA and land use issues raised by the appellants were included in a separate comment letter, which the City has provided responses to. The City's responses to the comments can be found in the Final Initial Study/Mitigated Negative Declaration document attached to this report. A proposed Resolution denying the appeal is attached to this report for the City Council's consideration.

FINANCIAL IMPACT

None.

RECOMMENDATION

It is recommended that the City Council:

- Conduct a Public Hearing;
- Adopt the proposed Resolution denying the appeal of UNITE HERE Local 11 and Marlene Perez;
- Adopt the proposed Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Site B2 Hotel Project;
- Introduce and conduct the first reading of an Ordinance approving Planned Unit Development No. PUD-141-01(A); and
- Adopt the proposed Resolution contingently approving Site Plan No. SP-107-2022.

By: Maria Parra
Senior Planner

ATTACHMENTS:

Description	Upload Date	Type	File Name
Draft Resolution Denying the Site B2 Project Appeal	8/10/2022	Resolution	Draft_City_Council_Resolution___Denying_Site_B2_Project_Appeal.DOCX
Draft Initial Study/Mitigated	8/10/2022	Resolution	Draft_Site_B2___Resolution_Adopting_MND.DOCX

negative Declaration Draft PUD-141- 01(A) Ordinance Draft Resolution Approving Site Plan No. SP- 107-2022 Planning Commission Staff Report, Resolutions, Minute Excerpt dated July 7, 2022	8/10/2022	Ordinance	Draft_PUD-141-01(A)_Ordinance.docx
Site B2 Initial Study/Mitigated Negative Declaration Site B2 Final Initial/Mitigated Negative Declaration with Response to Comments, Errata, and Mitigation Monitoring and Reporting Program	8/10/2022	Resolution	Draft_Resolution__Approving_SP-107-2022.DOCX
Site B2 Initial Study/Mitigated Negative Declaration	8/5/2022	Backup Material	Planning_Commission_Staff_Report__Resolutions__and_Minute_Excerpt_dated_July_7__2022.pdf
Site B2 Initial Study/Mitigated Negative Declaration	8/5/2022	Backup Material	Site_B2_Hotel_Project_Draft_Initial_Study_Mitigated_Negative_Declaration.pdf
Site B2 Final Initial/Mitigated Negative Declaration with Response to Comments, Errata, and Mitigation Monitoring and Reporting Program	8/17/2022	Backup Material	8-23-22_Site_B2_Final_IS_MND_with_Response_to_Comments.pdf
Site B2 Hotel Project Plans	8/5/2022	Backup Material	Plans_Site_B2_Hotel.pdf
Appeal Form	8/22/2022	Backup Material	DOC-20220822-12_15_33.pdf

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DENYING THE APPEAL FILED BY UNITE HERE LOCAL 11 AND MARLENE PEREZ OF THE GARDEN GROVE PLANNING COMMISSION'S JULY 7, 2022 ACTIONS PERTAINING TO PLANNED UNIT DEVELOPMENT NO. PUD-141-01(A), SITE PLAN NO. SP-107-2022, AND STREET VACATION SV-002-2022.

The Garden Grove City Council does hereby resolve as follows:

I. The City Council finds and determines as follows:

- A. Kam Sang Company proposes to develop the 3.72-acre Site B2 Hotel Project site, located at 12241, 12261, 12271, 12291, 12311 and 12323/12321 Harbor Boulevard, 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291, 12311, and 12321 Thackery Drive, Assessor's Parcel Nos. 231-471-06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, with a Nickelodeon-themed hotel resort project.
- B. Several discretionary and non-discretionary actions by the City will be required to implement the proposed hotel resort development. The proposed development project and these City actions are collectively referred to as the "Project."
- C. An Initial Study and proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for the Project in accordance with 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.*
- D. On July 7, 2022, the Garden Grove Planning Commission held a duly noticed Public Hearing to consider the Initial Study and the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project, along with applications for the following two of the land use approvals that will be required to implement the Project: (1) Planned Unit Development No. PUD-141-01, and (2) Site Plan No. SP-107-2022. Following the July 7, 2022, Public Hearing, the Planning Commission adopted the following two Resolutions:
 1. Resolution No. 6044-22, recommending that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project and approve Planned Unit Development No. PUD-141-01(A).

2. Resolution No. 6045-22, approving Site Plan No. SP-107-2022, subject to and contingent upon the effectiveness of a resolution approving Street Vacation No. SV-002-2022 and an ordinance approving Planned Unit Development No. PUD-141-01(A) by the Garden Grove City Council.
- E. On July 7, 2022, the Garden Grove Planning Commission also considered and adopted Resolution No. 6046-22, finding and reporting to the City Council, pursuant to Government Code Section 65402, that the proposed vacation and disposition of Thackery Drive, and a public alley, located on the north side of Twintree Avenue, west of Harbor Boulevard and east of Tamerlane Drive (denominated as Street Vacation No. SV-002-2022), is in conformity with the Garden Grove General Plan. The proposed street vacation is also one of the discretionary actions that will be required to implement the proposed hotel development project.
 - F. On July 27, 2022, UNITE HERE Local 11 and Marlene Perez filed an appeal of the above-described actions taken by the Planning Commission. The appeal generally alleges that the July 7, 2022, Planning Commissions actions violate CEQA and are inconsistent with various goals and policies in the General Plan.
 - G. A Public Hearing was duly called, noticed, and held before the City Council on August 23, 2022, regarding said appeal, the Project, the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Planned Unit Development No. PUD-141-01(A), and Site Plan No. SP-107-2022.
 - H. Following said public hearing, and concurrent with the adoption of this Resolution, the Garden Grove City Council (1) adopted Resolution No. _____, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project, (2) introduced and conducted the first reading of Ordinance No. _____, approving Planned Unit Development No. PUD-141-01(A), and (3) adopted Resolution No. _____, contingently approving Site Plan No. SP-107-2022.
- II. The City Council hereby denies the appeal filed by UNITE HERE Local 11 and Marlene Perez for the following reasons:
- A. UNITE HERE Local 11 does not have standing to appeal. Pursuant to Garden Grove Municipal Code Section 9.32.120, a decision of a hearing body on a land use action may be appealed either by the applicant or an individual. UNITE HERE Local 11 is neither the applicant nor an individual.
 - B. The Planning Commission's recommendation that the City Council adopt a Mitigated Negative Declaration and Mitigation and Monitoring and

Reporting Program for the Project is not an appealable action. The approval of CEQA findings and/or a CEQA document is not a distinct "land use action" that may be separately appealed to the City Council pursuant to Chapter 9.32 of the Garden Grove Municipal Code. Further, the City Council is the decision-making body for the Project under CEQA; the Planning Commission was only acting as an advisory body. The City Council has independently considered and acted on the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

- C. The Planning Commission's recommendation that the City Council approve Planned Unit Development No. PUD-141-01(A) is not an appealable action. The City Council, not the Planning Commission, is the final decision-making body for a zoning amendment. Pursuant to Chapter 9.32 of the Garden Grove Municipal Code, only final decisions of the Planning Commission regarding a land use action may be appealed to the City Council. The City Council, not the Planning Commission, is the final decision-maker regarding the adoption and/or amendment of Planned Unit Development zoning proposals.
- D. The Planning Commission's adoption of Resolution No. 6045-22 is not an appealable action. Approval of Site Plan No. SP-107-2022 is subject to and contingent upon the City Council taking subsequent actions and those actions taking effect. In addition, the Council has independently considered and acted on the Site Plan application. The City Council, not the Planning Commission, is the final decision-making body for Site Plan No. SP-107-2022. Pursuant to Chapter 9.32 of the Garden Grove Municipal Code, only when the Planning Commission's action on a land use application is the final action may it be appealed to the City Council.
- E. The appeal regarding the proposed land use actions is moot because the City Council has independently considered and taken action on Planned Unit Development No. PUD-141-01(A) and Site Plan No. SP-107-2022, along with the associated Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
- F. The Planning Commission's adoption of Resolution No. 6046-22, finding and reporting to the City Council, pursuant to Government Code Section 65402, regarding conformity of the proposed Street Vacation No. SV-107-2022 with the General Plan, is not an appealable action. A street vacation is not a "land use action" appealable pursuant to Chapter 9.32 of the Garden Grove Municipal Code. Further, the Planning Commission only reported findings to the City Council. The City Council, not the Planning Commission, is the decision-maker regarding the proposed Street Vacation itself and has not yet taken final action.
- G. If any of the challenged Planning Commission actions are determined to be appealable and ripe for adjudication, the City Council hereby denies

the appeal based on the facts, findings and reasons stated in Resolution No. _____, Ordinance No. _____, Resolution No. _____, the adopted Mitigated Negative Declaration, and the administrative record of these proceedings.

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION
MONITORING AND REPORTING PROGRAM FOR THE SITE B2 HOTEL PROJECT
(PLANNED UNIT DEVELOPMENT NO. PUD-141-01(A) AND SITE PLAN NO.
SP-107-2022) AT 12241, 12261, 12271, 12291, 12311 and 12323/12321 HARBOR
BOULEVARD, 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261,
12281, 12291, 12311, and 12321 THACKERY DRIVE

WHEREAS, the City has received a request to develop the 3.72-acre Site B2 Hotel Project site, located at 12241, 12261, 12271, 12291, 12311 and 12323/12321 Harbor Boulevard, 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291, 12311, and 12321 Thackery Drive, Assessor's Parcel Nos. 231-471-06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24, with a Nickelodeon-themed Hotel Resort project; and

WHEREAS, the applicant has requested the following approvals to facilitate the proposed development: (1) an amendment to Planned Unit Development (PUD) No. PUD-141-01 to create a new sub-area, PUD-141-01(A), establishing development standards to facilitate the development of a full-service, high-rise hotel resort with hotel program entertainment, pool deck, ballroom/meeting space, and food and beverage (restaurant) opportunities; and (2) Site Plan No. SP-107-2022 to authorize the construction of the proposed hotel resort; and

WHEREAS, additional approvals will also be needed to fully implement the hotel project described above, including: a street vacation to vacant Thackery Drive and the public alley to integrate into the Project site, a tentative tract map to consolidate the project site, and conditional use permit(s) to allow the sale of alcoholic beverages in the hotel, restaurants, and the ballroom and meeting space; and

WHEREAS, the above-described hotel project, Planned Unit Development No. PUD-141-01(A), Site Plan No. SP-107-2022, and the additional future approvals necessary to implement the hotel project are collectively referred to as the "Project"; and

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 implementation of the proposed mitigation measures cannot, or will not, have a significant effect on the environment; and

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

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

WHEREAS, concurrent with the adoption of this Resolution, on August 23, 2022, the City Council introduced and conducted the first reading of an Ordinance approving Planned Unit Development No. PUD-141-01(A) and adopted a Resolution contingently approving Site Plan No. SP-107-2022; and

WHEREAS, the Planning Commission of the City of Garden Grove held a duly noticed Public Hearing on July 7, 2022, regarding the Project, including the Initial Study, the Mitigated Negative Declaration, and the Mitigation Monitoring and Reporting Program; and

WHEREAS, the Planning Commission of the City of Garden Grove recommended approval of the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program during its meeting on July 7, 2022; and

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

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of August 23, 2022.

NOW, THEREFORE, the City Council of the City of Garden Grove does hereby resolve as follows:

1. The City Council of the City of Garden Grove has considered the proposed Mitigated Negative Declaration for the Project along with public comments regarding the Mitigated Negative Declaration.
2. The City Council of the City of Garden Grove finds on the basis of the whole record before it, including the Initial Study and comments received, that the Project's impacts can be mitigated so that there is no substantial evidence in light of the whole record that the Project may have a significant impact.
3. The City Council further finds that the Mitigated Negative Declaration for the Project reflects the City Council's independent judgment and analysis.
4. Therefore, the City Council of the City of Garden Grove adopts the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project.

5. The record of proceedings on which the City Council of the City of Garden Grove's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of the record of proceedings is the Director of Community and Economic Development Department.

ORDINANCE NO.

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

City Attorney Summary

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

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

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

Harbor Boulevard, 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291, 12311, and 12321 Thackery Drive, (Assessor Parcel Numbers: 231-471-06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24), in order to facilitate development of the Site B2 Project site with a full-service, high-rise hotel resort with hotel program entertainment, pool deck, ballroom/meeting space, and food and beverage (restaurant) opportunities. The proposed project will consist of a 500-room hotel resort with a themed pool experience with a lazy river and a pool slide; event space with a 600-seat theater; 17,715 square feet of ballroom/meeting space; 22,296 square feet of hotel restaurant; 5,480 square feet of retail; themed amenities totaling 13,238 square feet; a 7,000 square-foot arcade; a spa and fitness center at 8,532 square feet; a five-level parking structure with 528 parking spaces; and related site improvements; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. Environmental Review. City Council Resolution No. _____ adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project is incorporated herein by reference with the same force and effect as if set forth in full herein.

Section 3. Findings Incorporated by Reference. The findings, facts and reasons stated in Planning Commission Resolution No. 6044-22 recommending approval of Planned Unit Development No. PUD-141-01(A), a copy of which is on file in the office of the City Clerk, is incorporated herein by reference with the same force and effect as if set forth in full herein.

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

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

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

Section 7. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each other section, subsection, subdivision, sentence, clause, phrase, word or portion

thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

Section 8. Effective Date. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.



NOTES

- CITY OF GARDEN GROVE
COMMUNITY & ECONOMIC DEVELOPMENT DEPARTMENT
PLANNING SERVICES DIVISION
AUGUST 2022

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE CONTINGENTLY APPROVING SITE PLAN NO. SP-107-2022 TO REDEVELOP THE SITE B2 PROJECT SITE WITH THE NICKELODEON HOTEL RESORT ON PROPERTIES LOCATED AT THE NORTHWEST CORNER OF HARBOR BOULEVARD AND TWINTREE AVENUE, EAST OF TAMERLANE DRIVE, AT 12241, 12261, 12271, 12291, 12311 AND 12323/12321 HARBOR BOULEVARD, 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291, 12311, AND 12321 THACKERY DRIVE, ASSESSOR'S PARCEL NOS. 231-471-06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, AND 24.

WHEREAS, the subject case was initiated by Kam Sang Company (the "Applicant"); and

WHEREAS, the applicant proposes to develop the 3.72-acre Site B2 Hotel Project site, located at 12241, 12261, 12271, 12291, 12311 and 12323/12321 Harbor Boulevard, 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291, 12311, and 12321 Thackery Drive, Assessor's Parcel Nos. 231-471-06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24 (collectively, the "Site"), with a Nickelodeon-themed hotel resort project; and

WHEREAS, the applicant is requesting Site Plan approval to authorize the construction of a full-service, high-rise hotel resort with hotel program entertainment, pool deck, ballroom/meeting space, and food and beverage (restaurant) opportunities on the Site; and

WHEREAS, the proposed development will consist of a 500-room hotel resort with a themed pool experience with a lazy river and a pool slide; event space with a 600-seat theater; 17,715 square feet of ballroom/meeting space at; 22,296 square feet of hotel restaurant; 5,480 square feet of retail; themed amenities totaling 13,238 square feet; a 7,000 square foot arcade; a spa and fitness center at 8,532 square feet; a five-level parking structure with 528 parking spaces; and related site improvements; and

WHEREAS, the site consists of 3.72-acres of land located on the northwest corner of Harbor Boulevard and Twintree Avenue, east of Tamerlane Drive, and is located in the Grove District Anaheim Resort Area, which is the City's resort tourism area that is developed with hotels, restaurants, and commercial uses; and

WHEREAS, the Site abuts a Planned Unit Development No. PUD-141-01 zoned property to the north developed with the Sheraton Hotel, Multiple-Family Residential (R-3) zoned properties to the northwest developed with two-story residential apartments, and Single-Family Residential (R-1) zoned properties to the west developed with one-story, single-family homes; to the south of the Site, across Twintree Avenue, are R-1 zoned properties developed with single-family homes and

PUD-121-98 zone properties developed with single-family homes and a commercial building; and across Harbor Boulevard to the east are vacant parcels entitled for the Site C hotel resort project, which are zoned PUD-128-12; and

WHEREAS, the General Plan land use designation of the Site is International West Mixed Use; and

WHEREAS, the applicant is concurrently requesting City Council approval of Planned Unit Development zoning on the site creating a sub-area PUD, PUD-141-01(A), establishing development standards to facilitate the development of the proposed hotel resort project; and

WHEREAS, additional approvals will also be needed to fully implement the hotel project described above, including: a street vacation to vacate Thackery Drive and the public alley to integrate into the project site (denominated as Street Vacation No. SV-002-2022), a tentative tract map to consolidate the project site, and conditional use permit(s) to allow the sale of alcoholic beverages in the hotel, restaurants, and the ballroom and meeting space; and

WHEREAS, the above-described hotel project, Planned Unit Development No. PUD-141-01(A), Site Plan No. SP-107-2022, and the additional future approvals necessary to implement the hotel project are collectively referred to as the "Project"; and

WHEREAS, an Initial Study and proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for the Project in accordance with 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.*; and

WHEREAS, following a public hearing held on July 7, 2022, the Garden Grove Planning Commission (1) adopted Resolution No. 6044-22, recommending that the City Council adopt a Mitigated Negative Declaration for the Project and approve Planned Unit Development No. PUD-141-01(A), and (2) adopted Resolution No. 6045-22, determining that Site Plan No. SP-107-2022 should be approved, contingent upon the adoption and effectiveness of a resolution approving Street Vacation No. SV-002-2022 and an ordinance approving Planned Unit Development PUD-141-01(A) by the Garden Grove City Council; and

WHEREAS, on July 7, 2022, the Garden Grove Planning Commission also considered and adopted Resolution No. 6046-22, finding and reporting to the City Council, pursuant to Government Code Section 65402, that proposed Street Vacation No. SV-002-2022 is in conformity with the Garden Grove General Plan; and

WHEREAS, on July 27, 2022, UNITE HERE Local 11 and Marlene Perez filed an appeal of the above-described actions taken by the Planning Commission; and

WHEREAS, on August 9, 2022, the City Council adopted Resolution No. _____, providing notice of its intention to vacate Thackery Drive and the public alley and setting a public hearing thereon for September 13, 2022; and

WHEREAS, pursuant to a legal notice, a Public Hearing regarding the Project, the Mitigated Negative Declaration, Planned Unit Development No. PUD-141-01(A), Site Plan No. SP-107-2022, and the appeal of the Planning Commission's July 7, 2022 actions was held by the City Council on August 23, 2022, and all interested persons were given an opportunity to be heard; and

WHEREAS, concurrently with the adoption of this Resolution, the City Council: (1) adopted Resolution No. _____, denying the appeal of the Planning Commission's July 7, 2022 recommendations filed by UNITE HERE Local 11 and Marlene Perez; (2) adopted Resolution No. _____, adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project; and (3) introduced and conducted first reading of an Ordinance approving Planned Unit Development No. PUD-141-01(A); and

WHEREAS, the Planning Commission gave due and careful consideration to the matter during its meeting of August 23, 2022, and considered all oral and written testimony presented.

NOW, THEREFORE, the City Council of the City of Garden Grove does hereby resolve as follows:

1. The City Council finds that the above recitals are true and correct.
2. City Council Resolution No. _____ adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project is incorporated herein by reference with the same force and effect as if set forth in full herein.
3. Site Plan No. SP-107-2022 is hereby approved, subject to and contingent upon the adoption and effectiveness of a resolution approving Street Vacation No. SV-002-2022 and an ordinance approving Planned Unit Development PUD-141-01(A) by the Garden Grove City Council.
4. The facts, findings, and reasons supporting the conclusion of the City Council, as required pursuant to Section 9.32.030 of the Garden Grove Municipal Code, are as follows:
 - A. 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 Project Site is located in the City's Grove District Anaheim Resort Area, which is the City's entertainment and tourism resort area. The

Project Site has a General Plan Land Use Designation of the International West Mixed Use. Approval of the Site Plan is contingent upon adoption and effectiveness of an Ordinance approving PUD-141-01(A) establishing development standards for the Site to facilitate development of the Project, which is being processed in conjunction with this Site Plan request.

The International West Mixed Use land use designation is intended to promote resort, entertainment, retail, restaurants, and hotels along Harbor Boulevard. PUD-141-01(A) will establish development standards for the entire Project Site that will facilitate the development of the proposed hotel. The proposed PUD will establish development standards that will regulate the number of hotel rooms, building height, building setbacks, landscaping, permitted uses, required parking, site circulation and access, signage, utilities, storage and refuse collection, and environmental mitigation measures. The proposed Project has been designed to comply with the development standards of PUD-141-01(A). In addition, pursuant to the PUD Performance Standards, the applicant must obtain City approval of a subdivision map prior to submitting construction plans to the City.

In addition, the proposed Site Plan and Project are consistent with the goals and policies of the General Plan Land Use Element, the Community Design Element, and the Economic Development Element, including:

- i. *Policy LU-1.4 to encourage a wide variety of retail and commercial uses, such as restaurant and cultural arts/entertainment, in appropriate locations AND Policy LU-6.2 to encourage a mix of retail and commercial services along major corridors and in centers to meet the community needs.*

The Site is located in the City's resort tourism district, the Grove District Anaheim Resort Area, which encourages restaurants, retail, entertainment and hotel uses along Harbor Boulevard. The proposed Project will introduce a new hotel resort, Nickelodeon Hotel Resort. The proposed hotel resort will feature 500 hotel rooms with themed hotel amenities, including a themed pool deck with a lazy river and a pool slide; a 600-seat theater (Nick studio), and themed entertainment venues (Studio Hall and Nick Arcade). The hotel resort will also include restaurants (food and beverage) and event space (ballroom and meeting space). The proposed Project will expand and enhance the hospitality services currently available in the City's resort area by introducing a new hotel resort with unique hotel amenities that will attract local and regional visitors.

- ii. *Policy LU-1.5 to encourage active and inviting pedestrian-friendly street environments that include a variety of uses within commercial and mixed-use areas.*

The Site is located in the City's resort area, which is developed with hotels, restaurants, and retail uses that are conveniently located within walking distance of one another. The proposed Project will enhance the City's resort area and will continue to encourage pedestrian activity and a pedestrian-friendly street environment. The Project will provide landscaping and a decorative public sidewalk pattern that is specific to the resort area. The landscape pattern will liven the streetscape to encourage pedestrian activity within the resort area. The landscape pattern along Harbor Boulevard, including the public right-of-way, will include a double row of palm trees and canopy trees with up-lighting, shrubs, and ground cover that will create an inviting environment for pedestrians.

- iii. *Goal LU-4 that seeks to develop uses that are compatible with one another AND Policy LU 4.5 that requires that commercial developments adjoining residential uses be adequately screened and buffered from residential areas.*

The Site is located in the City's resort area, which is developed with hotels, restaurants, and other commercial uses. The Site directly abuts the Sheraton Hotel to the north, and directly abuts residential uses to the northwest and west. The proposed Project will be compatible with the existing hotel developments in the resort district. The hotel will offer hotel themed amenities that are unique to the Nickelodeon hotel brand, including a themed pool with a lazy river and a pool slide, a 600-seat theater (Nick Studio), and entertainment venues, including Studio Hall and a Kid's Lounge. The proposed Project will incorporate specific mitigation measures and project design features to minimize impacts to the adjacent residential uses from noise generated from the hotel, including from the parking structure and the pool deck. Implementation of the mitigation measures and project design features will ensure that the adjacent residential uses are adequately screened and buffered from the proposed hotel use.

- iv. *Goal LU-9 Creation of tourism and entertainment-related destination area that will benefit all residents, businesses, and visitors AND Policy LU-9.6 Locate tourist or entertainment related uses with adequate access to freeways or major arterials to encourage both local and regional patronage.*

The Site is located in the City's resort tourism district, the Grove District Anaheim Resort Area, which is a tourist destination that encourages restaurants, retail, entertainment, and hotel uses. The proposed Project

will introduce a themed hotel resort that will cater to residents, businesses, and visitors alike. The proposed Project will introduce unique hotel resort amenities that will appeal to residents and the general public. The proposed Project will introduce new employment opportunities to the local community. The proposed Project is located on Harbor Boulevard, which is a major arterial that connects to the State Route (SR) 22 and the I-5 Freeways, and that also connects to other major City arterial streets that intersect with Harbor Boulevard, such as Chapman Avenue, Garden Grove Boulevard, Trask Avenue, and Westminster Avenue. The proposed hotel resort is conveniently accessed by major arterial streets and freeways, which serve to provide convenient access to the project site to local and regional visitors.

- v. *Policy CD-7.1 Encourage future development and redevelopment projects to reinforce district scale, identity, and urban form.*

The existing hotels located in the Grove District Anaheim Resort vary in design, massing, and building height with each hotel brand incorporating its own unique architectural design. Similarly, the proposed hotel will feature a contemporary architecture design that compliments and reflects the Nickelodeon brand. The intent of the project is to create a themed resort environment through enhanced architectural elements that integrate with the intent and vision of the resort district.

- vi. Policy ED-1.1 Continue to encourage the development and expansion of hotel facilities in key corridors of the City (i.e., Harbor Boulevard)

The proposed Project will further facilitate the development and expansion of the Grove District Anaheim Resort through the construction of a new, 500-room, themed hotel resort. The proposed Project will develop nineteen (19) existing parcels that are currently vacant and unimproved, including a public street and alley that will be vacated, with a hotel resort that will offer themed amenities, event space, restaurants, and entertainment. The proposed Project will enhance the City's resort area and expand the hospitality services available in the area.

- B. 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 Project will be accessed from an existing vehicular entrance located on Harbor Boulevard that currently serves the Sheraton Hotel. This vehicular entrance will be modified to accommodate the necessary lanes for vehicle ingress and egress. The Harbor Boulevard entrance is designed to align with the proposed main entrance of the future Site C

hotel resort, and will be signalized. The proposed Project will continue to be served by an existing right-turn lane (southbound on Harbor Boulevard) and a left-turn lane (northbound Harbor Boulevard) that currently serves the Sheraton Hotel property. The Harbor Boulevard entrance will serve as the main entrance to the project site for all guests, visitors, and hotel employees. Tourist buses and shuttle buses will also use the Harbor Boulevard entrance for access. The Project will provide a secondary vehicular entrance on Twintree Avenue that will be restricted for use by emergency vehicles, maintenance vehicles, and for trash and delivery trucks only. Vehicles entering and exiting the site from Twintree Avenue will be limited to left turn-out and right turn-in to minimize traffic impacts to the adjacent residential neighborhood.

The proposed Project will provide an internal vehicular circulation system designed to comply with the City's minimum drive-aisle standards, that accommodates two-way traffic, and that provides appropriate access for trash trucks and emergency vehicles. The Project includes two (2) roundabouts that will be designed to provide adequate clearance for all vehicles. The proposed Project will provide on-site sidewalks that originate from the public right-of-way that allow for pedestrian access to the Project site.

The parking for the Project will be provided within a five-level parking structure (four levels above-grade and one level below-grade) with a total of 528 parking spaces. A Shared Parking Study was prepared to estimate the parking demand for the Project to ensure that sufficient on-site parking is provided at all times to accommodate the hotel's uses. A Shared Parking Study is an appropriate analysis to determine the required parking for the Project since the project is a hotel resort with compatible and complimentary land uses that lend themselves to shared parking since patrons will utilize more than one use in the same trip.

The Shared Parking Study determined that the peak parking demand for the Project is estimated at 471 parking spaces during the weekday at 8:00 p.m., and 480 parking spaces during the weekend at 9:00 p.m. Therefore, the Project is required to provide a total of 480 parking spaces. The proposed Project will provide a total of 528 parking spaces, which is sufficient to accommodate the proposed peak parking demand of 480 parking spaces.

In addition, a Traffic Study was prepared for the Project that reviewed the Project's traffic and circulation, and the appropriate mitigation measures and circulation recommendations have been incorporated to minimize impact to off-site and on-site facilities.

The City's Traffic Engineering Section has reviewed the proposed Site Plan, and the appropriate conditions of approval have been incorporated to minimize any adverse impacts to surrounding streets.

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

The streets in the area will be adequate to accommodate the development once the developer provides the necessary improvements for the project. Utilities and drainage channels in the area are existing and are adequate to accommodate the development. The proposed development will provide landscaping and proper grading of the site, thereby, improving drainage in the area.

The City's Public Works Department has reviewed the proposed project, and all appropriate conditions of approval and mitigation measures have been incorporated to minimize any adverse impacts to surrounding streets.

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

The proposed Project will not adversely impact the Public Works Department ability to perform its required function. The City's Public Works Department has reviewed the proposed Site Plan, and has incorporated all the appropriate conditions of approval and mitigation measures to minimize any adverse impacts.

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

The Site is located in the City's Grove District Anaheim Resort, which is designated as a resort destination that encourages hotels, restaurants, and entertainment uses. The resort area is improved with existing hotels, restaurants, and retail uses. The proposed Project will be compatible with the existing hotel developments in the area, and will expand and enhance the hospitality services currently available in the resort district. The building elevations will be designed to reflect the Nickelodeon hotel brand, and will include architectural elements that are unique to the hotel brand. The Project will provide landscaping and a decorative sidewalk pattern that is specific to the resort area intended to create a lively streetscape and an attractive environment. The landscape treatment along Harbor Boulevard will include a double row of palm trees and canopy trees with up-lighting, shrubs, and ground cover. The proposed Project, including the building architecture and landscaping, will be compatible and compliment other hotel developments in the resort area. Therefore, the Project will have a

reasonable degree of physical, functional, and visual compatibility with the characteristics of the resort area.

- F. 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 proposed Project will revitalize existing vacant and unimproved properties located in the City's Grove District Anaheim Resort with a vibrant and attractive hotel resort development. The hotel will feature a contemporary architectural design that will incorporate elements that are unique to the Nickelodeon brand, including enhanced articulation, detailing, and varied building massing. The placement and design of the hotel building allows for appropriate outdoor hotel amenities and landscaping to be accommodated. The hotel will include a pool deck with a lazy river and a pool slide that will enhance the experience of hotel guests. The Project will provide landscaping along Harbor Boulevard and Twintree Avenue that is compatible with the resort area landscape pattern that will create a lively streetscape and an attractive environment for visitors and guests. The landscape treatment along Harbor Boulevard will include a double row of palm trees and canopy trees with up-lighting, shrubs, and ground cover, along with a decorative public sidewalk pattern.

5. In addition to the foregoing, the City Council incorporates herein by this reference, the facts and findings set forth in the Planning Commission and City Council staff reports for the Project and in Planning Commission Resolution No. 6045-22.

6. The Site Plan possesses characteristics that justify the request in accordance with Section 9.30.030.D.3 (Site Plan) of the Garden Grove Municipal Code.

7. In order to fulfill the purpose and intent of the Planned Unit Development No. PUD-141-01(A) and the Municipal Code and thereby promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") that shall apply to Site Plan No. SP-107-2022.

8. Approval of Site Plan No. SP-107-2022 shall be contingent upon the adoption and effectiveness of a resolution approving Street Vacation No. SV-002-2022 and an ordinance approving Planned Unit Development PUD-141-01(A) by the Garden Grove City Council.

EXHIBIT "A"

Site Plan No. SP-107-2022

12241, 12261, 12271, 12291, 12311 and 12323/12321 Harbor Boulevard
12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291,
12311, and 12321 Thackery Drive.

CONDITIONS OF APPROVAL

GENERAL CONDITIONS

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval" as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to issuance of building permits.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Kam Sang Company, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. All conditions of approval are required to be adhered to 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
3. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.
4. Approval of this Site Plan 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-141-01(A) shall apply.
5. Except as expressly specified herein, Site Plan No. SP-107-2022 shall be subject to all Performance Standards applicable to Planned Unit Development No. PUD-141-01(A) ("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. In the event any actual or perceived conflict between any PUD Performance Standard and more specific provisions of these Conditions of Approval, the 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.

6. 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. Any significant changes to setbacks, building heights, or building locations shall require preparation and City approval of a new shade and shadow study.
7. 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-107-2022 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 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. The City shall retain the right to select its counsel of choice in any action referred to herein.
8. The applicant shall design the Project to comply with all mitigation measures and project design features specified in the 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.

Public Works Engineering Division

Project Design

9. 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 per the requirements of the Orange County Health Department and the mitigation requirements of governing regulatory requirements. The report shall make recommendations for foundations and pavement structural section design of interior streets and

parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and the implementation of water quality for stormwater run-off, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels.

10. Prior to the issuance of any grading or building permits, the applicant shall submit to the City for review and approval a final design Water Quality Management Plan that:
 - a. Addresses required mitigation Site Design Best Management Practices (BMPs) based upon the latest Santa Ana Regional Water Quality Control Board (SARWQCB) Drainage Area Management Plan (DAMP) as identified in the geotechnical report recommendations and findings, including, but not limited to, infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas as required by the latest adopted County of Orange Technical Guidance Document (TGD).
 - b. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
 - c. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
 - d. Incorporates structural and Treatment Control BMPs as defined in the DAMP.
 - e. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
 - f. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
 - g. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
 - h. Provides a hydrological analysis with scaled map as well as hydrologic and hydraulic calculations to size storm drains per the Orange County RDMD standards.
11. Parkway culverts shall be designed per City of Garden Grove Standard Plan B-209. Storm drain lateral pipe connections to City-maintained storm drains within City right-of-way shall be RCP with a minimum diameter of 18-inches.
12. Grading and Street improvement plans prepared by a registered Civil Engineer are required. As required under Section 107 of the California Building Code

(CBC), the grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30'-0" 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 showing all existing utility facilities, easements and proposed utility facilities. All on-site improvements shall be tied by horizontal dimensional control to the property boundary as established by survey. A minimum uninterrupted 20-foot wide throat access to the site is required from the street for commercial projects and shall meet the requirements of the California Fire Code throughout the site. Vehicle maneuvering, as demonstrated by Auto Turn along private streets and access ways, shall be demonstrated on the grading plan. Street improvement plans shall conform to all format and design requirements of the City Standard Drawings & Specifications.

13. The applicant shall coordinate with Planning Services Division and the Orange County Fire Authority to identify proper emergency vehicle access to the site and shall provide the Engineering Division a copy of the approval letters upon first submittal of the grading and street improvement plans.
14. Prior to the issuance of the street improvement encroachment permit and grading permit, provide subdivision completion bonds for all work constructed under the street improvements and grading permit for review and approval by the City Engineer, City Attorney, and City Finance Department (Risk Management). Alternate forms of security may be considered, solely at the discretion of the City Engineer and with the concurrence of the City Attorney and City Finance Department (Risk Management)
15. Prior to issuance of a grading permit, the applicant shall design overhead street lighting within the frontage of the development in conformance with City specifications and the approval of the City's Lighting Administrator. Location of lighting poles shall be shown on all the improvement plans and grading plan.
16. The grading plan shall depict an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition and section 1110A of the California Building Code.
17. All trash container areas shall meet the following requirements per City of Garden Grove Standard B-502 and State mandated commercial organic recycling laws, including AB 1826 and its implementing regulations, and any other applicable State recycling laws related to refuse, recyclables, and/or organics, i.e., AB 939, AB 341, SB 1383:
 - a. Paved with an impervious surface, designed not to allow run-on mixing of drainage from adjoining areas, designed to divert drainage from adjoining roofs and pavements to be directed around the area for trash

roll-out, and screened or walled to prevent off-site transport of trash by water or wind.

- b. Provide solid roof or awning to prevent direct precipitation into the enclosure.
- c. Connection of trash area drains to the municipal storm drain system is prohibited. Drainage from the enclosure may be directed to a conforming grease or contaminant interceptor.
- d. Potential conflicts with fire code access requirements and garbage pickup routing for access activities shall be considered in implementation of design and source control. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information
- e. The trash enclosure and containers shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures, and concrete aprons for roll-out areas.
- f. Pursuant to state mandated commercial organic recycling law-AB 1826, the applicant is required to coordinate storage and removal of the organics waste with local recycling/trash company.
- g. Pursuant to applicable state mandated laws, the applicant is required to contact and coordinate with the operations manager of the local recycling/trash company (Republic Services, 800-700-8610) to ensure the trash enclosure includes the appropriate size and number of containers for the disposal of items such as, but may not limited to, municipal solid waste (MSW), recyclables, and organic green waste.
- h. Based on the amount of waste disposed, per week, the applicant shall coordinate with the local recycling/trash company to ensure the adequate frequency of trash pick-up is serviced to the site for municipal solid waste (MSW), recyclables, and organic green waste, including any other type of waste.
- i. The applicant shall ensure large bulk items, intended for coordinated and scheduled pick-up by the local recycling/trash company, are not placed in areas that encroach into drive aisles, parking spaces, pedestrian pathways, or areas in the front of the property including areas public right-of-way (e.g., street, sidewalk), during and after construction. Any large bulk items shall be out of public vantage points.
- j. The requirements for the trash enclosure and design criteria are bound and coordinated with the Water Quality Management Plan (WQMP), when required, as depicted on the project grading plan, which shall be

incorporated into the WQMP by narrative description, exhibits and an Operation and Maintenance Plan (O&M).

- k. Trash enclosure areas shall be of appropriate size and number in order to accommodate three (3) separate recycling containers according to the recycling regulations of AB 939, AB 341, AB 1826, and SB 1383.
18. Any new or required block walls and/or retaining walls shall be shown on the grading plans, both in plan-view and cross sections. Cross sections shall show vertical and horizontal relations of improvements (existing and proposed) on both sides of property lines. Required wall heights shall be measured vertically from the highest adjacent finished grade. Block walls shall be designed in accordance to City of Garden Grove Standard B-504, B-505, B-506 & B-508 or designed by a professional registered engineer. In addition, the following shall apply:
- a. The color and material of all proposed block walls, columns, and wrought iron fencing shall be approved by the Planning Services Division prior to installation.
 - b. Openings for drainage through walls shall be shown in section details and approved by the City Engineer. Cross-lot drainage is not allowed.
19. The applicant shall remove any existing substandard driveway approaches, curbs, sidewalks, ADA ramps, pavement sections, tree well and landscaping, and construct Harbor Boulevard frontage improvements as identified below. Unless otherwise agreed in writing by the City and approved by the City Council, consistent with the provisions, performance standards, and limitations of Planned Unit Development No. PUD-141-01(A), all landscape, irrigation, sidewalk, signal modifications and lighting improvements installed within the public rights-of-way shall be maintained by the applicant and shall require the approval of the City Engineer, Street Division, and Planning Services Division.
- a. A separate street improvement plan shall be prepared and submitted to the Engineering Division for the proposed improvements within the public right-of-way Harbor Boulevard/Twintree Avenue, which shall include any proposed landscaping and irrigation plans. All work shall be per City standards and specifications.
 - b. Existing substandard driveways (2 total) on Harbor Boulevard shall be removed and replaced with new curb, gutter, landscape, and sidewalk per City standards and specifications.
 - c. Construct curb and gutter when replacing any existing driveway approaches along the property frontage on Harbor Boulevard in accordance with City Standard Plan B-113 (Type C-8 Modified).

- d. The applicant shall coordinate with Public Works Engineering Division to obtain direction on removal and replacement of any existing median or construction of new median improvements per City of Garden Grove Standard B-112 (Type A-8). The applicant shall design and construct median improvements consisting of a landscape/irrigation system fronting the project and completed to match existing median landscaping/irrigation to the other existing medians on Harbor Boulevard. The landscaping template will be provided to the applicant by Engineering Division.
- e. Prior to occupancy, the applicant shall design and construct or modify existing raised island improvements at the main entrance on Harbor Boulevard to improve on site traffic circulation to be approved by the City Traffic Engineer.
- f. Any further deviation from the approved traffic circles at the main entrance and in front of hotel lobby shall be approved by the City Traffic Engineer.
- g. The new modified driveway approach to the site on Harbor Boulevard shall be constructed in accordance with Garden Grove Standard B-120.
- h. The applicant shall remove the existing sidewalk panels fronting the project on Harbor Boulevard and replace it 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 five-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.
- i. The applicant shall remove and replace the street pavement from the edge of the westerly gutter fronting the property on Harbor Boulevard to the edge of the existing median per City Standard B-101.
- j. The new landscaping in the Harbor Boulevard public right-of-way shall be consistent with the existing landscape pattern of the resort to the north of the project site, and as approved by Planning Services Division.
- k. The applicant shall locate all existing public utilities across the property frontage and within the property boundary of the project prior to commencement of grading operation and mobilization.
- l. The applicant shall coordinate with the Planning Services Division and Public Works Street Division before placing any type of tree within public right-of-way and proposed landscape area.

- m. Street signs shall be installed as required and approved by the City Traffic Engineer.
 - n. In addition to payment of fair share costs required pursuant to the Planned Unit Development Performance Standards, in the event the traffic signal at the main entrance to the Project has already been installed and modifications to the approved plans necessitate modifications to the installed traffic signal, the applicant shall be fully responsible to pay for the entire cost to design, purchase, and construct such modifications to the traffic signal, as reasonably determined by the City Engineer.
20. The applicant shall remove any existing substandard driveway approaches, curbs, sidewalks, ADA ramps, pavement sections, tree well and landscaping, and construct Twintree Avenue frontage improvements as identified below. All landscape, irrigation, sidewalk, signal modifications or full signal installation, if necessary, and lighting improvements installed within the public rights-of-way, shall be maintained by the applicant and shall require the approval of the City Engineer, Street Division, and Planning Services Division.
- a. A separate street improvement plan shall be prepared and submitted to the Engineering Division for the proposed improvements within the public right-of-way on Twintree Avenue, which shall include any proposed landscaping and irrigation plans. All work shall be per City standards and specifications.
 - b. Existing substandard driveways (3 total) on Twintree Avenue shall be removed and replaced with new curb, gutter, landscape, and sidewalk per City standards and specifications.
 - c. The single new driveway approach to the site on Twintree Avenue shall be constructed in accordance with Garden Grove Standard B-121. Standard B-121 call for a minimum width of 30-feet for commercial 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 driveway approach on Twintree Avenue shall be limited to left turn-out and right turn-in only access. The drive approach shall be designated in a manner to allow emergency vehicle access.
 - e. The applicant shall remove all existing damaged sidewalk panels fronting the project on Twintree Avenue and replace it with new sidewalk panels in accordance with City of Garden Grove Standard B-106. The owner/contractor shall verify the removal and replacement sections of the sidewalk concrete panels with public works inspector prior to start of construction. Said sidewalk shall be separated from the street curb by a

six-foot landscaped area designated in a manner meeting the approval of the Planning Services Division.

- f. The applicant shall construct curb and gutter when replacing any existing driveway approach along the property frontage on Twintree Avenue in accordance with City Standard Plan B-114 (Type D-6).
 - g. One new wheelchair ramp and landing shall be constructed per latest Caltrans Standard Plan A88A at the northwest corner of Harbor Boulevard and Twintree Avenue.
 - h. The applicant shall locate all existing public utilities across the property frontage and within the property boundary of the project prior to commencement of grading operation and mobilization.
 - i. The applicant shall coordinate with the Planning Services Division and Public Works Street Division before placing any type of tree within public right-of-way and proposed landscape area.
 - j. Street signs shall be installed as required and approved by the City Traffic Engineer.
21. The width of all private streets with rolled curb & gutter shall be measured from the flowline to flowline of the gutter per City of Garden Grove Standard B-116. Catch basin and parkway drain standards shall be modified to match the design geometrics of rolled curb as required and approved by the City Engineer.
22. A minimum three-foot-by-three-foot-wide maneuvering area shall be provided at the end of a dead-end parking aisle serving more than five (5) consecutive stalls and shall consist of nine-foot-by-nineteen-foot-wide turnaround space.

Permit Issuance

23. 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.
24. A separate street permit is required for work performed within the public right-of-way.
25. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.

26. 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. Construction vehicles should be parked off traveled roadways in a designated parking area. Parking areas, whether on-site or off-site, shall be included and covered by the erosion control and the Storm Water Pollution Prevention plan (SWPPP).
27. Prior to issuance of a grading permit, the applicant shall submit and obtain approval of a worksite traffic control plan for all the proposed improvements within public right-of-way, and shall be subject to the review and approval of the City Traffic Engineer.
28. In accordance to City of Garden Grove Municipal Code (Chapter 9.48.030), the applicant is required to underground all existing and proposed on-site and off-site utility facilities fronting the project which the developer is developing or redeveloping. All existing improvements and utilities shall be shown as part of the grading submittal package in the topography section.
29. 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. The assigned WDID number must appear on the cover sheet of the project grading plan.

Project Construction/Operation

30. The applicant shall coordinate with City's Public Works Department (Engineering, Water Services and Streets Division) and set-up appointments for pre-construction inspections for all the on-site and off-site improvements prior to commencement of grading operation and mobilization.
31. 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.
32. The applicant and its 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 its 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 its contractor shall be liable for, at his expense, any resurvey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls. Temporary Benchmarks shall not be used for Vertical control. Benchmarks shall be to the National Geodetic Vertical Datum (NGVD).

33. Heavy construction truck traffic and hauling trips, and any required lane closures shall 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.
34. 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 the applicant is prepared to implement and maintain 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.
 - e. Identify responsible contractor and individuals for maintaining the new landscape and irrigation improvements for a period of five (5) years following the acceptance of the improvements by the City.

Building and Safety Division Services Division

35. All plans shall conform to the latest California (CA) Building Standards Code (CBC) at time of permit application.
36. The building shall be equipped with an automatic fire sprinkler system per CBC Chapter 9 and CA Fire Code.
37. A soil report complying with CBC Chapter 18 shall be required and shall be submitted for review at time of building permit application.
38. A Geo-technical peer review of the soil report shall be required, and shall be complete prior to building permit application.

39. Building commissioning shall be required per CA Energy Standards.
40. Exterior path-of-travels and interior accessible routes shall comply with CBC Chapter 11B.
41. All rooms/spaces/elements shall be on an accessible route per CBC Chapter 11B.
42. Fire rated construction shall comply with CBC Chapter 7.
43. The project shall comply with the CA Green Code.

Public Works Water Services Division

44. New water service installations 2-inch and smaller, shall be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services 3-inch and larger, shall be installed by developer/owner's contractor per City Standards.
45. Water meters shall be located within the City right-of-way or within dedicated waterline easement. Fire services and large water services 3-inch and larger, shall be installed by contractor with Class A or C-34 license, per City water standards and be inspected by approved Public Works inspection.
46. Domestic water and fire water shall tie into the existing 12-inch water main on Harbor Blvd.
47. If a looped water system is proposed, each point of connection to the City water main shall have a backflow prevention device per City standards.
48. Existing 6-inch water main and water services located in Thackery Drive shall be removed and 6" x 6" tee connection in the intersection of Thackery Drive and Twintree Avenue shall be abandoned per City Standards and Specifications.
49. 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.

50. 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.
51. A composite utility site plan shall be part of the water plan approval.
52. Water system on-site, not protected by backflow prevention device, shall be constructed per City Standards by developer and dedicated to the City. Bonding will be required.
53. There shall be a minimum 15-foot clearance of building footings from water main. Clearances less than 15 feet shall be reviewed and approved by Water Engineering.
54. There shall be no structures or utilities built, on or crossing, water or sewer main easements.
55. New utilities shall have a minimum 5-foot horizontal and a minimum 1-foot vertical clearance from water main and appurtenances.
56. There shall be a minimum clearance from sewer main and water main of 10 feet from outside-of-pipe to outside-of-pipe.
57. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
58. Any fire service and private fire hydrant lateral 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.
59. No permanent structures, trees or deep-rooted plants shall be placed over sewer main or water main.
60. Location and number of fire hydrants shall be as required by Water Services Division and the Orange County Fire Authority.
61. Commercial food use of any type shall require the installation of an approved grease interceptor prior to obtaining a business license. Plumbing plan for grease interceptor shall be routed to environmental services for review.
62. 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.

63. 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.
64. Owner shall install new sewer lateral with clean-out at right-of-way line. Lateral shall tie in to the 18-inch sewer main on Harbor Boulevard. Lateral in public right-of-way shall be 6-inch minimum diameter, extra strength VCP with wedgelock joints, and shall have a minimum 2% slope or minimum 2 ft/s (feet/second) velocity.
65. Existing 8-inch sewer mains and laterals on Thackery Drive and public alley shall be removed, and the connections to manholes on Twintree Avenue shall be plugged per City Standards and Specifications.
66. All perpendicular crossings of the sewer shall maintain a vertical separation of minimum 12-inch below the water main, outer-diameter to outer-diameter. All exceptions to the above require a variance from the State Water Resources Control Board.

Planning Services Division

67. The applicant shall submit detailed plans, showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department, Planning Services Division for review and approval prior to submitting plans into the Building and Safety Division Plan Check process. 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 Avenue, and shall be screened to the satisfaction of the Community and Economic 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 and Economic 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.
 - e. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior façade and/or be visible from any public right-of-way or adjoining property. Roof rain gutters are permitted. The rain gutters shall follow the natural architectural lines of the building.
68. All landscaping shall be consistent with the landscape requirements within the development standards set forth in Planned Unit Development No. PUD-141-01(A). The applicant shall submit a complete and detailed landscaping plan with irrigation systems included for review and approval by the Community and Economic Development Department prior to the issuance of a building permit. Drought tolerant plantings are encouraged. The landscape plan shall include the type (both common and botanical names), size, location, and quantity of all proposed plant material. All proposed landscaping shall be planted prior to the finalization of the building permit. The plan shall be consistent with the landscape requirements set forth and/or incorporated in the Garden Grove Municipal Code. All landscape irrigation shall comply with the City's Landscape Ordinance, associated Water Efficiency Guidelines and all recent applicable revisions from the State of California on water conservation measures shall be to the landscape plans. 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. Subsurface systems are encouraged. The irrigation plan for any new trees shall have a deep-water irrigation system that shall be specified on the landscape plan. A detail of the deep-water irrigation system shall be provided for review. If sprinklers are used, they shall be 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. Clinging vines shall be installed within the landscape planters along the perimeter block walls to deter graffiti.

- d. Trees planted within ten (10) feet 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.
- e. 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 and Economic Development Director may approve minor modifications to the foregoing standards as to height, size, and placement of the palm trees along Harbor Boulevard.
- f. Landscaping along Twintree Avenue, including within the public right-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.
- g. Flexibility to the height of the palm trees, and their placement along Harbor Boulevard, shall be reviewed and approved by the Community and Economic Development Director.
- h. All landscape areas, including the areas located within the public right-of-way along Harbor Boulevard and Twintree Avenue, are the responsibility of the developer/operator of the hotel.
- i. 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, in accordance with Chapter 6.40 of the Garden Grove Municipal Code, and the regulations and technical documents incorporated and required thereunder, including, but not limited to 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.
- j. At the time of irrigation installation, the irrigation system shall comply with all applicable provisions of the City's Water Conservation Ordinance, the City's Municipal Code landscape provisions, and all applicable state regulations.
- k. All above-ground utilities (e.g. water backflow devices, electrical transformers, irrigation equipment) shall be shown on the landscaping plan in order to ensure proper landscape screening will be provided.

69. Hours and days of construction and grading shall be as set forth in Chapter 8.47 of the City of Garden Grove Municipal Code, except as follows:
 - a. Monday through Saturday - not before 7:00 a.m. and not after 8:00 p.m. (of the same day).
 - b. Sunday and Federal Holidays - may work same hours, but subject to noise restrictions as established in Chapter 8.47 of the Municipal Code.
70. There shall be no deliveries from or to the premises before 7:00 a.m. and after 10:00 p.m., seven days a week. Signage shall be posted in the designed loading areas reflecting these delivery hours.
71. The parking structure shall be designed to be architecturally compatible with the hotel's architectural design and shall integrate similar design features, details, and materials. The louvered or perforated wall paneling required as part of the project design feature shall be architecturally compatible and integrated with the design of the hotel building. All sides of a parking structure that are in view from adjacent properties and the public rights-of-way shall be architecturally enhanced. The parking structure shall be well illuminated, including having the interior of the parking garage painted a light color, and designed to meet City parking standards for drive-aisle width, stall sizes, and height clearances. The design of the parking structure stairwells shall architecturally match the design of the parking structure, and shall be designed to reduce visibility to the adjacent residential properties.
72. A minimum of 480 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 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 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 of the Shared Parking Study and/or any subsequent shared parking analysis approved by the City.
73. The service and sale of alcoholic beverages within the hotel, hotel restaurants, and hotel ballroom/meeting rooms shall be subject to approval of a Conditional Use Permit.
74. 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 and Economic 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 northwest and western property lines, adjacent to the residential properties. The block wall located adjacent to the Twintree Avenue driveway entrance shall comply with the vehicular line-of-sight clearances designed to the satisfaction of the City's Traffic Engineer.
 - c. Any new block walls constructed along the Twintree Avenue property line (southern property line) shall maintain a five-foot setback from the property line.
 - d. At no time shall a wall be placed within nine-feet from the property line.
 - e. The applicant 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 adjacent 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.
 - f. The Community and Economic 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-141-01(A). Notwithstanding the foregoing, with exception of the block wall on the westerly or northwesterly 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.
75. Building color and material samples shall be submitted to the Planning Services 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 and Economic Development Department.
76. The developer shall comply with all provisions of the Community and Economic Development Department including, but not limited to, the following:

- a. The facades of the hotel 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 and Economic Development Department prior to the issuance of building permits.
 - b. Prior to the finalization of working drawings, the developer shall submit to the Community and Economic Development Department detailed and dimensioned plot plans, floor plans, exterior elevations, and landscape plans which reflect the above conditions of approval, including mitigation measures and project design features of the Mitigated Negative Declaration of PUD-141-01(A). 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 and Economic Development Department prior to issuance of building permits. The phasing plan shall include, but not be 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 and Economic Development, OCFA, 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 reasonable satisfaction of the Community and Economic Development Department.
77. The project shall comply with the following refuse storage requirements:
- a. The 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.

- b. The refuse storage and collection areas shall be designed to comply with the City's B-502 trash enclosure standard, or with an alternative design approved by the Public Works Engineering Division.
 - c. 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. The applicant shall provide sufficient trash bins and pick-ups to accommodate the site.
 - d. The refuse storage area shall have a unifying color and exterior finish that matches, and are integrated, with the proposed development. The proposed roof design of the trash enclosure shall be architecturally compatible with the design of the development. The Planning Services Division shall review and approve the design of the proposed roof and the material(s). The proposed roof and materials shall also comply with the building code requirements.
78. No satellite dish antennas shall be installed on said premises unless and until plans have been submitted to and approved by the Community and Economic Development Department, Planning Services Division, which may require proper screening to hide such appurtenances from public view.
79. All service doors 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.
80. Litter shall be removed daily from the project site including adjacent public sidewalks and all parking areas under the control of the applicant. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
81. The applicant shall abate all graffiti vandalism within the premises. The applicant shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
82. The developer/owner shall submit signed letters acknowledging receipt of the decision for Site Plan No. SP-107-2022, and their agreement with all conditions of approval.

83. In accordance with Garden Grove Municipal Code Sections 9.32.160 and 9.40.070.A, respectively, the rights granted pursuant to Site Plan No. SP-107-2022 shall be valid for a period of two years from the effective date of this approval. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of the Municipal Code, the rights conferred by Site Plan No. SP-107-2022 shall become null and void if the subject development and construction necessary and incidental thereto is not commenced within one (1) years of the expiration of the appeal period and thereafter diligently advanced until completion of the project. In the event construction of the project is commenced, but not diligently advanced until completion, the rights granted pursuant to Site Plan No. SP-107-2022 shall expire if the building permits for the project expire.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.2.	SITE LOCATION: Northwest corner of Harbor Boulevard and Twintree Avenue, east of Tamerlane Drive at 12241, 12261, 12271, 12291, 12311 and 12323/12321 Harbor Boulevard, 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291, 12311, and 12321 Thackery Drive
HEARING DATE: July 7, 2022	GENERAL PLAN: International West Mixed Use
CASE NOS.: Planned Unit Development No. PUD-141-01(A) and Site Plan No. SP-107-2022	ZONE: Planned Unit Development No. PUD-141-01; R-1 PROPOSED: Planned Unit Development No. PUD-141-01(A)
APPLICANT: Kam Sang Company	APN: 231-471-06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24.
PROPERTY OWNER: City of Garden Grove (Successor Agency)	CEQA DETERMINATION: Mitigated Negative Declaration

REQUEST:

The applicant is requesting approval to develop a 3.72-acre site with the Nickelodeon Hotel Resort. The Planning Commission will consider the following: (1) a recommendation that the City Council approve an amendment to Planned Unit Development No. PUD-141-01 to create a new sub-area, PUD-141-01(A), to facilitate the development of a full-service, high-rise hotel resort with hotel program entertainment, a pool deck, ballroom/meeting space, and food and beverage (restaurant) opportunities; and (ii) contingent approval of Site Plan No. SP-107-2022 to authorize the construction of the proposed hotel resort. The proposed project will consist of a 500-room hotel resort with a themed pool experience with a lazy river and a pool slide; event space with a 600-seat theater; 17,715 square feet of ballroom/meeting space; 22,296 square feet of hotel restaurant; 5,480 square feet of retail; themed amenities totaling 13,238 square feet; a 7,000 square-foot arcade; a spa and fitness center at 8,532 square feet; a five-level parking structure with 528 parking spaces; and related site improvements.

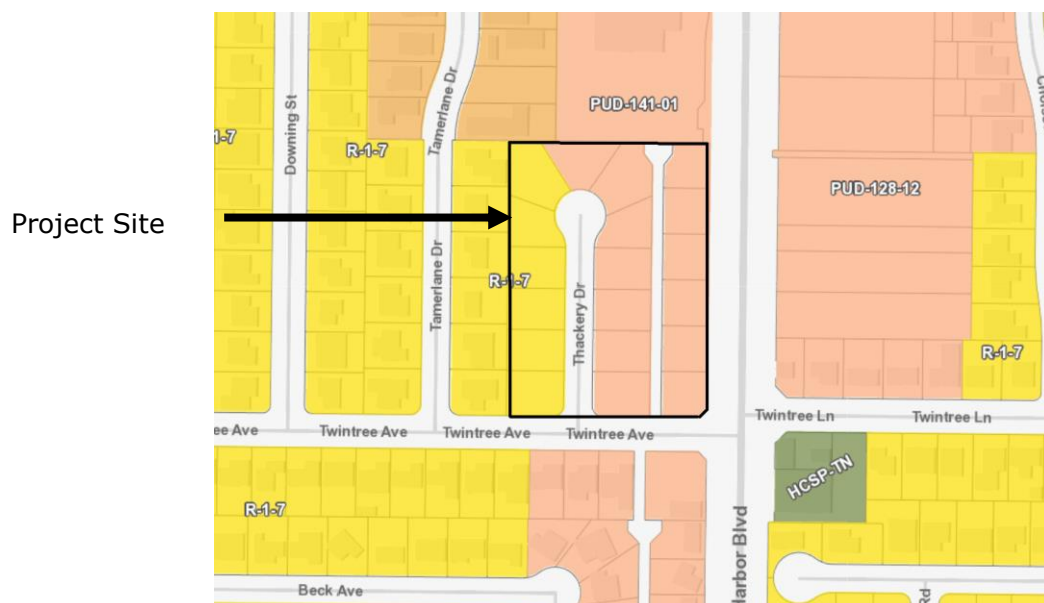
BACKGROUND:

The project site consists of 3.72-acres of land located on the northwest corner of Harbor Boulevard and Twintree Avenue, east of Tamerlane Drive. The project is located in the Grove District Anaheim Resort Area, which is the City's resort tourism area that is developed with hotels, restaurants, and commercial uses.

The project site abuts a Planned Unit Development No. PUD-141-01 zoned property to the north developed with the Sheraton Hotel; Multiple-Family Residential (R-3) zoned properties to the northwest developed with two-story residential apartments; Single-Family Residential (R-1) zoned properties to the west developed with one-story, single-family homes; to the south, across Twintree Avenue, are R-1 zone properties developed with single-family homes, and PUD-121-98 zoned properties developed with single-family homes and a commercial building. Across Harbor Boulevard to the east are vacant parcels entitled for the Site C hotel resort, which are zoned PUD-128-12.

The project site is comprised of nineteen (19) parcels, including Thackery Drive, and a public alley, located on the northwest corner of Harbor Boulevard and Twintree Avenue, east of Tamerlane Drive. Thackey Drive and the public alley are proposed to be vacated by the City Council under Street Vacation No. SV-002-2002 and integrated into the project site. Figure 1 below delineates the project site and location:

FIGURE 1: PROPOSED PROJECT SITE



The project site is vacant and secured with a perimeter chain-link fence. The properties were previously developed with single-family structures that were demolished between 2004 and 2013. In addition, the City has demolished the easterly portion of Thackery Drive from the centerline of the street, and the public alley, in preparation of the proposed development.

The project site has a General Plan Land Use designation of International West Mixed Use. The International West Mixed Use land use designation is intended to promote the development of resorts, entertainment, retail, restaurants, and hotels along Harbor Boulevard. The parcels are zoned PUD-141-01 and R-1, with thirteen (13) parcels zoned PUD-141-01 and six (6) parcels zoned R-1.

The project site is referred to as the Site B2 Project. The subject properties were acquired by the former Garden Grove Redevelopment Agency, and the City of Garden Grove, to facilitate the development of a hotel resort. The developer entered into an Exclusive Negotiation Agreement (ENA) with the City of Garden Grove to develop the project site with the Nickelodeon Hotel Resort. The City is currently negotiating a disposition and development agreement to convey the entire site, inclusive of Thackery Drive and the public alley, to the proposed developer of the Site B2 Hotel Project.

History of Entitlements

On September 22, 1998, the City Council adopted Ordinance No. 2448 to rezone 53 acres of land, including portions of the project site, from various land use designations to Planned Unit Development No. PUD-121-98 to facilitate the development of the Riverwalk Retail Complex. The Riverwalk Retail Complex consisted of 1,000,000 square feet of commercial and entertainment uses, including a cinema with up to 30-screens, a multi-story entertainment center, a 500-room hotel with subterranean parking, restaurants, live entertainment and attraction areas, specialty retail, and a major water element. The project also included three parking structures and surface parking. The project was never constructed, but the PUD-121-98 zoning remained in place.

On February 6, 2002, the City Council adopted Ordinance No. 2564 approving Planned Unit Development No. PUD-141-01 to facilitate the development of two (2) hotels with a combined total of 483 hotel rooms. Site Plan No. SP-301-01, Parcel Map-2001-227, and a Development Agreement were also approved to implement this development project. The PUD encompasses the property that is currently developed with the Sheraton Hotel and thirteen (13) parcels that comprise the proposed project site as identified in Figure 1. The Sheraton Hotel was developed with 285 hotel rooms, which would have slated the second hotel to be developed with 198 hotel rooms. With adoption of the PUD, the development site was rezoned from PUD-121-98 to PUD-141-01.

The second hotel was not developed on the remaining PUD zoned properties, since both the City and developer envisioned a hotel resort with more hotel rooms. At

the time, the former Garden Grove Redevelopment Agency and the City of Garden Grove acquired additional properties located on the west side of Thackery Drive to expand the project area.

On August 26, 2008, the City Council adopted Resolution No. 8851-08 implementing a comprehensive General Plan update that included changing the General Plan Land Use designation of all of the parcels comprising the proposed project site to International West Mixed Use. The International West Mixed Use Land Use designation 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.

The proposed project includes a request to amend PUD-141-01 to expand it to cover the six (6) parcels not currently encompassed within it and to create a new sub-area PUD, PUD-141-01(A), over the entire project site with specific development standards to facilitate the development of the Site B2 Project with the contemplated Nickelodeon hotel resort. Approval of a Site Plan is also requested to authorize the construction of the proposed hotel resort as depicted in the project plans. In the event the proposed Nickelodeon hotel resort project does not proceed for some reason, the proposed PUD amendment would preserve the property owner's existing development rights for the smaller project pursuant to the 2002 Development Agreement, which remains in effect.

Neighborhood Meeting:

A neighborhood meeting was held by the applicant on April 28, 2022, to provide information to surrounding residents about the proposed project, as well as to address concerns raised by those in attendance. Sixteen (16) persons were in attendance. At the meeting, the applicant presented the project and answered questions from attendees. The attendees inquired about the hotel's construction timeframe, water usage, traffic, noise, and benefits of the project to the community.

PROJECT STATISTICS:

	<u>SUB-AREA PUD</u>	<u>Provided</u>
Lot Area: ¹	3.72-acres	3.72-acres
Required Parking: ²	480	528
Maximum Hotel Rooms:	500	500
Maximum Square Footages		
Ballroom/Meeting Rooms ³	17,715 S.F.	17,715 S.F.
Food and Beverage (Restaurants)	22,296 S.F.	22,296 S.F.
Nick Studio (Theater)	600 seats	600 seats
Entertainment Venue (Studio Hall)	6,448 S.F.	6,448 S.F.
Retail	5,480 S.F.	5,480 S.F.
Spa/Fitness	8,532 S.F.	8,532 S.F.
Maximum Building Height: ⁴	No Limit, Subject to a Shade and Shadow Study	335'-8"
Minimum Perimeter Building Setbacks: ⁵		
North (interior side)	None, 10 feet if adjacent to residential	27'-10"
South (street side) - Twintree Avenue	10'-0"	16'-11"
East (front) – Harbor Boulevard	9'-0"	9'-11"
West (rear)	10'-0"	31'-4"

¹ The project site will form part of a new sub-area of PUD-141-01. PUD-141-01 currently has a lot area of approximately 5.5-acres. The proposed sub-area PUD will be expanded to incorporate new land area, and the total project site will be 3.72-acres.

² A Shared Parking Study was prepared to determine the required parking for the proposed hotel resort based on the estimated peak parking demand.

³ For purposes of this report, the proposed square footages of the ballroom (9,490 square feet) and meeting rooms (8,225 square feet) have been combined to 17,715 square feet.

⁴ The PUD will require that a Shade and Shadow Study be prepared to determine the allowable building heights. The proposed hotel project building height was analyzed in a Shade and Shadow Study prepared in conjunction with the Mitigated Negative Declaration.

⁵ The PUD will establish minimum perimeter building setbacks; however, a Shade and Shadow Study was prepared to evaluate the proposed building setbacks in relation to the proposed building height to ensure that no shade and shadow impacts were created to adjacent sensitive uses as identified in the Shadow and Shade Study.

DISCUSSION:

PLANNED UNIT DEVELOPMENT:

The project site is currently zoned Planned Unit Development No. PUD-141-01 and R-1 (Single-Family Residential). To facilitate the proposed hotel resort, a sub-area PUD, PUD-141-01(A), will be created. The proposed PUD amendment would place the entire project site parcels into its own PUD sub-area with specific development standards established to facilitate the hotel's construction.

A Planned Unit Development (PUD) is a precise plan that provides for the regulation of buildings, structures, and uses of land to implement the General Plan. The PUD zoning designation establishes development standards and uses specific to a particular project that achieve a higher-quality project than what could be achieved with traditional zoning. The specific development standards applicable to a Planned Unit Development are set forth in the ordinance approving the PUD. Where a PUD is silent regarding operating conditions, maintenance, or other standards regulating a particular use, the appropriate Land Use Code standards apply.

PUD-141-01(A) will establish development standards for the entire development. The PUD will incorporate specific development standards regulating the number of hotel rooms, building heights, building setbacks, landscaping, permitted uses, required parking, site circulation and access, signage, utilities, storage and refuse collection, and environmental mitigation measures.

PUD-141-01(A) will facilitate the development of a hotel resort with 500 hotel rooms; 17,715 square feet of combined ballroom/meeting space; 22,296 square feet of combined restaurant (food and beverage) space; and 5,480 square feet of retail. The proposed PUD will allow the hotel resort to have specific hotel amenities, including a 600-seat theater; a 6,488 square foot of family entertainment (Studio Hall); an arcade; a spa and fitness center, and a themed pool deck with a lazy river and a pool slide.

SITE PLAN:

The envisioned build-out of the project site is based on the submitted project plan and environmental document that is the basis for setting the development standards for the proposed hotel resort. All construction plans for the hotel resort must be consistent with the PUD standards and the associated plans, environmental documentation, and conditions of approval that are approved through the entitlement process. The building placement of the proposed hotel, along with the proposed building setbacks and the proposed building height, have been analyzed in the Shade and Shadow Study prepared in conjunction with the environmental document.

Site Design and Circulation:

Vehicular access to the site will be provided from one (1) vehicular entrance located on Harbor Boulevard, and one (1) vehicular entrance located on Twintree Avenue. The main vehicular access to the site will be from Harbor Boulevard, and the secondary vehicular access will be from Twintree Avenue.

The proposed project will be accessed from an existing vehicular entrance located on Harbor Boulevard that currently serves the Sheraton Hotel. This vehicular entrance will be modified to accommodate the necessary lanes for vehicle ingress and egress. The Harbor Boulevard entrance will align with the proposed main entrance of the future Site C hotel resort, and will be signalized. The proposed

project site will continue to be served by an existing right-turn lane (southbound on Harbor Boulevard) and a left-turn lane (northbound on Harbor Boulevard) that currently serves the Sheraton Hotel property.

The Harbor Boulevard entrance will serve as the main entrance to the project site for all guests, visitors, and hotel employees. Tourist and shuttle buses will also access the project site from Harbor Boulevard.

The proposed project will provide a secondary vehicular entrance on Twintree Avenue that will be used as a service entrance. This service entrance will be limited for the use of emergency vehicles, maintenance vehicles, and trash and delivery trucks only. Vehicles entering and exiting the site from Twintree Avenue will be limited to left turn-out and right turn-in to minimize traffic impacts to the adjacent residential neighborhood.

The project site's internal drive-aisles are designed to circulate throughout the site and provide access to the guest drop-off area located in front of the hotel, the parking structure, and the service corridor. All drive-aisles, parking structure ramps, and the roundabouts are required to comply with the City's standards for minimum access and clearances.

Vehicles entering the site from Harbor Boulevard will circulate west along the main drive-aisle to a roundabout. From the roundabout, vehicles can access the Sheraton Hotel parking area, located to the north, vehicles can access the drive-aisle that leads to the proposed hotel, located to the south, or vehicles can circulate back onto the main drive-aisle to exit the site onto Harbor Boulevard. The roundabout also provides access to a drive-aisle that connects to the service corridor located at the rear of the hotel. Access to the service corridor will be limited to employees and service personnel.

The drive-aisle that serves the proposed hotel will lead vehicles to the hotel's guest drop-off area located along the front of the hotel. The drive-aisle includes a roundabout that circulates to the parking structure access ramp or back to the main entrance drive-aisle. An emergency access drive-aisle is located adjacent to the roundabout that will be used by emergency vehicles to exit the site directly onto Harbor Boulevard during emergencies.

The parking structure access ramp circulates below grade to the basement level of the parking structure. An internal access ramp located in the basement level will be used to access the upper levels of the parking structure (Levels 1 to 4). Visitors exiting the parking structure from the upper levels will circulate through the basement level to access the main parking structure ramp that leads to the surface level.

Level 1 of the parking structure includes an entrance that connects to the service corridor drive-aisle. This parking structure entrance will be limited to employee use only. Employees will use this entrance to enter and exit the parking structure. It

should be noted that while employees will enter the parking structure from the service corridor, all employees are required to enter and exit the site from the Harbor Boulevard entrance.

The parking structure will provide a total of 528 parking spaces. Table 1 below identifies the parking space distribution throughout each level of the parking structure. The parking is designed to serve all the hotel uses, including the hotel rooms, entertainment venues, hotel amenities, the ballroom/meeting space, and the hotel restaurants.

Table 1: On-Site Parking Distribution

Parking	Commercial Parking
Basement Level	114
1 st Level Structure	84
2 nd Level Structure	110
3 rd Level Structure	110
4 th Level Structure	110
Total	528

A Traffic Study was prepared that reviewed the project's traffic and circulation, and the study concluded that with implementation of the proposed mitigation measures and circulation recommendations, the project would not have significant impacts to existing traffic.

An eight-foot high decorative block wall will be constructed along the northwesterly and westerly property lines adjacent to the residential properties for sound attenuation purposes.

Themed Hotel Amenities and Programming:

The proposed hotel is a resort destination with amenities and programming themed to the Nickelodeon brand. The proposed hotel will include specific entertainment amenities unique to Nickelodeon Hotel Resort, including a Nick Studio, a Studio Hall, and a Kid's Lounge.

The Nick Studio is a 600-seat theater design with stadium seating. The Nick Studio is where most of the entertainment occurs within the hotel, and will be used to present character shows, Nickelodeon themed game shows, and other related productions.

Studio Hall is an entertainment space design to resemble a studio that will incorporate painted cycloramas, studio lighting, and signage to create a back-lot feel. The space is intended to be used for relaxation and play, and will feature recreational games, such as foosball, video games, and checkers. Studio Hall will also feature a gallery for the display of Nickelodeon related art and sculptures.

The Kid's Lounge will feature an interactive play experience for children and adults, which will include slides, swings, video games, and reactive video projections. Children can play in this area while parents check into the hotel.

The hotel will feature an outdoor pool deck themed to the Nickelodeon SpongeBob SquarePants animation cartoon. The pool deck will feature pools, a lazy river, and a pool slide with related themed elements to enhance the pool experience.

The hotel will also feature a fine-dining restaurant called The Odeon, located at the top level of the hotel, that will offer an intimate and upscale environment that is separated from the hotel's main entertainment areas.

As a hotel resort, all the hotel amenities will be limited to hotel guest use only, with the exception of the ballroom/meeting rooms, and 11,148 square feet of restaurant space that will be open to the public.

Parking:

The project is designed to provide a total of 528 parking spaces located within a five-level parking structure (four levels above-grade and one level below-grade). Currently, the City's Municipal Code does not include specific parking requirements for a hotel resort-type project. In the past, a Shared Parking Study has been used to establish the required parking for a hotel resort based on the estimated peak parking demand. A Shared Parking Study is an appropriate analysis to determine the required parking for a hotel resort due to the compatible and complimentary land uses that lend themselves to shared parking since patrons will utilize more than one use in the same trip, such as guests staying at the hotel can also dine at the restaurants. A Shared Parking Study was also prepared for other hotel resorts in the district, including the Site C Hotel and the Great Wolf Lodge.

The Shared Parking Study for the project was prepared using the 3rd Edition of the Urban Land Institute (ULI) Shared Parking Model. The purpose of the study is to estimate the peak parking demand for the project to ensure that sufficient on-site parking spaces are provided at all times to accommodate the hotel's uses.

The Shared Parking Study analyzed the peak parking demand for a hotel resort based on the following land uses:

- 500 hotel rooms
- 17,715 square feet of ballroom/meeting space
- 22,296 square feet of restaurant
- 5,480 square feet of retail
- A 600-seat theater (Nick Studio)

- 6,448 square feet family of entertainment (Studio Hall)
- 8,532 square foot of spa space

The Shared Parking Study determined that the peak parking demand for the project is estimated to occur in late December with an estimated peak parking demand of 471 parking spaces during the weekday at 8:00 p.m., and a peak parking demand of 480 parking spaces during the weekend at 9:00 p.m. Based on the Shared Parking Study, the project is required to provide a minimum of 480 parking spaces to accommodate the proposed hotel resort uses. The proposed Project will provide a total of 528 parking spaces, which is sufficient to accommodate the proposed peak parking demand of 480 parking spaces. The project will also implement a valet parking program that can increase the project site's parking capacity during the peak parking demand period by 40 additional parking spaces.

Furthermore, there will be no shared parking between the proposed project and the Sheraton Hotel. Both the project, and the Sheraton Hotel, will park independently. If any existing required parking for the Sheraton Hotel is removed to accommodate the proposed project improvements, the applicant is required to relocate and replace those spaces on the Sheraton Hotel site.

Proposed Hotel Floor Plan:

The proposed hotel includes a total of 23 levels. The following is an overview of the proposed uses and amenities proposed on each level. The appropriate restrooms and elevator and stairwell access will be provided on each level.

Level 1 includes the hotel lobby area that is referred to as Nick Central. The level includes a hotel bar, the Kid's Lounge area, the lower level entrance to the Nick Studio (theater), the theater support area, and an administration area. The first level also includes a separate building area for shipping and receiving.

Level 2 includes the upper level entrance to the Nick Studio and several areas for specific food and beverage service.

Levels 3 and 4 include the hotel's ballroom, meeting rooms, pre-function space, and back of house. Level 3 will also include a retail space, while Level 4 will include the Studio Hall.

It should be noted that Levels 1 to 4 of the hotel will each provide direct access to the parking structure.

Level 5 is the hotel's service level. This level will include the hotel's administrative offices, the hotel kitchen, the hotel laundry, the employee lounge area, housekeeping, the employee's locker room, and mechanical equipment rooms.

Level 6 is the hotel's outdoor pool deck area that will be themed to the Nickelodeon SpongeBob SquarePants animation cartoon. The pool deck will be available to hotel guests from 7:00 a.m. to 10:00 p.m., seven days a week. The pool deck will feature a pool, a lazy river that transverses along the pool deck, and a pool slide. This level will also include food and beverage services for guests. Several unique themed structures will be placed throughout the pool deck to house some of the food service. The lazy river will include water elements to enhance the user's experience, including an enclosed tunnel and towering character statues.

A pool slide, proposed on the western side of the pool deck, will stand 100 feet above the pool deck floor level. The pool slide is enclosed with internal stairs and enclosed tunnel slides.

As part of the Noise Study, the projected noise level of the pool deck activities were analyzed, including noise generated from the proposed pool slide. The Noise Study includes project design features to reduce noise from the pool deck activities, which have been incorporated to the conditions of approval. The project design features will require that an 8-foot tall noise-barrier shielding wall (constructed of masonry block, stucco veneer, or transparent material) be installed along the perimeter of the pool deck; that dense landscaping, at 8 feet tall, be installed within the interior of the noise-shielding wall along the north, west, and south sides; that all outdoor speakers be concealed with landscaping, and placed at a height not greater than 8 feet above the pool deck and directed toward the pool and lazy river areas.

Levels 7 to 22 will be reserved for the hotel guestrooms. The hotel guestrooms will include a mix of single, double, and suites with balconies.

Level 23 includes the Odeon restaurant, and the hotel's spa area, including a kid's space area. The Odeon will provide guests with stunning views of the City from the top level.

Landscaping:

The project is required to provide landscape treatment along Harbor Boulevard and Twintree Avenue designed to the landscape pattern established for the Harbor Boulevard resort area. The landscape treatment along Harbor Boulevard will include a double row of palm trees, canopy trees, shrubs, and ground cover to match the landscaping treatment used within the resort district. In addition, a decorative sidewalk pattern will be installed along Harbor Boulevard. The landscape treatment on Twintree Avenue is required to be similar in plant material as the landscape treatment used on Harbor Boulevard.

Building Architecture/Aesthetics:

The General Plan Community Design Element Policy CD-7.1 encourages developments to reinforce district scale, identity, and urban form. The existing hotels located in the Grove District Anaheim Resort vary in design, massing, and

building height with each hotel brand incorporating its own unique architectural design. Similarly, the proposed hotel will feature a contemporary architecture design that compliments and reflects the Nickelodeon brand. The intent of the project is to create a themed resort environment through enhanced architectural elements as depicted in the project plans.

The proposed hotel includes a total of 23 stories with the main hotel tower at a height of 335 feet. The height of the tower is allowed to extend to 350 feet, as analyzed in the Shade and Shadow Study, to accommodate unique roof structures for the use of mechanical equipment, elevator shafts or stairwells. The lower building structure, as measured from grade to the pool deck, will have a height of approximately 61 feet.

The hotel tower will feature a unique serpentine shape with a transparent glass façade. A transparent glass façade will also be included along the easterly street elevation.

The parking structure is integrated into the design of the hotel building with the parking structure openings located on the north, south, and west building elevations. The project's Noise Study analyzed potential noise generated by the parking structure and recommended project design features to minimize noise to adjacent uses. As such, the project is conditioned to incorporate 4-foot high noise shield walls along the perimeter of the parking structure on the north, south, and west building elevations as well as to incorporate louvered or perforated wall paneling in the upper parking structure openings to conceal parking structure activities and to reduce noise levels. The parking structure, including the louvered or perforated wall paneling, is required to be decorative and architecturally compatible with the design of the proposed hotel.

FUTURE ENTITLEMENTS:

Implementation of the hotel project will require future consideration of the following entitlements by the City:

- A Tentative Tract Map to consolidate the project site. Approval of a Map is an integral part of the ultimate development of the project.
- A Development Agreement between the City and the applicant, in conjunction with the Tentative Tract Map.
- Conditional Use Permit(s) to allow for the sale of alcoholic beverages in the hotel, the ballroom and meeting rooms, and the hotel restaurant.

It should be noted that Street Vacation No. SV-002-2022 for the vacation of Thackery Drive, and the public alley, will be presented to the City Council for consideration concurrently with the City Council consideration of PUD-141-01(A).

CEQA:

The proposed project was reviewed and an Initial Study and Mitigated Negative Declaration (IS/ND) was prepared pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq. and the CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 et seq.). Based on the Initial Study and supporting technical analyses, it was determined that all potentially significant impacts can be mitigated to a level of less than significance. A copy of the Initial Study/Mitigated Negative Declaration is attached to this report along with a USB that contains a complete digital version of the environmental document with the corresponding technical studies. The complete environmental document is also available for review on the City's webpage at:

<https://ggcity.org/planning/environmental-documents>

The 20-day public comment period on the Mitigated Negative Declaration occurred from June 9, 2022 to June 28, 2022. Five (5) comment letters were received. These letters were from: the Orange County Fire Authority, the City of Anaheim, the Orange County Sanitation District, the California Department of Transportation, and from Mitchell M. Tsai Attorney for the Southwest Regional Council of Carpenters. These comment letters and the City's responses will be provided to the City Council for consideration with the Planning Commission's recommendation to adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

1. Adopt Resolution No. 6044-22 recommending that the City Council adopt a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program and an Ordinance approving Planned Unit Development No. PUD-141-01(A); and,
2. Adopt Resolution No. 6045-22 approving Site Plan No. SP-107-2022, subject to the recommended Conditions of Approval and contingent upon City Council approval of Street Vacation No. SV-002-2022 and Planned Unit Development No. PUD-141-01(A).

Lee Marino
Planning Services Manager

By: Maria Parra
Senior Planner

RESOLUTION NO. 6044-22

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 AND REPORTING PROGRAM FOR THE SITE B2 HOTEL PROJECT AND APPROVE PLANNED UNIT DEVELOPMENT NO. PUD-141-01(A).

WHEREAS, the City of Garden Grove has received an application requesting to redevelop a 3.72-acre site known as Site B2, located at the northwest corner of Harbor Boulevard and Twintree Avenue, east of Tamerlane Drive, at 12241, 12261, 12271, 12291, 12311 and 12323/12321 Harbor Boulevard, 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291, 12311, and 12321 Thackery Drive, (Assessor Parcel Numbers: 231-471-06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, and 24) with Nickelodeon-themed Hotel Resort project; and

WHEREAS, the land use actions requested to implement the Project include: (1) an amendment to Planned Unit Development (PUD) No. PUD-141-01 to create a new sub-area, PUD-141-01(A), to establish development standards to facilitate the development of a full-service, high-rise hotel resort with hotel program entertainment, pool deck, ballroom/meeting space, and food and beverage (restaurant) opportunities; and (2) Site Plan No. SP-107-2022 to authorize the construction of the proposed hotel resort; and

WHEREAS, additional entitlements will be needed to fully implement the hotel project described above, including: a street vacation to vacant Thackery Drive and the public alley to integrate into the Project site, a tentative tract map to consolidate the project site, and conditional use permit(s) to allow the sale of alcoholic beverages in the hotel, restaurants, and the ballroom and meeting space; and

WHEREAS, the above-described hotel project, Planned Unit Development No. PUD-141-01(A), Site Plan No. SP-107-2022 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 and Reporting Program has been prepared 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 July 7, 2022, and considered all oral and written testimony presented regarding the Project; and,

WHEREAS, the Planning Commission of the City of Garden Grove held a duly noticed public hearing on July 7, 2022, and considered 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.
2. The Planning Commission recommends that the City Council finds that the Mitigated Negative Declaration reflects the City's independent judgment and analysis.
3. The Planning Commission recommends that the City Council finds on the basis of the whole record before it, including the Initial Study, 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 and Reporting Program.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on July 7, 2022, does hereby recommend that the City Council approve Planned Unit Development No. PUD-141-01(A).

BE IT FURTHER RESOLVED in the matter of Planned Unit Development No. PUD-141-01(A), the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The case was initiated by the Kam Sang Company.
2. The applicant is requesting approval to amend Planned Unit Development No. PUD-141-01(A) to create a new sub-area Planned Unit Development zoning, PUD-141-01(A), on an approximately 3.72-acre site to establish development standards and performance standards governing the development of a full-service, high-rise hotel resort with hotel program entertainment, pool deck, ballroom/meeting space, and food and beverage (restaurant) opportunities. The proposed project will consist of a 500-room hotel resort with a themed pool experience with a lazy river and a pool slide; event space with a 600-seat theater; 17,715 square feet of ballroom/meeting space;

22,296 square feet of hotel restaurant; 5,480 square feet of retail; themed amenities totaling 13,238 square feet; a 7,000 square-foot arcade; a spa and fitness center at 8,532 square feet; a five-level parking structure with 528 parking spaces; and related site improvements.

3. The Project site has a General Plan Land Use designation of International West Mixed Use, and is zoned Planned Unit Development No. PUD-141-01 and R-1 (Single-Family Residential). The Project site is 3.72-acres, comprised of nineteen (19) parcels, including Thackery Drive, and a public alley, that are currently vacant and unimproved. Thackery Drive, and the public alley, will be vacated by the City Council under Street Vacation No. SV-002-2022 and integrated into the Project site. The applicant is requesting to develop the site with a 500-room hotel resort with event space, restaurants, retail, and hotel amenities through land use approvals for Planned Unit Development No. PUD-141-01(A) and Site Plan No. SP-107-2022 (collectively, the "Project").
4. The Community and Economic Development Department has prepared an Initial Study and Mitigated Negative Declaration for the Project that (a) concludes that the proposed project with the incorporation of mitigation measures cannot, or will not, have a significant impact on the environment, and (b) was prepared and circulated in accordance with applicable law, including CEQA and CEQA's implementing guidelines.
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 July 7, 2022, and all interested persons were given an opportunity to be heard.
8. Concurrently with the adoption of this Resolution, the Planning Commission adopted Resolution No. 6045-22 approving Site Plan No. SP-107-2022 for the construction of the proposed hotel resort, and Resolution No. 6046-22 finding and reporting to City Council that Street Vacation No. SV-002-2022 for the vacation of Thackery Drive and a public alley is consistent with the City's General Plan. The facts and findings set forth in Planning Commission Resolution No. 6045-22 and 6046-22 are hereby incorporated into this Resolution by reference.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of July 7, 2022, and considered all oral and written testimony presented regarding the Project.

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 3.72-acres located on the northwest corner of Harbor Boulevard and Twintree Avenue, east of Tamerlane Drive. The Project site is referred to as the Site B2 Project and is proposed to be developed with a Nickelodeon-themed Hotel Resort. The Project is located in the City's Grove District Anaheim Resort Area, which is the City's entertainment and tourism area. The resort area is currently developed with hotels, restaurants, and retail uses.

The Project site abuts a Planned Unit Development No. PUD-141-01 zoned property to the north developed with the Sheraton Hotel; Multiple-Family Residential (R-3) zoned properties to the northwest developed with two-story residential apartments; Single-Family Residential (R-1) zoned properties to the west developed with one-story, single-family homes. To the south, across Twintree Avenue, are R-1 zone properties developed with single-family homes, and PUD-121-98 zoned properties developed with single-family homes and a commercial building. Across Harbor Boulevard to the east are vacant parcels entitled for the Site C hotel resort project, which are zoned PUD-128-12.

The project site is comprised of nineteen vacant (19) parcels, along with Thackery Drive and a public alley, which are proposed to be vacated by the City Council under Street Vacation No. SV-002-2022 and integrated into the development. The General Plan Land Use designation of the Site was changed to International West Mixed Use in 2008 pursuant to City Council Resolution No. 8851-08. Thirteen of the existing parcels within the Project site are currently zoned PUD-141-01, which was adopted in 2002 to facilitate the development of two hotels. Six of the existing vacant parcels are still technically designated as zoned R-1; however, this zoning is inconsistent with the International West Mixed Use Land Use Designation, and single-family residential uses could not legally be established on these parcels.

The project site is referred to as the Site B2 Project. The subject properties were acquired by the former Garden Grove Redevelopment Agency and the City of Garden Grove to facilitate the development of a hotel resort. The developer entered into an Exclusive Negotiation Agreement (ENA) with the City of Garden Grove, and the parties are currently negotiating a disposition and development agreement ("DDA") to facilitate development of the project site with the Nickelodeon Hotel Resort.

The proposed Planned Unit Development amendment will create a sub-area, PUD-141-01(A), to establish development standards for the development of a full-service, high-rise hotel resort with hotel program entertainment, a pool deck, ballroom/meeting space, and food and beverage (restaurant) opportunities on 3.72-acres. The proposed Project will consist of a 500-room hotel resort with a themed pool experience with a lazy river and a pool slide; event space with a 600-seat theater; 17,715 square feet of ballroom/meeting space; 22,296 square feet of hotel restaurant; 5,480 square feet of retail; themed amenities totaling 13,238 square feet; a 7,000 square-foot arcade; a spa and fitness center at 8,532

square feet; a five-level parking structure with 528 parking spaces; and related site improvements.

The proposed PUD sub-area will establish development standards for the entire development site that will facilitate the construction of the proposed hotel development. The proposed PUD sub-area will establish development standards regulating the number of hotel rooms, building height, building setbacks, landscaping, permitted uses, required parking, site circulation and access, signage, utilities, storage and refuse collection, environmental mitigation measures and related performance standards.

FINDINGS AND REASONS:

Planned Unit Development:

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

The City's Land Use Element encourages Planned Unit Developments (PUD). A Planned Unit Development is a precise plan, adopted by ordinance that provides the means for the regulation of buildings, structures, and uses of land to facilitate the implementation of the General Plan by creating site-specific zoning regulations and development standards. The regulations of the PUD are intended to provide for a diversity of uses, relationships, and open spaces in an innovative land plan and design, while ensuring compliance with the provisions of the Municipal Code.

The Project site has a 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. The proposed Planned Unit Development will facilitate the development of a 500-room hotel resort with a themed pool deck with a lazy river and a pool slide, a 600-seat theater (Nick Studio), themed entertainment venues (Studio Hall and Nick Arcade), restaurants (food and beverage), event space (ballroom and meeting space), hotel amenities, and a five-level parking structure with 528 parking spaces. The PUD sub-area will establish development standards for the entire Project site that will facilitate the development of the proposed hotel resort that will regulate the number of hotel rooms, building height, building setbacks, landscaping, permitted uses, required parking, site circulation and access, signage, utilities, storage and refuse collection, and environmental mitigation measures.

In addition, the proposed PUD sub-area (Project) is consistent with the goals and policies of the General Plan Land Use Element, the Community Design Element, and the Economic Development Element, including:

- (a) *Policy LU-1.4 to encourage a wide variety of retail and commercial uses, such as restaurant and cultural arts/entertainment, in*

appropriate locations AND Policy LU-6.2 to encourage a mix of retail and commercial services along major corridors and in centers to meet the community needs.

The proposed Project is located in the City's resort tourism district, the Grove District Anaheim Resort Area, which encourages restaurants, retail, entertainment and hotel uses along Harbor Boulevard. The proposed Project will introduce a new hotel resort, Nickelodeon Hotel Resort. The proposed hotel resort will feature 500 hotel rooms with themed hotel amenities, including a themed pool deck with a lazy river and a pool slide; a 600-seat theater (Nick studio), and themed entertainment venues (Studio Hall and Nick Arcade). The hotel resort will also include restaurants (food and beverage) and event space (ballroom and meeting space). The proposed Project will expand and enhance the hospitality services currently available in the City's resort area by introducing a new hotel resort with unique hotel amenities that will attract local and regional visitors.

- (b) *Policy LU-1.5 to encourage active and inviting pedestrian-friendly street environments that include a variety of uses within commercial and mixed-use areas.*

The proposed Project is located in the City's resort area, which is developed with hotels, restaurants, and retail uses that are conveniently located within walking distance of one another. The proposed Project will enhance the City's resort area and will continue to encourage pedestrian activity and a pedestrian-friendly street environment. The Project will provide landscaping and a decorative public sidewalk pattern that is specific to the resort area. The landscape pattern will liven the streetscape to encourage pedestrian activity within the resort area. The landscape pattern along Harbor Boulevard, including the public right-of-way, will include a double row of palm trees and canopy trees with up-lighting, shrubs, and ground cover that will create an inviting environment for pedestrians.

- (c) *Goal LU-4 that seeks to develop uses that are compatible with one another AND Policy LU 4.5 that requires that commercial developments adjoining residential uses be adequately screened and buffered from residential areas.*

The proposed Project is located in the City's resort area, and is developed with hotels, restaurants, and other commercial uses. The project directly abuts the Sheraton Hotel to the north, and directly abuts residential uses to the northwest and west. The proposed Project will be compatible with the existing hotel developments in the resort district. The hotel will offer hotel themed amenities that are unique to the Nickelodeon hotel brand, including a themed pool with a lazy river and a pool slide, a 600-seat theater (Nick Studio), and

entertainment venues, including Studio Hall and a Kid's Lounge. The proposed Project will incorporate specific mitigation measures and project design features to minimize impacts to the adjacent residential uses from noise generated from the hotel, including from the parking structure and the pool deck. Implementation of the mitigation measures and project design features will ensure that the adjacent residential uses are adequately screened and buffered from the proposed hotel use.

- (d) *Goal LU-9 Creation of tourism and entertainment-related destination area that will benefit all residents, businesses, and visitors AND Policy LU-9.6 Locate tourist or entertainment related uses with adequate access to freeways or major arterials to encourage both local and regional patronage.*

The proposed Project is located in the City's resort tourism district, the Grove District Anaheim Resort Area, which is a tourist destination that encourages restaurants, retail, entertainment, and hotel uses. The proposed Project will introduce a themed hotel resort that will cater to residents, businesses, and visitors alike. The proposed Project will introduce unique hotel resort amenities that will appeal to residents and the general public. The proposed Project will introduce new employment opportunities to the local community. The proposed Project is located on Harbor Boulevard, which is a major arterial that connects to the State Route (SR) 22 and the I-5 Freeways, and that also connects to other major City arterial streets that intersect with Harbor Boulevard, such as Chapman Avenue, Garden Grove Boulevard, Trask Avenue, and Westminster Avenue. The proposed hotel resort is conveniently accessed by major arterial streets and freeways, which serve to provide convenient access to the project site to local and regional visitors.

- (e) *Policy CD-7.1 Encourage future development and redevelopment projects to reinforce district scale, identity, and urban form.*

The existing hotels located in the Grove District Anaheim Resort vary in design, massing, and building height with each hotel brand incorporating its own unique architectural design. Similarly, the proposed hotel will feature a contemporary architecture design that compliments and reflects the Nickelodeon brand. The intent of the project is to create a themed resort environment through enhanced architectural elements that integrate with the intent and vision of the resort district.

- (f) Policy ED-1.1 Continue to encourage the development and expansion of hotel facilities in key corridors of the City (i.e., Harbor Boulevard)

The proposed Project will further facilitate the development and expansion of the Grove District Anaheim Resort through the construction of a new, 500 room, themed hotel resort. The proposed Project will develop nineteen (19) existing parcels that are currently vacant and unimproved, including a public street and alley that will be vacated, with a hotel resort that will offer themed amenities, event space, restaurants, and entertainment. The proposed Project will enhance the City's resort area and expand the hospitality services available 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.

The Project is located in the City's Grove District Anaheim Resort, which is designated as a resort destination that encourages hotels, restaurants, and entertainment uses. The resort area is improved with existing hotels, restaurants, and retail uses. The proposed Project will be compatible with the existing hotel developments in the area, and will expand and enhance the hospitality services currently available in the resort district. The Project directly abuts the Sheraton Hotel to the north, and residential uses to the northwest and west. The hotel will offer hotel-themed amenities that are unique to the Nickelodeon hotel brand, including a themed pool with a lazy river and a pool slide, a 600-seat theater (Nick Studio), and entertainment venues, including Studio Hall and a Kid's Lounge. The project will include an architectural style that is unique to the Nickelodeon hotel brand. The Project will provide landscaping and a decorative sidewalk pattern that is specific to the resort area that is intended to create a lively streetscape and an attractive environment.

The proposed Project will incorporate specific mitigation measures and project design features to minimize impacts to the adjacent residential uses from noise generated from the hotel, including from the parking structure and the pool deck. Implementation of the mitigation measures and project design features will ensure that the adjacent residential uses are adequately screened and buffered from the proposed hotel use.

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 sub-area zoning will accommodate the project's intensity by creating a stable and desirable environment by developing the Project site to the fullest intent. The Project site is 3.72-acres and can accommodate the proposed hotel resort. The proposed Project will revitalize existing vacant and unimproved properties located in the City's Grove District Anaheim Resort with a vibrant and attractive hotel resort development. The Project will feature a contemporary architectural design and hotel amenities that are unique to the Nickelodeon brand. The Project

will provide landscaping along Harbor Boulevard and Twintree Avenue that is compatible with the resort area landscape pattern, which will create a lively streetscape and an attractive environment.

A Traffic Impact Study was prepared for the proposed Project that reviews the traffic and circulation. The appropriate mitigation measures were included to minimize undue traffic congestion on surrounding streets.

A Shared Parking Study was also prepared for the proposed Project to determine the peak parking demand to estimate the required parking. The Shared Parking Study determined that the peak parking demand for the hotel resort was estimated at 471 parking spaces during the weekday at 8:00 p.m., and 480 parking spaces during the weekend at 9:00 p.m. The proposed hotel resort will provide a total of 528 parking spaces, which is sufficient to accommodate the proposed peak parking demand of 480 parking spaces. In addition, the proposed hotel resort will implement a valet parking program to increase the on-site parking capacity during peak periods.

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.

Provisions have been included into the development standards of the PUD for protection and long term maintenance of public and private open space. The Project will provide landscaping along Harbor Boulevard and Twintree Avenue that is compatible with the resort area landscape pattern that will create a lively streetscape and an attractive environment for hotel guests and visitors. The landscape treatment along Harbor Boulevard will include a double row of palm trees and canopy trees with up-lighting, shrubs, and ground cover, along with a decorative public sidewalk pattern. The Project will also include hotel open space amenities, including a pool deck with a lazy river and a pool slide.

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

Through the Performance Standards, development standards, and the conditions of approval of applicable land use permits, 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 current zoning of the Project site is outdated, is partially inconsistent with the General Plan, and would not accommodate the proposed Project. The City has not adopted new generally applicable zoning and development standards to implement the International West Mixed Use General Plan Land Use Designation, and the General Plan contemplates and provides for the establishment of such standards through the Planned Unit Development process. In order to facilitate the development of the Project as proposed, and to continue to further the goals of the City's General Plan to expand and enhance the City's resort area, establishment of a sub-area PUD, PUD-141-01(A), on the Project site is necessary. The new PUD sub-area will encompass 3.72-acres, and will facilitate the development of a 500-room hotel resort with themed hotel amenities, including a themed pool deck with a lazy river and a pool slide; a 600-seat theater (Nick studio), themed entertainment venues (Studio Hall and Nick Arcade), restaurants (food and beverage) and event space (ballroom and meeting space). The proposed Project is best facilitated through the proposed PUD sub-area. The PUD sub-area will establish development standards specific to the Project site that will regulate the total number of hotel rooms, building height, building setbacks, landscaping, permitted uses, required parking, site access and circulation, and signage. 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 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).
2. The following Provision and Standards of Development shall apply to PUD-141-01(A):

Planned Unit Development Provisions and Development and Performance Standards

A. Purpose and Intent

The purpose and intent of this Planned Unit Development sub-area is to facilitate the development of a hotel resort that consists of 500 hotel rooms within one (1) full-service, high-rise hotel resort with entertainment, a themed pool deck with a lazy river and a pool slide; event space with a 600-seat theater; 17,715 square feet of ballroom/meeting space; 22,296 square feet of hotel restaurants; 5,480 square feet of retail; themed amenities totaling 13,238 square feet; a 7,000 square-foot

arcade; a spa and fitness center at 8,532 square feet; and a parking structure. This Planned Unit Development sub-area expands the scope of potential development intensity on the covered property and is not intended to modify or reduce the permitted intensity of residential uses otherwise permitted on any portion of the property, if any, or to extinguish the existing rights, if any, granted pursuant to that certain Development Agreement entered into between the City of Garden Grove and Palm Court Lodging, LLC, dated February 26, 2002, recorded in the Official Records of the County of Orange on March 21, 2002, at Document No. 20020231935.

B. Maximum Square Footages

The aggregate square footages of the banquet/meeting space, the hotel restaurants, retail, and the hotel amenities permitted within the Planned Unit Development sub-area shall not exceed the following maximums:

- Ballroom/Meeting Space 17,715 Square Feet
- Restaurant 22,296 Square Feet
- Retail 5,480 Square Feet
- Hotel Amenities
 - Theater (Nick Studio) 600-seats
 - Entertainment Venue (Studio Hall) 6,448 Square Feet
 - Arcade (Nick Arcade) 7,000 Square Feet
 - Spa/Fitness 8,532 square feet

C. Permitted Uses

The following uses shall be permitted or conditionally permitted within the Planned Unit Development sub-area:

- Hotels, hotels with ballroom and meeting space, restaurants, and ancillary hotel 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 ballroom and meeting space, 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.
- 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.
- Any proposed use that is 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.
- Those residential uses, if any, that were permitted under the General Plan Land Use designation(s) or zoning ordinances of the City as in effect on January 1, 2018, shall remain permitted uses, subject to the applicable development standards and review and approval in accordance with the Garden Grove Municipal Code and State law.

D. Setbacks

The minimum building setbacks shall be as follows:

1. Front Setback: Minimum building setback from the Harbor Boulevard property line (ultimate right-of-way) shall be 9 feet.
2. Side Street Setback: Minimum building setback along Twintree Avenue shall be 10 feet from the property line.
3. Interior Side and Rear Setbacks: No minimum setback shall be required to adjacent commercial uses. A minimum 10-foot setback is required adjacent to any property line with an adjoining residential use.

Building elements such as structural components, architectural features, or roof projections shall not encroach into the required perimeter setback areas.

E. Maximum Building Height

Building heights shall be determined through a Shade and Shadow Study, and approved through a Site Plan review.

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 Garden District Anaheim Resort Area. 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 Community and Economic Development Department and the Public Works Department prior to the beginning of site construction. The Community and Economic 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 and approved by the Community and Economic Development Department to ensure the aesthetics are maintained concerning this element of the overall project.

The landscape plan shall incorporate and provide for maintenance for the life of the project those means and methods required to address water run-off, also identified as Low Impact Development provisions, in accordance with Chapter 6.40 of the Garden Grove Municipal Code, and the regulations and technical documents incorporated and required thereunder, including, but not limited to, 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 shall be provided within the project boundaries, as well as along Harbor Boulevard and Twintree Avenue. The landscape treatment along Harbor Boulevard is required to include a double row of palm trees with canopy trees, shrubs, and ground cover that is consistent with the Grove District Anaheim Resort landscape plan for Harbor Boulevard. The landscape treatment along Twintree Avenue is required to incorporate canopy trees, shrubs, and ground cover that is similar to the landscape treatment on Harbor Boulevard.

The required width of the public sidewalk and parkway improvements on Harbor Boulevard and Twintree Avenue shall be determined by the Public Works Department, Engineering Division, to ensure a consistent pattern is achieved consistent with the right-of-way improvements for the resort district.

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 adjacent to the site, subject to the parameters and limitations set forth in the Performance Standards attached hereto as Exhibit "B". All planting areas shall 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, subject to the parameters and limitations set forth in the Performance Standards attached hereto as Exhibit "B".

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) access point on Twintree Avenue, and subsequent improvements as identified in the mitigation measures of the Mitigated Negative Declaration adopted in conjunction with approval of Planned Unit Development No. PUD-141-01(A). The final location of the emergency access shall be determined prior to submittal of plans for building and grading permits and shall be subject to approval by the Community and Economic Development Director.

The Harbor Boulevard entrance shall serve as the main entrance to the project site for all guests, visitors, and hotel employees. Tourist buses and shuttle buses shall also use the Harbor Boulevard entrance for access. The Twintree Avenue entrance shall serve as a secondary vehicular entrance only and shall be restricted for use by emergency vehicles, maintenance vehicles, and trash and delivery trucks only.

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, and that will permit two-way traffic, allowing left and right-turn movements in and out of the site. The access point on Twintree Avenue shall only permit right-turn in and left-turn out of the project site.

The proposed Project shall provide an internal vehicular circulation system designed to comply with the City's minimum drive-aisle standards that accommodates two-way traffic, and that provides appropriate access for trash trucks and emergency vehicles.

Internal circulation shall meet all applicable City standards and shall allow ease of access through all drive-aisles, roundabouts, the parking structure, and that allow for drop-off and pick-up areas in front of the hotel. 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 Avenue shall be subject to review and approval of the Community and Economic Development Director, who, in his or her discretion, may require decorative paving and/or enhanced concrete treatment.

J. Required Parking:

Except as provided below, the hotel project shall provide a minimum of 480 parking spaces. This parking requirement is based on the total number of hotel rooms and aggregate square footages of the hotel resort uses analyzed in the Shared Parking Study attached as Appendix J to the Initial Study and Mitigated Negative Declaration adopted in conjunction with approval of Planned Unit Development No. PUD-141-01(A), which includes:

- A maximum of 500 hotel rooms
- A maximum of 17,715 square feet of ballroom/meeting space
- A maximum of 22,296 square feet of hotel restaurant space
- A maximum of 5,480 square feet of retail
- A 600-seat theater (Nick Studio)
- A maximum 6,448 square feet family entertainment (Studio Hall)
- A maximum of 8,532 square feet of spa space

In the event of changes in the aforementioned square footages that may affect the total required parking, such as, but not limited to, square footage increase beyond those analyzed in the Shared Parking Study, or if a reduction to the total required

parking spaces is proposed based on a reduction to the number of hotel rooms or use square footages, then a updated shared parking study shall be prepared to determine the required minimum number of parking spaces. The updated shared parking study and associated change in the number of required parking spaces may be reviewed and approved by the Community and Economic Development Director.

The owners and/or tenants of the hotel project shall implement the required mitigation measures identified in the mitigation monitoring and reporting program adopted in conjunction with approval of Planned Unit Development No. PUD-141-01(A) to minimize impacts to the parking.

In the event a significant addition or expansion of uses or the development of a different project than what was analyzed in the Initial Study and Mitigated Negative Declaration adopted in conjunction with approval of Planned Unit Development No. PUD-141-01(A) is proposed, a new site-specific parking analysis shall be prepared for City review and approval.

K. Parking Structure Design

The parking structure 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 right -of-way shall be architecturally enhanced. The parking structure shall be well illuminated, including having the interior of the parking garage painted a light color, and designed to meet City parking standards for drive-aisle width, stall sizes, and height clearances. Within the structure, 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. The design of the parking structure shall also incorporate the mitigation measures and project design features identified in the Initial Study and Mitigated Negative Declaration adopted in conjunction with approval of Planned Unit Development No. PUD-141-01(A).

L. 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 western and northwestern property lines, adjacent to the residential properties. The developer shall work with adjacent property owners in designing and constructing the perimeter block walls 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 adjacent property owners, the new wall may be constructed with a decorative cap to be placed between the new and existing walls.

Any new block walls constructed along the Twintree Avenue property line shall maintain a 5-foot setback from the property line.

At no time shall a block wall be placed within 9 feet from the Harbor Boulevard property line.

Any block wall located adjacent to a driveway shall ensure that the appropriate line-of-sight is maintained as determined by the Public Work Department, Engineering Division.

The Community and Economic 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 project plans. Notwithstanding the foregoing, the block wall on the westerly and northwesterly property lines shall comply with all standards required by the mitigation measures and project design features identified in the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program adopted in conjunction with approval of Planned Unit Development No. PUD-141-01(A).

M. Signs and Graphic Standards

All signage, including sign type and allowable sign area, shall be in accordance with Chapter 9.20 of Title 9 of the Municipal Code as allowed by the C-1 zone.

The total allowable sign area shall be calculated per Chapter 9.20.060.B of Title 9 of the Municipal Code. Signs may be mounted flush with the wall surface or perpendicular to the wall (blade sign).

Freestanding signs shall comply with the Overlay Design Standards for the International West Resort Area per Section 9.20.045 of the Municipal Code.

A sign program that governs all site signage, inclusive of wall signage, common area signage, freestanding signs, and directional signs, is required. The sign program shall be approved by the Community and Economic Development Director, or his or her designee, prior to occupancy of the site and shall remain in effect for duration of the project. All changes to the approved sign program shall be approved by the Community and Economic Development Director, or his or her designee.

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

N. 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.

O. Storage and Refuse Collection

All staging and storage areas for the hotel and hotel uses shall be provided within the hotel's loading area. No outside storage area shall be provided, nor shall there be any outside storage of goods or merchandise at any time. Designated staging areas (loading/unloading) for general deliveries of goods sold on the site may be created, but these staging areas shall not block or hinder vehicle or pedestrian traffic or restrict 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.

P. 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 and Mitigation Monitoring and Reporting Program for the Site B2 Hotel Project, adopted in conjunction with Planned Unit Development No. PUD-101-01(A), and which are summarized in Exhibit "A" attached hereto.

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

If the project site is subdivided to create separate units of ownership within this Planned Unit Development sub-area, Covenants, Conditions, and Restrictions or a similar legal document ("Declaration") approved by the City Attorney and the City Manager, or his or her designee, which governs the maintenance, use, operation, and development of the entire site, shall be recorded prior to or concurrently with recordation of the subdivision map. Minimum required provisions of such Declaration shall be included in the Conditions of Approval of the subdivision map, if applicable, and shall include or address the following in a form acceptable to the City:

- The development provisions and development standards for Planned Unit Development No. PUD-141-01(A) and/or any subsequent amendments to such provisions or standards;
- All PUD Performance Standards and conditions of approval to approved land use permits for the project;
- All applicable CEQA mitigation measures applicable to the project;
- All applicable provisions required to be contained in a "declaration" or similar document required to be recorded pursuant to the disposition and development agreement governing the property;
- Covenants and provisions requiring and providing for maintenance of all buildings, amenities, sidewalks, drive aisles, lighting, landscaping, and other

improvements on the site and applicable portions of the public right-of-way according to established standards;

- Reciprocal easements for ingress, egress, parking, utilities, and drainage benefitting the various land uses and property interests on the site;
- Easements permitting and addressing any contemplated encroachments or permitted construction across lot/parcel lines;
- Provisions for the deterrence and/or abatement of graffiti vandalism consistent with best management practices approved by the City;
- Provisions ensuring tenants and property owners a means of contacting persons responsible for site maintenance, repairs, trash pick-up, and other related matters for developments of this type;
- Provisions expressly and assigning and allocating responsibility and funding and performance of the continued operation and maintenance of the site, improvements on the site, and all required water quality best management practices;
- Provisions acceptable to the City regarding property owners' and/or the property owners' association's responsibilities for compliance with all applicable water quality laws and regulations.
- A provision or provisions giving the City the right, but not the obligation, to enforce provisions of the Declaration, Planned Unit Development provisions, and related land use permit approvals by any legal or equitable means; authorizing the City to levy special assessments against the properties in connection with its actions to enforce such provisions; and providing that the City shall be entitled to recover its attorneys fees incurred in connection with its actions to enforce such provisions.
- A provision permitting entry by police and fire personnel upon common areas and/or portions of the site held open to the public for the purpose of enforcing state and local laws; and
- A provision or provisions prohibiting termination or substantial amendment of the Declaration without prior written approval of the City.

R. 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.

/s/ JUDITH MOORE
RECORDING 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 July 28, 2022.

EXHIBIT "B"

PERFORMANCE STANDARDS

Planned Unit Development No. PUD-141-01(A)

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 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 performance standards for the life of the project, regardless of property ownership. Any changes of the performance standards require approval by the hearing body.
2. All performance standards shall be implemented at the applicant's expense, except where specified in the individual performance standards.
3. All mitigation measures that are part of the Mitigated Negative Declaration that was adopted in conjunction with approval of Planned Unit Development No. PUD-141-01(A) shall be implemented.
4. The project is subject to the Mitigation Monitoring and Reporting Program adopted by the City Council as part of the Mitigated Negative Declaration adopted by the City in conjunction with Planned Unit Development No. PUD-141-01(A). In order to assist the City to verify that all required project mitigation measures and project design features 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 Services 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. Said person shall provide a report to the City when requested.
5. The project shall comply with the following project design features (PDF) identified in the Mitigated Negative Declaration:

Construction PDFs

- PDF-1 Prior to starting construction, the project applicant shall submit a Construction Management Plan to the City of Garden Grove that specifies how all construction design features will be implemented.

- PDF-2 The project applicant must follow the standard South Coast Air Quality Management District (SCAQMD) rules (Rule 403) and requirements applicable to fugitive dust control, which include, but are not limited to the following:
1. All active construction areas shall be watered two (2) times daily.
 2. Speed on unpaved roads shall be reduced to less than 15 miles per hour (mph).
 3. Any visible dirt deposition on any public roadway shall be swept or washed at the site access points within 30 minutes.
 4. Any onsite stockpiles of debris, dirt or other dusty material shall be covered or watered twice daily.
 5. All operations on any unpaved surface shall be suspended if winds exceed 15 mph.
 6. Access points shall be washed or swept daily.
 7. Construction sites shall be sandbagged for erosion control.
 8. Apply nontoxic chemical soil stabilizers according the manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
 9. Cover all trucks hauling dirt, sand, soil, or other loose materials, and maintain at least 2 feet of freeboard space in accordance with the requirements of California Vehicle Code (CVC) section 23114.
 10. Pave or provide construction access roads at least 100 feet onto the site from the main road and use gravel aprons at truck exits.
 11. Replace the ground cover of disturbed areas as quickly possible.
- PDF-3 All diesel construction equipment should have Tier 4 low emission "clean diesel" engines (OEM or retrofit) that include

diesel oxidation catalysts and diesel particulate filters that meet the latest California Air Resources Board (CARB) best available control technology.

- PDF-4 Construction equipment should be maintained in proper tune.
- PDF-5 All construction vehicles should be prohibited from excessive idling. Excessive idling is defined as five (5) minutes or longer.
- PDF-6 Minimize the simultaneous operation of multiple construction equipment units, to the maximum extent feasible.
- PDF-7 The use of heavy construction equipment and earthmoving activity should be suspended during Air Alerts when the Air Quality Index reaches the "Unhealthy" level.
- PDF-8 Establish an electricity supply to the construction site and use electric powered equipment instead of diesel-powered equipment or generators, where feasible.
- PDF-9 Establish staging areas for the construction equipment that as far from adjacent residential homes, as feasible.
- PDF-10 Use haul trucks with on-road engines instead of off-road engines for onsite hauling.

Operational PDFs

- PDF-11 The project should comply with the mandatory requirements of the latest California Building Standards Code, Title 24, Part 6 (Energy Code) and Part 11 (California Green Building Standards Code [CALGreen]), including the provisions for bicycle parking, electric vehicle charging stations, energy efficiency, material conservation, and water/waste reduction.
- PDF-12 Install signage at loading docks requiring trucks to limit engine idling times to 5 minutes or less.
- PDF-13 The project applicant must install an eight (8) foot high masonry block noise barrier wall along the western and northwestern property line. The property line wall will be constructed using masonry block and the barrier's weight must be at least 3.5 pounds per square foot of face area without decorative cutouts or line-of-site openings between the shielded areas and the

project site. All gaps (except for weep holes) must be filled with grout or caulking to avoid flanking.

PDF-14 All central plant heating, ventilation, and air conditioning (HVAC) equipment, mechanical pumps and pool equipment must be fully enclosed inside the building structure.

PDF-15 The hotel themed pool attraction and outdoor pool deck operation will be open only during daytime hours (7:00 a.m. – 10:00 p.m.).

PDF-16 A minimum eight (8) foot high noise barrier shielding wall should be installed and maintained along all sides of the perimeter of the outdoor patio and pool deck area on level six (6) to shield noise associated with pool activities. The barrier's weight should be at least 3.5 pounds per square foot of face area without decorative cutouts or line-of-site openings between the shielded areas and the project site. All gaps (except for weep holes) should be filled with grout or caulking to avoid flanking. Noise control barrier may be constructed using one, or any combination of the following materials:

- Masonry block
- Stucco veneer over wood framing (or foam core), or 1-inch thick tongue and groove wood of sufficient weight per square foot; and/or
- Transparent glass (5/8 inch thick), acrylic, polycarbonate, or other transparent material with sufficient weight per square foot.

PDF-17 The project should provide one row of vegetation along the north, west, and south sides of the interior pool deck wall on level six (6) by planting evergreen trees/shrubs. A dense vegetation barrier can help provide some sound absorption and visual screening to further help reduce noise levels impacting the adjacent residential homes surrounding the project site. Vegetation should be at least as high as the wall (8 feet).

PDF-18 Outdoor speakers on the pool deck must be predominantly located and concealed within the landscape. All outdoor speakers must be located not greater than eight (8) feet high above the pool deck and directed inwards towards the pool or lazy river area.

- PDF-19 The project access on Twintree Avenue must be restricted to emergency access, maintenance vehicles, trash, and delivery trucks only. All employee and guest access to the project site, including tourist buses and shuttles, must be via Harbor Boulevard.
- PDF-20 Delivery, loading/unloading activity, and trash pick-up hours shall be limited to daytime hours (7:00 a.m. – 10:00 p.m.) only, per the requirements of Garden Grove Municipal Code Section 8.47.060(I). Signage should be posted in the designated loading areas reflecting these hour restrictions.
- PDF-21 Engine idling time for all delivery vehicles and trucks must be limited to 5 minutes or less. Signage should be posted in the designated loading areas reflecting the idling restrictions.
- PDF-22 A 4-foot high noise shielding wall must be installed on the perimeter of each floor of the parking structure facing the residential neighborhood to the west, north and south.
- PDF-23 The drive aisle surfaces within the parking structure must have a textured finish or treatment that helps minimize tire squeal.
- PDF-24 The exterior façade of the parking structure must include louvered or perforated wall paneling to help conceal parking structure activities and reduce noise levels. Paneling should cover the entire upper portions of the parking structure openings of each floor facing the west, north and south.
- PDF-25 The project must comply with the California Title 24 Sound Transmissions requirements for exterior walls, roofs, and common separating assemblies (e.g., floor/ceiling assemblies and demising walls).
- a. Walls, partitions, and floor-ceiling assemblies separating sleeping units from each other or from public or service areas shall have a sound transmission class (STC) of not less than 50, or not less than 45 if field tested.
 - b. Floor-ceiling assemblies between sleeping units shall have an impact insulation class (IIC) rating of not less than 50, or not less than 45 if field tested.
 - c. Interior noise levels due to exterior sources shall not exceed a community noise equivalent level (CNEL) or a

day-night level (LDN) of 45 A-weighted decibel (dBA), in any habitable room.

PDF-26 For proper acoustical performance, the project must utilize standard building practices to ensure all exterior windows, doors, and sliding glass doors have a positive seal and leaks/cracks are kept to a minimum.

6. In order to verify compliance with the applicable project mitigation measures, project design features, development standards, and performance standards, the developer shall submit a full set of construction plans to the Community and Economic 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 appropriate requirements.

Public Works Engineering Division

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

7. The applicant shall receive approval of a subdivision map (Tentative Tract Map) in order to reconfigure the project site prior to submitting any type of construction plans to the City of Garden Grove.
8. The project main entrance shall be aligned with the future hotel development project (Site C) across Harbor Boulevard per approved traffic study. The applicant shall coordinate with the Engineering Division to obtain approved street improvement plans and signal/stripping plans. Unless otherwise agreed in writing by the City and approved by the City Council, as recommended in the Site "B2" Hotel Traffic Impact Study prepared for the Project by RK Engineering Group, Inc., dated April 27, 2022 ("Traffic Study"), the applicant shall make a fair-share contribution to the costs to install a traffic signal at the project main entrance. Provided the Site C project at the northeast corner of Harbor Boulevard and Twintree Lane is developed and the traffic signal installed prior to construction of the subject project, the applicant's fair share contribution shall be fifty percent (50%) of the total cost to design, purchase, and install the traffic signal, as reasonably determined by the City Engineer. As stated in the Traffic Study, in the event the Site C project does not get developed and the traffic signal has not been installed prior to application of building permits for the subject project, then, unless otherwise agreed in writing by the City and approved by the City Council, the applicant shall be fully responsible to pay for the entire costs of signal installation, not just a fair share. The applicant's contribution towards the cost of this traffic signal shall be paid to the City prior to the issuance of building permits.

Planned Unit Development No. PUD-141-01(A)
Performance Standards

9. As recommended in the Traffic Study, unless otherwise agreed in writing by the City and approved by the City Council, the applicant shall make a fair-share contribution to the costs to install and modify the traffic signal at the intersection of Harbor Boulevard and Twintree Lane. Provided the Site C project at the northeast corner of Harbor Boulevard and Twintree Lane is developed and the traffic signal installed prior to construction of the subject project, the applicant's fair share contribution shall be fifty percent (50%) of the total cost to design, purchase, and install the traffic signal, as reasonably determined by the City Engineer. As stated in the Traffic Study, in the event the Site C project does not get developed and the modified traffic signal has not been installed prior to application of building permits for the subject project, then, unless otherwise agreed in writing by the City and approved by the City Council, the applicant shall be fully responsible to pay for the entire costs of modified signal installation, not just a fair share. The applicant's contribution towards the cost of this traffic signal shall be paid to the City prior to the issuance of building permits.
10. The applicant shall meet and confer and negotiate in good faith with the City to reach an agreement or agreements that address design and installation, limitations, maintenance obligations, and the respective responsibilities of the applicant and the City regarding Project-related improvements that are constructed in or encroach into the public right-of way, including, but not limited to, signal modification or full signal installation at the main entrance on Harbor Boulevard, if necessary, signal modification at the intersection of Harbor Boulevard and Twintree Avenue, if necessary, decorative pavers, landscaping, median improvements, irrigation and other improvements. Public street improvements shall be protected from water infiltration and migration by impervious barriers where pervious BMP's are installed. (TGD – INF-3) Such agreements shall be consistent with the provisions of Planned Unit Development No. PUD-141-01(A), applicable Project conditions of approval, and other agreements entered into by the City regarding the Project.
11. The applicant shall be responsible for maintaining the new landscape and irrigation improvements in the public right-of-way adjacent to the Project boundaries for a period of five (5) years following the issuance of a certificate of occupancy for the Project. All plant materials and irrigation systems installed by the applicant shall be maintained for a period of five consecutive years. All plants that show signs of failure to grow at any time during the life of the 5-Year Landscape Maintenance Period, or those plants so injured or damaged as to render them unsuitable for the purpose intended, as determined by the City Engineer, shall be immediately replaced in kind at the expense of the developer or contractor. The applicant shall prepare and execute an enforceable agreement memorializing the foregoing obligations, in

a form approved by the City Manager, prior to the issuance of any building permit for the Project.

12. The applicant shall coordinate with the Engineering Division to confirm the ultimate width and location of the right-of-way from the street centerline to the parkway limit and corner cut-off at intersections as required by the City General Plan. If needed, the applicant shall dedicate right-of-way and corner cut-off from the existing right-of-way line fronting the project to the ultimate right-of-way for future ultimate street improvements. Applicant shall record said easement in a format conforming to City policy guidelines under the approval authority of the City Engineer and City Attorney. The applicant shall submit to the Engineering Division an updated title report along with copies of the recorded instruments listed in the title report, as well as reference maps and exhibits used to prepare the legal description. Dedication exhibits shall include closure calculations along with a detailed plat for review and approval of the street dedication exhibits by the City Engineer.
13. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer. (Policies and Procedures – TE-17)
14. Any new drive approaches to the site shall be constructed in accordance with Garden Grove Standard B-120 as they conform to land use and roadway designation.
15. Median Design and Opening Spacing shall be in accordance with City's Traffic Policy & Procedures TE-11.
16. Raised Median Design shall be in accordance with City's Traffic Policy & Procedures TE-64 and City's Standard B-128 and B-132.
17. Turning Template shall be in accordance with City's Traffic Policy & Procedures TE-14.
18. Driveway Opening Policy shall be in accordance with City's Traffic Policy & Procedures TE-8.
19. Sight Distance Standards shall be in accordance with City's Traffic Policy & Procedures TE-13.
20. Median Nose Flare Designs shall be in accordance with City's Traffic Policy & Procedures TE-36.
21. Private Property Tow Away Sign Design shall be in accordance with City's Traffic Policy & Procedures TE-19.

22. No Parking Fire Lane Sign Design shall be in accordance with City's Traffic Policy & Procedures TE-20.
23. Parking lot layout shall be in accordance with City Standard B-311 & B-312.
24. The applicant shall comply with the following improvements and recommendations of the approved Traffic Study:
 - a. The applicant shall coordinate with the City of Anaheim to determine if the project is required to make a fair-share contribution to extend the left-turn capacity up to 266 feet of Harbor Boulevard/Orangewood Avenue.
 - b. Unless otherwise agreed in writing by the City and approved by the City Council, the applicant is responsible for full cost to extend the southbound left-turn capacity up to 169 feet at the intersection of West Street/Chapman Avenue.
 - c. Unless otherwise agreed in writing by the City and approved by the City Council, the applicant shall be responsible to pay full cost to extend the eastbound left-turn capacity up to 105 feet at the intersection of Harbor Boulevard/Lampson Avenue.
 - d. Unless otherwise agreed in writing by the City and approved by the City Council, the applicant shall be responsible to pay full cost to extend the northbound left-turn capacity up to 133 feet at the intersection of Haster Street/Lampson Avenue.
 - e. Unless otherwise agreed in writing by the City and approved by the City Council, the applicant shall be responsible to pay full cost to extend the southbound left-turn capacity up to 381 feet at the intersection of Harbor Boulevard/Trask Avenue.
 - f. The applicant shall improve the walkability and design of the project by providing pedestrian and bicycling connections within the project site and to adjacent off-site facilities (i.e., sidewalk, crosswalk, wayfinding signage, etc.).
 - g. The applicant shall provide traffic calming measures (i.e., marked crosswalk, raised crosswalk, raised intersections, count-down signal timers, curb extensions, speed tables, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips with street trees, chicanes/chokers, etc.).

- h. The applicant shall provide secure on-site bicycle racks and provide bicycle rentals for hotel guests.
- i. The applicant shall provide transit/shuttle service for guests to local area attractions. The shuttle service shall operate on a regular basis and be offered to all guests staying at the hotel.
- j. Hotel management/concierge shall provide information that promotes walking, bicycling and public transit options to nearby attractions. This should include information on local bus routes and schedules, and wayfinding, to the existing transit stops along Harbor Boulevard.
- k. The applicant shall ensure adequate radius is provided for appropriate vehicles (fire trucks, buses, limousines, trash trucks, etc.) to navigate the project access and roundabout.
- l. The project shall provide adequate drive aisle and lane widths.
- m. Parking spaces should not be located near or within the roundabout. If absolutely necessary, the spaces near the roundabout should be valet-operated and used for long-term parking. In any case, adequate clearance and space should be provided for vehicles navigating the roundabout.
- n. The entrance roundabout should be designed appropriately and per engineering standards for roundabouts, including geometric elements such as Center Island, travel lanes, deflections and inscribed circles. Appropriate design needs to be considered and implemented for all appropriate modes of transportation including pedestrian and bicycles.
- o. The applicant shall provide appropriate and adequate wayfinding and signage for drivers to easily navigate the entrance and exit.
- p. During times of high activity for the project and/or the adjacent Sheraton Hotel, the applicant shall provide adequate valet staff and means to ensure traffic does not spill back onto the roundabout or Harbor Boulevard and impede the flow of vehicles.
- q. Prior to final circulation design, the applicant shall provide detail plans, including drive aisle dimensions and roundabout details, for review by a registered traffic engineer.

Building and Safety Division Services Division

The following provisions of the Community and Economic Development Building and Safety Division shall be met:

25. The project shall comply with the latest requirements of the California Building Code (CBC), the California Green Building Code, the California Energy Standards, Fire Code, and all California Model Codes.

Orange County Fire Authority (OCFA)

The following provisions of the Orange County Fire Authority be met:

26. The applicant shall comply with all applicable Orange County Fire Authority (OCFA) requirements, including, but not limited to, the High-Rise Building provisions of the California Fire Code, California Building Code, and OCFA Guidelines and Fire Master Plan.
27. Prior to submitting plans to the City of Garden Grove for plan check review, the applicant shall coordinate with OCFA for review of preliminary plans to ensure that the plans are designed to address all applicable code requirements.
28. An Architect of Record shall be hired for this project. The Architect of Record shall develop detailed preliminary plans that comply with all applicable codes.
29. The preliminary plans shall include a site plan that demonstrates compliance with OCFA Guideline for Fire Master Plans. The fire lane may not go under any portion of the structure and the locations necessary for laddering to the roof deck shall be located 20 to 40 feet from the building. The fire access roadway may not be on the adjacent property unless the owner of that property grants the City of Garden Grove an emergency access easement for the purpose of emergency access to the hotel property.
30. A Fire Protection Engineer (FPE) of Record shall be hired for this project. The FPE shall review the preliminary plans, which will be drawn by the Architect of Record, and shall determine if there are any design problems that may prevent fire life-safety systems from being designed and installed in a code compliant way. The FPE shall also determine the type of smoke-control system that will be most appropriate for this project and confirm that a smoke control system design will be feasible, given the challenges, which are unique to this project.
31. The applicant shall provide a Water Availability Form signed by a representative of the local purveyor to demonstrate if the existing water

supply meets or exceeds the fire-flow requirement. When the information described above is complete, OCFA will be able to provide traditional project conditions, to replace these preliminary conditions, including a comprehensive list of the plan types that will be required to be submitted to OCFA for this project, and when each plan type must be submitted. A grading permit should not be issued prior to OCFA's approval of a Fire Master Plan.

Planning Services Division

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

32. The operation of the hotel shall comply with the performance standards of Planned Unit Development No. PUD-141-01(A), the project design features, and mitigation measures adopted for PUD-141-01(A). This includes complying with all provisions of Alcoholic Beverage Control Act. In addition, this provision also governs the entertainment venues, the ballroom and meeting space, restaurants, and the indoor/outdoor areas. In regard to specific activities within the hotel's entertainment venues, the ballroom/meeting space, and hotel amenity, and pool deck 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.
33. The applicant shall apply for and receive approval of Conditional Use Permits for the sale of alcoholic beverages within the hotel, hotel restaurants, and ballroom/meeting space.
34. The applicant shall prepare a reciprocal access easement agreement, covenant agreement, or similar deed restriction (an "REA") for review and approval by the Community and Economic Development Director and City Attorney, which provides for reciprocal access between the project site and the adjacent hotel property to the north (12221 Harbor Boulevard). The applicant shall record the REA and provide City with a copy of the recorded REA prior to the issuance of building permits.
35. If any required parking spaces that serve the adjacent hotel development, the Sheraton Hotel at 12221 Harbor Boulevard, are removed to accommodate the proposed project, the applicant shall ensure that the parking spaces are relocated and placed on the adjacent hotel project site to continue to serve the existing hotel. The Community and Economic Development Department shall review and approval the location of all new parking spaces.

Planned Unit Development No. PUD-141-01(A)
Performance Standards

36. The vehicular access on Twintree Avenue shall be restricted for emergency access, maintenance vehicle access, and trash and delivery trucks access only. All employees and guests shall access the project site, including tourist buses and shuttles, from the Harbor Boulevard access.
37. The driveways on Harbor Boulevard and Twintree Avenue shall be designed with enhanced concrete treatment. All details of the decorative entry shall be submitted on the required landscape plans for review and approval of the Community and Economic Development Department.
38. 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 Services 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 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. The applicant shall also submit a site specific light and glare study for review and approval by Community and Economic Development Department prior to issuance of building permit.
39. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, the use of methanol, natural gas, propane, or butane vehicles instead of gasoline or diesel powered equipment, where feasible, the use of solar or low-emission water heaters, and the use of low-sodium parking lot lights, to ensure compliance with Title 24.
40. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with applicable law. In the event that fossil specimens or cultural resources are encountered on the site during construction and cannot be preserved in place, the applicant shall contact and retain, at applicant's expense, a qualified paleontologist or archaeologist, as applicable, acceptable to the City to evaluate and determine appropriate treatment for the specimen or resource, and work in the vicinity of the discovery shall halt until appropriate assessment and treatment of the specimen or resource is determined by the paleontologist or archeologist (work can continue elsewhere on the project site). Any mitigation, monitoring, collection, and specimen/resource treatment measures recommended by the paleontologist/archaeologist shall be implemented by the applicant at its own cost.

Planned Unit Development No. PUD-141-01(A)
Performance Standards

41. The applicant shall comply with the Migratory Bird Treaty Act (MBTA), and Sections 3503, 3503.5 and 3515 of the California Fish and Game Code, which require the protection of active nests of all bird species, prior to the removal of any on-site landscaping, including the removal of existing trees.
42. The applicant shall, as a condition of project approval, 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, but not limited to, Planned Unit Development No. PUD-141-01(A), the associated Mitigation Monitoring and Reporting Program for the Project, and/or any land use permit approved by the City to facilitate development of 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 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. The City shall retain the right to select its counsel of choice in any action referred to herein.

RESOLUTION NO. 6045-22

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE CONTINGENTLY APPROVING SITE PLAN NO. SP-107-2022 TO REDEVELOP THE SITE B2 PROJECT SITE WITH THE NICKELODEON HOTEL RESORT ON PROPERTIES LOCATED AT THE NORTHWEST CORNER OF HARBOR BOULEVARD AND TWINTREE AVENUE, EAST OF TAMERLANE DRIVE, AT 12241, 12261, 12271, 12291, 12311 AND 12323/12321 HARBOR BOULEVARD, 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291, 12311, AND 12321 THACKERY DRIVE, ASSESSOR'S PARCEL NOS. 231-471-06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17,18, 19, 20, 21, 22, 23, AND 24.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on July 7, 2022, does hereby approve Site Plan No. SP-107-2022 for land located at the northwest corner of Harbor Boulevard and Twintree Avenue, east of Tamerlane Drive, at 12241, 12261, 12271, 12291, 12311 and 12323/12321 Harbor Boulevard, 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291, 12311, and 12321 Thackery Drive, Assessor's Parcel Nos. 231-471-06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17,18, 19, 20, 21, 22, 23, and 24 (collectively, the "Project"), subject to and contingent upon the effectiveness of a resolution approving Street Vacation No. SV-002-2022 and an ordinance approving Planned Unit Development No. PUD-141-01(A) by the Garden Grove City Council.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-107-2022, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Kam Sang Company (the "Applicant").
2. The applicant is requesting Site Plan approval to authorize the construction of a full-service, high-rise hotel resort with hotel program entertainment, pool deck, ballroom/meeting space, and food and beverage (restaurant) opportunities on a 3.72-acre site. The proposed project will consist of a 500-room hotel resort with a themed pool experience with a lazy river and a pool slide; event space with a 600-seat theater; 17,715 square feet of ballroom/meeting space at; 22,296 square feet of hotel restaurant; 5,480 square feet of retail; themed amenities totaling 13,238 square feet; a 7,000 square foot arcade; a spa and fitness center at 8,532 square feet; a five-level parking structure with 528 parking spaces; and related site improvements.
3. Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et. seq., and the CEQA guidelines, 14 California Code of Regulations, Tit. 14, Sec. 15000 et. seq., an Initial Study was prepared and it has been determined that the proposed project qualifies for a Mitigated Negative Declaration because the proposed project with incorporation of the proposed mitigation measures cannot, or will not, have a significant effect on

the environment. The Mitigated Negative Declaration was prepared and circulated in accordance with CEQA and CEQA's implementing guidelines. Pursuant to Resolution No. 6044-22, adopted July 7, 2022, the Planning Commission recommends that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project.

4. The Project site has a General Plan Land Use designation of International West Mixed Use. A PUD amendment is being processed in conjunction with Site Plan No. SP-107-2022 to create a sub-area PUD, PUD-141-01(A), to establish development standards to facilitate the development of the proposed hotel. The Project site is 3.72-acres and is comprised of nineteen (19) parcels, as well as Thackery Drive and a public alley. The project site is currently vacant and unimproved. Thackery Drive and the public alley are proposed to be vacated by the City Council under Street Vacation No. SV-002-2022 and integrated into the Project site.
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 July 7, 2022, and all interested persons were given an opportunity to be heard.
8. Concurrently with adoption of this Resolution, on July 7, 2022, the Planning Commission adopted Resolution No. 6044-22 recommending that Garden Grove City Council adopt a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and approve Planned Unit Development No. PUD-141-01(A) to facilitate the development of the proposed hotel resort, and Resolution No. 6046-22 finding and reporting to City Council that Street Vacation No. SV-002-2022 for the vacation of Thackery Drive, and a public alley, is consistent with the City's General Plan. The facts and findings set forth in Planning Commission Resolution Nos. 6044-22 and 6046-22 are hereby incorporated into this Resolution by reference.
9. The Planning Commission gave due and careful consideration to the matter during its meeting of July 7, 2022, and considered all oral and written testimony presented regarding the project, the Initial Study, and the Mitigated Negative Declaration.

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, are as follows:

FACTS:

The Project site consists of 3.72-acres of land located on the northwest corner of Harbor Boulevard and Twintree Avenue, east of Tamerlane Drive. The project is located in the Grove District Anaheim Resort Area, which is the City's resort tourism area that is developed with hotels, restaurants, and commercial uses.

The project site abuts a Planned Unit Development No. PUD-141-01 zoned property to the north developed with the Sheraton Hotel; Multiple-Family Residential (R-3) zoned properties to the northwest developed with two-story residential apartments; Single-Family Residential (R-1) zoned properties to the west developed with one-story, single-family homes. To the south, across Twintree Avenue, are R-1 zoned properties developed with single-family homes, and PUD-121-98 zone properties developed with single-family homes and a commercial building. Across Harbor Boulevard to the east are vacant parcels entitled for the Site C hotel resort project, which are zoned PUD-128-12.

The project site is comprised of nineteen (19) parcels, including Thackery Drive and a public alley, which are proposed to be vacated by the City Council under Street Vacation No. SV-002-2022 and integrated into the development. The General Plan Land Use designation of the Site was changed to International West Mixed Use in 2008 pursuant to City Council Resolution No. 8851-08. Thirteen of the existing parcels within the Project site are currently zoned PUD-141-01, which was adopted in 2002 to facilitate the development of two hotels. Six (6) of the existing vacant parcels are still technically designated as zoned R-1; however, this zoning is inconsistent with the International West Mixed Use Land Use Designation, and single-family residential uses could not legally be established on these parcels.

The project site is referred to as the Site B2 Project. The subject properties were acquired by the former Garden Grove Redevelopment Agency and the City of Garden Grove to facilitate the development of a hotel resort. The developer entered into an Exclusive Negotiation Agreement (ENA) with the City of Garden Grove, and the parties are currently negotiating a disposition and development agreement ("DDA") to facilitate development of the project site with the Nickelodeon Hotel Resort.

The applicant proposes to develop the project site with a Nickelodeon hotel resort. The proposed project will consist of a 500-room hotel resort with a themed pool experience with a lazy river and a pool slide; event space with a 600-seat theater; 17,715 square feet of ballroom/meeting space; 22,296 square feet of hotel restaurant; 5,480 square feet of retail; themed amenities totaling 13,238 square feet; a 7,000 square-foot arcade; a spa and fitness center at 8,532 square feet; a five-level parking structure with 528 parking spaces; and related site improvements.

Planned Unit Development No. PUD-141-01(A), which is being processed in conjunction with this request, will establish a sub-area PUD over the entire project site, PUD-141-01(A), and will establish development standards to facilitate the development of the proposed hotel resort.

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 Project is located in the City's Grove District Anaheim Resort Area, which is the City's entertainment and tourism resort area. The Project site has a General Plan Land Use Designation of the International West Mixed Use, and PUD-141-01(A) to establish development standards to facilitate development of the Project is being processed in conjunction with this Site Plan request.

The International West Mixed Use land use designation is intended to promote resort, entertainment, retail, restaurants, and hotels along Harbor Boulevard. PUD-141-01(A) will establish development standards for the entire Project site that will facilitate the development of the proposed hotel. The proposed PUD will establish development standards that will regulate the number of hotel rooms, building height, building setbacks, landscaping, permitted uses, required parking, site circulation and access, signage, utilities, storage and refuse collection, and environmental mitigation measures. The proposed Project has been designed to comply with the development standards of PUD-141-01(A).

In addition, the proposed Project is consistent with the goals and policies of the General Plan Land Use Element, the Community Design Element, and the Economic Development Element, including:

- (a) *Policy LU-1.4 to encourage a wide variety of retail and commercial uses, such as restaurant and cultural arts/entertainment, in appropriate locations AND Policy LU-6.2 to encourage a mix of retail and commercial services along major corridors and in centers to meet the community needs.*

The proposed Project is located in the City's resort tourism district, the Grove District Anaheim Resort Area, which encourages restaurants, retail, entertainment and hotel uses along Harbor Boulevard. The proposed Project will introduce a new hotel resort, Nickelodeon Hotel Resort. The proposed hotel resort will feature 500 hotel rooms with themed hotel amenities, including a themed pool deck with a lazy river

and a pool slide; a 600-seat theater (Nick studio), and themed entertainment venues (Studio Hall and Nick Arcade). The hotel resort will also include restaurants (food and beverage) and event space (ballroom and meeting space). The proposed Project will expand and enhance the hospitality services currently available in the City's resort area by introducing a new hotel resort with unique hotel amenities that will attract local and regional visitors.

- (b) *Policy LU-1.5 to encourage active and inviting pedestrian-friendly street environments that include a variety of uses within commercial and mixed-use areas.*

The proposed Project is located in the City's resort area, which is developed with hotels, restaurants, and retail uses that are conveniently located within walking distance of one another. The proposed Project will enhance the City's resort area and will continue to encourage pedestrian activity and a pedestrian-friendly street environment. The Project will provide landscaping and a decorative public sidewalk pattern that is specific to the resort area. The landscape pattern will liven the streetscape to encourage pedestrian activity within the resort area. The landscape pattern along Harbor Boulevard, including the public right-of-way, will include a double row of palm trees and canopy trees with up-lighting, shrubs, and ground cover that will create an inviting environment for pedestrians.

- (c) *Goal LU-4 that seeks to develop uses that are compatible with one another AND Policy LU 4.5 that requires that commercial developments adjoining residential uses be adequately screened and buffered from residential areas.*

The proposed Project is located in the City's resort area, and is developed with hotels, restaurants, and other commercial uses. The project directly abuts the Sheraton Hotel to the north, and directly abuts residential uses to the northwest and west. The proposed Project will be compatible with the existing hotel developments in the resort district. The hotel will offer hotel themed amenities that are unique to the Nickelodeon hotel brand, including a themed pool with a lazy river and a pool slide, a 600-seat theater (Nick Studio), and entertainment venues, including Studio Hall and a Kid's Lounge. The proposed Project will incorporate specific mitigation measures and project design features to minimize impacts to the adjacent residential uses from noise generated from the hotel, including from the parking structure and the pool deck. Implementation of the mitigation measures and project design features will ensure that the adjacent

residential uses are adequately screened and buffered from the proposed hotel use.

- (d) *Goal LU-9 Creation of tourism and entertainment-related destination area that will benefit all residents, businesses, and visitors AND Policy LU-9.6 Locate tourist or entertainment related uses with adequate access to freeways or major arterials to encourage both local and regional patronage.*

The proposed Project is located in the City's resort tourism district, the Grove District Anaheim Resort Area, which is a tourist destination that encourages restaurants, retail, entertainment, and hotel uses. The proposed Project will introduce a themed hotel resort that will cater to residents, businesses, and visitors alike. The proposed Project will introduce unique hotel resort amenities that will appeal to residents and the general public. The proposed Project will introduce new employment opportunities to the local community. The proposed Project is located on Harbor Boulevard, which is a major arterial that connects to the State Route (SR) 22 and the I-5 Freeways, and that also connects to other major City arterial streets that intersect with Harbor Boulevard, such as Chapman Avenue, Garden Grove Boulevard, Trask Avenue, and Westminster Avenue. The proposed hotel resort is conveniently accessed by major arterial streets and freeways, which serve to provide convenient access to the project site to local and regional visitors.

- (e) *Policy CD-7.1 Encourage future development and redevelopment projects to reinforce district scale, identity, and urban form.*

The existing hotels located in the Grove District Anaheim Resort vary in design, massing, and building height with each hotel brand incorporating its own unique architectural design. Similarly, the proposed hotel will feature a contemporary architecture design that compliments and reflects the Nickelodeon brand. The intent of the project is to create a themed resort environment through enhanced architectural elements that integrate with the intent and vision of the resort district.

- (f) *Policy ED-1.1 Continue to encourage the development and expansion of hotel facilities in key corridors of the City (i.e., Harbor Boulevard)*

The proposed Project will further facilitate the development and expansion of the Grove District Anaheim Resort through the construction of a new, 500-room, themed hotel resort. The proposed Project will develop nineteen (19) existing parcels that are currently

vacant and unimproved, including a public street and alley that will be vacated, with a hotel resort that will offer themed amenities, event space, restaurants, and entertainment. The proposed Project will enhance the City's resort area and expand the hospitality services available 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 Project will be accessed from an existing vehicular entrance located on Harbor Boulevard that currently serves the Sheraton Hotel. This vehicular entrance will be modified to accommodate the necessary lanes for vehicle ingress and egress. The Harbor Boulevard entrance is designed to align with the proposed main entrance of the future Site C hotel resort, and will be signalized. The proposed Project will continue to be served by an existing right-turn lane (southbound on Harbor Boulevard) and a left-turn lane (northbound Harbor Boulevard) that currently serves the Sheraton Hotel property. The Harbor Boulevard entrance will serve as the main entrance to the project site for all guests, visitors, and hotel employees. Tourist buses and shuttle buses will also use the Harbor Boulevard entrance for access. The Project will provide a secondary vehicular entrance on Twintree Avenue that will be restricted for use by emergency vehicles, maintenance vehicles, and for trash and delivery trucks only. Vehicles entering and exiting the site from Twintree Avenue will be limited to left turn-out and right turn-in to minimize traffic impacts to the adjacent residential neighborhood.

The proposed Project will provide an internal vehicular circulation system designed to comply with the City's minimum drive-aisle standards, that accommodates two-way traffic, and that provides appropriate access for trash trucks and emergency vehicles. The Project includes two (2) roundabouts that will be designed to provide adequate clearance for all vehicles. The proposed Project will provide on-site sidewalks that originate from the public right-of-way that allow for pedestrian access to the Project site.

The parking for the Project will be provided within a five-level parking structure (four levels above-grade and one level below-grade) with a total of 528 parking spaces. A Shared Parking Study was prepared to estimate the parking demand for the Project to ensure that sufficient on-site parking is provided at all times to accommodate the hotel's uses. A Shared Parking Study is an appropriate analysis to determine the required parking for the Project since the project is a hotel resort with compatible and complimentary land uses that lend themselves to shared parking since patrons will utilize more than one use in the same trip.

The Shared Parking Study determined that the peak parking demand for the Project is estimated at 471 parking spaces during the weekday at 8:00 p.m., and 480 parking spaces during the weekend at 9:00 p.m. Therefore, the Project is required to provide a total of 480 parking spaces. The proposed Project will provide a total of 528 parking spaces, which is sufficient to accommodate the proposed peak parking demand of 480 parking spaces.

In addition, a Traffic Study was prepared for the Project that reviewed the Project's traffic and circulation, and the appropriate mitigation measures and circulation recommendations have been incorporated to minimize impact to off-site and on-site facilities.

The City's Traffic Engineering Section has reviewed the proposed Project, and the appropriate conditions of approval have been incorporated to 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 streets in the area will be adequate to accommodate the development once the developer provides the necessary improvements for the project. Utilities and drainage channels in the area are existing and are adequate to accommodate the development. The proposed development will provide landscaping and proper grading of the site, thereby, improving drainage in the area.

The City's Public Works Department has reviewed the proposed project, and all appropriate conditions of approval and mitigation measures have been incorporated to 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 proposed Project will not adversely impact the Public Works Department's ability to perform its required function. The City's Public Works Department has reviewed the project, and has incorporated all the appropriate conditions of approval and mitigation measures to 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 Project is located in the City's Grove District Anaheim Resort, which is designated as a resort destination that encourages hotels, restaurants, and entertainment uses. The resort area is improved with existing hotels, restaurants, and retail uses. The proposed Project will be compatible with

the existing hotel developments in the area, and will expand and enhance the hospitality services currently available in the resort district. The building elevations will be designed to reflect the Nickelodeon hotel brand, and will include architectural elements that are unique to the hotel brand. The Project will provide landscaping and a decorative sidewalk pattern that is specific to the resort area intended to create a lively streetscape and an attractive environment. The landscape treatment along Harbor Boulevard will include a double row of palm trees and canopy trees with up-lighting, shrubs, and ground cover. The proposed Project, including the building architecture and landscaping, will be compatible and compliment other hotel developments in the resort area. Therefore, the Project will have a reasonable degree of physical, functional, and visual compatibility with the characteristics of the resort area.

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 proposed Project will revitalize existing vacant and unimproved properties located in the City's Grove District Anaheim Resort with a vibrant and attractive hotel resort development. The hotel will feature a contemporary architectural design that will incorporate elements that are unique to the Nickelodeon brand, including enhanced articulation, detailing, and varied building massing. The placement and design of the hotel building allows for appropriate outdoor hotel amenities and landscaping to be accommodated. The hotel will include a pool deck with a lazy river and a pool slide that will enhance the experience of hotel guests. The Project will provide landscaping along Harbor Boulevard and Twintree Avenue that is compatible with the resort area landscape pattern that will create a lively streetscape and an attractive environment for visitors and guests. The landscape treatment along Harbor Boulevard will include a double row of palm trees and canopy trees with up-lighting, shrubs, and ground cover, along with a decorative public sidewalk pattern.

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 Nos. 6044-22 and 6046-22.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan possesses characteristics that would justify the request in accordance with Municipal Code Sections No. 9.32.030.D.3 (Site Plan).

- Adopted this 7th day of July 2022

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

AYES:	COMMISSIONERS:	(7)	ARESTEGUI, CUNNINGHAM, LEHMAN, LINDSAY, PEREZ, RAMIREZ, SOEFFNER
NOES:	COMMISSIONERS:	(0)	NONE

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).

Page 175 of 480

EXHIBIT "A"

Site Plan No. SP-107-2022

12241, 12261, 12271, 12291, 12311 and 12323/12321 Harbor Boulevard
12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291,
12311, and 12321 Thackery Drive.

CONDITIONS OF APPROVAL

GENERAL CONDITIONS

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval" as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to issuance of building permits.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Kam Sang Company, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. All conditions of approval are required to be adhered to 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
3. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.
4. Approval of this Site Plan 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-141-01(A) shall apply.
5. Except as expressly specified herein, Site Plan No. SP-107-2022 shall be subject to all Performance Standards applicable to Planned Unit Development No. PUD-141-01(A) ("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. In the event any actual or perceived conflict between any PUD Performance Standard and more specific provisions of these Conditions of Approval, the 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.

6. 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. Any significant changes to setbacks, building heights, or building locations shall require preparation and City approval of a new shade and shadow study.
7. 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-107-2022 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 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. The City shall retain the right to select its counsel of choice in any action referred to herein.
8. The applicant shall design the Project to comply with all mitigation measures and project design features specified in the 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.

Public Works Engineering Division

Project Design

9. 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 per the requirements of the Orange County Health Department and the mitigation requirements of governing regulatory requirements. The report shall make recommendations for foundations and pavement structural section design of interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and the implementation of water quality for stormwater run-off, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels.
10. Prior to the issuance of any grading or building permits, the applicant shall submit to the City for review and approval a final design Water Quality Management Plan that:
 - a. Addresses required mitigation Site Design Best Management Practices (BMPs) based upon the latest Santa Ana Regional Water Quality Control Board (SARWQCB) Drainage Area Management Plan (DAMP) as identified in the geotechnical report recommendations and findings, including, but not limited to, infiltration minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas as required by the latest adopted County of Orange Technical Guidance Document (TGD).
 - b. BMP's shall be sized per the requirements of the latest Technical Guidance Documents.
 - c. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP.
 - d. Incorporates structural and Treatment Control BMPs as defined in the DAMP.
 - e. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.

- f. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
 - g. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
 - h. Provides a hydrological analysis with scaled map as well as hydrologic and hydraulic calculations to size storm drains per the Orange County RDMD standards.
- 11. Parkway culverts shall be designed per City of Garden Grove Standard Plan B-209. Storm drain lateral pipe connections to City-maintained storm drains within City right-of-way shall be RCP with a minimum diameter of 18-inches.
- 12. Grading and Street improvement plans prepared by a registered Civil Engineer are required. As required under Section 107 of the California Building Code (CBC), the grading plan shall be based on a current survey of the site, including a boundary survey, topography on adjacent properties up to 30'-0" 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 showing all existing utility facilities, easements and proposed utility facilities. All on-site improvements shall be tied by horizontal dimensional control to the property boundary as established by survey. A minimum uninterrupted 20-foot wide throat access to the site is required from the street for commercial projects and shall meet the requirements of the California Fire Code throughout the site. Vehicle maneuvering, as demonstrated by Auto Turn along private streets and access ways, shall be demonstrated on the grading plan. Street improvement plans shall conform to all format and design requirements of the City Standard Drawings & Specifications.
- 13. The applicant shall coordinate with Planning Services Division and the Orange County Fire Authority to identify proper emergency vehicle access to the site and shall provide the Engineering Division a copy of the approval letters upon first submittal of the grading and street improvement plans.
- 14. Prior to the issuance of the street improvement encroachment permit and grading permit, provide subdivision completion bonds for all work constructed under the street improvements and grading permit for review and approval by the City Engineer, City Attorney, and City Finance Department (Risk Management). Alternate forms of security may be considered, solely at the discretion of the City Engineer and with the concurrence of the City Attorney and City Finance Department (Risk Management)

15. Prior to issuance of a grading permit, the applicant shall design overhead street lighting within the frontage of the development in conformance with City specifications and the approval of the City's Lighting Administrator. Location of lighting poles shall be shown on all the improvement plans and grading plan.
16. The grading plan shall depict an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition and section 1110A of the California Building Code.
17. All trash container areas shall meet the following requirements per City of Garden Grove Standard B-502 and State mandated commercial organic recycling laws, including AB 1826 and its implementing regulations, and any other applicable State recycling laws related to refuse, recyclables, and/or organics, i.e., AB 939, AB 341, SB 1383:
 - a. Paved with an impervious surface, designed not to allow run-on mixing of drainage from adjoining areas, designed to divert drainage from adjoining roofs and pavements to be directed around the area for trash roll-out, and screened or walled to prevent off-site transport of trash by water or wind.
 - b. Provide solid roof or awning to prevent direct precipitation into the enclosure.
 - c. Connection of trash area drains to the municipal storm drain system is prohibited. Drainage from the enclosure may be directed to a conforming grease or contaminant interceptor.
 - d. Potential conflicts with fire code access requirements and garbage pickup routing for access activities shall be considered in implementation of design and source control. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information
 - e. The trash enclosure and containers shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures, and concrete aprons for roll-out areas.
 - f. Pursuant to state mandated commercial organic recycling law-AB 1826, the applicant is required to coordinate storage and removal of the organics waste with local recycling/trash company.
 - g. Pursuant to applicable state mandated laws, the applicant is required to contact and coordinate with the operations manager of the local

recycling/trash company (Republic Services, 800-700-8610) to ensure the trash enclosure includes the appropriate size and number of containers for the disposal of items such as, but may not limited to, municipal solid waste (MSW), recyclables, and organic green waste.

- h. Based on the amount of waste disposed, per week, the applicant shall coordinate with the local recycling/trash company to ensure the adequate frequency of trash pick-up is serviced to the site for municipal solid waste (MSW), recyclables, and organic green waste, including any other type of waste.
 - i. The applicant shall ensure large bulk items, intended for coordinated and scheduled pick-up by the local recycling/trash company, are not placed in areas that encroach into drive aisles, parking spaces, pedestrian pathways, or areas in the front of the property including areas public right-of-way (e.g., street, sidewalk), during and after construction. Any large bulk items shall be out of public vantage points.
 - j. The requirements for the trash enclosure and design criteria are bound and coordinated with the Water Quality Management Plan (WQMP), when required, as depicted on the project grading plan, which shall be incorporated into the WQMP by narrative description, exhibits and an Operation and Maintenance Plan (O&M).
 - k. Trash enclosure areas shall be of appropriate size and number in order to accommodate three (3) separate recycling containers according to the recycling regulations of AB 939, AB 341, AB 1826, and SB 1383.
18. Any new or required block walls and/or retaining walls shall be shown on the grading plans, both in plan-view and cross sections. Cross sections shall show vertical and horizontal relations of improvements (existing and proposed) on both sides of property lines. Required wall heights shall be measured vertically from the highest adjacent finished grade. Block walls shall be designed in accordance to City of Garden Grove Standard B-504, B-505, B-506 & B-508 or designed by a professional registered engineer. In addition, the following shall apply:
- a. The color and material of all proposed block walls, columns, and wrought iron fencing shall be approved by the Planning Services Division prior to installation.
 - b. Openings for drainage through walls shall be shown in section details and approved by the City Engineer. Cross-lot drainage is not allowed.

19. The applicant shall remove any existing substandard driveway approaches, curbs, sidewalks, ADA ramps, pavement sections, tree well and landscaping, and construct Harbor Boulevard frontage improvements as identified below. Unless otherwise agreed in writing by the City and approved by the City Council, consistent with the provisions, performance standards, and limitations of Planned Unit Development No. PUD-141-01(A), all landscape, irrigation, sidewalk, signal modifications and lighting improvements installed within the public rights-of-way shall be maintained by the applicant and shall require the approval of the City Engineer, Street Division, and Planning Services Division.
 - a. A separate street improvement plan shall be prepared and submitted to the Engineering Division for the proposed improvements within the public right-of-way Harbor Boulevard/Twintree Avenue, which shall include any proposed landscaping and irrigation plans. All work shall be per City standards and specifications.
 - b. Existing substandard driveways (2 total) on Harbor Boulevard shall be removed and replaced with new curb, gutter, landscape, and sidewalk per City standards and specifications.
 - c. Construct curb and gutter when replacing any existing driveway approaches along the property frontage on Harbor Boulevard in accordance with City Standard Plan B-113 (Type C-8 Modified).
 - d. The applicant shall coordinate with Public Works Engineering Division to obtain direction on removal and replacement of any existing median or construction of new median improvements per City of Garden Grove Standard B-112 (Type A-8). The applicant shall design and construct median improvements consisting of a landscape/irrigation system fronting the project and completed to match existing median landscaping/irrigation to the other existing medians on Harbor Boulevard. The landscaping template will be provided to the applicant by Engineering Division.
 - e. Prior to occupancy, the applicant shall design and construct or modify existing raised island improvements at the main entrance on Harbor Boulevard to improve on site traffic circulation to be approved by the City Traffic Engineer.
 - f. Any further deviation from the approved traffic circles at the main entrance and in front of hotel lobby shall be approved by the City Traffic Engineer.

- g. The new modified driveway approach to the site on Harbor Boulevard shall be constructed in accordance with Garden Grove Standard B-120.
 - h. The applicant shall remove the existing sidewalk panels fronting the project on Harbor Boulevard and replace it 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 five-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.
 - i. The applicant shall remove and replace the street pavement from the edge of the westerly gutter fronting the property on Harbor Boulevard to the edge of the existing median per City Standard B-101.
 - j. The new landscaping in the Harbor Boulevard public right-of-way shall be consistent with the existing landscape pattern of the resort to the north of the project site, and as approved by Planning Services Division.
 - k. The applicant shall locate all existing public utilities across the property frontage and within the property boundary of the project prior to commencement of grading operation and mobilization.
 - l. The applicant shall coordinate with the Planning Services Division and Public Works Street Division before placing any type of tree within public right-of-way and proposed landscape area.
 - m. Street signs shall be installed as required and approved by the City Traffic Engineer.
 - n. In addition to payment of fair share costs required pursuant to the Planned Unit Development Performance Standards, in the event the traffic signal at the main entrance to the Project has already been installed and modifications to the approved plans necessitate modifications to the installed traffic signal, the applicant shall be fully responsible to pay for the entire cost to design, purchase, and construct such modifications to the traffic signal, as reasonably determined by the City Engineer.
20. The applicant shall remove any existing substandard driveway approaches, curbs, sidewalks, ADA ramps, pavement sections, tree well and landscaping, and construct Twintree Avenue frontage improvements as identified below. All landscape, irrigation, sidewalk, signal modifications or full signal

installation, if necessary, and lighting improvements installed within the public rights-of-way, shall be maintained by the applicant and shall require the approval of the City Engineer, Street Division, and Planning Services Division.

- a. A separate street improvement plan shall be prepared and submitted to the Engineering Division for the proposed improvements within the public right-of-way on Twintree Avenue, which shall include any proposed landscaping and irrigation plans. All work shall be per City standards and specifications.
- b. Existing substandard driveways (3 total) on Twintree Avenue shall be removed and replaced with new curb, gutter, landscape, and sidewalk per City standards and specifications.
- c. The single new driveway approach to the site on Twintree Avenue shall be constructed in accordance with Garden Grove Standard B-121. Standard B-121 call for a minimum width of 30-feet for commercial 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 driveway approach on Twintree Avenue shall be limited to left turn-out and right turn-in only access. The drive approach shall be designated in a manner to allow emergency vehicle access.
- e. The applicant shall remove all existing damaged sidewalk panels fronting the project on Twintree Avenue and replace it with new sidewalk panels in accordance with City of Garden Grove Standard B-106. The owner/contractor shall verify the removal and replacement sections of the sidewalk concrete panels with public works inspector prior to start of construction. Said sidewalk shall be separated from the street curb by a six-foot landscaped area designated in a manner meeting the approval of the Planning Services Division.
- f. The applicant shall construct curb and gutter when replacing any existing driveway approach along the property frontage on Twintree Avenue in accordance with City Standard Plan B-114 (Type D-6).
- g. One new wheelchair ramp and landing shall be constructed per latest Caltrans Standard Plan A88A at the northwest corner of Harbor Boulevard and Twintree Avenue.
- h. The applicant shall locate all existing public utilities across the property frontage and within the property boundary of the project prior to commencement of grading operation and mobilization.

- i. The applicant shall coordinate with the Planning Services Division and Public Works Street Division before placing any type of tree within public right-of-way and proposed landscape area.
 - j. Street signs shall be installed as required and approved by the City Traffic Engineer.
21. The width of all private streets with rolled curb & gutter shall be measured from the flowline to flowline of the gutter per City of Garden Grove Standard B-116. Catch basin and parkway drain standards shall be modified to match the design geometrics of rolled curb as required and approved by the City Engineer.
22. A minimum three-foot-by-three-foot-wide maneuvering area shall be provided at the end of a dead-end parking aisle serving more than five (5) consecutive stalls and shall consist of nine-foot-by-nineteen-foot-wide turnaround space.

Permit Issuance

23. 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.
24. A separate street permit is required for work performed within the public right-of-way.
25. Grading fees shall be calculated based on the current fee schedule at the time of permit issuance.
26. 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. Construction vehicles should be parked off traveled roadways in a designated parking area. Parking areas, whether on-site or off-site, shall be included and covered by the erosion control and the Storm Water Pollution Prevention plan (SWPPP).
27. Prior to issuance of a grading permit, the applicant shall submit and obtain approval of a worksite traffic control plan for all the proposed improvements within public right-of-way, and shall be subject to the review and approval of the City Traffic Engineer.

28. In accordance to City of Garden Grove Municipal Code (Chapter 9.48.030), the applicant is required to underground all existing and proposed on-site and off-site utility facilities fronting the project which the developer is developing or redeveloping. All existing improvements and utilities shall be shown as part of the grading submittal package in the topography section.
29. 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. The assigned WDID number must appear on the cover sheet of the project grading plan.

Project Construction/Operation

30. The applicant shall coordinate with City's Public Works Department (Engineering, Water Services and Streets Division) and set-up appointments for pre-construction inspections for all the on-site and off-site improvements prior to commencement of grading operation and mobilization.
31. 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.
32. The applicant and its 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 its 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 its contractor shall be liable for, at his expense, any resurvey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls. Temporary Benchmarks shall not be used for

Vertical control. Benchmarks shall be to the National Geodetic Vertical Datum (NGVD).

33. Heavy construction truck traffic and hauling trips, and any required lane closures shall 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.
34. 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 the applicant is prepared to implement and maintain 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.
 - e. Identify responsible contractor and individuals for maintaining the new landscape and irrigation improvements for a period of five (5) years following the acceptance of the improvements by the City.

Building and Safety Division Services Division

35. All plans shall conform to the latest California (CA) Building Standards Code (CBC) at time of permit application.
36. The building shall be equipped with an automatic fire sprinkler system per CBC Chapter 9 and CA Fire Code.
37. A soil report complying with CBC Chapter 18 shall be required and shall be submitted for review at time of building permit application.
38. A Geo-technical peer review of the soil report shall be required, and shall be complete prior to building permit application.
39. Building commissioning shall be required per CA Energy Standards.
40. Exterior path-of-travels and interior accessible routes shall comply with CBC Chapter 11B.

41. All rooms/spaces/elements shall be on an accessible route per CBC Chapter 11B.
42. Fire rated construction shall comply with CBC Chapter 7.
43. The project shall comply with the CA Green Code.

Public Works Water Services Division

44. New water service installations 2-inch and smaller, shall be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services 3-inch and larger, shall be installed by developer/owner's contractor per City Standards.
45. Water meters shall be located within the City right-of-way or within dedicated waterline easement. Fire services and large water services 3-inch and larger, shall be installed by contractor with Class A or C-34 license, per City water standards and be inspected by approved Public Works inspection.
46. Domestic water and fire water shall tie into the existing 12-inch water main on Harbor Blvd.
47. If a looped water system is proposed, each point of connection to the City water main shall have a backflow prevention device per City standards.
48. Existing 6-inch water main and water services located in Thackery Drive shall be removed and 6" x 6" tee connection in the intersection of Thackery Drive and Twintree Avenue shall be abandoned per City Standards and Specifications.
49. 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.
50. 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.

51. A composite utility site plan shall be part of the water plan approval.
52. Water system on-site, not protected by backflow prevention device, shall be constructed per City Standards by developer and dedicated to the City. Bonding will be required.
53. There shall be a minimum 15-foot clearance of building footings from water main. Clearances less than 15 feet shall be reviewed and approved by Water Engineering.
54. There shall be no structures or utilities built, on or crossing, water or sewer main easements.
55. New utilities shall have a minimum 5-foot horizontal and a minimum 1-foot vertical clearance from water main and appurtenances.
56. There shall be a minimum clearance from sewer main and water main of 10 feet from outside-of-pipe to outside-of-pipe.
57. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
58. Any fire service and private fire hydrant lateral 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.
59. No permanent structures, trees or deep-rooted plants shall be placed over sewer main or water main.
60. Location and number of fire hydrants shall be as required by Water Services Division and the Orange County Fire Authority.
61. Commercial food use of any type shall require the installation of an approved grease interceptor prior to obtaining a business license. Plumbing plan for grease interceptor shall be routed to environmental services for review.
62. 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.

63. 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.
64. Owner shall install new sewer lateral with clean-out at right-of-way line. Lateral shall tie in to the 18-inch sewer main on Harbor Boulevard. Lateral in public right-of-way shall be 6-inch minimum diameter, extra strength VCP with wedgelock joints, and shall have a minimum 2% slope or minimum 2 ft/s (feet/second) velocity.
65. Existing 8-inch sewer mains and laterals on Thackery Drive and public alley shall be removed, and the connections to manholes on Twintree Avenue shall be plugged per City Standards and Specifications.
66. All perpendicular crossings of the sewer shall maintain a vertical separation of minimum 12-inch below the water main, outer-diameter to outer-diameter. All exceptions to the above require a variance from the State Water Resources Control Board.

Planning Services Division

67. The applicant shall submit detailed plans, showing the proposed location of utilities and mechanical equipment to the Community and Economic Development Department, Planning Services Division for review and approval prior to submitting plans into the Building and Safety Division Plan Check process. 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 Avenue, and shall be screened to the satisfaction of the Community and Economic 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 and Economic 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.
 - e. No exterior piping, plumbing, or mechanical ductwork shall be permitted on any exterior façade and/or be visible from any public right-of-way or adjoining property. Roof rain gutters are permitted. The rain gutters shall follow the natural architectural lines of the building.
68. All landscaping shall be consistent with the landscape requirements within the development standards set forth in Planned Unit Development No. PUD-141-01(A). The applicant shall submit a complete and detailed landscaping plan with irrigation systems included for review and approval by the Community and Economic Development Department prior to the issuance of a building permit. Drought tolerant plantings are encouraged. The landscape plan shall include the type (both common and botanical names), size, location, and quantity of all proposed plant material. All proposed landscaping shall be planted prior to the finalization of the building permit. The plan shall be consistent with the landscape requirements set forth and/or incorporated in the Garden Grove Municipal Code. All landscape irrigation shall comply with the City's Landscape Ordinance, associated Water Efficiency Guidelines and all recent applicable revisions from the State of California on water conservation measures shall be to the landscape plans. 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. Subsurface systems are encouraged. The irrigation plan for any new trees shall have a deep-water irrigation system that shall be specified on the landscape plan. A detail of the deep-water irrigation system shall be provided for review. If sprinklers are used, they shall be 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. Clinging vines shall be installed within the landscape planters along the perimeter block walls to deter graffiti.
- d. Trees planted within ten (10) feet 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.
- e. 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 and Economic Development Director may approve minor modifications to the foregoing standards as to height, size, and placement of the palm trees along Harbor Boulevard.
- f. Landscaping along Twintree Avenue, including within the public right-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.
- g. Flexibility to the height of the palm trees, and their placement along Harbor Boulevard, shall be reviewed and approved by the Community and Economic Development Director.
- h. All landscape areas, including the areas located within the public right-of-way along Harbor Boulevard and Twintree Avenue, are the responsibility of the developer/operator of the hotel.
- i. 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, in accordance with Chapter 6.40 of the Garden Grove Municipal Code, and the regulations and technical documents incorporated and required thereunder, including, but not limited to 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.

- j. At the time of irrigation installation, the irrigation system shall comply with all applicable provisions of the City's Water Conservation Ordinance, the City's Municipal Code landscape provisions, and all applicable state regulations.
 - k. All above-ground utilities (e.g. water backflow devices, electrical transformers, irrigation equipment) shall be shown on the landscaping plan in order to ensure proper landscape screening will be provided.
69. Hours and days of construction and grading shall be as set forth in Chapter 8.47 of the City of Garden Grove Municipal Code, except as follows:
- a. Monday through Saturday - not before 7:00 a.m. and not after 8:00 p.m. (of the same day).
 - b. Sunday and Federal Holidays - may work same hours, but subject to noise restrictions as established in Chapter 8.47 of the Municipal Code.
70. There shall be no deliveries from or to the premises before 7:00 a.m. and after 10:00 p.m., seven days a week. Signage shall be posted in the designed loading areas reflecting these delivery hours.
71. The parking structure shall be designed to be architecturally compatible with the hotel's architectural design and shall integrate similar design features, details, and materials. The louvered or perforated wall paneling required as part of the project design feature shall be architecturally compatible and integrated with the design of the hotel building. All sides of a parking structure that are in view from adjacent properties and the public rights-of-way shall be architecturally enhanced. The parking structure shall be well illuminated, including having the interior of the parking garage painted a light color, and designed to meet City parking standards for drive-aisle width, stall sizes, and height clearances. The design of the parking structure stairwells shall architecturally match the design of the parking structure, and shall be designed to reduce visibility to the adjacent residential properties.
72. A minimum of 480 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 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 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 of

the Shared Parking Study and/or any subsequent shared parking analysis approved by the City.

73. The service and sale of alcoholic beverages within the hotel, hotel restaurants, and hotel ballroom/meeting rooms shall be subject to approval of a Conditional Use Permit.
74. 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 and Economic 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 northwest and western property lines, adjacent to the residential properties. The block wall located adjacent to the Twintree Avenue driveway entrance shall comply with the vehicular line-of-sight clearances designed to the satisfaction of the City's Traffic Engineer.
 - c. Any new block walls constructed along the Twintree Avenue property line (southern property line) shall maintain a five-foot setback from the property line.
 - d. At no time shall a wall be placed within nine-feet from the property line.
 - e. The applicant 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 adjacent 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.
 - f. The Community and Economic 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-141-01(A). Notwithstanding the foregoing, with exception of the block wall on the westerly or northwesterly 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.

75. Building color and material samples shall be submitted to the Planning Services 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 and Economic Development Department.
76. The developer shall comply with all provisions of the Community and Economic Development Department including, but not limited to, the following:
 - a. The facades of the hotel 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 and Economic Development Department prior to the issuance of building permits.
 - b. Prior to the finalization of working drawings, the developer shall submit to the Community and Economic Development Department detailed and dimensioned plot plans, floor plans, exterior elevations, and landscape plans which reflect the above conditions of approval, including mitigation measures and project design features of the Mitigated Negative Declaration of PUD-141-01(A). 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 and Economic Development Department prior to issuance of building permits. The phasing plan shall include, but not be 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 and Economic Development, OCFA, 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 reasonable satisfaction of the Community and Economic Development Department.

77. The project shall comply with the following refuse storage requirements:

- a. The 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.
- b. The refuse storage and collection areas shall be designed to comply with the City's B-502 trash enclosure standard, or with an alternative design approved by the Public Works Engineering Division.
- c. 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. The applicant shall provide sufficient trash bins and pickups to accommodate the site.
- d. The refuse storage area shall have a unifying color and exterior finish that matches, and are integrated, with the proposed development. The proposed roof design of the trash enclosure shall be architecturally compatible with the design of the development. The Planning Services Division shall review and approve the design of the proposed roof and the material(s). The proposed roof and materials shall also comply with the building code requirements.

78. No satellite dish antennas shall be installed on said premises unless and until plans have been submitted to and approved by the Community and Economic Development Department, Planning Services Division, which may require proper screening to hide such appurtenances from public view.

79. All service doors 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.
80. Litter shall be removed daily from the project site including adjacent public sidewalks and all parking areas under the control of the applicant. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
81. The applicant shall abate all graffiti vandalism within the premises. The applicant shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
82. The developer/owner shall submit signed letters acknowledging receipt of the decision for Site Plan No. SP-107-2022, and their agreement with all conditions of approval.
83. In accordance with Garden Grove Municipal Code Sections 9.32.160 and 9.40.070.A, respectively, the rights granted pursuant to Site Plan No. SP-107-2022 shall be valid for a period of two years from the effective date of this approval. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of the Municipal Code, the rights conferred by Site Plan No. SP-107-2022 shall become null and void if the subject development and construction necessary and incidental thereto is not commenced within one (1) years of the expiration of the appeal period and thereafter diligently advanced until completion of the project. In the event construction of the project is commenced, but not diligently advanced until completion, the rights granted pursuant to Site Plan No. SP-107-2022 shall expire if the building permits for the project expire.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING – MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM/ PLANNED UNIT DEVELOPMENT NO. PUD-141-01(A), AND SITE PLAN NO. SP-107-2022 FOR PROPERTY LOCATED ON THE NORTHWEST CORNER OF TWINTREE AVENUE AND HARBOR BOULEVARD, EAST OF TAMERLANE DRIVE, COMPRISED OF THE FOLLOWING ADDRESSES – HARBOR BOULEVARD: 12241, 12261, 12271, 12291, 12311, 12323/12321; THACKERY DRIVE: 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291, 12311, 12321. ASSESSOR PARCEL NUMBERS: 231-471-06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24.

Applicant: KAM SANG COMPANY

Date: July 7, 2022

Request: The applicant is requesting approval to develop a 3.72-acre site with the Nickelodeon Hotel Resort. The Planning Commission will consider the following: (i) a recommendation that the City Council approve an amendment to Planned Unit Development No. PUD-141-01 to create a new sub-area, PUD-141-01(A), to facilitate the development of a full-service, high-rise hotel resort with hotel program entertainment, a pool deck, ballroom/meeting space, and food and beverage (restaurant) opportunities; and (ii) contingent approval of Site Plan No. SP-107-2022 to authorize the construction of the proposed hotel resort. The proposed project will consist of a 500-room hotel resort with a themed pool experience with a lazy river and a pool slide; event space with a 600-seat theater; 17,715 square feet of ballroom/meeting space; 22,296 square feet of hotel restaurant; 5,480 square feet of retail; themed amenities totaling 13,238 square feet; a 7,000 square-foot arcade; a spa and fitness center at 8,532 square feet; a five-level parking structure with 528 parking spaces; and related site improvements.

Action: Resolution Nos. 6044-22 (PUD) and 6045-22 (SP) were approved. Other than the applicant, four representatives from the Carpenters Union spoke in favor of the project citing the ability to live and work in the same area. One representative from Unite Here Local 11 submitted a letter and spoke in opposition to the project stating a residential project would better suit the community and have less of a carbon footprint. Also, one person noted that hotel TOT tax revenue would benefit the City and the carbon footprint would be less by using local workers.

Several letters were submitted with environmental comments related to CEQA. Amendments included:

For Site Plan No. SP-107-2022, a new sub-condition “n.” was added to Condition of Approval No. 19 to read:

- n. In addition to payment of fair share costs required pursuant to the Planned Unit Development Performance Standards, in the event the traffic signal at the main entrance to the Project has already been installed and modifications to the approved plans necessitate modifications to the installed traffic signal, the applicant shall be fully responsible to pay for the entire cost to design, purchase, and construct such modifications to the traffic signal, as reasonably determined by the City Engineer.

Two site addresses were modified:

- 11261 Harbor Boulevard was revised to 12261 Harbor Boulevard
- 12323 Harbor Boulevard was revised to 12323/12321 Harbor Boulevard

Motion: Lindsay Second: Arestegui

Ayes: (7) Arestegui, Cunningham, Lehman, Lindsay, Perez, Ramirez, Soeffner

Noes: (0) None

**DRAFT
INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION
SITE B-2 HOTEL**



Lead Agency
City of Garden Grove
Community and Economic Development Department
11222 Acacia Parkway
Garden Grove, CA 92840

Prepared by
AECOM
999 Town & Country Road
Orange, CA 92868

June 2022

Page intentionally left blank

TABLE OF CONTENTS

1.0	Introduction	1
1.1	Purpose of the Initial Study.....	1
1.2	Document Organization.....	1
2.0	Environmental Setting.....	3
2.1	Project Location	3
2.2	Existing Project Site	3
2.3	Existing Land Uses and Zoning Designation of the Project Site	3
2.4	Surrounding General Plan and Zoning Designations.....	7
3.0	Project Description.....	9
3.1	Project Overview	9
3.2	Construction	11
3.3	Project Design Features.....	11
3.4	Discretionary Actions and Approvals	14
4.0	Environmental Checklist.....	15
4.1	Environmental Factors Potentially Affected	15
4.2	Determination.....	16
4.3	Environmental Checklist Questions.....	19
5.0	Document Preparers and Contributors	97

APPENDICES

Appendix A	Shade and Shadow Study
Appendix B	Air Quality and Greenhouse Gas Impact Study
Appendix C	California Department of Fish and Wildlife – California Natural Diversity Database
Appendix D	Cultural, Paleontological and Tribal Cultural Resources Technical Memorandum
Appendix E	Geotechnical Investigation
Appendix F1	Preliminary Hydrology Report
Appendix F2	Preliminary Water Quality Management Plan
Appendix G	Water Supply Assessment
Appendix H	Noise Impact Study
Appendix I	Traffic Impact Study
Appendix J	ULI Shared Parking Study

LIST OF FIGURES

Figure 1: Regional Location	4
Figure 2: Vicinity Map	5
Figure 3: Project Site.....	6

LIST OF TABLES

Table 1: Project Summary	10
Table 2: Parking Summary	11
Table 3: Maximum Daily Project Construction-Related Emissions.....	28
Table 4: Maximum Daily Project Operation-Related Emissions.....	29
Table 5: Vibration Annoyance Potential Criteria	73
Table 6: Vibration Damage Potential Threshold Criteria	73
Table 7: Construction Vibration Impact Analysis	74



MITIGATED NEGATIVE DECLARATION

Title of Project (including any commonly used name for the project): Site B-2 Hotel Project (herein referred to as the “proposed project”)

Brief Description of Project: The proposed project involves construction of a full-service high-rise (maximum height of 350 feet) resort hotel with hotel program entertainment/pool deck (height of approximately 61 feet) on a 3.72-acre site. The proposed hotel would include 500 guest suites with balconies; themed pool experience with lazy river; storage and loading area at 8,600 square feet maximum; event space with a 600-person maximum occupancy theater; a grand ballroom at 9,490 square feet; two meeting rooms at 4,194 square feet and 4,031 square feet; a variety of food and beverage opportunities to be placed throughout the hotel totaling a maximum area of 22,296 square feet; themed amenities totaling 13,238 square feet; a 7,000-square foot arcade; and a spa and fitness center at 8,532 square feet. All hotel amenities, except for the ballroom, meeting rooms, and 11,148 square feet of restaurant, would be for the hotel guests use only. For further details, refer to Section 3.0, Project Description.

Project Location (see also attached map): The project site is located at the northwest corner of Harbor Boulevard and Twintree Avenue, south of Sheraton Hotel, and east of Tamerlane Drive in the City of Garden Grove at 12241, 11261, 12271, 12291, 12311 and 12323 Harbor Boulevard (Assessor’s Parcel Numbers 231-471-06, 07, 08, 09, 10, and 11); and 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291, 12311, and 12321 Thackery Drive (Assessor’s Parcel Numbers 231-471-18, 17, 16, 15, 14, 13, 12, 19, 20, 21, 22, 23, and 24).

Name of the Project Proponent: Kam Sang Company

Cortese List: The proposed project () does (x) does not involve a site located on the Cortese list.

Finding: Pursuant to the California Environmental Quality Act, the City of Garden Grove has determined that the proposed project will not have a significant effect on the environment. The attached Initial Study summarizes the substantial evidence supporting this finding.

Mitigation Measures: Refer to Section 4.3, Environmental Checklist Questions.

Page intentionally left blank

1.0 INTRODUCTION

This Initial Study/Mitigated Negative Declaration (IS/MND) evaluates the potential environmental impacts of the Site B-2 Hotel Project (proposed project) proposed by Kam Sang Company (Project Applicant). The proposed project calls for the construction and operation of a full service high-rise resort hotel with 500 guest suites with balconies and amenities such as a themed pool with lazy river, event space, ballroom, food and beverage, arcade, and spa and fitness center.

1.1 PURPOSE OF THE INITIAL STUDY

This IS/MND has been prepared in accordance with the California Environmental Quality Act (CEQA) of 1970 (Public Resources Code Sections 21000 et seq.) and California Code of Regulations, Title 14, Division 6, Chapter 3 (State CEQA Guidelines, Sections 15000 et seq.). Pursuant to CEQA, this IS/MND has been prepared to analyze the potential impacts on the environment resulting from construction and operation of the proposed project. The City of Garden Grove (City) is the designated Lead Agency for the proposed project and will be responsible for the proposed project's environmental review.

1.2 DOCUMENT ORGANIZATION

This IS/MND includes the following sections:

Section 1.0, Introduction: Provides information about CEQA and its requirements for environmental review and explains that an IS/MND was prepared to evaluate the proposed project's potential impacts to the environment.

Section 2.0, Environmental Setting: Provides information about the proposed project's location.

Section 3.0, Project Description: Includes a description of the proposed project's physical features and construction and operational characteristics. Also includes a list of the discretionary approvals that would be required by the proposed project.

Section 4.0, Environmental Checklist: Includes the Environmental Checklist and evaluates the proposed project's potential to result in significant adverse effects to the physical environment.

Section 5.0, Document Preparers and Contributors: Includes a list of the persons that prepared this IS/MND.

Page intentionally left blank

2.0 ENVIRONMENTAL SETTING

2.1 PROJECT LOCATION

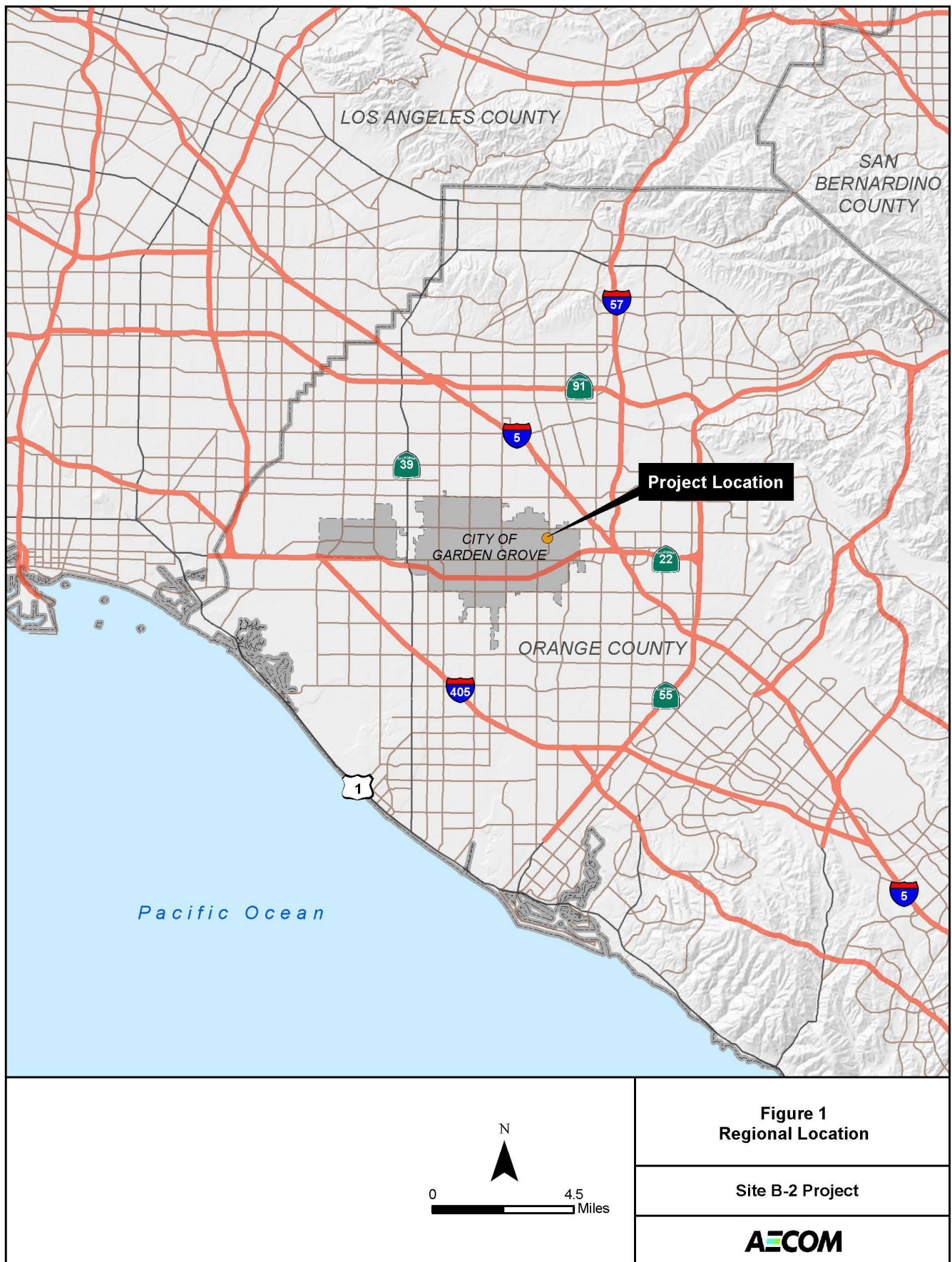
The project site is located at the northwest corner of Harbor Boulevard and Twintree Avenue, along the west and east sides of Thackery Drive, east of Tamerlane Drive in the City of Garden Grove. Regional access to the project site is provided by State Route 22 (SR-22) and Interstate 5 (I-5) (Figure 1). Local access to the project site is currently provided via Harbor Boulevard, Twintree Avenue, and Thackery Drive. Thackery Drive and a public alley will be vacated to facilitate the proposed project. The project site and surrounding area are shown in Figure 2. The project site is located at 12241, 11261, 12271, 12291, 12311 and 12323 Harbor Boulevard (Assessor's Parcel Numbers 231-471-06, 07, 08, 09, 10, and 11); and 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291, 12311, and 12321 Thackery Drive (Assessor's Parcel Numbers 231-471-18, 17, 16, 15, 14, 13, 12, 19, 20, 21, 22, 23, and 24).

2.2 EXISTING PROJECT SITE

The existing project site encompasses 3.72 acres of a previously disturbed site where the north/northeastern parcels of the project site are paved and used for parking for the adjacent Sheraton Hotel, whereas the remaining parcels are dirt pads with limited vegetation that are mostly vacant except for the southeastern parcels that are used for temporary construction storage. The easterly portion of Thackery Drive from the centerline of the street has been demolished recently; the westerly paved street portion of Thackery Drive continues to remain. The existing site is fenced and not accessible to the public. Demolition of the prior residential and commercial structures occurred between 2004 and 2013 (Figure 3).

2.3 EXISTING LAND USES AND ZONING DESIGNATION OF THE PROJECT SITE

The project site has a General Plan land use designation of International West Mixed Use (IW) and is zoned as Planned Unit Development (PUD-141-01) and Single-Family Residential Zone (R-1-7). Thirteen parcels are zoned PUD-141-01 (12241, 11261, 12271, 12291, 12311 and 12323 Harbor Boulevard and 12246, 12252, 12262, 12282, 12292, 12312, 12322 Thackery Drive), while six (6) parcels are zoned R-1-7 (12251, 12261, 12281, 12291, 12311, and 12321 Thackery Drive). The IW designation allows for a mix of uses, including resort, entertainment, hotel, and some higher density residential that are appropriate for a major entertainment and tourism destination.







2.4 SURROUNDING GENERAL PLAN AND ZONING DESIGNATIONS

The project site is located within a fully developed and urbanized area. The project site is bounded by:

	Existing Land Use	General Plan Designation	Zoning Designation
North	Sheraton Hotel and associated paved parking areas	IW	PUD-141-01
Northwest	Multiple-family apartments and associated paved parking areas	IW	R-3
East	Harbor Boulevard and vacant lots approved for hotel	IW	PUD-128-12
South	Twintree Avenue and commercial and residential structures	IW and Low Density Residential (LDR)	PUD-121-98 and R-1-7
West	Residential structures	IW and LDR	R-1-7

Page intentionally left blank

3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

The proposed project involves construction of a full-service high-rise (maximum height of 350 feet) resort hotel with hotel program entertainment/pool deck (height of approximately 61 feet) on a 3.72-acre site. The proposed hotel would include 500 guest suites with balconies; themed pool experience with lazy river; storage and loading area at 8,600 square feet maximum; event space with a 600-person maximum occupancy theater; a grand ballroom at 9,490 square feet; two (2) meeting rooms at 4,194 square feet and 4,031 square feet, respectively; a variety of food and beverage opportunities to be placed throughout the hotel totaling a maximum area of 22,296 square feet; themed amenities totaling 13,238 square feet; a 7,000-square foot arcade; and a spa and fitness center at 8,532 square feet (see Table 1). All hotel amenities, except for the ballroom, meeting rooms, and 11,148 square feet of restaurant, would be for the hotel guests use only.

The proposed project would also include a five-level (approximately 61 feet) parking garage (four levels above grade and one level below grade) with a grand total of 528 spaces to serve the 500 guest suites, event space, commercial and retail uses, food and beverage needs, as well as other amenities such as spa and fitness center (see Table 2).

To accommodate the proposed development, the proposed project also includes vacation of a public street (Thackery Drive) and public alley located entirely within the site.

Table 1: Project Summary

Project Features	Summary
Project Site Area	3.72 acres (161,933 square feet [SF])
Landscape Area (Additional 12,000 SF to be provided at the podium for a grand total of 51,711 SF of landscape or 31% coverage.)	26,224 SF (at street level) 13,487 SF (at podium level) 39,711 SF (27% coverage)
Total Hotel Rooms	500 keys
Ballroom/Meeting Rooms	
Ballroom	9,490 SF
Meeting Room 'A'	4,194 SF
Meeting Room 'B'	4,031 SF
Restaurant, Lobby, Amenities	
Food and Beverage	22,296 SF
Hotel Themed Amenities	13,238 SF
Nick Studio (Theater)	7,039 SF
Studio Hall	6,448 SF
Nick Arcade	7,000 SF
Spa/Fitness	8,532 SF
Hotel Themed Pool	24,980 SF
Office, Back of House, Others	
Hotel Office (Production)	3,173 SF
Hotel Support (Offices)	11,329 SF
Back of House (Support)	16,492 SF
Retail	5,480 SF
Hotel	289,891 SF
Storage, Loading	8,600 SF
Parking (528 spaces)	249,480 SF
Below Grade Parking	52,206 SF
Hotel Tower Maximum Height	350 feet
Hotel Program Entertainment/Pool Deck	60 feet 7 inches
Total Building Area	691,693 SF

Table 2: Parking Summary

Parking Level	Total Space
Level 4 (52,206 SF)	110
Level 3 (52,206 SF)	110
Level 2 (52,206 SF)	110
Level1 (40,656 SF)	84
Level B1 (52,206 SF)	114
Total Parking Spaces Provided	528
Total EV Parking Spaces Provided	28
Total ADA Spaces Provided	20

Notes: All entertainment, 11,148 square feet of restaurants, spa/fitness, Nick studio, Nick Amenities, and retail are intended for occupied guest of the hotel

3.2 CONSTRUCTION

The proposed project construction would take approximately 30 months in a single phase. The construction and grading activities hours would comply with the noise limitation provisions set forth in the City of Garden Grove's Noise Ordinance, Garden Grove Municipal Code Sections 8.47.040 to 8.47.060, except that permitted hours and days of construction and grading will be as follows: Monday through Saturday – not before 7:00 a.m. and not after 8:00 p.m. (of the same day); and Sunday and Federal Holidays – may work the same hours, but be subject to the restrictions as stipulated in Sections 8.47.040 to 8.47.060 of the Municipal Code. Compliance with the permitted hours and days of construction and grading would be imposed as conditions of approval for the proposed project. The maximum number of employees during construction would be 210 toward the last six-month period of construction.

3.3 PROJECT DESIGN FEATURES

The following Project Design Features (PDFs) would be implemented during construction and operation of the proposed project. These PDFs would be imposed as conditions of approval for the proposed project.

Construction PDFs

PDF-1 Prior to starting construction, the project should submit a Construction Management Plan to the City of Garden Grove that specifies how all construction design features will be implemented.

PDF-2 The project must follow the standard South Coast Air Quality Management District (SCAQMD) rules (Rule 403) and requirements applicable to fugitive dust control, which include, but are not limited to the following:

1. All active construction areas shall be watered two (2) times daily.
2. Speed on unpaved roads shall be reduced to less than 15 miles per hour (mph).
3. Any visible dirt deposition on any public roadway shall be swept or washed at the site access points within 30 minutes.
4. Any onsite stockpiles of debris, dirt or other dusty material shall be covered or watered twice daily.

5. All operations on any unpaved surface shall be suspended if winds exceed 15 mph.
6. Access points shall be washed or swept daily.
7. Construction sites shall be sandbagged for erosion control.
8. Apply nontoxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).
9. Cover all trucks hauling dirt, sand, soil, or other loose materials, and maintain at least 2 feet of freeboard space in accordance with the requirements of California Vehicle Code (CVC) section 23114.
10. Pave or provide construction access roads at least 100 feet onto the site from the main road and use gravel aprons at truck exits.
11. Replace the ground cover of disturbed areas as quickly possible.

PDF-3 All diesel construction equipment should have Tier 4 low emission "clean diesel" engines (OEM or retrofit) that include diesel oxidation catalysts and diesel particulate filters that meet the latest California Air Resources Board (CARB) best available control technology.

PDF-4 Construction equipment should be maintained in proper tune.

PDF-5 All construction vehicles should be prohibited from excessive idling. Excessive idling is defined as five (5) minutes or longer.

PDF-6 Minimize the simultaneous operation of multiple construction equipment units, to the maximum extent feasible.

PDF-7 The use of heavy construction equipment and earthmoving activity should be suspended during Air Alerts when the Air Quality Index reaches the "Unhealthy" level.

PDF-8 Establish an electricity supply to the construction site and use electric powered equipment instead of diesel-powered equipment or generators, where feasible.

PDF-9 Establish staging areas for the construction equipment that as far from adjacent residential homes, as feasible.

PDF-10 Use haul trucks with on-road engines instead of off-road engines for onsite hauling.

Operational PDFs

PDF-11 The project should comply with the mandatory requirements of the latest California Building Standards Code, Title 24, Part 6 (Energy Code) and Part 11 (California Green Building Standards Code [CALGreen]), including the provisions for bicycle parking, electric vehicle charging stations, energy efficiency, material conservation, and water/waste reduction.

PDF-12 Install signage at loading docks requiring trucks to limit engine idling times to 5 minutes or less.

PDF-13 The project must install an eight (8) foot high masonry block noise barrier wall along the western and northwestern property line. The property line wall will be constructed using masonry block and the barrier's weight must be at least 3.5 pounds per square foot of face area without decorative cutouts or

line-of-site openings between the shielded areas and the project site. All gaps (except for weep holes) must be filled with grout or caulking to avoid flanking.

PDF-14 All central plant heating, ventilation, and air conditioning (HVAC) equipment, mechanical pumps and pool equipment must be fully enclosed inside the building structure.

PDF-15 The hotel themed pool attraction and outdoor pool deck operation will be open only during daytime hours (7 a.m. – 10 p.m.).

PDF-16 A minimum eight (8) foot high noise barrier shielding wall should be installed and maintained along all sides of the perimeter of the outdoor patio and pool deck area on level six (6) to shield noise associated with pool activities. The barrier's weight should be at least 3.5 pounds per square foot of face area without decorative cutouts or line-of-site openings between the shielded areas and the project site. All gaps (except for weep holes) should be filled with grout or caulking to avoid flanking. Noise control barrier may be constructed using one, or any combination of the following materials:

- Masonry block
- Stucco veneer over wood framing (or foam core), or 1-inch thick tongue and groove wood of sufficient weight per square foot; and/or,
- Transparent glass (5/8 inch thick), acrylic, polycarbonate, or other transparent material with sufficient weight per square foot.

PDF-17 The project should provide one row of vegetation along the north, west, and south sides of the interior pool deck wall on level six (6) by planting evergreen trees/shrubs. A dense vegetation barrier can help provide some sound absorption and visual screening to further help reduce noise levels impacting the adjacent residential homes surrounding the project site. Vegetation should be at least as high as the wall (8 feet).

PDF-18 Outdoor speakers on the pool deck must be predominantly located and concealed within the landscape. All outdoor speakers must be located not greater than eight (8) feet high above the pool deck and directed inwards towards the pool or lazy river area.

PDF-19 The project access on Twintree Avenue must be restricted to emergency access, maintenance vehicles, trash, and delivery trucks only. All employee and guest access to the project site, including tourist buses and shuttles, must be via Harbor Boulevard.

PDF-20 Delivery, loading/unloading activity, and trash pick-up hours shall be limited to daytime hours (7:00 a.m. – 10:00 p.m.) only, per the requirements of Garden Grove Municipal Code Section 8.47.060(I). Signage should be posted in the designated loading areas reflecting these hour restrictions.

PDF-21 Engine idling time for all delivery vehicles and trucks must be limited to 5 minutes or less. Signage should be posted in the designated loading areas reflecting the idling restrictions.

PDF-22 A 4-foot high noise shielding wall must be installed on the perimeter of each floor of the parking structure facing the residential neighborhood to the west, north and south.

PDF-23 The drive aisle surfaces within the parking structure must have a textured finish or treatment that helps minimize tire squeal.

PDF-24 The exterior façade of the parking structure must include louvered or perforated wall paneling to help conceal parking structure activities and reduce noise levels. Paneling should cover the entire upper portions of the parking structure openings of each floor facing the west, north and south.

PDF-25 The project must comply with the California Title 24 Sound Transmissions requirements for exterior walls, roofs, and common separating assemblies (e.g., floor/ceiling assemblies and demising walls).

- a. Walls, partitions, and floor-ceiling assemblies separating sleeping units from each other or from public or service areas shall have a sound transmission class (STC) of not less than 50, or not less than 45 if field tested.
- b. Floor-ceiling assemblies between sleeping units shall have an impact insulation class (IIC) rating of not less than 50, or not less than 45 if field tested.
- c. Interior noise levels due to exterior sources shall not exceed a community noise equivalent level (CNEL) or a day-night level (LDN) of 45 A-weighted decibel (dBA), in any habitable room.

PDF-26 For proper acoustical performance, the project must utilize standard building practices to ensure all exterior windows, doors, and sliding glass doors have a positive seal and leaks/cracks are kept to a minimum.

3.4 DISCRETIONARY ACTIONS AND APPROVALS

The following discretionary actions and other non-discretionary approvals are required to implement the proposed project.

- Approval of the MND Adoption of Mitigation Monitoring and Reporting Program
- Approval of Zone Change to subzone Planned Unit Development No. PUD-141-01(A)
- Approval of Site Plan No. SP-107-2022
- Approval of a Street Vacation
- Approval of a Tentative Tract Map
- Approval of a Development Agreement
- Approval of Grading
- Approval of Building and Occupancy Permits
- Approval of a Conditional Use Permit
- Approval of Final Water Quality Management Plan and Stormwater Pollution Prevention Plan (SWPPP)

4.0 ENVIRONMENTAL CHECKLIST

This section includes the initial study checklist form found in Appendix G of the CEQA Guidelines. The checklist form is used to assist in evaluating the potential environmental impacts of the proposed project. The checklist form identifies potential project impacts as follows: 1) Potentially Significant Impact; 2) Less Than Significant with Mitigation Incorporated; 3) Less Than Significant Impact; and 4) No Impact. Substantiation and clarification for each checklist response is provided in Section 4.3 below. Included in the discussion for each topic, as necessary, are mitigation measures that are recommended for implementation as part of the proposed project to reduce potentially significant impacts to less than significant.

4.1 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, meaning at least one impact is “Less Than Significant Impact with Mitigation Incorporated” as explained below.

Environmental Factors Potentially Affected

X	Aesthetics		Agriculture and Forest Resources		Air Quality
X	Biological Resources	X	Cultural Resources	X	Energy
X	Geology/Soils	X	Greenhouse Gas Emissions		Hazards and Hazardous Materials
	Hydrology/Water Quality		Land Use/Planning		Mineral Resources
X	Noise		Population/Housing		Public Services
	Recreation		Transportation	X	Tribal Cultural Resources
	Utilities/Service Systems		Wildfire		Mandatory Findings of Significance

4.2 DETERMINATION

To be completed by the Lead Agency at the basis of this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project COULD have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earliest analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or Negative Declaration pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



6/6/2022

Signature

Date

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from “Earlier Analysis,” as described in (5) below, may be cross-referenced.)
- 5) Earlier Analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such efforts were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigating measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is elected.
- 9) The explanation of each issue should identify:
 - a) the significance criteria or threshold, if any, used to evaluate each question; and
 - b) the mitigation measure identified, if any, to reduce the impact to less than significance.

4.3 ENVIRONMENTAL CHECKLIST QUESTIONS

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial shadows, light, or glare which would adversely affect day or nighttime views in the area?		X		

Discussion:

a) Have a substantial adverse effect on a scenic vista?

No Impact. The City is a mature and fully built out urbanized city, where most of the land within the City has been developed and redevelopment is occurring throughout the City (City of Garden Grove, 2021b). The project site is generally flat and is located within an urbanized area surrounded by mixed uses such as hotels, retail/commercial uses, and residential uses. The City of Garden Grove General Plan does not identify any scenic vistas within the City (City of Garden Grove, 2021a); thus, the project site is not located near or within a scenic vista. Therefore, implementation of the proposed project would not have a substantial adverse effect on a scenic vista. No impact would occur.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. According to the California Department of Transportation (Caltrans)'s Scenic Highway Mapper, there are no designated or eligible state scenic highways near the project site (Caltrans, 2021). The nearest designated or eligible state scenic highway is State Route 91 (from State Route 55 to north of E. Santa Ana

Road and S. Eucalyptus Drive), located approximately over 6.5 miles to the northeast (Google Earth Pro, 2021). The project site was previously disturbed and occupied by former residential and commercial uses, which were demolished between 2004 and 2013. The north/northeastern parcels of the project site are paved and used for parking the adjacent Sheraton Hotel, and the remaining parcels are comprised of dirt pads with limited vegetation that are mostly vacant except for the southeastern parcels that are used for temporary construction storage. The easterly portion of Thackery Drive from the centerline of the street has been demolished recently; the western paved street portion of Thackery Drive continues to remain. As such, there are no scenic resources on the project site, including rock outcroppings or historic buildings. A limited number of ornamental trees are present on site, but they are not considered scenic resources. Therefore, implementation of the proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. No impact would occur.

- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?**

Less than Significant Impact. As mentioned above, the project site is within an urbanized area that does not contain scenic resources or vistas nor is it within a scenic area. The project site consists of a previously disturbed site that was occupied by former residential and commercial uses, which were demolished between 2004 and 2013.

According to the City's General Plan - Land Use Element, the project site has an IW land use designation, which is intended to function as the City's resort area (City of Garden Grove, 2021). The proposed project includes development of a hotel, which would be consistent with the intended function of the site. The project site is also zoned as PUD-141-01 and R-1-7; the PUD-141-01 is intended for hotel development per City Ordinance No. 2564 (City of Garden Grove, 2002) while the R-1-7 is intended for single-family residential use (City of Garden Grove, 2020). As part of the proposed project, the entire project site would be rezoned to create a subzone, PUD-141-01(A), which would be consistent with the existing General Plan Designation of IW and would facilitate the development of the proposed project. With this modification the proposed project would be consistent with all applicable zoning.

The proposed project involves construction of a full-service high-rise (23 stories tall with a maximum height of 350 feet) resort hotel along with a five-level parking garage (four levels above grade and one level below grade with an approximate height of 61 feet). A hotel project ranging from 14 to 19 stories tall to the east of the project site (across Harbor Boulevard) was approved by the City in 2012 with land use redesignation to IW and rezoning to PUD-128-12 to be consistent with the surrounding uses.

The proposed PUD zoning designation and subsequent intended development of the site would be compatible with the surrounding area in intensity and density. The proposed project would also be required to comply with the City's development standards which would ensure the design, scale, and visual elements of the proposed hotel blend with the surrounding built environment. Given this, implementation of the proposed

project would not substantially degrade the existing visual character or quality of the site. Therefore, impacts would be less than significant.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Less than Significant with Mitigation Incorporated. The proposed project involves construction of a full-service high-rise (23 stories tall with a maximum height of 350 feet) resort hotel along with a five-level parking garage (four levels above grade and one level below grade approximately 61 feet in height) on a site that is mostly vacant except for a small portion that is being used as a laydown yard. While there is no lighting on the existing project site, the project site is within an urbanized area with street lighting and lights from surrounding hotels, residences, and retail/commercial uses. Vehicle headlights traveling on Harbor Boulevard and Twintree Avenue, and within existing parking areas are also a source of existing lighting at the project site and adjacent uses.

The project-related construction activities would occur during permitted hours of 7:00 a.m. to 8:00 p.m. from Monday through Saturday. On Sunday and Federal Holidays, the construction activities may occur during the same hours, but would be subject to the restrictions as stipulated in Sections 8.47.040 to 8.47.060 of the Municipal Code. Operationally, the proposed project would include nighttime lighting for security and safety purposes throughout the project site, including the parking areas. In addition, new lighting would occur from the lighted monument signs, lighted building signs, and interior lighting from the hotel.

The proposed project would comply with the Garden Grove Municipal Code Section 9.18.100.020 (Development Standards Applicable to All Mixed Use Zones), which states that all onsite lighting shall be stationary and directed away from adjoining properties and public right-of-way; and Section 9.18.140.070 (Parking Design Standards) related to parking area standards, which states that lighting of parking areas shall be designed with automatic timers (photovoltaic cells) and be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate the window area of nearby residences. Compliance with the City's lighting requirement would be confirmed during the building permit process.

Glare can be caused by light reflections from the pavement vehicles and building materials such as reflective glass and polished surfaces. The proposed project would not use reflective glass on the proposed tower. In addition, prior to final site plan approval, a site specific light and glare study would be prepared to ensure that the proposed project will be in compliance with the applicable zoning codes. Additionally, the light and glare study would incorporate measures necessary to ensure the proposed project's compatibility with the goals and policies (i.e., Policy SAF-2.1 and SAF-IMP-2A) in the 2021 General Plan for providing adequate lighting to maintain a safe public environment. Implementation of the following mitigation measure would reduce the potential light and glare impacts to less than significant.

Light and Glare Mitigation Measure

AES-1 Prior to final site plan approval, a site specific light and glare study shall be prepared and approved by the Community and Economic Development Director, or his or her designee, to ensure that the proposed project will be in compliance with the City's Zoning Code related to lighting designs. The

light and glare study shall include technologically advanced hotel/resort lighting measures in its detailed design plans. These measures may include, without limitation, installation of exterior screening such as shielding attached to the luminaire, building, or site structures; using anti-reflective glass or glass treated with an anti-reflective coating; and shielding lights with visors to reduce light trespass, glare impact and visual distraction. Additionally, the light and glare study shall incorporate measures necessary for the proposed 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. These measures may include, without limitation, placement of pedestrian-level lighting throughout the project site; and provision of signage and markings within the project site for pedestrian safety.

A shade and shadow study (Appendix A) (AECOM, 2022) was conducted to analyze the potential shade and shadow impacts on adjacent properties from the proposed project. Specifically, a project would have a significant impact if:

- Shadow-sensitive use areas (where sunlight is important to its function) would be shaded by project-related structures for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time (PST) (between late October and early April), or for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. PST (between early April and late October), compared to existing conditions.

As stated in the shade and shadow study (Appendix A), the proposed project would cast new shadows onto surrounding shadow-sensitive use areas (e.g., residential and hotels/hostel uses). The threshold above states that a significant shadow impact would result if shadow-sensitive uses would be shaded for "more than" three hours between the hours of 9:00 a.m. and 3:00 p.m. PST (between late October and early April). This condition is applicable to the Winter Solstice and Spring Equinox diagrams. The shade and shadow study shows that a covered parking area associated with one residence would be shaded for more than three hours (between 9:00 a.m. and 1:00 p.m. PST); however, the residence itself would only be shaded for two of those hours (specifically, between 9:00 a.m. and 11:00 a.m. PST). The covered parking area would not be considered a shadow-sensitive use; thus, would not be a significant impact. Thus, no shadow-sensitive uses would be shaded for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. by the proposed project under the Winter Solstice and Spring Equinox conditions.

The threshold further states that a significant shadow impact would result if shadow-sensitive uses would be shaded for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. PST (between early April and late October). The shade and shadow study shows that no residence would be shaded for more than four hours (between 9:00 a.m. and 5:00 p.m.) during the Fall Equinox and Summer Solstice conditions. Therefore, impacts would be less than significant.

Sources:

AECOM. 2022. *Shade/Shadow Study for Site B-2 Hotel*. April. PDF.

California Department of Transportation (Caltrans). 2021. California State Scenic Highway Map. Available at: <https://www.arcgis.com/apps/webappviewer/index.html?id=2e921695c43643b1aaf7000dfcc19983> (accessed June 2021).

City of Garden Grove. 2021a. Focused General Plan Update and Zoning Amendments Draft Environmental Impact Report. August 18, 2021. Adopted November 9, 2021. Available at: <https://ggcity.org/sites/default/files/2021-08/FGPUZA%20DEIR.pdf> (accessed March 2022).

----. 2021b. Garden Grove General Plan, Chapter 2 Land Use Element, Public Review DRAFT – October 2021. Adopted November 9, 2021. Available at: <https://ggcity.org/sites/default/files/2021-10/LandUseElementoct2021.pdf> (accessed March 2022).

----. 2020. Garden Grove Municipal Code. Available at: https://www.qcode.us/codes/gardengrove/?view=desktop&topic=9-9_12-9_12_040-9_12_040_030 (accessed July 2021).

----. 2002. Ordinance No. 2564. Available at: https://ggcity.org/records_request/requests/4191/correspondences/16899/download/GG_Ord._2564_PUD_141-01.pdf (accessed July 2021).

Google Earth Pro. 2021.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
II. AGRICULTURE AND FORESTRY RESOURCES.				
In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or with a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220 (g)), timberland (as defined by Public Resources Code § 4526), or timberland zoned Timberland Production (as defined in Government Code § 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

Discussion:

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

No Impact. The project site is located in an urbanized area in the City. It was previously disturbed and occupied by former residential and commercial uses. These uses were demolished between 2004 and 2013. The north/northeastern parcels of the project site are paved and used for parking the adjacent Sheraton Hotel, and the remaining parcels are comprised of dirt pads with limited vegetation that are mostly vacant except for the southeastern parcels that are used for temporary construction storage. The easterly portion of Thackery Drive from the centerline of the street has been demolished recently; the westerly paved street portion of Thackery Drive continues to remain.

According to the California Department of Conservation (CDC)'s California Important Farmland Finder, the project site is not located on Prime Farmland, Unique Farmland, or Farmland of Statewide Importance; rather, it is located on Urban and Built-Up Land (CDC, 2021). Therefore, implementation of the proposed project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use. No impact would occur.

- b) Conflict with existing zoning for agricultural use, with a designated Agricultural Resource Area, or with a Williamson Act contract?**

No Impact. According to the City's Zoning and Land Use GIS mapper, the project site is zoned as Planned Unit Development (PUD-141-01) and Single-Family Residential Zone (R-1-7), neither of which is an agricultural zoning designation (City of Garden Grove, 2021). Furthermore, the project site does not contain agricultural land nor is it located within a Williamson Act contract. Therefore, implementation of the proposed project would not conflict with existing zoning for agricultural use or with a Williamson Act contract. No impact would occur.

- c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220 [g]), timberland (as defined in Public Resources Code § 4526), or timberland zoned Timberland Production (as defined in Government Code § 51104[g])?**

No Impact. As noted above, the project is zoned as PUD-141-01 and R-1-7, neither of which is a forest land or timberland zoning designation. Furthermore, the project site does not contain forest land or timberland. Therefore, implementation of the proposed project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland. No impact would occur.

- d) Result in the loss of forest land or conversion of forest land to non-forest use?**

No Impact. As noted above, the project site does not contain forest land. Therefore, implementation of the proposed project would not result in the loss of forest land or conversion of forest land to non-forest use. No impact would occur.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. As noted above, the project site does not contain farmland or forest land. Therefore, implementation of the proposed project would not result other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion or forest land to non-forest use. No impact would occur.

Sources:

California Department of Conservation (CDC). 2021. California Important Farmland Finder. Available at: <https://maps.conservation.ca.gov/DLRP/CIFF/> (accessed May 2021).

City of Garden Grove. 2021. Zoning and Land Use Mapper. Available at: <https://ggcity.org/maps/zoning-land-use/> (accessed June 2021).

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

Discussion: The discussion below is based on the *Garden Grove Hotel Site B-2 Air Quality and Greenhouse Gas Impact Study* prepared by RK ENGINEERING GROUP, INC. (RK) (2022a) included as Appendix B.

a) Conflict with or obstruct implementation of the applicable air quality plan?

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

Less than Significant Impact (a-b). The primary purpose of an air quality plan is to bring an area that does not attain National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) into compliance with those standards pursuant to the requirements of the Clean Air Act and California Clean Air Act. NAAQS and CAAQS have been established for the following criteria pollutants: ozone, carbon monoxide (CO), sulfur dioxide (SO₂), nitrogen dioxide (NO₂), particulate matter less than 10 microns in diameter (PM₁₀), particulate matter less than 2.5 microns in diameter (PM_{2.5}), and lead. The CAAQS are more stringent than the NAAQS and include additional air pollutants, such as visibility reducing particles, sulfates, vinyl chloride, and hydrogen sulfide.

The proposed project is located within the South Coast Air Basin (SCAB)¹ under the jurisdiction of the South Coast Air Quality Management District (SCAQMD). The applicable Air Quality Management Plan (AQMP) for the project site was prepared by SCAQMD in partnership with the California Air Resources Board (ARB), United States (U.S.) Environmental Protection Agency (EPA), and the Southern California Association of Governments

¹ SCAQMD has divided the SCAB into 14 general forecasting areas and 38 Source Receptor Areas (SRAs) for monitoring and reporting local air quality. The project site is located in SRA 17 (Central Orange County) (RK, 2021).

(SCAG). The most recent AQMP (2016 AQMP) was adopted by the SCAQMD in March of 2017 (SCAQMD, 2017). The 2016 AQMP is the legally enforceable blueprint for how the region will meet and maintain the CAAQS and NAAQS. The 2016 AQMP identifies strategies and control measures needed to achieve attainment of the 8-hour ozone standard and federal annual and 24-hour standard for PM_{2.5} in the SCAB. The future emission forecasts are primarily based on demographic and economic growth projections provided by SCAG.

As discussed in the *Garden Grove Hotel Site B-2 Air Quality and Greenhouse Gas Impact Study* (RK, 2022a) (Appendix B), the SCAQMD has established regional and localized air quality emissions thresholds of significance for criteria air pollutants for the purposes of determining whether a project may have a significant effect on the environment per Section 15002(g) of the CEQA Guidelines. By complying with the SCAQMD's regional and localized air quality thresholds of significance, a project would be in compliance with the 2016 AQMP as well as the NAAQS and CAAQS. A summary of the proposed project's maximum daily construction and operational emissions² compared to the applicable regional and localized SCAQMD's air quality thresholds are presented in Tables 3 and 4 below, respectively. The proposed project's emissions assume implementation of PDF-1 through PDF-12, discussed previously in Section 3.3 of this IS/MND.

Table 3: Maximum Daily Project Construction-Related Emissions

Source/Description	VOC ¹ (lbs/day)	SO ₂ (lbs/day)	NO _x (lbs/day)	CO (lbs/day)	PM ₁₀ (lbs/day)	PM _{2.5} (lbs/day)
Maximum On- and Off-Site Daily Project Emissions	52.68	0.21	50.73	31.68	8.68	3.98
SCAQMD Regional Thresholds	75.00	150.00	100.00	550.00	150.00	55.00
Exceed SCAQMD Regional Thresholds?	No	No	No	No	No	No
Maximum Onsite Daily Project Emissions ²	N/A	N/A	2.23	20.87	7.58	3.93
SCAQMD Localized Thresholds ³	N/A	N/A	147.00	975.20	9.60	5.50
Exceed SCAQMD Localized Thresholds?	N/A	N/A	No	No	No	No

Source: RK, 2022a.

Notes: 1. Although not a criteria air pollutant, volatile organic compounds (VOCs) are regulated by the SCAQMD because they cause chemical reactions which contribute to the formation of ozone. Both VOCs and NO_x are precursors in the formation of ozone; following SCAQMD methodology, the evaluation of ozone was conducted by evaluating emissions of VOCs and NO_x.

2. Onsite emissions were evaluated for the localized air quality impacts to determine whether the proposed project may generate significant adverse localized air quality impacts per SCAQMD Localized Thresholds of Significance (LST) methodology. Thus, off-site emissions were not evaluated for the localized analysis, in contrast to the regional analysis which encompassed both on- and off-site emissions.

3. The nearest existing sensitive receptors are located along the northern, southern, and western property line of the project site, less than 25 meters from potential areas of onsite construction activity. Although sensitive receptors are located closer than 25 meters to the project site, the SCAQMD LST methodology states that projects with boundaries located closer than 25 meters to the nearest receptor should use the LST for receptors located at 25 meters. In addition, the daily disturbance area for the proposed project was estimated to be 3.5 acres; however, SCAQMD LST is only based on 1, 2 and 5-acre sites. RK therefore used a linear trend line analysis

² Note that lead was not included as part of this analysis as the proposed project was not expected to emit lead in any significant measurable quantity. In addition, visibility-reducing particles were not explicitly addressed in this analysis because particulate matter was addressed. Also, vinyl chloride was not included in the analysis as the proposed project is not expected to generate or be exposed to vinyl chloride because proposed project uses do not utilize the chemical processes that create this pollutant and there are no such uses in the project vicinity. Lastly, hydrogen sulfide was not included in the analysis as the proposed project is not expected to cause exposure to hydrogen sulfide because it would not generate hydrogen sulfide in any substantial quantity.

to calculate the construction LST. Lastly, per SCAQMD LST methodology, the LST used for this analysis was developed based on the ambient concentrations of four applicable air pollutants (e.g., NO_x, CO, PM₁₀, and PM_{2.5}) for SRA-17.

Table 4: Maximum Daily Project Operation-Related Emissions

Source/Description	VOC ¹ (lbs/day)	SO ₂ (lbs/day)	NO _x (lbs/day)	CO (lbs/day)	PM ₁₀ (lbs/day)	PM _{2.5} (lbs/day)
Maximum On- and Off-Site Daily Project Emissions	20.54	0.23	13.88	97.85	23.88	6.74
SCAQMD Regional Thresholds	55.00	150.00	55.00	550.00	150.00	55.00
Exceed SCAQMD Regional Thresholds?	No	No	No	No	No	No
Maximum Onsite Daily Project Emissions ²	N/A	N/A	5.75	9.25	1.60	0.70
SCAQMD Localized Thresholds ^{1,2}	N/A	N/A	147.00	975.20	2.40	1.60
Exceed SCAQMD Localized Threshold ³	N/A	N/A	No	No	No	No

Source: RK, 2022a.

Notes: 1. Although not a criteria air pollutant, VOCs are regulated by the SCAQMD because they cause chemical reactions which contribute to the formation of ozone. Both VOCs and NO_x are precursors in the formation of ozone; following SCAQMD methodology, the evaluation of ozone was conducted by evaluating emissions of VOCs and NO_x.

2. Onsite emissions were evaluated for the localized air quality impacts to determine whether the proposed project may generate significant adverse localized air quality impacts per SCAQMD LST methodology. Thus, off-site emissions were not evaluated for the localized analysis, in contrast to the regional analysis which encompassed both on- and off-site emissions.

3. The nearest existing sensitive receptors are located along the northern, southern, and western property line of the project site, less than 25 meters from potential areas of onsite construction activity. Although sensitive receptors are located closer than 25 meters to the project site, the SCAQMD LST methodology states that projects with boundaries located closer than 25 meters to the nearest receptor should use the LST for receptors located at 25 meters. In addition, the daily disturbance area for the proposed project was estimated to be 3.5 acres; however, SCAQMD LST is only based on 1, 2 and 5-acre sites. RK therefore used a linear trend line analysis to calculate the operational LST. Lastly, per SCAQMD LST methodology, the LST used for this analysis was developed based on the ambient concentrations of four applicable air pollutants (e.g., NO_x, CO, PM₁₀, and PM_{2.5}) for SRA-17.

As shown in Tables 3 and 4, the proposed project's daily construction and operational emissions would be below the applicable SCAQMD's air quality regional thresholds of significance and LST; thus, construction and operation of the proposed project would not contribute substantially to existing or projected violations of the NAAQS or CAAQS. Given this, implementation of the proposed project would not obstruct or conflict with the 2016 AQMP. Furthermore, by complying with the SCAQMD's air quality regional thresholds of significance and LST, implementation of the proposed project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable NAAQS or CAAQS. Therefore, impacts would be less than significant.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact. As discussed in the *Garden Grove Hotel Site B-2 Air Quality and Greenhouse Gas Impact Study* (RK, 2022a) (Appendix B), sensitive receptors are considered land uses or other types of population groups that are more sensitive to air pollution exposure. Sensitive population groups include children, the elderly, the acutely and chronically ill, and those with cardio-respiratory diseases. For CEQA purposes, the SCAQMD considers a sensitive receptor to be a location where a sensitive individual could remain for 24-hours or longer, such as residences, hospitals, and schools, etc., as described in the SCAQMD LST methodology. Several sensitive receptors currently surround the project site, including the following:

adjacent residential uses to the west and northwest (within 25 meters [82 feet]); residential uses approximately 55 feet to the south, along south side of Twintree Avenue (within 25 meters [82 feet]); and the Sheraton Hotel to the north, approximately 100 feet from the project site to the nearest building facade (within 50 meters [164 feet]). The nearest existing sensitive receptors are located along the northern, southern, and western sides of the project site.

To determine potential exposure of sensitive receptors to substantial pollutant concentrations, the air quality analysis conducted for the proposed project utilized the applicable SCAQMD's LST (discussed above) as well as evaluated potential exposure to toxic air contaminants (TACs) using the California Office of Environmental Health Hazard Assessment (OEHHA)'s Guidance Manual for Preparation of Health Risk Assessments (HRA Guidelines), which provide risk factors based on exposure to toxic substances over a 30-year lifetime span. TACs are defined as air pollutants which may cause or contribute to an increase in mortality or serious illness, or which may pose a hazard to human health, and for which there is no concentration that does not present some risk. This contrasts with the criteria pollutants, in that there is no threshold level for TAC exposure below which adverse health impacts are not expected to occur. Most of the estimated health risk from TACs can be attributed to a relatively few compounds, the most common being diesel particulate matter (DPM) from diesel engine exhaust. In addition to DPM, benzene and 1,3-butadiene are also significant contributors to overall ambient public health risk in California.

As shown above in Tables 3 and 4, construction and operation of the proposed project would not exceed the applicable SCAQMD's LST. Regarding TACs, the proposed project would generate DPM during construction from off-road diesel equipment and trucks. The proposed project's construction activity would not be a long-term (i.e., 30 years) source of TAC emissions and short-term risk factors have not been developed. Due to the significantly reduced risk from short-term exposure, SCAQMD does not typically require the evaluation of long-term cancer risk or chronic health impacts for construction operations from a project such as the one being proposed. Hence, the impacts from short-term exposure to DPM during project construction are considered less than significant without the need for a detailed HRA study. Furthermore, PDF-3 through PDF-10, which include the requirement for Tier 4 engines on all off-road diesel equipment, would ensure potential DPM exposure to adjacent sensitive receptors would be reduced to the maximum extent feasible. Also, the proposed project would be required to comply with SCAQMD Rule 403, which requires that fugitive dust (suspended particulate matter) is controlled with best-available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. In addition, the proposed project consists of resort hotel land uses, which do not include major sources of TAC emissions; thus, operation of the proposed hotel would not result in exposure of sensitive receptors to substantial pollutant concentrations. Given this, implementation of the proposed project would not expose sensitive receptors to substantial pollutant concentrations. Therefore, impacts would be less than significant.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less than Significant Impact. As discussed in the *Garden Grove Hotel Site B-2 Air Quality and Greenhouse Gas Impact Study* (RK, 2022a) (Appendix B), land uses that commonly receive odor complaints include agricultural uses (farming and livestock), chemical plants, composting operations, dairies, fiberglass molding facilities, food processing plants, landfills, refineries, rail yards, and wastewater treatment plants. Operational activities of the proposed project would not involve any of these land uses and would not be located in an area with existing odors. While the proposed project's use of heavy-duty equipment during construction would emit odors in the project area, it would not adversely affect a substantial number of people and would be temporary; thus, the temporary odor emissions would cease to occur after construction is completed. Additionally, construction and operation of the proposed project would be required to comply with SCAQMD Rule 402, which requires a person to not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. Given this, implementation of the proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. Therefore, impacts would be less than significant.

Sources

RK ENGINEERING GROUP, INC. (RK). 2022a. *Garden Grove Hotel Site B-2 Air Quality and Greenhouse Gas Impact Study*. April. PDF.

South Coast Air Quality Management District (SCAQMD). 2017. *South Coast Air Quality Management District – Final 2016 Air Quality Management Plan*. Available at: <https://www.aqmd.gov/docs/default-source/clean-air-plans/air-quality-management-plans/2016-air-quality-management-plan/final-2016-aqmp/final2016aqmp.pdf?sfvrsn=15> (accessed August 2021).

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCES: Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?		X		
b) Have a substantial adverse effect on any sensitive natural communities (e.g., riparian habitat, coastal sage scrub, oak woodlands, non-jurisdictional wetlands) identified in local or regional plans, policies, regulations or by CDFW or USFWS?				X
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved state, regional, or local habitat conservation plan?				X

Discussion:

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or U.S. Fish and Wildlife Service (USFWS)?**

Less Than Significant with Mitigation Incorporated. Due to the built-out nature of the City and surrounding area, biological resources in the City are almost non-existent (City of Garden Grove, 2021). The project site is

located in a highly urbanized area with commercial uses along Harbor Boulevard and residential uses along Twintree Avenue.

In February 2022, a search was conducted of the California Department of Fish and Wildlife (CDFW)'s California Natural Diversity Database (CNDDDB) for sensitive plant, natural community, and wildlife species occurrence data within the U.S. Geological Survey (USGS) 7.5-minute Anaheim topographic quadrangle map (which the project site is located within) (Appendix C). Based on this search, the California black rail (*Laterallus jamaicensis coturniculus*) is the only sensitive species (State Threatened) with the potential to be found on the project site (CDFW, 2022).

However, the project site was previously disturbed and occupied by former residential and commercial uses. As noted, these uses were demolished between 2004 and 2013. The north/northeastern parcels of the project site are paved and used for parking the adjacent Sheraton Hotel, and the remaining parcels are comprised of dirt pads with limited vegetation (i.e., non-native grass and two (2) ornamental trees on Twintree Avenue along the sidewalk near Harbor Boulevard) that are mostly vacant except for the southeastern parcels that are used for temporary construction storage. The easterly portion of Thackery Drive from the centerline of the street has been demolished recently; the westerly paved street portion of Thackery Drive continues to remain. As a result, the project site does not provide suitable habitat for the California black rail. Additionally, the California black rail was last sighted in December 1986 in the City of Orange. On this basis, it is not reasonably foreseeable that there would be an occurrence of this species at the project site.

During construction, the proposed project would require removal of the non-native grass and the two (2) ornamental trees. While no sensitive plants or wildlife would be impacted by vegetation removal activities, there is a potential for impacts to occur to raptors and other nesting birds protected under the federal Migratory Bird Treaty Act (MBTA) that could nest within these trees. With Mitigation Measure BIO-1, implementation of the proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS. Therefore, impacts would be less than significant with mitigation incorporated.

MBTA Nesting Birds Mitigation Measure

BIO-1 With the potential for nesting birds protected under the Migratory Bird Act Treaty (MBTA) and California Fish and Game Code (CFGF) to occur in ornamental trees within the project site and surrounding area, tree removal during construction shall occur outside of the nesting bird season (generally, February 15 through September 1). If avoiding the nesting season is not practicable, the following additional measures shall be employed:

- a. A pre-construction nesting bird survey shall be conducted by a qualified biologist within 3 days prior to the start of construction activities to determine whether active nests are present within or directly adjacent to the construction zone. All active nests found shall be recorded.
- b. If active nests are detected during the survey, the qualified biologist shall establish an appropriate buffer and monitor the active nests within the buffers at a minimum of once per week to determine whether the birds are being disturbed. If signs of disturbance or stress are observed, the qualified biologist shall immediately implement adaptive measures to reduce disturbance.

These measures shall be determined by the qualified biologist and could include, without limitation, increasing buffer distance, temporarily halting construction activities until fledging is confirmed, or placing visual screens or sound dampening structures between the nest and construction activity.

- b) Have a substantial adverse effect on any sensitive natural communities (e.g., riparian habitat, coastal sage scrub, oak woodlands, non-jurisdictional wetlands) identified in local or regional plans, policies, regulations or by CDFW or USFWS?**
- c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?**

No Impact (b-c). As discussed above, due to the built-out nature of the City and surrounding area, biological resources in the City are almost non-existent (City of Garden Grove, 2021). The project site is located in a highly urbanized area with commercial uses along Harbor Boulevard and residential uses along Twintree Avenue. The project site was previously disturbed and occupied by former residential and commercial uses, which were demolished between 2004 and 2013. The north/northeastern parcels of the project site are paved and used for parking for the adjacent Sheraton Hotel, whereas the remaining parcels are dirt pads with limited vegetation (i.e., non-native grass and two ornamental trees on Twintree Avenue along the sidewalk near Harbor Boulevard) that are mostly vacant except for the southeastern parcels that are used for temporary construction storage. The easterly portion of Thackery Drive from the centerline of the street has been demolished recently; the westerly paved street portion of Thackery Drive continues to remain.

In addition, there are no sensitive natural communities on the project site per the search conducted of the CDFW's CNDDDB for the USGS 7.5-minute Anaheim topographic quadrangle map (which the project site is located within) (Appendix C). Furthermore, based on a review of the U.S. Fish & Wildlife (USFWS)'s National Wetlands Inventory, there are no wetlands or riparian mapped areas within or in the vicinity of the project site (USFWS, 2021).

For these reasons, implementation of the proposed project would not have a substantial adverse effect on any sensitive natural communities identified in local or regional plans, policies, regulations, or by the CDFW or USFWS, nor would it have a substantial adverse effect on state or federally protected wetlands. No impact would occur.

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?**

Less Than Significant with Mitigation Incorporated. As discussed above, due to the built-out nature of the City and surrounding area, biological resources in the City are almost non-existent (City of Garden Grove, 2021). The project site is located in a highly urbanized area with commercial uses along Harbor Boulevard and residential uses along Twintree Avenue. The project site previously disturbed and occupied by former residential and commercial uses, which were demolished between 2004 and 2013. The north/northeastern parcels of the project site are paved and used for parking for the adjacent Sheraton Hotel, whereas the

remaining parcels are dirt pads with limited vegetation (i.e., non-native grass and two ornamental trees on Twintree Avenue along the sidewalk near Harbor Boulevard) that are mostly vacant except for the southeastern parcels that are used for temporary construction storage. The easterly portion of Thackery Drive from the centerline of the street has been demolished recently; the westerly paved street portion of Thackery Drive continues to remain.

There are no designated habitat linkages, wildlife corridors, native wildlife nursery sites on the project site or vicinity per the CNDDDB search results, nor are there rivers, creeks, or open drainages near the project site or vicinity that could serve as a wildlife corridor. Furthermore, the project site is surrounded by impermeable fencing, and thus would preclude ground-level wildlife movement. Therefore, implementation of the proposed project would not interfere substantially with the movement of any native resident or migratory fish or with established native resident or migratory wildlife corridors, nor would it impede the use of native wildlife nursery sites.

However, as discussed above, during construction, the proposed project would require removal of the non-native grass and the two ornamental trees. While no sensitive plants or wildlife would be impacted by vegetation removal activities, there is a potential for impacts to occur to raptors and other nesting birds protected under the federal MBTA. With Mitigation Measure BIO-1, implementation of the proposed project would not interfere substantially with the movement of any native resident or migratory wildlife species. Therefore, impacts would be less than significant with mitigation incorporated.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less than Significant Impact. As discussed above, the proposed project would require the removal of two (2) ornamental trees located along a sidewalk on Twintree Avenue within the public right-of-way. Chapter 11.32, Trees, of the City's Municipal Code serves as the City's Tree Ordinance, which provides strict guidelines regarding the removal or tampering of trees located within any public right-of-way. The Project Applicant would be required to comply with the standards identified in Chapter 11.32, which includes obtaining approval from the City Manager prior to removal of trees in the public right-of-way. Given this, implementation of the proposed project would not conflict with any local policies or ordinances protecting biological resources. Therefore, impacts would be less than significant.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved state, regional, or local habitat conservation plan?

No Impact. The proposed project is not located within any Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP) (CDFW, 2021). Therefore, implementation of the proposed project would not conflict with any applicable HCP or NCCP. No impact would occur.

Sources

California Department of Fish and Wildlife (CDFW). 2022. California Natural Diversity Database. Anaheim Quad. February 16, 2022.

----. 2021. NCCP Plan Summaries Webpage. Available at:
<https://wildlife.ca.gov/Conservation/Planning/NCCP/Plans> (accessed July 2021).

City of Garden Grove. 2021. Garden Grove General Plan, Chapter 2 Land Use Element, Public Review Draft – October 2021. Adopted November 9, 2021. Available at: [Housing Element Update | City of Garden Grove \(ggcity.org\)](https://ggcity.org/Housing-Element-Update) (accessed March 2022).

----. 2020. Garden Grove Municipal Code. Available at: <http://qcode.us/codes/gardengrove/> (accessed June 2021).

U.S. Fish and Wildlife Service (USFWS). 2021. National Wetlands Inventory Mapper. Available at: <https://www.fws.gov/wetlands/data/mapper.html> (accessed August 2021).

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines § 15064.5?		X		
c) Disturb any human remains, including those interred outside of dedicated cemeteries?		X		

Discussion:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines § 15064.5?

No Impact. According to the *Site B-2 Hotel Project: Cultural, Paleontological and Tribal Cultural Resources Technical Memorandum* prepared by AECOM (2022) (Appendix D), no historical resources were identified on the project site. Specifically, the South Central Coastal Information Center (SCCIC) records search identified 17 previously recorded cultural resources mapped within 0.25 miles of the project site. All of these resources are historic homes and converted offices that have been determined not eligible for listing in federal registers or recommended not eligible for listing in the National Register of Historic Places (NRHP) and none are located on the project site. 13 properties within 0.25 miles of the project site are listed on California's State Built Environment Resources Directory, however, none of these are located on the project site. Therefore, implementation of the proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines § 15064.5. No impact would occur.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines § 15064.5?

Less than Significant with Mitigation Incorporated. According to the *Site B-2 Hotel Project: Cultural, Paleontological and Tribal Cultural Resources Technical Memorandum* (2022) (Appendix D), based on the results of the SCCIC records search and archival research of local resource directories and historical maps and aerial images, it is possible, but unlikely, that significant archaeological resources will be encountered during ground-disturbing activities for the proposed project.

The project site is located within a heavily disturbed urban area. Prior to World War II, the project site was utilized for agricultural purposes, with a grove of trees present on most of the property and one building that was present in the southeast corner for a short period of time. During the housing boom of the 1950s, the project site was developed with a residential tract and commercial buildings which were established by 1963. A review of construction manuals from the period suggests that it is adequate to assume that up to five feet of the soil was disturbed by construction, grading, and the placement of utilities for a 1960s-era tract development. All buildings in the project site were removed between 2004 and 2013, leaving only the cul-de-sac and alley between the dirt lots. The process appears to have consisted of removing building foundations and prior utilities and grading the surface which likely heavily disturbed or destroyed any archaeological resources that may have existed at the site at that time. Work may extend below previous disturbance, however, based on the results of the archival research, no previously recorded resources are within the project site and there is low potential that archaeological resources will be encountered during ground-disturbing activities for the proposed project. Thus, no archaeological monitoring is recommended at this time.

However, in the event that archaeological resources are encountered during ground-disturbing activities and cannot be preserved in place, Mitigation Measure CR-1 is provided to reduce potential impacts. With implementation of Mitigation Measure CR-1, the proposed project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines § 15064.5. Therefore, impacts would be less than significant with mitigation incorporated.

Archaeological Resources Mitigation Measure

CR-1 In the event archeological resources are found during construction, all attempts will be made to preserve in place or leave resources in an undisturbed state in compliance with all applicable laws. In the event that archeological resources are identified and cannot be preserved in place, a qualified archaeologist will be contacted to evaluate and determine appropriate treatment for the resource in accordance with Public Resources Code (PRC) Section 21083.2(i). Work in the vicinity of the discovery (15-meter radius) will halt until the appropriate assessment and treatment of the resource is determined by the archaeologist (work can continue elsewhere on the project site).

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Less than Significant with Mitigation Incorporated. According to the *Site B-2 Hotel Project: Cultural, Paleontological and Tribal Cultural Resources Technical Memorandum* (2022) (Appendix D), the project site was previously utilized for agricultural purposes and then later developed with a residential tract and commercial buildings, which have since been removed. No formal cemeteries or other places of human internment are known to exist on the project site. However, a lack of surface evidence does not preclude the possibility that unknown and unanticipated human remains may be encountered during ground-disturbing activities. In the event that human remains are discovered at the project site, Mitigation Measure CR-2 is provided to reduce potential impacts. With implementation of Mitigation Measure CR-2, the proposed project would not disturb any human remains, including those interred outside of dedicated cemeteries. Therefore, impacts would be less than significant with mitigation incorporated.

Human Remains Discovery Mitigation Measure

CR-2 If human remains are discovered, work in the immediate vicinity of the discovery shall be suspended and the Orange County Coroner shall be contacted. If the remains are deemed Native American in origin, the Coroner will contact the NAHC and identify a Most Likely Descendant pursuant to PRC Section 5097.98 and California Code of Regulations Section 15064.5. Work will only commence after consultation and treatment have been concluded. Work may continue on other parts of the project site while consultation and treatment are conducted.

Source

AECOM. 2022. *Site B-2 Hotel Project: Cultural, Paleontological and Tribal Cultural Resources Technical Memorandum*. March 2022. PDF.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VI. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?		X		
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?		X		

Discussion:

- a) **Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?**
- b) **Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?**

Less than Significant with Mitigation Measures Incorporated (a-b). The California Building Energy Efficiency Standards (i.e., Title 24, Part 6 [Energy Code] and Part 11 [CALGreen], of the California Code of Regulations) establish state building energy efficiency requirements for residential and nonresidential buildings, including newly constructed projects. These standards are designed to reduce wasteful and unnecessary energy consumption in newly constructed and existing buildings, as well as meet the goals of California's Assembly Bill (AB) 32 for reducing greenhouse gases (GHG) to 1990 levels by 2020 (California Energy Commission, 2021; California Building Standards Commission, 2021) (see Section VIII, Greenhouse Gas Emissions, of this IS/MND for a discussion of GHG impacts). The City has adopted these standards in the Garden Grove Municipal Code (i.e., Section 18.04.0101). In addition, the City's General Plan – Conservation Element provides the following energy goals:

- Goal CON-4: Reduce per-capita non-renewable energy waste and city-wide peak electricity demand through energy efficiency and conservation.
- Goal CON-5: Reduce dependency on non-renewable energy resources through the use of local and imported alternative energy sources.

Construction and operation of the proposed project would result in the consumption of energy resources. Energy consumption during construction would consist of electricity providing temporary power to lighting and equipment as well as fuel for construction vehicles. Per PDF-8, construction-related activities would minimize the use of non-renewable diesel by minimizing the use of diesel-powered equipment or generators, where feasible. Construction-related energy consumption would be minimal in comparison to the operational consumption once the proposed hotel is occupied.

Energy usage for operation of the proposed project would include both electricity and natural gas, where total electricity usage would be approximately 4,956,901 kilowatt hours per year, and total natural gas usage would be approximately 15,780,088 thousand British thermal units per year (RK, 2022a). Per PDF-11, the proposed project would be designed in compliance with the California Building Energy Efficiency Standards and Garden Grove Municipal Code Section 18.04.0101, including the provisions for bicycle parking, electric vehicle charging stations, energy efficiency, material conservation, and water/waste reduction. To further ensure the operation of the proposed project would not result in inefficient or wasteful energy consumption or conflict with the City's energy goals CON-4 and CON-5, Mitigation Measures GHG-2 through GHG-6 (provided below in Section VIII, Greenhouse Gas Emissions, of this IS/MND), which would require the use of renewable energy sources and increase energy efficiency, such as installing onsite renewable energy sources capable of generating up to 25 percent of the proposed project's total electricity demand, implementing water conservation strategies, and implementing waste management, recycling, and composting programs to divert 50 percent of waste away from a landfill. Thus, with Mitigation Measures GHG-2 through GHG-6, implementation of the proposed project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation, nor would it conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, impacts would be less than significant with mitigation incorporated.

Sources

California Building Standards Commission. 2021. CALGreen Webpage. Available at: <https://www.dgs.ca.gov/BSC/CALGreen> (accessed September 2021).

California Energy Commission. 2021. Building Energy Efficiency Standards – Title 24. Available at: <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards> (accessed September 2021).

City of Garden Grove. 2008. *Garden Grove General Plan*. Available at: <https://ggcity.org/planning/general-plan> (accessed July 2021).

RK ENGINEERING GROUP, INC. (RK). 2022a. *Garden Grove Hotel Site B-2 Air Quality and Greenhouse Gas Impact Study*. April. PDF.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VII. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known active fault trace? Refer to Division of Mines and Geology Special Publication 42.				X
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction and lateral spreading?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				X
e) Have soils incapable of adequately supporting the use of onsite wastewater treatment systems where sewers are not available for the disposal of wastewater?				X
f) Directly and indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		

Discussion:**a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:**

- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known active fault trace? Refer to Division of Mines and Geology Special Publication 42.**

No Impact. Per the Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act), Alquist-Priolo earthquake fault zones are regulatory zones surrounding the surface traces of active faults in California (California Department of Conservation, 2019). Pursuant to the Alquist-Priolo Act and Title 14 Section 3603(a) of the California Code of Regulations, wherever an active fault exists, if it has the potential for surface rupture, a structure for human occupancy cannot be placed over the fault and must be a minimum distance from the fault (generally fifty feet), unless proven otherwise by an appropriate geotechnical investigation and report that the site is not underlain by active branches of the active fault. According to the geotechnical investigation prepared for the proposed project (Geocon, 2018) (Appendix E), the project site is not within a state-designated Alquist-Priolo Earthquake Fault Zone for surface fault rupture hazards. No active or potentially active faults with the potential for surface fault rupture are known to occur in the vicinity (i.e., within 50 feet) of the project site (Geocon, 2018). The nearest active fault to the project site is the Newport-Inglewood Fault Zone, located approximately 7.4 miles south-southwest of the project site (Geocon, 2018). Given this, implementation of the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known active fault trace. No impact would occur.

- ii) Strong seismic ground shaking?**

Less than Significant Impact. As discussed above, the project site is not within a state-designated Alquist-Priolo Earthquake Fault Zone and there are no active or potentially active faults with the potential for surface fault rupture known to occur in the vicinity of the project site. However, the project site is located in the seismically active Southern California region and could be subjected to moderate to strong ground shaking in the event of an earthquake on one of the many active southern California faults. Nearby active faults include the Newport-Inglewood Fault Zone, the Whittier Fault, the Chino Fault, the Elsinore Fault, and the Palos Verdes Fault (offshore segment) located approximately 7.4 miles south-southwest, 10.5 miles northeast, 17 miles northeast, 18 miles east-northeast, and 19 miles southwest of the project site, respectively (Geocon, 2018). The active San Andreas Fault Zone is located approximately 42 miles northeast of the project site (Geocon, 2018). Also, several buried thrust faults, commonly referred to as blind thrusts, underlie the Los Angeles Basin, including Orange County, at depth greater than 3.0 kilometers (1.86 miles). These faults are not exposed at the ground surface and do not present a potential surface fault rupture hazard at the project site; however, these deep thrust faults are considered active features capable of generating future earthquakes that could result in moderate to strong ground shaking at the project site.

However, the design and construction of the proposed project would be required to comply with the California Building Code as well as comply with the geotechnical investigation recommendations as a condition of approval, which would ensure the proposed development is resistant to the effects of earthquake motions. For example, the California Building Code's Chapter 16, Structural Design, Section 1613, Earthquake Loads, includes design requirements for structures to resist the effects of earthquake motions (UpCodes, 2019). In addition, Section 8 of the geotechnical investigation prepared for the proposed project includes foundation design recommendations to address seismic forces (Geocon, 2018). Given this, implementation of the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Therefore, impacts would be less than significant impact.

iii) Seismic-related ground failure, including liquefaction?

Less than Significant Impact. The State of California Seismic Hazard Zone Map for the Anaheim Quadrangle indicates that the project site is located in an area designated as having a potential for liquefaction (Geocon, 2018). In addition, the City of Garden Grove Safety Element (2021) indicates that the project site is located within an area identified as having a potential for liquefaction.

A liquefaction analysis was conducted by Geocon (2018), which concluded that the alluvial soils below the historic high groundwater level at the project site could be susceptible to settlement (ranging from 0.3 inches to 2.6 inches) during ground motion from a Design Earthquake and Maximum Considered Earthquake. However, the proposed project would be designed in compliance with the California Building Code seismic requirements (e.g., Chapter 16, Structural Design, Section 1613, Earthquake Loads, described previously) and would be required to implement the geotechnical investigation's foundation design recommendations provided in Section 8 related to addressing settlement as a condition of approval, which would ensure seismic-related ground failure, including liquefaction, would not occur.

Furthermore, as a condition of approval, per Section 8.1.2 of the geotechnical investigation, prior to obtaining building permits from the City, additional site exploration and laboratory testing will be required to confirm the existing conditions throughout the project site and provide final design recommendations, which would be incorporated into an updated geotechnical investigation and implemented as a condition of approval (Geocon, 2018). Given this, implementation of the proposed project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. Therefore, impacts would be less than significant.

iv) Landslides?

Less than Significant Impact. The project site ranges from relatively level to gently sloping to the southeast and is not within an area identified by the City of Garden Grove or the County of Orange as having a potential for slope stability hazards (Geocon, 2018). Additionally, the State of California Seismic Hazard Zone Map for the Anaheim Quadrangle indicates that the project site is not located within a zone of required investigation for earthquake-induced landslides. There are no known landslides near the project site, nor is the project site in the path of any known or potential landslides (Geocon, 2018). Thus, the potential for landslides to adversely impact the project site is considered low. Given this, implementation of the proposed project would not directly or indirectly cause potential substantial adverse effects,

including the risk of loss, injury, or death involving landslides. Therefore, impacts would be less than significant.

b) Result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact. The proposed project includes site clearing and ground disturbance, which has the potential to result in soil erosion and loss of topsoil. However, the preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP) and Best Management Practices (BMPs), as discussed in Section X (Hydrology and Water Quality) of this IS/MND, during project construction and operation would minimize soil erosion and loss of topsoil. For example, typical soil erosion control and loss of topsoil BMPs would include soil stabilization via application of covers or binders or diverting storm water flows from contacting disturbed soil areas via infiltration basins. Fugitive dust would be controlled in compliance with SCAQMD Rule 403. Compliance with this rule would be achieved through application of standard BMPs, such as application of water or chemical stabilizers to disturbed soils, covering haul vehicles, restricting vehicle speeds on unpaved roads to 15 miles per hour, sweeping loose dirt from paved site access roadways, cessation of construction activity when wind exceeds 25 miles per hour, and establishing a permanent ground cover on finished sites. Compliance with the standard dust control measures would be considered part of conditions of approval for the proposed project and built into the design features (refer to Construction Design Features). Given this, implementation of the proposed project in conjunction with implementation of a SWPPP and BMPs would not result in substantial soil erosion or the loss of topsoil. Therefore, impacts would be less than significant.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less than Significant Impact. As stated above, the project site is not within a state-designated Alquist-Priolo Earthquake Fault Zone for surface fault rupture hazards (Geocon, 2018). No active or potentially active faults with the potential for surface fault rupture are known to occur in the vicinity of the project site. Additionally, as stated above, the State of California Seismic Hazard Zone Map for the Anaheim Quadrangle indicates that the project site is not located within a zone of required investigation for earthquake-induced landslides. Also, the project site is not located within an area of known ground subsidence (Geocon, 2018). No large-scale extraction of groundwater, gas, oil, or geothermal energy is occurring or planned at the project site or in the general project vicinity; thus, there is little to no potential of ground subsidence occurring at the project site or as a result of implementation of the proposed project.

In addition, as stated above, while the proposed project is located within an area designated as having a potential for liquefaction and could be susceptible to settlement (ranging from 0.3 inches to 2.6 inches) during ground motion from a Design Earthquake and Maximum Considered Earthquake (Geocon, 2018), the proposed project would be designed in compliance with the California Building Code seismic requirements (e.g., Chapter 16, Structural Design, Section 1613, Earthquake Loads, described previously) and would be required to implement the geotechnical investigation's foundation design recommendations provided in Section 8 related to addressing settlement as a condition of approval, which would ensure seismic-related ground failure, including liquefaction, would not occur. Furthermore, as discussed previously, as a condition of approval, per Section 8.1.2 of the geotechnical investigation, prior to obtaining building permits from the

City, additional site exploration and laboratory testing will be required to confirm the existing conditions throughout the project site and provide final design recommendations, which would be incorporated into an updated geotechnical investigation and implemented as a condition of approval (Geocon, 2018). Given this, the proposed project would not be located on a geologic unit or soil that is unstable, nor that would become unstable as a result implementation of the proposed project, potentially resulting in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. Therefore, impacts would be less than significant.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

No Impact. Based on the geotechnical investigation performed for the proposed project, it is recommended, at a minimum, that the upper 6 feet of existing site soils within the proposed on-grade building footprint areas be excavated and properly compacted for foundation and slab support. The upper 5 feet of existing soils encountered at the project site during this investigation are considered to have a “very low” expansive potential and are classified as “non-expansive” per the California Building Code (Geocon, 2018). Given this, the proposed project would not be located on expansive soil. No impact would occur.

e) Have soils incapable of adequately supporting the use of onsite wastewater treatment systems where sewers are not available for the disposal of wastewater?

No Impact. The proposed project would connect with the existing municipal sewer system, and thus would not require the use of onsite wastewater treatment systems. No impact would occur.

f) Directly and indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant with Mitigation Incorporated. According to the *Site B-2 Hotel Project: Cultural, Paleontological and Tribal Cultural Resources Technical Memorandum* prepared by AECOM (2022) (Appendix D), the sensitivity of the proposed project to encounter significant fossil remains appears low to moderate. The paleontological records search indicated that surficial deposits of Late Pleistocene to Holocene silty sand alluvial fan sediments exist in the project site. No fossil specimens are known to have been documented within the project site, but these deposits have yielded fossils in the region, typically at depths of greater than 6 feet below surface. Paleontological sensitivity increases with depth as older alluvial deposits in the region have yielded vertebrate fossil specimens.

Past building and demolition activities within the project site likely removed some overlying soil, and artificial or disturbed fill may be present in the upper levels. However, intact deposits of fossil-bearing Pleistocene sediments have the potential to be encountered at depths below 6 feet within the project site. Specifically, shallow grading and other ground-disturbing activities less than 6 feet below surface are not likely to encounter fossil specimens but deeper excavation activities for building foundations or the parking garage have low to moderate potential to encounter paleontological remains.

To address this low to moderate potential, Mitigation Measure G-1 would apply in the event that fossil specimens are encountered at the project site. With implementation of Mitigation Measure G-1, the proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Therefore, impacts would be less than significant.

Paleontological Resources Mitigation Measure

- G-1 In the event paleontological resources are found during construction, all attempts will be made to preserve in place or leave resources in an undisturbed state in compliance with applicable laws. In the event that fossil specimens are encountered on the site and cannot be preserved in place, a qualified paleontologist will be contacted and work in the vicinity of the discovery (15-meter radius) will halt until the appropriate assessment and treatment of the resource is determined by the paleontologist (work can continue elsewhere on the project site). If recommended by the project paleontologist, monitoring may be implemented, collection of specimens or appropriate sediment samples may be conducted, and remains may be curated at a repository, in accordance with Society of Vertebrate Paleontology guidelines.

Sources

AECOM. 2022. *Site B-2 Hotel Project: Cultural, Paleontological and Tribal Cultural Resources Technical Memorandum*. February. PDF.

UpCodes. 2019. California Building Code 2019 (Vol 1 & 2) – Chapter 16, Structural Design. Available at: <https://up.codes/viewer/california/ibc-2018/chapter/16/structural-design#16> (accessed April 2022).

California Department of Conservation. 2019. Alquist-Priolo Earthquake Fault Zones. Available at: <https://www.conservation.ca.gov/cgs/alquist-priolo> (accessed April 2022).

City of Garden Grove. 2021. Chapter 11. Safety Element, City of Garden Grove General Plan. Public Review DRAFT – August 2021. Adopted November 9, 2021. Available at: https://ggcity.org/sites/default/files/2021-09/Chapter11GG_SafetyElement_PublicReview_08-2021.pdf (accessed March 2022).

Geocon West, Inc. (Geocon). 2018. *Geotechnical Investigation – Proposed Hotel Development Northwest Corner of Harbor Boulevard and Twintree Lane, Garden Grove, California*. August. PDF.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas (GHGs) emissions, either directly or indirectly, that may have a significant impact on the environment?		X		
b) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?		X		

Discussion: The discussion below is based on the *Garden Grove Hotel Site B-2 Air Quality and Greenhouse Gas Impact Study* prepared by RK ENGINEERING GROUP, INC. (RK, 2022a) included as Appendix B.

a) Generate greenhouse gas (GHGs) emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impacts with Mitigation Incorporated. Certain gases in the earth’s atmosphere, classified as greenhouse gases (GHG), play a critical role in determining the earth’s surface temperature. A portion of the solar radiation that enters earth’s atmosphere is absorbed by the earth’s surface, and a smaller portion of this radiation is reflected back toward space. Infrared radiation is absorbed by GHGs; as a result, infrared radiation released from the earth that otherwise would have escaped back into space is instead “trapped,” resulting in a warming of the atmosphere. This phenomenon, known as the “greenhouse effect,” is responsible for maintaining a habitable climate on Earth.

GHGs are present in the atmosphere naturally, are released by natural sources and anthropogenic sources, and are formed from secondary reactions taking place in the atmosphere. The following are GHGs that are widely accepted as the principal contributors to human-induced global climate change that are relevant to the project:

- Carbon dioxide (CO₂)
- Methane (CH₄)
- Nitrous oxide (N₂O)

Emissions of CO₂ are byproducts of fossil fuel combustion. CH₄ is the main component of natural gas and is associated with agricultural practices and landfills. N₂O is a colorless GHG that results from industrial processes, vehicle emissions, and agricultural practices.

Global warming potential (GWP) is a concept developed to compare the ability of each GHG to trap heat in the atmosphere relative to CO₂. The GWP of a GHG is based on several factors, including the relative effectiveness of a gas to absorb infrared radiation and length of time (i.e., lifetime) that the gas remains in the atmosphere (“atmospheric lifetime”). The reference gas for GWP is CO₂; therefore, CO₂ has a GWP of 1. The other main GHGs that have been attributed to human activity include CH₄, which has a GWP of 28, and N₂O,

which has a GWP of 265. For example, 1 ton of CH₄ has the same contribution to the greenhouse effect as approximately 28 tons of CO₂. GHGs with lower emissions rates than CO₂ may still contribute to climate change because they are more effective at absorbing outgoing infrared radiation than CO₂ (i.e., high GWP). The concept of CO₂-equivalents (CO₂e) is used to account for the different GWP potentials of GHGs to absorb infrared radiation.

According to the *Garden Grove Hotel Site B-2 Air Quality and Greenhouse Gas Impact Study* (RK, 2022a) (Appendix B), GHG emissions would be generated during construction (e.g., emissions from construction equipment and vehicles) and operation (e.g., emissions from vehicles, electricity, natural gas, waste, and water sources) of the proposed project. RK used the California Emissions Estimator Model Version 2020.4.0 (CalEEMod) to calculate GHG emissions from the construction and operation of the proposed project. Because impacts from construction activities would occur over a relatively short-term period of time, they would contribute a relatively small portion of the overall lifetime project GHG emissions. Construction emissions were thus amortized over 30 years and added to the long-term operational emissions, pursuant to SCAQMD recommendations. In doing so, construction GHG emissions were included in the overall contribution of the proposed project.

The total estimated GHG emissions of the proposed project were 5,756.97 MTCO₂e per year (which assumed incorporation of PDF-1 through PDF-12, provided previously in Section 3.3 of this IS/MND). To assess potentially significant impacts, RK used SCAQMD's Tier 3 threshold of significance of 3,000 MTCO₂e/year for all non-industrial projects per the latest recommended GHG thresholds provided by SCAQMD (aka, SCAQMD's five-tiered approach³). The proposed project's GHG emissions would exceed the SCAQMD's Tier 3 threshold of 3,000 MTCO₂e and would thus result in a potentially significant impact. The project was thus analyzed under SCAQMD's Tier 4 threshold which requires implementation of GHG mitigation measures that demonstrate a 30 percent reduction compared to business as usual (BAU) conditions. Per SCAQMD guidelines, BAU is based on current regulatory requirements, and is considered the level from which GHG reductions must occur. With implementation of Mitigation Measures GHG-1 through GHG-7 shown below, the total estimated GHG emissions generated by the proposed project would be 3,583.53 MTCO₂e/year, reflecting a 51 percent reduction. Thus, with Mitigation Measures GHG-1 through GHG-7, implementation of the proposed project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. Therefore, impacts would be less than significant with mitigation incorporated.

GHG Mitigation Measures

- GHG-1 The number of large diesel trucks coming to the site (i.e., for deliveries, trash collection or other services) shall be limited to 20 trucks per day or less. 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.
- GHG-2 Onsite renewable energy sources (i.e., solar panels) shall be installed capable of generating up to 25% of the project's total electricity demand.

³ SCAQMD's objective in providing their five-tiered GHG guidelines is to establish a performance standard that will ultimately contribute to reducing GHG emissions below 1990 levels, and thus achieve the requirements of the California Global Warming Solutions Act (Assembly Bill 32). By complying with the SCAQMD's five-tiered GHG thresholds of significance, a project would be considered to be in compliance with Assembly Bill 32 (RK, 2022a).

- GHG-3 Prior to receiving a Certificate of Occupancy, the proposed project shall demonstrate to the satisfaction of the Garden Grove Building and Safety Division that water conservation strategies have been implemented, including low flow fixtures and toilets, water efficient irrigation systems, drought tolerant/native landscaping, and pool water recycling systems.
- GHG-4 Waste management, recycling and composting programs shall be implemented to divert up to 50% of waste away from a landfill.
- GHG-5 Electric landscaping equipment, such as leaf blowers and pressure washers shall be used.
- GHG-6 No onsite natural gas fireplaces or fire pits shall be installed.
- GHG-7 Trip reduction measures and project design features shall be implemented to reduce the number of auto-based trips generated by the project and to encourage the use of transit, bicycling, and walking through the following measures.
1. Improve the walkability and design of the project by providing pedestrian and bicycling connections within the project site and to adjacent off-site facilities (i.e., sidewalks, crosswalks, wayfinding signage, etc.).
 2. Provide traffic calming measures (i.e., marked crosswalks, raised crosswalks, raised intersections, count-down signal timers, curb extensions, speed tables, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips with street trees, chicanes/chokers, etc.)
 3. Provide secure onsite bicycle racks and provide bicycle rentals for hotel guests.
 4. Provide transit/shuttle service for guests to local area attractions. The shuttle service shall operate on a regular daily basis and be offered to all guests staying at the hotel.
 5. Hotel management/concierge should provide information that promotes walking, bicycling and public transit options to nearby attractions. This should include information on local bus routes and schedules and wayfinding to the existing transit stops along Harbor Boulevard.

b) Conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less than Significant Impacts with Mitigation Incorporated. In 2006, California passed the California Global Warming Solutions Act of 2006 (Assembly Bill [AB] 32; California Health and Safety Code Division 25.5, Sections 38500, et seq.). AB 32 establishes regulatory, reporting, and market mechanisms to achieve quantifiable reductions in GHG emissions and requires statewide GHG emissions be reduced to 1990 levels by 2020 (CARB, 2017). In 2016, this goal was reinforced with the passage of Senate Bill (SB) 32, the California Global Warming Solutions Act, which established a statewide GHG reduction goal of 40 percent below 1990 levels by 2030. The 2030 target represents reductions needed to ensure California can achieve its longer-term 2050 target of a reduction of GHG gases 80 percent below 1990 levels per Executive Order B-30-15 (CARB, 2017).

In 2008 and 2014, CARB approved the Scoping Plan and the first update to the Scoping Plan, respectively (CARB, 2008; CARB, 2014). In response to SB 32 and the companion legislation of AB 197, CARB approved the 2017 Scoping Plan Update in November 2017 (CARB, 2017). The 2017 Scoping Plan Update draws from the previous plans to present strategies to reaching California's goal of 40 percent below 1990 levels by 2030.

As discussed in the *Garden Grove Hotel Site B-2 Air Quality and Greenhouse Gas Impact Study* (RK, 2022a) (Appendix B), SCAQMD's objective in providing the five-tiered GHG thresholds of significance was to establish a performance standard that will ultimately contribute to reducing GHG emissions below 1990 levels, and thus achieve the requirements of AB 32. Thus, by complying with the SCAQMD's five-tiered GHG thresholds of significance, a project would be in compliance with AB 32. In addition, a project must demonstrate it can achieve a 40 percent reduction in long-term operational GHG emissions compared to BAU conditions to be in compliance with CARB's 2017 Scoping Plan Update. As discussed above, with implementation of Mitigation Measures GHG-1 through GHG-7, the total estimated GHG emissions generated by the proposed project would be 3,316.08 MTCO₂e/year, reflecting a 42 percent reduction compared to BAU conditions. Thus, with Mitigation Measures GHG-1 through GHG-7, implementation of the proposed project would not conflict with AB 32 or CARB's 2017 Scoping Plan Update. Therefore, impacts would be less than significant with mitigation incorporated.

Sources

California Air Resources Board (CARB). 2017. *California's 2017 Climate Change Scoping Plan – The Strategy for Achieving California's 2030 Greenhouse Gas Target*. Available at:

https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf (accessed August 2021).

----. 2014. *First Update to the Climate Change Scoping Plan – Building on the Framework, Pursuant to AB 32, The California Global Warming Solutions Act of 2006*. Available at:

https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/2013_update/first_update_climate_change_scoping_plan.pdf (accessed August 2021).

----. 2008. *Climate Change Scoping Plan - A Framework for Change, Pursuant to AB 32, The California Global Warming Solutions Act of 2006*. Available at:

https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/document/adopted_scoping_plan.pdf (accessed August 2021).

City of Garden Grove. 2021a. City of Garden Grove Focused General Plan Update and Zoning Amendments – Draft Environmental Impact Report (SCH# 2021060714). Available at: <https://ggcity.org/sites/default/files/2021-08/FGPUZA%20DEIR.pdf> (accessed August 2021).

----. 2021b. Environmental Documents Webpage. Available at: <https://ggcity.org/planning/environmental-documents> (accessed August 2021).

RK ENGINEERING GROUP, INC. (RK). 2022a. *Garden Grove Hotel Site B-2 Air Quality and Greenhouse Gas Impact Study*. April. PDF.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of sensitive land uses?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X
f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X

Discussion:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?**

Less than Significant Impact (a-b). Construction of the proposed project would involve transport, use, and disposal of limited quantities of hazardous materials such as paints, solvents, cleaning agents, oils, grease, and

fuel for construction equipment. However, the proposed project would comply with all federal, state, and local requirements related to the transport, storage, use, and disposal of such materials.

In addition, operation and maintenance activities of the hotel and restaurant uses would also use limited quantities of non-acutely hazardous materials, such as paints, cleaning agents, and batteries, as well as generate small quantities of common household hazardous wastes (HHW); however, the use, storage, and disposal of such hazardous materials and HHW would be conducted in compliance with all applicable hazardous materials and waste federal, state, and local requirements. Thus, the proposed project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials. Additionally, the proposed project would not require the use or storage of significant quantities of hazardous materials that could become a significant hazard to the public or the environment through an accidental release or upset condition. Though it is not reasonably foreseeable that significant quantities of hazardous materials would be used or stored on site, to the extent any such use or storage would occur, such use and storage would be conducted in compliance with all applicable federal, state, and local requirements. Therefore, impacts would be less than significant.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of sensitive land uses?

Less than Significant Impact. The Walton Intermediate School is located approximately 0.2 mile northwest of the project site; Warren Elementary School is located approximately 0.25 mile northeast of the project site; and Violette Elementary School is located approximately 0.25 mile southwest of the project site (Google Earth Pro, 2022). However, as discussed previously in Section III. Air Quality, in the environmental checklist of this IS/MND, the proposed project would not emit hazardous emissions. Also, as discussed above, while the proposed project would use, store, and dispose limited quantities of hazardous materials during construction and operation, such as paints, solvents, cleaning agents, etc., such materials would be used, stored, and disposed in compliance with all federal, state, and local requirements. Therefore, impacts would be less than significant.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. The proposed project is not located on a site that has been included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and thus would not create a significant hazard to the public or environment (California Environmental Protection Agency[CalEPA], 2021; California Department of Toxic Substances Control [DTSC], 2021; State Water Resources Control Board [SWRCB], 2021). No impact would occur.

e) For a project located within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The nearest public airport to the project site is the John Wayne Airport in the City of Santa Ana, approximately 8 miles southeast to the project site. The Joint Forces Training Base in the City of Los Alamitos is located approximately 7.6 miles west of the project site. As such, the proposed project is not located within

an airport land use plan nor within two miles of a public airport or public use airport (Airport Land Use Commission for Orange County, 2008; Google Earth Pro, 2021) and thus, would not result in a safety hazard or excessive noise for people residing or working in the project area. No impact would occur.

f) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The proposed project would share access with adjacent Sheraton Hotel via the existing access on Harbor Boulevard. A restricted access to the project site along Twintree Avenue would be provided to emergency vehicles, maintenance, and trash/delivery trucks only. During construction, there may be minor disruptions in traffic patterns with a temporary lane closure on Harbor Boulevard during the utilities upgrade. As needed, a Traffic Control Plan would be prepared to demonstrate how the traffic around the project will be controlled to maintain public safety and emergency access. The design of the proposed project would not permanently close any streets or lanes; any improvements needed for the adequate access to the project site would be reviewed by the City to ensure that access and circulation are maintained during construction.

The City of Garden Grove adopted Emergency Operations Plan in 2004, which is a multi-hazard plan that addresses the City's planned response to extraordinary emergency situations, which are typically considered large-scale disasters (City of Garden Grove, 2021). In addition, in 2020, the City adopted a Local Hazard Mitigation Plan (LHMP) to guide hazard mitigation planning to better protect the people and property of the City from the effects of natural disasters and hazard events (City of Garden Grove, 2020). The LHMP documents the hazard mitigation planning process and identifies relevant hazards and vulnerabilities and strategies the City will use to decrease vulnerability and increase resiliency and sustainability in the community. As discussed previously in Section VII. Geology and Soils in the environmental checklist of this IS/MND, the proposed project would be designed in compliance with the California Building Code seismic requirements and would implement the geotechnical investigation's design recommendations which would ensure seismic-related ground failure, including liquefaction, would not occur. Furthermore, as discussed previously, as a condition of approval, per Section 8.1.2 of the geotechnical investigation, prior to obtaining building permits from the City, additional site exploration and laboratory testing will be required to confirm the existing conditions throughout the project site and provide final design recommendations, which would be incorporated into an updated geotechnical investigation and implemented as a condition of approval (Geocon, 2018). In addition, the proposed project would be designed to ensure adequate emergency access is provided. Given this, implementation of the proposed project would not impair implementation of, or physically interfere with, the City's adopted Emergency Operation Plan or LHMP. Therefore, impacts would be less than significant.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact. The project site is located in urbanized area of the City and is not located adjacent to any wildlands or an area where residences are intermixed with wildlands. According to the California Department of Forestry and Fire Protection (CAL FIRE)'s Fire Hazard Severity Zone (FHSZ) Viewer Map, the project site is also not within or near a state responsibility area or a very high fire severity zone (CAL FIRE, 2021). Therefore, implementation

of the proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. No impact would occur.

Sources

Airport Land Use Commission for Orange County. 2008. Airport Land Use Commission for Orange County – Airport Planning Areas (Figure 1). Available at: https://files.ocair.com/media/2021-02/airportlu_20200604.pdf?VersionId=cMd6uGpbGOWGd3jMOS6TPJF3y5nMyA7F (accessed June 2021).

California Environmental Protection Agency (CalEPA). 2021. Cortese List Data Resources. Available at: <https://calepa.ca.gov/SiteCleanup/CorteseList/> (accessed June 2021).

California Department of Forestry and Fire Protection (CAL FIRE). 2021. Fire Hazard Severity Zone (FHSZ) Viewer Map. Available at: <https://egis.fire.ca.gov/fhsz/> (accessed May 2021).

California Department of Toxic Substances Control (DTSC). 2021. EnviroStor. Available at: <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=harbor+blvd+and+twintree+ave.%2C+garden+grove%2C+ca> (accessed June 2021).

City of Garden Grove. 2021. Chapter 11. Safety Element, City of Garden Grove General Plan. Public Review DRAFT – August 2021. Adopted November 9, 2021. Available at: https://ggcity.org/sites/default/files/2021-09/Chapter11GG_SafetyElement_PublicReview_08-2021.pdf (accessed March 2022).

----. 2020. City of Garden Grove Local Hazard Mitigation Plan. Available at: <https://ggcity.org/sites/default/files/City%20of%20Garden%20Grove%20LHMP%20Complete.pdf> (accessed August 2021).

Geocon West, Inc. (Geocon). 2018. *Geotechnical Investigation – Proposed Hotel Development Northwest Corner of Harbor Boulevard and Twintree Lane, Garden Grove, California*. August. PDF.

Google Earth Pro. 2022.

State Water Resources Control Board (SWRCB). 2021. GeoTracker. Available at: <https://geotracker.waterboards.ca.gov/map/?CMD=runreport&myaddress=harbor+blvd+and+twintree+ave%2C+garden+grove%2C+ca#> (accessed June 2021).

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
X. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			X	
i) Result in substantial erosion or siltation on- or off-site;			X	
ii) Substantially increase the rate, amount, or depth of surface runoff in a manner which would result in flooding on- or offsite;			X	
iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
iv) Impede or redirect flood flows			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				X

Discussion: The discussion below is based on the Preliminary Hydrology Report, Preliminary Water Quality Management Plan (pWQMP), and Water Supply Assessment (WSA), prepared by Psomas (2022a, 2022b, & 2022c) included as Appendix F1, Appendix F2, and Appendix G, respectively. The pWQMP is a site-specific post-construction water quality management program intended to comply with the requirements of the local NPDES Stormwater Program. It would address pollutants of concern of the proposed project through implementation of applicable BMPs. The WSA evaluates whether the City can supply the water demands from the development of the proposed project as well as the remainder of the demands within its water service area after the proposed project is completed and 20 years into the future.

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?

Less than Significant Impact. Numerous federal and state regulations and programs are designed to protect and enhance water quality, such as the Clean Water Act, the Porter-Cologne Water Quality Control Act, the NPDES Program, the Municipal Stormwater Permitting Program, and the Water Quality Control Plan for the Santa Ana River Basin. The proposed project would be required to comply with these requirements, in addition to the water quality requirements of the City of Garden Grove Municipal Code, Garden Grove Sanitary District, and the Garden Grove Public Works Water Service Division.

Pursuant to the Clean Water Act, the discharge of pollutants to waters of the U.S. from any point source is unlawful, unless the discharge is in compliance with a NPDES permit. Municipal and industrial stormwater discharges are also regulated under the NPDES program. The California State Water Resources Board maintains the California NPDES program through the Regional Water Quality Control Boards.

Construction activities that disturb one acre of land or more must apply for coverage under the State Water Resources Control Board General Construction Activity Stormwater Permit. To obtain coverage, a SWPPP must be prepared describing BMPs for erosion and sediment controls (i.e., short repeat cycles of irrigation water timing, use of mulch in planter areas), runoff water quality monitoring, waste disposal requirements, post-construction control measures and non-stormwater management controls must be prepared. The proposed project, which consists of constructing a resort hotel on a 3.72-acre site, would be required to obtain coverage under the General Construction Activity Stormwater Permit and a SWPPP would be required. Construction activities for the proposed project would include activities such as clearing and grading that would expose surface soils and could result in sediment and runoff in downstream receiving waters along with other miscellaneous waste. The control of construction-related pollutants, however, would be achieved through the implementation of BMPs identified in the SWPPP as required by the General Construction Activity Stormwater Permit.

According to the Preliminary Hydrology Report (Psomas, 2022a) (Appendix F1) and the pWQMP (Psomas, 2022b) (Appendix F2), the project site consists of 28 percent of impervious area; it is predominantly flat and drainage surface flows to Thackery Drive, then west onto Twintree Avenue, and south onto Buaro Street where it flows into a curb opening catch basin and enters the public storm drain system. The drainage ultimately flows through city and county owned facilities to Anaheim Bay.

With implementation of the proposed project, the project site would consist of 68 percent of impervious area. The post development drainage would be similar to the pre-development drainage. There is one drainage management area and runoff flows in the southern direction in both the pre- and post-development. All flows beyond the full design capture volume would follow the pre-development drainage pattern to leave the project site.

Existing drainage from the adjacent Sheraton Hotel currently surface flows through a culvert onto Thackery Drive and ultimately leaves the project site flowing west onto Twintree Avenue. With the proposed project, this offsite drainage would be routed to the new drive aisle along the west property line and continue to flow west onto Twintree Avenue to match the existing condition. These flows would not be mixed with the runoff of the proposed project.

Although impervious surfaces would be increased with implementation of the proposed project, no alteration of a course or stream would occur. Furthermore, the Preliminary Hydrology Report (Psomas, 2022a) (Appendix F1) and the pWQMP (Psomas, 2022b) (Appendix F2) prepared for the proposed project would ensure compliance with the NPDES Stormwater Program and include BMPs that would ensure no substantial alteration of the existing drainage pattern at the project site would occur. The pWQMP includes the use of bioretention as the site design BMP. Post-development, bioretention BMPs with no underdrains would be used to treat runoff and site drainage from the proposed project given the soils on the project site have been determined to have adequate infiltration capacity. Specifically, runoff from the proposed hotel would be collected using roof downspouts that would either flow directly into the top of the bioretention BMPs or outlet at grade and surface flow to the bioretention BMPs, where it would be filtered, then infiltrated onsite. The landscaping would include drought tolerant shrubs and trees in the interior and perimeter landscaping. Retained flows would be treated and metered prior to direction to off-site storm drains and the public storm drain system. The proposed project would meet the requirements of the Statewide Trash Amendment through implementation of the bioretention BMPs. Per the trash amendment requirements, the proposed treatment must trap all particles that are 5 millimeter or greater and the proposed project's bioretention BMPs would accomplish this task. Additionally, all onsite trash enclosures would be covered to reduce the amount of trash that could end up at the bioretention BMPs.

Also, the pWQMP incorporates non-structural and structural source control BMPs, as defined in the Orange County Drainage Area Management Plan (DAMP). For example, the non-structural BMPs proposed for source control and reduction/elimination of pollutants include providing educational environmental awareness materials to all employees and contractors during the initial hiring and orientation process, and annually thereafter; providing restrictions to all employees, contractors, etc. on certain activities conducted on the project site, such as vehicle washing, maintenance or repair outside of designated areas, hosing down of paved areas, and keeping dumpster lids open; maintaining common area landscape with efficient landscape and irrigation practices; and implementing trash management and litter control procedures to reduce pollution of drainage water. The structural BMPs include providing storm drain system labeling and signage on grate and drain inlets to alert the public to the destination of pollutants discharged into storm water; and using efficient irrigation systems and landscape design to minimize the runoff of excess irrigation water into the storm drain system.

The incorporation of BMPs prescribed in the WQMP would minimize impervious areas in addition to reducing potential pollutants that enter the surface flows as a result of project implementation, to the maximum extent practicable, as required by the Regional Water Quality Control Board. Prior to the commencement of grading and construction activities, a final WQMP would be prepared. With implementation of the SWPPP, WQMP, and BMPs, the construction and operation of the proposed project would not violate any water quality standards or waste discharge requirements, provide substantial additional sources of polluted runoff or otherwise substantially degrade water quality, nor would it substantially alter the existing drainage pattern of the project site or area. Therefore, impacts would be less than significant.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less than Significant Impact. The City's sources of water supply consist of groundwater and imported surface water. In the recent past the City has received, on average, about 70 percent of its water supply from its groundwater wells that access the Orange County Groundwater Basin and 30 percent from imported water from the Metropolitan Water District of Southern California (Metropolitan). The City's groundwater and imported water supplies are anticipated to remain stable based on studies and reports from the Orange County Water District and Metropolitan (Psomas, 2022c).

Groundwater was not encountered in any of the borings drilled to a maximum depth of 25 feet in the project site and no onsite groundwater resources would be used for the construction and operation of the proposed project. According to the WSA (Psomas, 2022c) (Appendix G), the total normal year water demand for the proposed project is 93.5 acre-feet per year (AFY) and this demand was included in the projections utilized in the City's 2020 Urban Water Management Plan (UWMP). Given this, the City would meet water demand through FY 2045, including the water demand generated by the proposed project. Furthermore, reliability of future water supplies to the region would be ensured through continued implementation of the Orange County Water District (OCWD) Groundwater Management Plan, OCWD's Long Term Facilities Plan, local agency programs, and the combined efforts and programs among member and cooperative agencies of Metropolitan. Thus, the WSA concluded a sufficient and reliable water supply for the City, now and into the future, including a sufficient water supply for the proposed project, during normal, dry and multiple dry years.

As mentioned above, the project site currently consists of 28 percent of impervious area; and with the construction of the proposed project, the impervious area would increase to 68 percent. However, the post development drainage would be similar to the pre-development drainage. With the proposed project, the offsite drainage would be routed to the new drive aisle along the west property line and continue to flow west onto Twintree Avenue to match the existing condition. These flows would not be mixed with the runoff of the proposed project. In addition, the Preliminary Hydrology Report (Psomas, 2022a) (Appendix F1) and the pWQMP (Psomas, 2022b) (Appendix F2) would ensure compliance with the NPDES Stormwater Program and include BMPs that would ensure no substantial alteration of the existing drainage pattern at the project site would occur. Given this, implementation of the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. Therefore, impacts would be less than significant.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

(i) Result in substantial erosion or siltation on- or off-site?

Less than Significant Impact. Implementation of the proposed project has the potential to result in erosion and siltation impacts during construction activities. However, as stated previously, the proposed project would maintain a similar drainage pattern compared to existing conditions, and there are no streams or rivers on the project site. As discussed in Response X. a) above, the proposed project would implement the erosion and sediment control BMPs from the SWPPP which would minimize erosion.

Compliance with applicable regulations for stormwater runoff would ensure that impacts related to erosion and siltation would be less than significant.

(ii) Substantially increase the rate, amount, or depth of surface runoff in a manner which would result in flooding on- or offsite?

Less than Significant Impact. Refer to Responses X. a) and X. c) (i), above. The proposed project would maintain a similar drainage pattern compared to existing conditions. According to the Preliminary Hydrology Report (Psomas, 2022a) (Appendix F1), the bioretention BMPs with no underdrain are required for the proposed project to reduce pollutants in stormwater discharges. The proposed drainage would be collected using roof downspouts, and flow directly into the bioretention BMPs. These bioretention BMPs would consist of a layer of mulch, sandy loam, and gravel. Once the stormwater passes through the planting material, the water would infiltrate into the site soils. As such, runoff from the project site would be minimized by proposed large planting areas and detaining the runoff during storm events in filtration planters (Psomas, 2022b) (Appendix F2). Therefore, the proposed project would not substantially increase the rate, amount, or depth of surface runoff in a manner which would result in flooding on- or offsite. Therefore, impacts would be less than significant.

(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less than Significant Impact. Refer to Responses X. a), X. c) (i), and X. c) (ii), above. The post development drainage would be similar to the pre-development drainage. There is one drainage management area and runoff flows in the southern direction in both the pre- and post-development. All flows beyond the full design capture volume would follow the pre-development drainage pattern to leave the project site. Existing drainage from the adjacent Sheraton Hotel currently surface flows through a culvert onto Thackery Drive and ultimately leaves the project site flowing west onto Twintree Avenue. With the proposed project, this offsite drainage would be routed to the new drive aisle along the west property line and continue to flow west onto Twintree Avenue to match the existing condition. These flows would not be mixed with the runoff of the proposed project. In addition, the proposed project's BMPs would ensure that pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the project site. Therefore, impacts would be less than significant.

(iv) Impede or redirect flood flows?

Less than Significant Impact. Refer to Responses X. a), X. c) (i), X. c) (ii), and X. c) (iii) above. As stated previously, all flows beyond the full design capture volume would follow the pre-development drainage pattern to leave the project site. Existing drainage from the adjacent Sheraton Hotel currently surface flows through a culvert onto Thackery Drive and ultimately leaves the project site flowing west onto Twintree Avenue. With the proposed project, this offsite drainage would be routed to the new drive aisle along the west property line and continue to flow west onto Twintree Avenue to match the existing condition. These flows would not be mixed with the runoff of the proposed project. The proposed project would not substantially increase the rate or amount of surface runoff in a manner that would impede or redirect flood flows. Therefore, impacts would be less than significant.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

Less than Significant Impact. According to the City's LHMP (City of Garden Grove, 2020), tsunami and seiches hazards were excluded from the plan as the City is not on the coast or next to a large body of water. Thus, the proposed project is not located in a tsunami or seiche zone.

Regarding flood hazard, the proposed project is within Zone "X" according to the Flood Insurance Rate Map (06059C0141J) (FIRM) from the Federal Emergency Management Agency (FEMA) (FEMA, 2019). Zone "X" is comprised by areas with minimal flood hazard that are outside the Special Flood Hazard Area (SFHA) (SFHA is an area that will be inundated by the flood event having a 1 percent chance of being equaled or exceeded in any given year) (FEMA, 2020). Thus, the proposed project would be within a minimal flood hazard zone.

However, the entire City falls within the Prado Dam inundation area (City of Garden Grove, 2021) and the proposed project would be subject to flows due to failure or overflow at Prado Dam. However, the LHMP concluded that it is unlikely a dam failure will occur in the future that would impact the City as there have been no recorded events of dam failure in or around the City and Prado Dam has not been at risk of failure in the past. Therefore, impacts would be less than significant.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact. As discussed above, with implementation of the SWPPP, WQMP, and BMPs, the construction and operation of the proposed project would comply with the NPDES Stormwater Program and Orange County DAMP. In addition, as discussed above, implementation of the proposed project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. Given this, implementation of the proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. No impact would occur.

Sources

City of Garden Grove. 2020. *City of Garden Grove Local Hazard Mitigation Plan*. Available at: <https://ggcity.org/sites/default/files/City%20of%20Garden%20Grove%20LHMP%20Complete.pdf> (accessed August 2021).

Federal Emergency Management Agency (FEMA). 2020. Flood Zones. Available at: <https://www.fema.gov/glossary/flood-zones> (accessed August 2021).

----. 2019. FEMA Flood Map Service Center. Flood Map Number 06059C0251J, effective on 12/03/2009. Available at: <https://msc.fema.gov/portal/search#searchresultsanchor> (accessed August 2021).

Psomas. 2022a. *Preliminary Hydrology Report – GG-Site B-2*. February. PDF.

----. 2022b. *Preliminary Water Quality Management Plan (pWQMP) – GG-Site B-2*. February. PDF.

----. 2022c. *Site B-2 Hotel Water Supply Assessment*. March. PDF.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XI. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			X	

Discussion:

a) Physically divide an established community?

No Impact. The project site was previously disturbed and occupied by former residential and commercial uses which were demolished between 2004 and 2013. The north/northeastern parcels of the project site are paved and used for parking by the adjacent Sheraton Hotel, and the remaining parcels are comprised of dirt pads with limited vegetation that are mostly vacant except for the southeastern parcels that are used for temporary construction storage. The easterly portion of Thackery Drive from the centerline of the street has been demolished recently; the westerly paved street portion of Thackery Drive continues to remain. As such, the proposed project would not physically divide an established community.

The project site is located directly south of Sheraton Hotel, to the south (across Twintree Avenue) are commercial and residential uses, to the west are residential uses, and to the east (across Harbor Boulevard) of vacant lots which has been approved for a hotel use. The proposed PUD zoning designation and subsequent intended development of the site would be compatible with the surrounding area in intensity and density. The proposed project construction and operation would occur within the project site and would not include significant new infrastructure improvements, such as major roadways, that would disrupt the physical arrangement of any existing residential or commercial development in the area. During construction, there may be minor disruptions in traffic patterns with a lane closure on Harbor Boulevard during the utilities upgrade, but any such disruption would be for a short duration and would be subject to a Traffic Control Plan. Thus, the proposed project would not result in impacts related to physical division of an established community. No impact would occur.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

Less than Significant Impact. The primary land use plans, policies, and regulations applicable to the proposed project include the City's General Plan and Garden Grove Municipal Code.

The project site has a General Plan land use designation of IW and is zoned PUD-141-01 and R-1-7. The parcels at 12241, 11261, 12271, 12291, 12311 and 12323 Harbor Boulevard; and 12246, 12252, 12262, 12282, 12292,

12312, and 12322 Thackery Drive are zoned PUD-141-01, while the parcels at 12251, 12261, 12281, 12291, 12311, and 12321 Thackery Drive are zoned R-1-7.

The IW is a land use designation for the area along Harbor Corridor, north of Westminster Avenue to just north of Chapman Avenue, which includes the project site. The IW designation 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 (City of Garden Grove, 2021a). The proposed project involves construction of a full-service high-rise resort hotel which would meet the intent of the IW designation. The IW designation allows a maximum floor area ratio (FAR) of up to 5.0 for hotel resorts and entertainment venues. FAR results from dividing the total gross floor area of all buildings on a lot by the total area of that lot. The proposed project would develop approximately 691,693 square feet of hotel uses on the 3.72-acre (162,043.20 square feet) site, which would result in a FAR of 4.27, and be within the allowable FAR. Thus, the proposed project would be consistent with the IW designation.

The IW designation of the proposed project is implemented by the PUD zoning. Section 9.18.160.010 (Planned Unit Developments) of the Garden Grove Municipal Code states that planned unit developments may be permitted in any Mixed Use zone subject to the provisions of Section 9.16.030.020 (Planned Unit Development) of the Garden Grove Municipal Code. A PUD is a precise plan, adopted by ordinance that provides the means for the regulation of buildings, structures, and uses of land to facilitate the implementation of the General Plan. It is a way to create site-specific zoning requirements. The adopted PUD becomes the zoning classification of the property. As previously mentioned, the project site is currently zoned PUD-141-01 and R-1-7. As part of the proposed project, the entire project site would be rezoned to create a subzone, PUD-141-01(A), which would be consistent with the existing General Plan land use designation of IW and would facilitate the development of the proposed project. With this modification, no conflict with the property's zoning would occur. Therefore, impacts would be less than significant.

Additionally, the proposed project is not located within an airport land use plan nor within two miles of a public airport or public use airport (Airport Land Use Commission for Orange County, 2008; Google Earth Pro, 2021); the proposed project is also not located within the vicinity of a private airstrip (Google Earth Pro, 2021). The nearest public airport, John Wayne Airport, is located approximately 8 miles southeast to the project site in the City Santa Ana. The Joint Forces Training Base is located approximately 7.6 miles west of the project site in the City of Los Alamitos. Thus, there would be no conflict with the airport land use plan.

There are no adopted HCP, NCCP, or other approved local, regional, or state habitat conservation plans in the City (City of Garden Grove, 2021b). Thus, the proposed project would not result in conflict with such plan.

As discussed previously, the proposed project would require the removal of two ornamental trees located along a sidewalk on Twintree Avenue within the public right-of-way. Chapter 11.32, Trees, of the City's Municipal Code serves as the City's Tree Ordinance, which provides strict guidelines regarding the removal or tampering of trees located within any public right-of-way. The Project Applicant would be required to comply with the standards identified in this chapter, which includes obtaining approval from the City Manager prior to removal of trees in the public right-of-way. Given this, implementation of the proposed project would not conflict with any local policies or ordinances protecting biological resources.

Therefore, the proposed project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigation an environmental effect. Therefore, impacts would be less than significant.

Source

Airport Land Use Commission for Orange County. 2008. Airport Land Use Commission for Orange County – Airport Planning Areas (Figure 1). Available at: https://files.ocair.com/media/2021-02/airportlu_20200604.pdf?VersionId=cMd6uGpbgOWGd3jMOS6TPJF3y5nMyA7F (accessed June 2021).

City of Garden Grove. 2021a. *Garden Grove General Plan, Chapter 2, Land Use Element*. Public Review DRAFT – October 2021. Adopted November 9, 2021. Available at: <https://ggcity.org/sites/default/files/2021-10/LandUseElementoct2021.pdf> (accessed March 2022).

----. 2021b. Focused General Plan Update and Zoning Amendments Draft Environmental Impact Report. August 18, 2021. Adopted November 9, 2021. Available at: <https://ggcity.org/sites/default/files/2021-08/FGPUZA%20DEIR.pdf> (accessed March 2022).

Google Earth Pro. 2021.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XII. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Discussion:

- a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**
- b) **Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

No Impact (a-b). According to the California Department of Conservation, the project site is located within an area designated as Mineral Resource Zone (MRZ)-3, which is an area where the significance of mineral deposits has not been evaluated (California Department of Conservation, 1995). Also, as discussed previously, the project site is zoned as Planned Unit Development (PUD-141-01) and Single-Family Residential Zone (R-1-7), neither of which allows for mining operations (City of Garden Grove, 2020 and 2021). In addition, there are no mining operations on the project site (California Department of Conservation, 2021) nor was project site previously used for mining operations (Nationwide Environmental Title Research, LLC [NETR], 2021). Therefore, implementation of the proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state, nor result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. No impact would occur.

Sources

City of Garden Grove. 2021. Zoning-Land Use Map. Available at: <https://ggcity.org/maps/zoning-land-use/> (accessed June 2021).

----. 2020. Garden Grove Municipal Code. Available at: <http://qcode.us/codes/gardengrove/> (accessed June 2021).

California Department of Conservation. 2021. Mines Online. Available at:
<https://maps.conservation.ca.gov/mol/index.html> (accessed June 2021).

----. 1995. Update of Mineral Land Classification of Portland Cement Concrete Aggregate in Ventura, Los Angeles, and Orange Counties, California Part III – Orange County (Open-File Report 94-15). Generalized Mineral Land Classification of Orange County, California – Aggregate Resources Only - Plate 1.

Nationwide Environmental Title Research, LLC (NETR). 2021. Historic Aerials (v. 0.5.40). Available at:
<https://historicaerials.com/viewer> (accessed June 2021).

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion: The discussion below is based on the *Garden Grove Hotel Site B-2 Noise Impact Study* prepared by RK ENGINEERING GROUP, INC. (RK) (2022b) included as Appendix H.

- a) **Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Less than Significant Impact with Mitigation Incorporated. As discussed in the *Garden Grove Hotel Site B-2 Noise Impact Study* prepared by RK (2022b) (Appendix H), noise is defined as sound that is loud, unpleasant, unexpected, or unwanted. Noise levels are measured as decibels (dB) on a logarithmic scale and weighted to frequencies audible by humans (“A-weighted”), expressed as dBA. The community noise equivalent level (CNEL) is the cumulative noise exposure in a community during a 24-hour period. CNEL adds 5 dBA for noise levels during the evening (between 7 p.m. and 10 p.m.), and 10 dBA for noise levels during the nighttime (between 10 p.m. and 7 a.m.). Similar to CNEL, the day/night average sound level (L_{dn}) considers the evening period as part of the daytime period (i.e., 7 AM to 10 PM). The time equivalent sound level (L_{eq}) is a measure of sound energy that accounts for noise fluctuations from moment to moment by averaging the louder and quieter moments, and giving more weight to the louder moments; it represents the equivalent continuous sound pressure level over a given period of time (FHWA, n.d.). Noise levels decrease with distance at a rate of 6 dBA per doubling of distance, assuming over an acoustically hard surface with no intervening topography or structures between source and receptor.

The proposed project is located within the City of Garden Grove and would thus be required to comply with the applicable noise standards and thresholds established in the City of Garden Grove’s General Plan (Noise Element) and Municipal Code. In addition, RK utilized the Federal Transit Administration (FTA)’s *Transit Noise and Vibration Impact Assessment* (2006) criteria for assessing construction noise impacts, and the Federal

Highway Administration (FHWA)'s *Traffic Noise Analysis and Abatement Policy and Guidance* for assessing operational noise impacts. A summary of the applicable noise standards and thresholds used in the noise analysis for the proposed project is provided below, followed by a summary of the construction and operational noise impacts.

Construction Noise Standards and Thresholds

Construction of the proposed project would comply with the noise limitation provisions set forth in the City of Garden Grove's Noise Ordinance, Garden Grove Municipal Code Sections 8.47.040 to 8.47.060, except that permitted hours and days of construction and grading would be as follows:

- Monday through Saturday - not before 7:00 a.m. and not after 8:00 p.m. (of the same day).
- Sunday and Federal Holidays – may work the same hours but be subject to the restrictions as stipulated in Sections 8.47.040 to 8.47.060 of the Municipal Code.

As discussed in Section 3.2 of this IS/MND, construction of the proposed project would occur during the daytime between 7:00 a.m. to 8:00 p.m. and thus would be exempt from the City's construction noise standard noted above. However, potential noise impacts are disclosed for informational purposes. For purposes of this analysis, RK used the construction noise criteria from the FTA's *Transit Noise and Vibration Impact Assessment* (2006) which assesses construction noise impacts based on the potential for adverse community reaction. For residential uses, the daytime noise threshold is 80 dBA L_{eq} for an 8-hour period.

Operational Noise Standards and Thresholds

The City's Noise Element establishes planning criteria for determining a development's noise/land use compatibility based on CNEL. The applicable noise/land use compatibility guidelines to the proposed project are the following:

- City's Noise Element - Transient Lodging – Motel, Hotels Noise/Land Use Compatibility Guidelines: 50-65 CNEL (Normally Acceptable⁴) and 60-70 CNEL (Conditionally Acceptable⁵)

The proposed project will be required to demonstrate compliance with the interior noise standards in order to be considered compatible with the proposed land use. Interior noise levels due to exterior sources must not exceed a CNEL or a day-night level (L_{dn}) of 45 dBA, in any habitable room.

In addition, the following operational noise standards from Chapter 8.47, Noise Control, of the City's Municipal Code are applicable to the project site and surrounding noise sensitive uses:

⁴ "Normally Acceptable" means that the specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements.

⁵ "Conditionally Acceptable" means that new construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning, will normally suffice.

- City's Municipal Code Exterior Noise Standards: 55 dBA from 7:00 a.m. to 10:00 p.m. for residential use (daytime noise standard); 50 dBA from 10:00 p.m. to 7:00 a.m. for residential use (nighttime noise standard); and 65 dBA for any time for hotel and motels use

The City's Municipal Code further states the following regarding operational noises:

"It shall be unlawful for any person at any location to create any noise, or to allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, when the foregoing causes the noise level:

1. The noise standard for a cumulative period of more than 30 minutes in any hour;
2. The noise standard plus 5 dB for a cumulative period of more than 15 minutes in any hour;
3. The noise standard plus 10 dB for a cumulative period of more than 5 minutes in any hour;
4. The noise standard plus 15 dB for a cumulative period of more than 1 minute in any hour;
5. The noise standard plus 20 dB for any period of time."

Also, RK utilized the following from the FHWA's *Highway Traffic Noise Analysis and Abatement Policy and Guidance* related to operational ambient noise impacts:

- **FHWA's Highway Traffic Noise Analysis and Abatement Policy and Guidance – Ambient Noise Impact:** A change in noise level of 3 dBA is considered barely perceptible and a change in noise level of 5 dBA is considered readily perceptible to the human ear. Typically, it takes a doubling of traffic volume along a roadway to cause a significant increase in ambient noise levels of more than 3 dBA. Therefore, for purposes of this analysis, and consistent with common practice in the City of Garden Grove, an increase of 3 dBA or more above ambient conditions would be considered a substantial permanent increase in ambient noise.

Construction Noise Impacts

As noted above, even though construction activity is exempt from the noise standards in the City's Municipal Code, potential noise impacts are disclosed for informational purposes. Thus, RK analyzed potential construction noise impacts using the FTA's *Transit Noise and Vibration Impact Assessment* (2006) criteria, which specifies 80 dBA L_{eq} over an 8-hour period as the daytime threshold for residential uses. A daytime threshold was determined appropriate as the proposed project's construction would not occur during the noise-sensitive nighttime hours in compliance with the City's Municipal Code. RK analyzed potential noise impacts during all phases of construction, including: site preparation, grading, building construction, paving, and architectural coating.

Noise levels were calculated based on an average distance of equipment over an 8-hour period to the nearest adjacent property. As discussed in the *Garden Grove Hotel Site B-2 Noise Impact Study* (RK, 2022b), the construction of the proposed project would result in a worst case construction phase noise level of 81.6 dBA L_{eq} , which would exceed the FTA construction noise criteria of 80 dBA L_{eq} . Given this, construction of the proposed project would generate temporary noise levels in exceedance of ambient conditions at the

residential uses surrounding the project site, which would be considered a potentially significant impact. However, implementation of the Mitigation Measures N-1 through N-3 shown below, in conjunction with PDF-13 through PDF-26, would reduce the construction noise level to 75.9 dBA L_{eq} , which would be below the FTA construction noise criteria of 80 dBA L_{eq} . Therefore, impacts would be less than significant.

Construction Noise Reduction Mitigation Measures

- N-1 Prepare and submit a construction management plan to the City of Garden Grove prior to starting construction. The construction management plan shall ensure all contractors implement construction best management practices to reduce construction noise levels. Best management practices shall include, but not be limited to, the following:
- All construction equipment shall be equipped with muffles and other suitable noise attenuation devices (e.g., engine shields).
 - Where feasible, electric hook-ups shall be provided to avoid the use of generators. If electric service is determined to be infeasible for the site, only whisper-quiet generators shall be used (i.e., inverter generators capable of providing variable load.)
 - Use electric air compressors and similar power tools rather than diesel equipment, where feasible.
 - Locate staging area, generator areas, and stationary construction equipment as far from the adjacent residential homes, as feasible.
 - Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes.
 - Provide notifications and signage in readily visible locations along the perimeter of construction sites that indicate the dates and duration of construction activities, as well as provide a telephone number where neighbors can inquire about the construction process and register complaints to a designated construction noise disturbance coordinator.
 - All construction activities shall take place during daytime hours, between 7:00 a.m. to 8:00 p.m., per the requirements of the City of Garden Grove conditions of approval.
 - No impact pile driving or blasting activities shall be permitted on the project site during construction.
- N-2 Construct the eight (8) foot high masonry block noise barrier wall along the western and northwestern property lines during the first phase of construction, prior to performing any excavation or grading activities.
- N-3 Install a temporary noise barrier wall along the northern and southern property lines of the project site to shield adjacent sensitive receptors from construction noise. The temporary barrier should be installed at the first phase of construction, prior to performing any excavation or grading activities

and shall remain till the construction is completed. The temporary noise barrier shall be a minimum of six (6) feet high and present a solid face area such as by installing sound absorptive material or blankets which can be installed in multiple layers for improved noise insulation.

Operational Noise Impacts

The daytime noise analysis considered all proposed project noise sources operating simultaneously during daytime (7:00 a.m. to 10:00 p.m.) hours at the nearest adjacent property lines, whereas the nighttime noise analysis considered all proposed project noise sources operating simultaneously during nighttime hours (10:00 p.m. to 7:00 a.m.) at the nearest adjacent property lines. Both the daytime and nighttime analyses took into account implementation of PDF-13 through PDF-26, which include, among other things, the prohibition of pool deck operations and loading/delivery activity during nighttime hours, installation of a dense vegetation barrier along the interior pool deck wall to provide some sound absorption and visual screening to further reduce noise levels impacting the adjacent residential homes, and the installation of a 8-foot high masonry block noise barrier wall along the western and northwestern property line.

Daytime noise levels generated by the operation of the proposed project would range from 42.6 to 48.7 dBA L_{eq} at surrounding residential land uses and 40.1 dBA L_{eq} at the adjacent hotel land use; nighttime noise levels generated by the operation of the proposed project would range from 41.8 to 47.6 dBA L_{eq} at surrounding residential land uses and 39.4 dBA L_{eq} at the adjacent hotel land use. Given this, the operation of the proposed project would not exceed the City's daytime noise standards (i.e., 55 dBA L_{eq} for surrounding residential land uses and 65 dBA L_{eq} for adjacent hotel land use) or the City's nighttime noise standards (i.e., 50 dBA L_{eq} for surrounding residential land uses and 65 dBA L_{eq} for adjacent hotel land use) at the adjacent property lines. Furthermore, the change in existing ambient daytime and nighttime noise levels resulting from operation of the proposed project would not result in an increase of 3 dBA or more above ambient levels, thus not resulting in a significant permanent increase in ambient noise levels.

In addition, typically, it takes a doubling of traffic volumes along a roadway to cause a significant increase in ambient noise levels of more than 3 dBA. The proposed project is projected to generate approximately 5,122 average daily trips (ADT). The current ADT along Harbor Boulevard is approximately 27,585. Hence, the proposed project would not double the amount of traffic volume along Harbor Boulevard. Also, the proposed project would restrict access to the project site along Twintree Avenue to emergency vehicles, maintenance, and trash/delivery trucks. Daily truck deliveries are expected to be less than 20 trucks per day whereas existing ADT along Twintree Avenue, west of Harbor Boulevard, is approximately 2,000 vehicles per day. The proposed project would not cause a doubling of traffic along Twintree Avenue. Thus, operation of the proposed project's would not cause a significant increase (i.e., an increase of 3 dBA or more) in roadway noise at Harbor Boulevard and Twintree Avenue.

Lastly, based on the City's noise/land use compatibility per the City's Noise Element, the project site is expected to experience future noise levels ranging from 60 dBA to 70 dBA CNEL, which would fall within normally acceptable to conditionally accepted noise and land use zone. Additionally, the proposed project would be designed to ensure compliance with the City's interior noise standards (i.e., not exceed CNEL or L_{dn} of 45 dBA in any habitable room), which would further demonstrate noise/land use compatibility with the proposed hotel land use.

In summary, the operation of the proposed project would not generate a substantial permanent increase in ambient noise levels in the vicinity of the project site in excess of standards established in the City's General Plan and Municipal Code. Therefore, impacts would be less than significant.

b) Generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact. As discussed in the *Garden Grove Hotel Site B-2 Noise Impact Study* (RK, 2022b) (Appendix H), groundborne vibrations consist of rapidly fluctuating motions within the ground that have an average motion of zero, where they can be transient or continuous in nature. The effects of groundborne vibrations typically only cause a nuisance to people, but at extreme vibration levels, damage to buildings may occur. Although groundborne vibration can be felt outdoors, it is typically only an annoyance to people indoors where the associated effects of the shaking of a building can be notable. Groundborne noise is an effect of groundborne vibration and only exists indoors since it is produced from noise radiated from the motion of the walls and floors of a room and may also consist of the rattling of windows or dishes on shelves.

Operation of the proposed hotel would not result in any groundborne vibration as activity associated with hotel operation would not involve the use of any equipment or processes that would result in potentially significant levels of ground vibration. However, construction activities would result in varying degrees of temporary ground vibration, depending on the specific construction equipment used and operations involved. Groundborne vibration generated by construction equipment spreads through the ground and diminishes in magnitude with increases in distance. The effects of ground vibration may be imperceptible at the lowest levels, with low rumbling sounds; detectable at moderate levels; and damaging to nearby structures at the highest levels. Groundborne vibrations from typical construction activities do not often reach levels that can damage structures in proximity to construction, but their effects may manifest and be noticeable in buildings that are within 25 feet of construction activities. One major concern with regard to construction vibration is potential building damage, which is assessed in terms of peak particle velocity (ppv), typically in units of inches per second (in/sec). In addition to structural damage, the vibration of room surfaces affects people as human annoyance. Human and structural response to different vibration levels is influenced by a number of factors, including ground type, distance between source and receptor, duration, and the number of perceived vibration events.

To determine the vibratory impacts during project construction, RK used thresholds from the California Department of Transportation (Caltrans)'s *Transportation and Construction Vibration Guidance Manual* (2020) related to potential vibration annoyance and potential vibration damage to structures, which are shown in Tables 5 and 6 below. Specifically, Table 5 provides thresholds for maximum vibration limits for when vibration becomes potentially annoying, whereas Table 6 provides thresholds for potential structural vibration damage resulting from vibratory impacts.

Table 5: Vibration Annoyance Potential Criteria

Human Response	Transient Sources PPV (in/sec)	Continuous/Frequent Intermittent Sources PPV (in/sec)
Barely perceptible	0.04	0.01
Distinctly perceptible	0.25	0.01
Strongly perceptible	0.90	0.10
Severe	2.00	0.40

Source: RK, 2022b.

Notes: Transient sources create a single isolated vibration event, such as blasting or drop balls. Continuous/frequent intermittent sources include impact pile drivers, pogo-stick compactors, crack-and-seat equipment, vibratory pile drivers, and vibratory compaction equipment. A “severe” human response would be considered a potentially significant impact.

Table 6: Vibration Damage Potential Threshold Criteria

Structure and Condition	Transient Sources PPV (in/sec)	Continuous/Frequent Intermittent Sources PPV (in/sec)
Extremely fragile historic buildings ruin ancient monuments	0.12	0.08
Fragile buildings	0.20	0.10
Historic and some old buildings	0.50	0.25
Older residential structures	0.50	0.30
New residential structures ¹	1.00	0.50
Modern industrial/commercial buildings	2.00	0.50

Source: RK, 2022b.

Notes: All structures surrounding the project site are “new residential structures.” No historical or fragile buildings are known to be located within the vicinity of the site. Thus, the “new residential structure” threshold is applicable to the proposed project. A potentially significant impact would occur if transient sources are greater than or equal to 2.00 ppv or if continuous/frequent intermittent sources are greater than or equal to 0.50 ppv.

Also, for the vibration impact analysis, RK used typical construction vibration levels from the Federal Transit Administration (FTA)’s *Transit Noise and Vibration Impact Assessment* (2006) and then extrapolated to the façade of the nearest adjacent structures within 25 feet. The nearest sensitive receptors to the project site were the residential structures located adjacent to the western property line. The use of substantial vibration inducing equipment or activities, such as pile drivers or blasting, is prohibited.

The main source of vibration impacts during construction of the proposed project would be the operation of equipment such as bulldozer activity during site preparation, loading trucks during grading and excavation, vibratory rollers during paving, and caisson drilling. Table 7 below shows the proposed project’s construction-related vibration analysis at the nearest structures to the project construction area. Construction impacts are assessed from the closest area on the project site to the nearest adjacent structure. All structures surrounding the project site are “new residential structures”; no historical or fragile buildings are known to be located within the vicinity of the project site. As shown in Table 7, project-related construction activity would not cause any potential damage to the nearest structures.

Table 7: Construction Vibration Impact Analysis

Construction Activity	Distance to Nearest Structure (ft)	Duration	Calculated Project Vibration Level – PPV (in/sec)	Damage Potential Level	Vibration Annoyance Threshold (Severe) – PPV (in/sec)	Vibration Structural Damage Threshold – PPV (in/sec)	Significant Impact?
Large Bulldozer	25	Continuous /Frequent	0.089	Extremely Fragile Buildings, Ruins Ancient Monuments	0.40	0.50	No
Vibratory Roller	25	Continuous /Frequent	0.210	Fragile Buildings	0.40	0.50	No
Loaded Trucks	25	Continuous /Frequent	0.076	No Impacts	0.40	0.50	No
Caisson Drilling	25	Continuous /Frequent	0.089	Extremely Fragile Buildings, Ruins Ancient Monuments	0.40	0.50	No

Source: RK, 2022b.

Project construction would thus result in calculated vibration levels that are under the vibration structural damage and vibration human annoyance thresholds and therefore would not result in any potential damage to the nearest structures nor result in severe human annoyance. Further, construction vibration impacts will be temporary and intermittent. Operation of the proposed project, a resort hotel, would not generate vibration impacts. Given this, implementation of the proposed project would not result in the generation of excessive groundborne vibration or groundborne noise levels. Therefore, impacts would be less than significant.

- c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?**

No Impact. The nearest public airport, John Wayne Airport, is located approximately 8 miles southeast to the project site in the City of Santa Ana. The Joint Forces Training Base is located approximately 7.6 miles west of the project site in the City of Los Alamitos. As such, the proposed project is not located within an airport land use plan nor within two miles of a public airport or public use airport (Airport Land Use Commission for Orange County, 2008; Google Earth Pro, 2021); the proposed project is also not located within the vicinity of a private airstrip (Google Earth Pro, 2021). Given this, implementation of the proposed project would not expose people residing or working in the project area to excessive noise levels. No impact would occur.

Sources

Airport Land Use Commission for Orange County. 2008. Airport Land Use Commission for Orange County – Airport Planning Areas (Figure 1). Available at: https://files.ocair.com/media/2021-02/airportlu_20200604.pdf?VersionId=cMd6uGpbgOWGd3jMOS6TPJF3y5nMyA7F (accessed June 2021).

Federal Highway Administration (FHWA). No date (n.d.). Sound Level Descriptors (FHWA-HEP-17-053). Available at: <https://www.fhwa.dot.gov/Environment/noise/resources/fhwahep17053.pdf> (accessed August 2021).

Google Earth Pro. 2021.

RK ENGINEERING GROUP, INC. (RK) 2022b. *Garden Grove Hotel Site B-2 Noise Impact Study*. April. PDF.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIV. POPULATION AND HOUSING. Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, especially affordable housing, necessitating the construction of replacement housing elsewhere?				X

Discussion:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

Less Than Significant Impact. The proposed project involves construction of a full-service high-rise resort hotel, which is a transient use that would not directly introduce new residents. As stated in Section 3.2 of this IS/MND, construction of the proposed project would provide up to 210 temporary jobs over approximately 30-month period. It is anticipated that construction workers would come from local labor pools and would not relocate to the City from other communities. It is also anticipated that the jobs generated from the project operation would be filled by the local labor pool. It is unlikely that the employees would relocate from other regions for the proposed project. Given this, implementation of the proposed project would not directly or indirectly induce substantial unplanned population growth in the area. Therefore, impacts would be less than significant.

b) Displace substantial numbers of existing people or housing, especially affordable housing, necessitating the construction of replacement housing elsewhere?

No Impact. The project site was previously disturbed and occupied by former residential and commercial uses which were demolished between 2004 and 2013. The north/northeastern parcels of the project site are paved and used for parking by the adjacent Sheraton Hotel, and the remaining parcels are comprised of dirt pads that are mostly vacant except of the southeastern parcels that are used for temporary construction storage. The easterly portion of Thackery Drive from the centerline of the street has been demolished recently; the westerly paved street portion of Thackery Drive continues to remain. As such, the project site does not contain any housing and no people would be displaced as a result of the proposed project. Therefore, implementation of the proposed project would not displace housing nor displace substantial numbers of people, necessitating the construction of replacement housing. No impact would occur.

Source

N/A

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. PUBLIC SERVICES.				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?				X
Parks?				X
Other public facilities?				X

Discussion:

- a) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

Fire protection?

Police protection?

Less Than Significant Impact. The Orange County Fire Authority (OCFA) has been responsible for fire protection services in the City of Garden Grove since 2019. There are seven fire stations in the City, which are part of OCFA Division 1 and make up OCFA's Battalion 11 (OCFA, 2022a). The following fire stations would serve the project site:

OCFA Fire Station	Distance from Project	Apparatus	Daily Staffing
ORC86 12232 West Street, Garden Grove, CA 92840	0.5 miles	Paramedic Engine – E86	Fire Captain, Fire Engineers, 2 x Firefighters
ORC83 12132 Trask Avenue, Garden Grove, CA 92843	1.2 miles	Paramedic Engine – E83	Fire Captain, Fire Engineers, 2 x Firefighters
ORC78 501 North Newhope Street, Santa Ana, CA 92703	2.5 miles	Paramedic Engine – E78	Fire Captain, Fire Engineers, 2 x Firefighters

Source: OCFA, 2022b

There are currently no plans for additional facilities or manpower needed for the project site. The OCFA's stated standard of service for urban areas is 7 minutes and 20 seconds total response time, 80 percent of the time. The estimated travel time from the first fire station to the project site is 5 minutes, which meets or exceeds OCFA standards (OCFA, 2022b).

The Garden Grove Police Department, located at 11301 Acacia Parkway in Garden Grove, provides police protection services. The Garden Grove Police Department is divided into an East and a West Division with 43 sworn officers assigned to each Division (86 total sworn officers). The average response time from February 6 through March 15, 2021, was 5 minutes and 57 seconds in the West Division and 4 minutes and 43 seconds in the East Division for a City-wide average of 5 minutes and 20 seconds (City of Garden Grove, 2021). The project site is located within the East Division.

The proposed project is a transient use that would not directly introduce any new residents that could impact fire or police protection services. Furthermore, the proposed project would not include the construction of new or physically altered fire or police facilities. In addition, as discussed in the Population and Housing Section of this IS/MND, the proposed project would generate jobs that would likely be filled by the local labor pool and would not indirectly generate new residents. Lastly, the proposed project would be in compliance with all standard conditions with regard to development, including water supply, built in fire protection systems, road grades and width, access, building materials, applicable local fire codes, ordinances, California Fire Code regulations, and California Building Code requirements. Additionally, an internal (onsite) fire water system would be constructed to provide adequate firefighting capability along with potable and irrigation water service laterals meters, and backflow devices (PSOMAS, 2022). Therefore, impacts would be less than significant.

Schools?

No Impact. As discussed, above, the proposed project is a transient use that would not increase the number of children within the Garden Grove Unified School District. Also, the proposed project would not include or require the construction of new or physically altered school facilities. In addition, as discussed in the Population and Housing Section of this IS/MND, the proposed project would generate jobs that would likely be filled by the local labor pool and would not indirectly generate new residents or school-aged children. Nonetheless, the proposed project would be subject to the applied mitigation school fees currently applied

to new development in the City by the Garden Grove Unified School District (City of Garden Grove, 2021). The Project Applicant would provide the Community and Economic Development Department a proof of payment of appropriate school fees, adopted by the Garden Grove Unified School District, prior to the issuance of building permits in accordance with Section 65995(b) of the California Government Code. No impact would occur.

Parks?

No Impact. The proposed project includes themed pool experience providing recreation for guests staying at the hotel. The proposed project is a transient use and would not generate new residents that would increase demand for existing parks. Please refer to Response XVI. Recreation of this IS/MND. The proposed project would not require creation of additional parkland or increase the burden on existing parks and/or other recreational facilities. No impact would occur.

Other public facilities?

No Impact. Because the proposed project is a transient use, it is not reasonably foreseeable that it would increase demands on other public facilities (such as libraries). No impact would occur.

Source

City of Garden Grove. 2021. Section 4.12 Public Services, City of Garden Grove Focused General Plan Update and Zoning Amendments Draft EIR. August 18, 2021. Adopted November 9, 2021. Available at: <https://ggcity.org/sites/default/files/2021-08/FGPUZA%20DEIR.pdf> (accessed March 2022).

Orange County Fire Authority (OCFA). 2022a. E-mail correspondence with Tamera Rivers, Management Analyst. April 7, 2022.

----. 2022b. OCFA Facilities and Services Questionnaire. April 7, 2022.

Psomas. 2022. *Site B-2 Hotel Water Supply Assessment*. March. PDF.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVI. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of such facilities which might have an adverse physical effect on the environment?				X

Discussion:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. The proposed project is a transient use that would not directly introduce any new residents. While the proposed project would generate jobs during construction and operation, these jobs would likely be filled by the local labor pool and would not indirectly generate new residents. In addition, the proposed project includes themed pool experience and other recreational activities for guests staying at the hotel. Based on the proposed commercial/resort use of the proposed project, no increase in use of the existing parks within the immediate area is anticipated that would substantially cause the deterioration of an existing park. No impact would occur.

b) Does the project include recreational facilities or require the construction or expansion of such facilities which might have an adverse physical effect on the environment?

No Impact. The proposed project involves construction of a full-service high-rise resort hotel with 500 guest suites with balconies; themed pool experience with lazy river; storage and loading areas; event space with a 600-person maximum occupancy theater; a grand ballroom; two meeting rooms; a variety of food and beverage opportunities throughout the hotel; themes amenities; an arcade; and a spa and fitness center for the proposed hotel guests. Construction and operation of these hotel amenities are analyzed in this IS/MND. The proposed project does not call for new housing that would require the creation of open space or require the payment of park-in-lieu fees to assist in mitigating the impacts to the existing park system within the City. No impact would occur.

Source

N/A

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVII. TRANSPORTATION. Would the project:				
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		X		
d) Result in inadequate emergency access?			X	

Discussion: The discussion below is based on the *Site B-2 Hotel Traffic Impact Study* (RK, 2022c) and *Garden Grove Hotel Site B-2 ULI Shared Parking Study* (RK, 2022d) prepared by RK ENGINEERING GROUP, INC. (RK) included as Appendix I and Appendix J, respectively.

a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less than Significant Impact. The proposed project would not significantly change or modify any of the existing public transit, bicycle, or pedestrian facilities or make any modification that could conflict with adopted policies, plans or programs (i.e., Master Plan of Streets and Highways, Existing Transit Routes, Master Plan of Bikeway Facilities), or modify the safety of such facilities. Additionally, the proposed project would encourage and support multi-modal transit by implementing trip reduction measures (refer to Mitigation Measure GHG-7) that would reduce the number of auto-based trips generated by the proposed project and encourage the use of transit, bicycling, and walking. Thus, implementation of the proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities. Therefore, impacts would be less than significant.

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Less Than Significant Impact. Based on the City's Traffic Impact Analysis (TIA) Guidelines, there are three types of screening that may be applied to effectively screen out land use projects from a project-level Vehicle Miles Traveled (VMT) assessment. The screening criteria are: Transit Priority Area (TPA) Screening, Low VMT Area Screening, and Project Type Screening.

Per the City's TIA Guidelines, land use projects located within a TPA may be presumed to have a less than significant VMT impact absent substantial evidence to the contrary, if the project meets the following four conditions:

1. Has a Floor Area Ratio of 0.75 or greater;
2. Does **not** include more parking for use by residents, customers, or employees of the project than required by the City;
3. Is consistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Southern California Association of Governments); and
4. Does **not** replace affordable residential units with a smaller number of moderate- or high-income residential units.

A TPA is defined as a half-mile area around an existing major transit stop or an existing stop along a high-quality transit corridor (Public Resources Code Section 21099(a)(7)). A major transit stop is defined as a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods (Public Resources Code Section 21064.3).

The proposed project is located within a half-mile of the Harbor Boulevard/Chapman Avenue intersection, which is a major transit stop. The following Orange County Transportation Authority (OCTA) bus routes serve the Harbor Boulevard/Chapman Avenue intersection with a morning and afternoon peak commute period frequency of service interval of 15 minutes or less: OCTA Route 54 – Garden Grove to Orange (via Chapman Avenue) and OCTA Route 543 – Fullerton to Santa Ana (via Harbor Boulevard).

Additionally, the proposed project meets the four conditions listed above.

1. As stated in Section XI. Land Use and Planning, the proposed project has a FAR of 4.27 which is greater than the threshold of 0.75;
2. The proposed project would provide a total of 528 parking spaces, which is the same amount of parking spaces required by the City (528 parking spaces) as discussed in the *Site B-2 ULI Shared Parking Study* (RK, 2022d) (Appendix J);
3. The proposed project is consistent with the applicable Sustainable Community Strategy, as determined by the City; and
4. Since the project site is currently vacant and the proposed land use is not residential, the proposed project does not replace affordable residential units with a smaller number of moderate- or high-income residential units.

The proposed project satisfies the TPA screening criteria. Therefore, impacts related to VMT would be less than significant.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less than Significant with Mitigation Incorporated. The proposed project would share access with the adjacent Sheraton Hotel via the existing access on Harbor Boulevard. To ensure that the proposed project has a less than significant impact on potential safety and hazard issues, the following recommendations are provided, which are considered standard site plan review requirements:

- Ensure adequate radius is provided for appropriate vehicles (i.e., fire trucks, buses, limousines, trash trucks, etc.) to navigate the project access and roundabout;
- Provide adequate drive aisle and lane widths;
- Parking spaces should not be located near or within the roundabout. If absolutely necessary, the spaces near the roundabout should be valet-operated and used for long-term parking. In any case, adequate clearance and space should be provided for vehicles navigating the roundabout.
- The entrance roundabout should be designed appropriately and per engineering standards for roundabouts, including geometric elements such as Center Island, travel lanes, deflections, and inscribed circles. Appropriate design needs to be considered and implemented for all appropriate modes of transportation including pedestrians and bicycles.
- Provide appropriate and adequate wayfinding and signage for drivers to easily navigate the entrance and exit.
- During times of high activity for the proposed project and/or the adjacent Sheraton Hotel, provide adequate valet staff and means to ensure traffic does not spill back onto the roundabout or Harbor Boulevard and impede the flow of vehicles.
- Prior to final circulation design, provide a detailed plan including drive aisle dimensions and roundabout details for review by a registered traffic engineer.

Additionally, a queuing analysis was performed to determine if adequate capacity is currently available to accommodate the left-turn vehicular queues at the study intersections and found some of the left-turn movements at the following intersections would require additional left-turn capacity (Appendix I):

- Harbor Boulevard and Orangewood Avenue
- West Street and Chapman Avenue
- Harbor Boulevard and Lampson Avenue
- Haster Street and Lampson Avenue
- Harbor Boulevard and Trask Avenue

The queuing analysis found that, with implementation of Mitigation Measures TR-1 through TR-5, the study intersections listed above would not have substantial increase hazards due to a geometric design feature.

Left-Turn Queue Mitigation Measure

- | | |
|------|--|
| TR-1 | Coordinate with the City of Anaheim to determine if the project is required to make a fair-share contribution to extend the left-turn capacity up to 266 feet at the intersection of Harbor Boulevard and Orangewood Avenue. |
| TR-2 | Pay full cost to extend the left-turn capacity up to 169 feet at the intersection of West Street and Chapman Avenue. |
| TR-3 | Pay full cost to extend the left-turn capacity up to 105 feet at the intersection of Harbor Boulevard and Lampson Avenue. |

TR-4 Pay full cost to extend the left-turn capacity up to 133 feet at the intersection of Haster Street and Lampson Avenue.

TR-5 Pay full cost to extend the left-turn capacity up to 381 feet at the intersection of Harbor Boulevard and Trask Avenue.

Lastly, the proposed project would not result in development of any new land uses that would be incompatible with existing and planned land uses in the surrounding areas.

Thus, with Mitigation Measures TR-1 through TR-5, implementation of the proposed project would not substantially increase hazards due to a geometric design or incompatible uses. Therefore, impacts would be less than significant with mitigation incorporated.

d) Result in inadequate emergency access?

Less Than Significant Impact. The proposed project would share access with the adjacent Sheraton Hotel via the existing access (signalized) on Harbor Boulevard. Another access to the project site would be provided via one full access driveway (unsignalized) on Twintree Avenue. However, the proposed project is restricting access to the project site along Twintree Avenue to emergency vehicles, maintenance, and trash/delivery trucks only. All employee and guest access to the project site, including tourist buses and shuttles, will be via Harbor Boulevard. Thus, the project access on Twintree Avenue would not experience any vehicle trips associated with employees or outside guests/visitors to the proposed hotel. Additionally, as stated above, the existing access on Harbor Boulevard would follow the standard site plan review requirements to ensure that the proposed project would not have a significant impact on safety and hazard issues. As such, the proposed project would not result in inadequate emergency access. Therefore, impacts would be less than significant.

Source

RK ENGINEERING GROUP, INC. (RK) 2022c. *Site B-2 Hotel Traffic Impact Study*. April. PDF.

---. 2022d. *Garden Grove Hotel Site B-2 ULI Shared Parking Study*. April. PDF.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. TRIBAL CULTURAL RESOURCES. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code § 5020.1(k), or		X		
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		

Discussion:

- a) **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code § 5020.1(k), or**
- b) **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Less than Significant with Mitigation Incorporated (a-b). According to the *Site B-2 Hotel Project: Cultural, Paleontological and Tribal Cultural Resources Technical Memorandum* prepared by AECOM (2022) (Appendix D), the sensitivity of the project site for tribal cultural resources appears low. The Native American Heritage Commission (NAHC) conducted a Sacred Lands File (SLF) search, which was negative indicating no resources in the NAHC SLF database were present at the project site. In addition, a Native American contact program was also conducted to solicit input from regional Native American individuals and organizations in compliance with Assembly Bill 52. No resources were identified as a result of outreach to Native American representatives and no tribes requested consultation under AB 52. No potential tribal cultural resources were identified during the archival research, and any prehistoric archaeological remains are likely to have been destroyed in the middle twentieth century when residential and commercial uses were constructed at the project site. However, if any Native American cultural material is encountered within the project site, Mitigation Measure

TCR-1 is provided to reduce potential impacts. With implementation of Mitigation Measure TCR-1, the proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource pursuant to Public Resources Code §21074. Therefore, impacts would be less than significant with mitigation incorporated.

Tribal Cultural Resources Mitigation Measure

TCR-1 If any tribal cultural resources are encountered within the project site, interested Native American parties established in the contact program, in compliance with Assembly Bill 52 (AB 52), will be notified. The City of Garden Grove will coordinate with interested Native American parties, as established during AB 52 consultation, to determine whether the resources constitute tribal cultural resources and solicit any comments the Native American parties may have regarding appropriate treatment and disposition of the resources. All attempts will be made to preserve tribal cultural resources in place or leave resources in an undisturbed state in compliance with all applicable laws. Work in the vicinity of the discovery (15-meter radius) will halt until the appropriate assessment and treatment of the resource is determined in consultation with Native American parties (work can continue elsewhere on the project site).

Source

AECOM. 2022. *Site B-2 Hotel Project: Cultural, Paleontological and Tribal Cultural Resources Technical Memorandum*. March 2022. PDF.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

Discussion:

- a) **Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunication facilities, the construction or relocation of which could cause significant environmental effects?**

Less than Significant Impact. The project site is located in a highly urbanized area where existing water, wastewater treatment, storm drainage, electric power, natural gas, and telecommunication facilities are in place. Specifically, there are existing water, sewer, natural gas, and electric/telecommunication lines that are located on the east side of the project site along Harbor Boulevard. Also, as discussed previously in Section X, Hydrology and Water Quality, of this IS/MND, existing drainage surface flows on the project site flows to Thackery Drive, then west onto Twintree Avenue, and south onto Buaro Street where it flows into a curb opening catch basin and enters the public storm drain system. The proposed project would be served by the existing water, wastewater treatment, storm drainage, electric power, natural gas, and telecommunication facilities and would not require the relocation of such facilities or construction of new or expansion of such facilities (OCSD, 2022).

Also, as discussed previously in Section X, Hydrology and Water Quality, of this IS/MND, the post development drainage would be similar to the pre-development drainage and would be designed in compliance with the North Orange County WQMP requirements, including installation of bioretention BMPs with no underdrain, where the proposed drainage would be collected using roof downspouts, and flow directly into the bioretention BMPs on the south side of the project site; all flows beyond the full design capture volume would then follow the pre-development drainage pattern to leave the project site and thus could be accommodated by the existing storm water drainage system.

Lastly, as discussed previously in Section VIII, Greenhouse Gas Emissions, of this IS/MND, per PDF-11, the proposed project would be designed in compliance with the California Building Energy Efficiency Standards and Garden Grove Municipal Code Section 18.04.0101, including the provisions for bicycle parking, electric vehicle charging stations, energy efficiency, material conservation, and water/waste reduction. To further ensure the operation of the proposed project would not result in inefficient or wasteful energy consumption or conflict with the City's energy goals CON-4 and CON-5, the proposed project would implement Mitigation Measures GHG-2 through GHG-6, which would promote the use of renewable energy sources and increase energy efficiency, such as installing on-site renewable energy sources capable of generating up to 25 percent of the proposed project's total electricity demand, implementing water conservation strategies, and prohibiting the use of onsite natural gas fire places or fire pits, thereby reducing the proposed project's demand on the existing electrical, natural gas, and water/waste infrastructure system. Please see (b) below regarding the project's water demand and related water facilities. Therefore, impacts would be less than significant.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less Than Significant Impact. A WSA was prepared for the proposed project pursuant to Senate Bill 610 (Appendix G), which evaluated whether the City could supply the water demands from development of the proposed project in conjunction with the remainder of the water demands within its water service area after the proposed project is completed, both now and 20 years into the future (Psomas, 2022). According to the WSA, the City's sources of water supply consist of groundwater (from Orange County Groundwater Basin [Basin] managed by the OCWD) and imported surface water (from the Metropolitan Water District of Southern California [Metropolitan] supplied by the City's Metropolitan member agency, the Municipal Water District of Orange County [MWDOC]). In addition, the City's Water Services Division maintains eight emergency interconnections with adjacent water retailers that can be temporarily utilized on an as needed basis. As reported in the City's 2020 UWMP, the City's water demand in Fiscal Year (FY) 2019/20 was 21,979 AFY (including water losses). The City's water use for FY 2045 is projected to be approximately 22,792 AFY. Analysis of water supply projections for the City demonstrated that projected supplies would meet demand through FY 2045. These projections considered water development programs and projects as well as water conservation, as described in the City's 2020 UWMP, MWDOC's 2020 UWMP, and Metropolitan's 2020 UWMP. The City's groundwater and imported water supplies are anticipated to remain stable based on studies and reports from OCWD and Metropolitan, respectively.

According to the WSA, the total water demand for the proposed project would be 93.5 AFY without water losses or non-revenue water, and is projected to require a total supply of 99.4 AFY (which takes into account potential water losses at 5.95 percent of total production, consistent with the City's most recently adopted UWMP). Non-revenue water occurs due to meter inaccuracies, fire suppression, fire flow testing, hydrant and pipe flushing, pipeline breaks, etc. The proposed project's water demand was included in the projections utilized in the City's 2020 UWMP (as it included future planned development of hotels within the International West Resort Area along Harbor Boulevard [Focus Area A] consistent with the City's 2030 General Plan, which the project site is located within). Given this, as stated above, the City would meet water demand through FY 2045, including the water demand generated by the proposed project. Furthermore, reliability of future water supplies to the region would be ensured through continued implementation of the OCWD Groundwater Management Plan, OCWD's Long Term Facilities Plan, local agency programs, and the combined efforts and programs among member and cooperative agencies of Metropolitan. Thus, the WSA concluded a sufficient and reliable water supply for the City, now and into the future, including a sufficient water supply for the proposed project, during normal, dry and multiple dry years. Therefore, impacts would be less than significant.

- c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?**

Less Than Significant Impact. All of the wastewater generated within the service area is collected by the City, discharged to OCSD interceptor sewers, then treated by OCSD and OCWD's joint Groundwater Replenishment System (GWRS) project (Psomas, 2022). Per correspondence received from OCSD dated May 3, 2022, there is adequate wastewater treatment capacity to serve the proposed project's projected demand in addition to OCSD's existing commitments. Therefore, impacts would be less than significant.

- d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?**
- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?**

Less than Significant Impact (d-e). Solid waste collection and disposal service in the City is provided via the Garden Grove Sanitary District's (GGSD) private contract with Republic Services (City of Garden Grove, 2021a). As part of their contract, Republic Services implements the City's recycling program (Recycle Garden Grove), which combines automated trash collection with a broad recycling and yard waste collection operation to reduce the volume of waste dumped in local landfills and to conserve natural resources. The waste stream generated by the City is processed and sorted at the CVT Regional Material Facility and Transfer Station in the City of Anaheim, which is permitted to handle 6,000 tons/day of solid waste (City of Garden Grove, 2021b; California Department of Resources Recycling and Recovery [CalRecycle], 2021b). The non-recyclable waste is primarily disposed of at one of the three active Orange County Landfills - Frank R. Bowerman (FRB) Landfill, located at 11002 Bee Canyon Access Road in the City of Irvine, which is permitted to accept a maximum of 11,500 tons of waste per day with an operational end date of 2053; Olinda Alpha Landfill, located at 1942 N. Valencia Avenue in the City of Brea, which is permitted to accept a maximum of 8,000 tons of waste per day with an operational end date of 2036; and, Prima Deshecha Landfill, located at 32250 Avenida La Pata in the

City of San Juan Capistrano, which is permitted to accept a maximum of 4,000 tons of waste per day with an operational end date of 2102 (Orange County Waste & Recycling, 2021; CalRecycle, 2021c, 2021d, and 2021e).

The proposed project would generate approximately 1.4 tons of waste per day (RK, 2022).⁶ Republic Services would provide solid waste collection and disposal services to the proposed project, which would include participation in the City's recycling program. The solid waste generated by the proposed project could be accommodated by the CVT Regional Material Facility and Transfer Station as well as any of these three Orange County Landfills. Furthermore, the proposed project would comply with all applicable federal, state, and local management and reduction statutes and regulations related to solid waste, including the CALGreen waste diversion requirements (International Code Council, 2019) and mandatory recycling requirements per the GGSD Code of Regulations (GGSD, 2010). Given this, the proposed project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. Therefore, impacts would be less than significant.

Sources

California Department of Resources Recycling and Recovery (*CalRecycle*). 2021a. Estimated Solid Waste Generation Rates. Available at: <https://www2.calrecycle.ca.gov/WasteCharacterization/General/Rates> (accessed August 2021).

----. 2021b. SWIS Facility/Site Activity Details - CVT Regional Material Recovery and TS (30-AB-0335). Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2762?siteID=2098> (accessed August 2021).

----. 2021c. SWIS Facility/Site Activity Details - Frank R. Bowerman Sanitary LF (30-AB-0360). Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2767?siteID=2103> (accessed August 2021).

----. 2021d. SWIS Facility/Site Activity Details - Olinda Alpha Landfill (30-AB-0035). Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2757?siteID=2093> (accessed August 2021).

----. 2021e. SWIS Facility/Site Activity Details - Prima Deshecha Landfill (30-AB-0019). Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/2750?siteID=2085> (accessed August 2021).

City of Garden Grove. 2021a. Trash and Recycling Webpage. Available at: <https://ggcity.org/pw/trash-recycling> (accessed August 2021).

----. 2021b. City of Garden Grove Focused General Plan Update and Zoning Amendments Draft EIR – Section 4.16, Utilities and Service Systems. Adopted November 9, 2021. Available at: <https://ggcity.org/sites/default/files/2021-08/FGPUZA%20DEIR.pdf> (accessed March 2022).

Garden Grove Sanitary District (GGSD). 2010. Garden Grove Sanitary District Code of Regulations. Available at: <https://ggcity.org/pdf/pw/ggsdcodeofregulations2010.pdf> (accessed August 2021).

⁶ RK's *Garden Grove Hotel Site B-2 Air Quality and Greenhouse Gas Impact Study* (2022) indicates that operation of the proposed project would generate a total of approximately 525.24 tons/year of waste. This total was divided by 365 to calculate the tons/day rate.

International Code Council. 2019. 2019 California Green Building Standards Code (CALGreen). Available at: <https://codes.iccsafe.org/content/CAGBSC2019/cover> (accessed August 2021).

Orange County Sanitation District (OCSD). 2022. Sewer Capacity Verification Letter. May 3, 2022.

Orange County Waste & Recycling. 2021. Landfills Webpage. Available at: <https://www.oclandfills.com/landfills> (accessed August 2021).

Psomas. 2022. *Site B-2 Hotel Water Supply Assessment*. March. PDF.

RK ENGINEERING GROUP, INC. (RK). 2022. *Garden Grove Hotel Site B-2 Air Quality and Greenhouse Gas Impact Study*. April. PDF.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				X
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				X
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				X

Discussion:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact (a-d). The project site is not at risk of wildfire as there are no high fire severity zones or wildland-urban interface areas within the City (City of Garden Grove, 2021). As discussed previously, the project site is located in an urbanized area of the City and according to the California Department of Forestry and Fire Protection's (CAL FIRE) Fire Hazard Severity Zone Map, the project site and surrounding areas are classified as Local Responsibility Areas (CAL FIRE, 2021). Refer to Response XVII. Transportation d) for discussion on emergency access and Response X. Hydrology and Water Quality for discussion on project site drainage. Therefore, no impact would occur.

Source

CAL FIRE. 2021. FHSZ Viewer Map. Available at: <https://egis.fire.ca.gov/fhsz/> (accessed May 2021).

City of Garden Grove. 2021. *Garden Grove General Plan, Chapter 11, Safety Element*. Public Review DRAFT – August 2021. Adopted November 9, 2021. Available at: https://ggcity.org/sites/default/files/2021-09/Chapter11GG_SafetyElement_PublicReview_08-2021.pdf (accessed March 2022).

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
XXI. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		X		
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

Discussion:

- a) **Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Less than Significant with Mitigation Incorporated. As stated previously, the California black rail is the only sensitive species (State Threatened) with the potential to be found on the project site. However, the project site is located in a highly urbanized area and was previously disturbed and occupied by former residential and commercial uses. As such, the project site does not provide suitable habitat for the California black rail. Additionally, the California black rail was last sighted in December 1986 in the City of Orange. On this basis, it is unlikely that there would be an occurrence of this species at the project site. During construction, the proposed project would require removal of the non-native grass and the two (2) ornamental trees. While no sensitive plants or wildlife would be impacted by vegetation removal activities, there is a potential for impacts

to occur to raptors and other nesting birds protected under the MBTA that could nest within these trees. Implementation of Mitigation Measure BIO-1 would reduce the potential impacts to raptors and other nesting birds to less than significant.

As stated previously, no historical resources were identified on the project site. However, there is a potential for unknown or undiscovered archaeological resources to be encountered during construction activities. Therefore, Mitigation Measure CR-1 would be implemented. If human remains are discovered during construction activities, Mitigation Measure CR-2 would be implemented. To address the low to moderate potential for encountering paleontological remains during construction activities, Mitigation Measure G-1 is proposed. Lastly, if tribal cultural resources are encountered during construction activities, Mitigation Measure TCR-1 would be implemented. Therefore, with implementation of Mitigation Measures, CR-1 and CR-2, G-1, and TCR-1, the impacts to archaeological resources, human remains, paleontological resources, and tribal cultural resources would be less than significant.

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?**

Less than Significant with Mitigation Incorporated. As described in the analysis within this IS/MND, the proposed project would not result in cumulatively considerable significant impact since all potentially significant impacts would be less than significant based on compliance with regulatory requirements, implementations of BMPs, and mitigation measures identified in this IS/MND. Impacts during construction would be short-term, temporary, and localized to the project site. All project construction and operational impacts would be mitigated to a less than significant level.

- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

Less than Significant with Mitigation Incorporated. As described in the analysis within this IS/MND, implementation of the proposed project would not result in any impacts that are significant and unavoidable or cumulatively considerable. The implementation of the mitigation measures, BMPs, and regulatory requirements identified in this IS/MND would reduce all potentially significant impacts to a less than significant level. Therefore, the proposed project would not result in impacts that would cause substantial adverse effects on human beings, either directly or indirectly.

Page intentionally left blank

5.0 DOCUMENT PREPARERS AND CONTRIBUTORS

Lead Agency

City of Garden Grove
Community and Economic Development Department
11222 Acacia Parkway
Garden Grove, California 92840

Contact Person

Maria Parra, Senior Planner
Email: mariap@ggcity.org
Phone: (714) 741-5316

CEQA Document Preparer

AECOM

Jerry Flores
Jane Chang
Hallie Fitzpatrick, AICP
Nathan Counts
Hannah Allington
Allison Hill, M.A., RPA
Praveen Yerra, P.E.
Paul Salter, PG, CHG, CEG
Julie Leiva
Sergio Duarte
Nicolas Rueda, EIT

Psomas

Robert J. Talafus, PE, QSD, ENV SP
Michael Swan, PE
Jaylee McDowell, PE, ENV SP

RK ENGINEERING GROUP, INC.

Rogier Goedecke
Bryan Estrada, AICP
Darshan Shivaiah

Page intentionally left blank

**FINAL
INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION
SITE B-2 HOTEL
SCH No. 2022060174**



Lead Agency

City of Garden Grove
Community and Economic Development Department
11222 Acacia Parkway
Garden Grove, CA 92840

Prepared by

AECOM
999 Town & Country Road
Orange, CA 92868

August 2022

Page intentionally left blank

TABLE OF CONTENTS

1	INTRODUCTION	1
2	RESPONSE TO COMMENTS.....	1
3	ERRATA	115
4	MITIGATION MONITORING AND REPORTING PROGRAM	117

ATTACHMENTS

- Attachment A Exhibits A-C to Comment Letter 5 (Mitchell M. Tsai Attorney for the Southwest Regional Council of Carpenters, June 28, 2022)
- Attachment B Exhibit A to Comment Letter 6 (Mitchell M. Tsai Attorney for the Southwest Regional Council of Carpenters, July 6, 2022)
- Attachment C Updated Traffic Impact Study (Appendix I of the Draft IS/MND)

Page intentionally left blank

1 INTRODUCTION

This section provides responses to the written comments made on the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the Site B-2 Hotel Project (proposed project) in the City of Garden Grove (City). The Draft IS/MND was circulated for public review for 20 days, from June 9, 2022, to June 28, 2022. The Draft IS/MND and documents incorporated by reference were made available for public review at the City Community and Economic Development Department Planning Services Division and on the City's website at <https://ggcity.org/planning/environmental-documents>.

2 RESPONSE TO COMMENTS

The comment letters received on the Draft IS/MND are numbered, as listed below, and are included on the following pages along with the formal responses prepared to those comments. To assist in referencing comments and responses, each specific comment is numbered and refers to a statement or paragraph in the corresponding letter.

Letter Number	Agency/Organization	Date received
1	Orange County Fire Authority	June 20, 2022
2	City of Anaheim	June 23, 2022
3	Orange County Sanitation District	June 28, 2022
4	California Department of Transportation	June 28, 2022
5	Mitchell M. Tsai Attorney for the Southwest Regional Council of Carpenters (SWRCC)	June 28, 2022
6	Mitchell M. Tsai Attorney for the SWRCC	July 6, 2022
7	GK Law for the UNITE HERE Local 11	July 7, 2022
8	GK Law for the UNITE HERE Local 11	July 27, 2022

Page intentionally left blank



ORANGE COUNTY FIRE AUTHORITY

P. O. Box 57115, Irvine, CA 92619-7115 • 1 Fire Authority Road, Irvine, CA 92602-0125

Brian Fennessy, Fire Chief

(714) 573-6000

www.ocfa.org

June 20, 2022

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

Subject: Notice of Intent to Adopt a Mitigated Declaration for Site B2 Hotel Project

Dear Maria Parra,

Thank you for the opportunity to review the subject document. The Orange County Fire Authority (OCFA) provides fire protection and emergency medical services response to the project area. Services include: structural fire protection, emergency medical and rescue services, education and hazardous material response. OCFA also participates in disaster planning as it relates to emergency operations, which includes high occupant areas and schools sites and may participate in community disaster drills planned by others. Resources are deployed based upon a regional service delivery system, assigning personnel and equipment to emergency incidents without regard to jurisdictional boundaries.

1-1

The subject document contains our current fire station and emergency response information. The project is a high-rise resort hotel and parking structure, and is subject to the Fire and Building code requirements for High Rise construction and safety features. The project will have less than significant impact with all of our conditions in place.

1-2

We would like to point out that all standard conditions with regard to development, including water supply, built in fire protection systems, road grades and width, access, building materials, and the like will be applied to this project at the time of plan submittal. Thank you for providing us with this information. Please contact me at 714-573-6253 if you have any questions.

1-3

Sincerely,

Robert J Distaso PE
Fire Safety Engineer
Planning and Development Section
robertdistaso@ocfa.org

Serving the Cities of: Aliso Viejo • Buena Park • Cypress • Dana Point • Garden Grove • Irvine • Laguna Hills • Laguna Niguel • Laguna Woods
Lake Forest • La Palma • Los Alamitos • Mission Viejo • Rancho Santa Margarita • San Clemente • San Juan Capistrano • Santa Ana
Seal Beach • Stanton • Tustin • Villa Park • Westminster • Yorba Linda • and Unincorporated Areas of Orange County

RESIDENTIAL SPRINKLERS AND SMOKE ALARMS SAVE LIVES

Comment Letter 1: Orange County Fire Authority

Response to Comment 1-1

Comment acknowledged.

Response to Comment 1-2

Comment acknowledged.

Response to Comment 1-3

Comment acknowledged.

From: [Chang, Jane](#)
To: [Chang, Jane](#)
Subject: FW: Site B2 Hotel Project- MND Comment
Date: Thursday, June 23, 2022 2:59:33 PM

From: "Amanda Lauffer" <ALauffer@anaheim.net>
To: "Maria Parra" <mariap@ggcity.org>
Cc: "Heather R. Allen" <HAllen@anaheim.net>
Sent: Thursday, June 23, 2022 1:54:19 PM
Subject: Site B2 Hotel Project- MND Comment

Hello Maria,

2-1

Thank you for the opportunity to review the documents for the draft MND for the Site B2 Hotel Project in the City of Garden Grove. Anaheim City staff reviewed the documents and offers the following comment from the Public Works Department regarding the left turn queue analysis:

2-2

For the intersection of Harbor Boulevard/Orangewood Avenue, please coordinate with the City of Anaheim to determine how best to address left-turn capacity at this intersection.

2-3

Should you have any additional questions regarding the comment from Public Works, you may contact Joseph Alcock, Principal Transportation Planner, at 714-765-4657 or at jalcock@anaheim.net.

Thank you,

Amanda Lauffer
Associate Planner | City of Anaheim
[Planning and Building Department](#) | [Planning Services](#)
200 S. Anaheim Boulevard, Suite 162
Anaheim, CA 92805
714.765.4479
alauffer@anaheim.net

Comment Letter 2: City of Anaheim

Response to Comment 2-1

Comment acknowledged.

Response to Comment 2-2

Comment acknowledged. As stated in the following mitigation measure of the Draft IS/MND, the City of Garden Grove will coordinate with the City of Anaheim about the left-turn capacity at the intersection of Harbor Boulevard and Oranewood Avenue.

Left-Turn Queue Mitigation Measure

TR-1 Coordinate with the City of Anaheim to determine if the project is required to make a fair-share contribution to extend the left-turn capacity up to 266 feet at the intersection of Harbor Boulevard and Oranewood Avenue.

Response to Comment 2-3

Comment acknowledged.



10844 Ellis Avenue
Fountain Valley, CA 92708
714.962.2411
www.ocsan.gov

June 28, 2022

Maria Parra, Senior Planner
City of Garden Grove
Planning Services Division
11222 Acacia Parkway
Garden Grove, CA 92840
Email: mariap@ggcity.org

SUBJECT: Site B2 Hotel Project - Notice of Intent to Adopt
a Mitigated Negative Declaration

3-1

Thank you for providing the Notice of Intent to Adopt a Mitigated Negative Declaration proposed project "Site B2 Hotel Project" located at 12241, 11261, 12271, 12291, 12311, and 12323 Harbor Boulevard; and 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291, 12311, and 12321 Thackery Drive in the City of Garden Grove, County of Orange." Orange County Sanitation District (OC San) has reviewed it and would like to bring to your attention a requirement, as it applies to your project.

3-2

This project is proposing to build a five-level parking structure with four-levels above grade and one-level below grade. Please be advised that the OC San does not allow parking structure drains to be connected to the sewer. OC San realizes the connection would be made to a City of Garden Grove sewer. However, City sewers eventually connect to OC San sewers, that lead to the OC San Reclamation Plant in Fountain Valley. If you have any questions regarding this letter, please contact Kevin Hadden at 714 593-7462 or khadden@ocsan.gov.

Adam Nazaroff
Engineering Supervisor
Planning Division
714 593-7854

AN:KH:sa

[https://ocsdgov.sharepoint.com/sites/Planning/CEQA Externally Generated/2022 Comment Letters/City of Garden Grove Response Ltr NOI Adopt a MND 20220628.docx](https://ocsdgov.sharepoint.com/sites/Planning/CEQA%20Externally%20Generated/2022%20Comment%20Letters/City%20of%20Garden%20Grove%20Response%20Ltr%20NOI%20Adopt%20a%20MND%2020220628.docx)

cc: Jason Daniel

Serving:

Anaheim
Brea
Buena Park
Cypress
Fountain Valley
Fullerton
Garden Grove
Huntington Beach
Irvine
La Habra
La Palma
Los Alamitos
Newport Beach
Orange
Placentia
Santa Ana
Seal Beach
Stanton
Tustin
Villa Park
County of Orange
Costa Mesa
Sanitary District
Midway City
Sanitary District
Irvine Ranch
Water District
Yorba Linda
Water District

*Our Mission: To protect public health and the environment by
providing effective wastewater collection, treatment, and recycling.*

Comment Letter 3: Orange County Sanitation District

Response to Comment 3-1

Comment acknowledged.

Response to Comment 3-2

Comment acknowledged. The parking structure drains would be pumped to the proposed bioretention basins and be treated prior to outletting to the City storm drain system. The amount of drainage going to the parking structure drains is very minimal and therefore no changes would need to be made to the Preliminary Hydrology Report or Preliminary Water Quality Management Plan.

DEPARTMENT OF TRANSPORTATION

DISTRICT 12
1750 EAST 4TH STREET, SUITE 100
SANTA ANA, CA 92705
PHONE (657) 328-6000
FAX (657) 328-6522
TTY 711
www.dot.ca.gov/caltrans-near-me/district12



Making Conservation
California Way of Life.

June 28, 2022

Ms. Maria Parra
Planning Services Division
11222 Acacia Parkway
Garden Grove, California 92840

File: IGR/CEQA
SCH#: 2022060174
LDR LOG #2022-01990

Dear Ms. Parra,

4-1

Thank you for including the California Department of Transportation (Caltrans) in review of the Mitigated Negative Declaration for the Site B-2 Hotel Project. The proposed project involves construction of a full-service high-rise (maximum height of 350 feet) resort hotel with hotel program entertainment/pool deck (height of approximately 61 feet) on a 3.72-acre site. The proposed hotel would include 500 guest suites with balconies; themed pool experience with lazy river; storage and loading area at 8,600 square feet maximum; event space with a 600-person maximum occupancy theater; a grand ballroom at 9,490 square feet; two (2) meeting rooms at 4,194 square feet and 4,031 square feet, respectively; a variety of food and beverage opportunities to be placed throughout the hotel totaling in a maximum area of 22,296 square feet; themed amenities totaling 13,238 square feet; a 7,000-square foot arcade; and a spa and fitness center at 8,532 square feet. All hotel amenities, except for the ballroom, meeting rooms, and 11,148 square feet of restaurant, would be for the hotel guests use only. The proposed project would also include a five-level (approximately 61 feet) parking garage (four levels above grade and one level below grade) with a grand total of 528 spaces to serve the 500 guest suites, event space, commercial and retail uses, food and beverage needs, as well as other amenities such as spa and fitness center. The project site is located at the northwest corner of Harbor Boulevard and Twintree Avenue, along the west and east sides of Thackery Drive, east of Tamerlane Drive in the City of Garden Grove.

The mission of Caltrans is to provide a safe and reliable transportation network that services all people and respects the environment.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

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

Traffic Operations

1. Appendix I, Traffic Impact Study, Page 16

"Int 20 – SR-22 eastbound Ramps / Trask Avenue Eastbound Left-Turn (deficient without and with the project): Existing Left-Turn Capacity: 520 feet Required Left-Turn Capacity without Project: 652 feet Required Left-Turn Capacity with Project: 666 feet. No Improvements are recommended since the eastbound outside left-turn lane storage length is sufficient as it extends west toward Harbor Boulevard".

Any additional queuing on the outside left turn lane that may extend beyond the designated left turn lane could have adverse impact on vehicles exiting the driveway from the shopping center with the following building addresses: 13518, 13512 and 13576 Harbor Boulevard. Vehicles exiting the driveway to Trask Avenue will have difficulty switching from through lane to left turn lane. Therefore, it is recommended that the developer proposes improvement for Int 20-SR-22 EB Ramps/Trask Ave.

2. Appendix I, Table 6-1, 6-2, 6-3 and 6-4 Shows:

ICU as the methodology used for intersections within State Right of Way. All Intersection Analysis within State Right of way shall be based on HCM methodologies. Additionally, a queue analysis should be provided for Caltrans review and comment.

Transportation Planning

3. Caltrans supports the project's efforts to reduce auto-based trips through the inclusion of onsite bicycle racks, bicycle rentals for hotel guests, and information that promotes walking, bicycling, and public transit options to nearby attractions. In addition to CALGreen standards for bicycle parking, please refer to the attached Essentials of Bike Parking which provides examples of secure and functional bike parking that can accommodate a range of bicycle styles, sizes, and weights (e.g. electric bikes, cargo/utility bikes, etc.).

Caltrans acknowledges the project's efforts in providing discussion regarding existing transit services within the project location. • Please consider taking the

"Provide a safe and reliable transportation network that serves all people and respects the environment"

4-4
cont'd

opportunity to include discussion about the multimodal regional connectivity relating to the use of nearby train stations such as the Anaheim Regional Transportation Intermodal Center (ARTIC) and Orange Metrolink Station.

4-5

4. Caltrans acknowledges the project's efforts in providing discussion regarding existing transit services within the project location. • Please consider taking the opportunity to include discussion about the multimodal regional connectivity relating to the use of nearby train stations such as the Anaheim Regional Transportation Intermodal Center (ARTIC) and Orange Metrolink Station.

Encroachment Permits

4-6

5. In the event of any activity in Caltrans right of way an Encroachment Permit will be required. 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>.

4-7

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 at Maryam Molavi at Maryam.Molavi@dot.ca.gov.

Sincerely,

Maryam Molavi for,

Scott Shelley
Branch Chief, Regional-IGR-Transit Planning

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Comment Letter 4: California Department of Transportation

Response to Comment 4-1

Comment acknowledged.

Response to Comment 4-2

Level of service is no longer considered a significant impact. Nonetheless, the requirement for additional eastbound left turn capacity at the intersection of SR-22 Eastbound Ramps at Trask Avenue was reviewed and it was determined that the proposed project would not significantly degrade level of service operations at this location, either within the Caltrans right-of-way or along the local road system, to necessitate additional improvements. Eastbound left turn traffic has capacity to queue within the #2 lane on Trask Avenue, which provides additional storage outside of the left turn pocket. Additionally, based on the latest Highway Capacity Manual (HCM) calculations described in response to comment 4-3 below, the future worst case “with project” HCM 95th percentile design queue is reported to be 195 feet, which is less than what was originally estimated at this location (663 feet). As a result, the expected queue would not exceed the existing left turn storage capacity. Given that this intersection, and specifically the eastbound left turn movement, are forecast to continue to operate at acceptable level of service under all future “with” project scenarios, the proposed project is not expected to significantly impact access to the businesses at 13518, 13512 and 13576 Harbor Boulevard. Therefore, no additional improvements to the intersection of SR-22 Eastbound Ramps at Trask Avenue are recommended.

Response to Comment 4-3

Please also see response to comment 4-2. The Traffic Impact Study has been updated to include HCM level of service and queue reports for intersections within the Caltrans right-of-way, including intersection #7, #8, #18, and #20. Tables 6-1, 6-2, 6-3, and 6-4 of the Traffic Impact Study (see pp. 67-70) have been updated with the summary LOS results and HCM calculation worksheets and queue reports are provided in Appendices C, D, F, and G.

Response to Comment 4-4

Comment acknowledged. The Traffic Impact Study, specifically Active Transportation Recommendation 5 on page 12-19; Draft IS/MND, specifically GHG Mitigation Measure GHG-7, List Number 5 on page 50 (refer to Section 3, Errata); and Mitigation Monitoring Reporting Program have been updated to specify that the hotel management/concierge provide information to guests about the multimodal regional transportation options such as the Anaheim Regional Transportation Intermodal Center (ARTIC) and the Orange Metrolink Station.

Response to Comment 4-5

Comment acknowledged. Please refer to response to comment 4-4.

Response to Comment 4-6

Comment acknowledged.

Response to Comment 4-7

The City and/or the developer will continue to coordinate with Caltrans regarding the proposed project.



P: (626) 381-9248
F: (626) 389-5414
E: info@mitchtsailaw.com

Mitchell M. Tsai
Attorney At Law

139 South Hudson Avenue
Suite 200
Pasadena, California 91101

VIA E-MAIL

June 28, 2022

Maria Parra, Senior Planner
Planning Services Division
City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840
Em: mariap@ggcity.org

RE: Objections to Approval of Site B-2 Hotel Project and Its Mitigated
Negative Declaration

Dear Maria Parra:

5-1

On behalf of the Southwest Regional Council of Carpenters (“**SWRCC**” or “**Southwest Carpenters**”), my Office is submitting these comments on the Site B-2 Hotel project proposed at northwest corner of Harbor Boulevard and Twintree Avenue, along the west and east sides of Thackery Drive, east of Tamerlane Drive in the City of Garden Grove (“**Project**”). The project site is located at 12241, 11261, 12271, 12291, 12311 and 12323 Harbor Boulevard; and 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291, 12311, and 12321 Thackery Drive in the City of Garden Grove, County of Orange. The Project approval includes various approvals and actions from the City of Garden Grove (“**City**” or “**Lead Agency**”). The Project will be coming before the City’s Planning Commission on **July 7, 2022, at 7:00 pm**, seeking various approvals, including the approval of a mitigated negative declaration (“**MND**”).

The Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states, including California, and has a strong interest in well-ordered land use planning, addressing the environmental impacts of development projects and equitable economic development.

Individual members of the Southwest Carpenters live, work and recreate in the area and surrounding communities and would be directly affected by the Project’s environmental impacts.

SWRCC expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. (Cal. Gov't Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal.App.4th 1109, 1121.)

5-1
cont'd

SWRCC incorporate by reference all comments raising issues regarding the Project and its CEQA compliance, submitted prior to the Project approvals. (*Citizens for Clean Energy v. City of Woodland* (2014) 225 Cal.App.4th 173, 191 [finding that any party who has objected to the Project's environmental documentation may assert any issue timely raised by other parties].)

Moreover, SWRCC request that the Lead Agency provide notice for any and all notices referring or related to the Project issued under the California Environmental Quality Act ("CEQA"), Cal. Public Resources Code ("PRC") § 21000 *et seq.*, and the California Planning and Zoning Law ("**Planning and Zoning Law**"), Cal. Gov't Code §§ 65000–65010. California Public Resources Code Sections 21092.2, and 21167(f) and Government Code Section 65092 require agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

5-2

The City should require community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project. The City should require the use of workers who have graduated from a Joint Labor Management apprenticeship training program approved by the State of California, or have at least as many hours of on-the-job experience in the applicable craft which would be required to graduate from such a state approved apprenticeship training program or who are registered apprentices in an apprenticeship training program approved by the State of California.

Community benefits such as local hire and skilled and trained workforce requirements can also be helpful to reduce environmental impacts and improve the positive economic impact of the Project. Local hire provisions requiring that a certain percentage of workers reside within 10 miles or less of the Project Site can reduce the length of vendor trips, reduce greenhouse gas emissions and providing localized economic benefits. As environmental consultants Matt Hagemann and Paul E. Rosenfeld note:

[A]ny local hire requirement that results in a decreased worker trip length from the default value has the potential to result in a reduction of

construction-related GHG emissions, though the significance of the reduction would vary based on the location and urbanization level of the project site.

(Exhibits A-C [March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling.])

Skilled and trained workforce requirements promote the development of skilled trades that yield sustainable economic development. As the California Workforce Development Board and the UC Berkeley Center for Labor Research and Education concluded:

5-2
cont'd

... labor should be considered an investment rather than a cost – and investments in growing, diversifying, and upskilling California’s workforce can positively affect returns on climate mitigation efforts. In other words, well trained workers are key to delivering emissions reductions and moving California closer to its climate targets.¹

Recently, on May 7, 2021, the South Coast Air Quality Management District found that that the “[u]se of a local state-certified apprenticeship program or a skilled and trained workforce with a local hire component” can result in air pollutant reductions.²

Cities are increasingly adopting local skilled and trained workforce policies and requirements into general plans and municipal codes. For example, the City of Hayward 2040 General Plan requires the City to “promote local hiring . . . to help achieve a more positive jobs-housing balance, and reduce regional commuting, gas consumption, and greenhouse gas emissions.”³

In fact, the City of Hayward has gone as far as to adopt a Skilled Labor Force policy into its Downtown Specific Plan and municipal code, requiring developments in its

¹ California Workforce Development Board (2020) Putting California on the High Road: A Jobs and Climate Action Plan for 2030 at p. ii, *available at* <https://laborcenter.berkeley.edu/wp-content/uploads/2020/09/Putting-California-on-the-High-Road.pdf>.

² South Coast Air Quality Management District (May 7, 2021) Certify Final Environmental Assessment and Adopt Proposed Rule 2305 – Warehouse Indirect Source Rule – Warehouse Actions and Investments to Reduce Emissions Program, and Proposed Rule 316 – Fees for Rule 2305, Submit Rule 2305 for Inclusion Into the SIP, and Approve Supporting Budget Actions, *available at* <http://www.aqmd.gov/docs/default-source/Agendas/Governing-Board/2021/2021-May7-027.pdf?sfvrsn=10>.

³ City of Hayward (2014) Hayward 2040 General Plan Policy Document at p. 3-99, *available at* https://www.hayward-ca.gov/sites/default/files/documents/General_Plan_FINAL.pdf.

Downtown area to require that the City “[c]ontribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, . . .”⁴ In addition, the City of Hayward requires all projects 30,000 square feet or larger to “utilize apprentices from state-approved, joint labor-management training programs.”⁵

Locating jobs closer to residential areas can have significant environmental benefits. As the California Planning Roundtable noted in 2008:

5-2
cont'd

People who live and work in the same jurisdiction would be more likely to take transit, walk, or bicycle to work than residents of less balanced communities and their vehicle trips would be shorter. Benefits would include potential reductions in both vehicle miles traveled and vehicle hours traveled.⁶

In addition, local hire mandates as well as skill training are critical facets of a strategy to reduce vehicle miles traveled. As planning experts Robert Cervero and Michael Duncan noted, simply placing jobs near housing stock is insufficient to achieve VMT reductions since the skill requirements of available local jobs must be matched to those held by local residents.⁷ Some municipalities have tied local hire and skilled and trained workforce policies to local development permits to address transportation issues. As Cervero and Duncan note:

In nearly built-out Berkeley, CA, the approach to balancing jobs and housing is to create local jobs rather than to develop new housing. The city’s First Source program encourages businesses to hire local residents, especially for entry- and intermediate-level jobs, and sponsors vocational training to ensure residents are employment-ready. While the program is

⁴ City of Hayward (2019) Hayward Downtown Specific Plan at p. 5-24, *available at* <https://www.hayward-ca.gov/sites/default/files/Hayward%20Downtown%20Specific%20Plan.pdf>.

⁵ City of Hayward Municipal Code, Chapter 10, § 28.5.3.020(C).

⁶ California Planning Roundtable (2008) Deconstructing Jobs-Housing Balance at p. 6, *available at* <https://cproundtable.org/static/media/uploads/publications/cpr-jobs-housing.pdf>.

⁷ Cervero, Robert and Duncan, Michael (2006) Which Reduces Vehicle Travel More: Jobs-Housing Balance or Retail-Housing Mixing? *Journal of the American Planning Association* 72 (4), 475-490, 482, *available at* <http://reconnectingamerica.org/assets/Uploads/UTCT-825.pdf>.

5-2
cont'd

voluntary, some 300 businesses have used it to date, placing more than 3,000 city residents in local jobs since it was launched in 1986. When needed, these carrots are matched by sticks, since the city is not shy about negotiating corporate participation in First Source as a condition of approval for development permits.

The City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

5-3

Also, the City should require the Project to be built to standards exceeding the current 2019 California Green Building Code and 2020 County of Los Angeles Green Building Standards Code to mitigate the Project's environmental impacts and to advance progress towards the State of California's environmental goals.

I. THE PROJECT WOULD BE APPROVED IN VIOLATION OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

A. Background Concerning the California Environmental Quality Act

CEQA has two basic purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (CEQA Guidelines § 15002(a)(1).) "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions *before* they are made. Thus, the EIR 'protects not only the environment but also informed self-government.' [Citation.]" (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 564.) The EIR has been described as "an environmental 'alarm bell' whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392; *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497, 503 [same].)

5-4

• EIR

Second, CEQA directs public agencies to avoid or reduce environmental damage when possible by requiring alternatives or mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3); *see also*, *Berkeley Keep Jets Over the Bay Committee v. Board of Port Com'rs* (2001) 91 Cal.App.4th 1344, 1354 ("Berkeley Jets"); *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights Improvement Ass'n v. Regents of the University of California* (1988) 47 Cal.3d 376, 400.) The EIR serves to provide public

5-4
cont'd

agencies and the public in general with information about the effect that a proposed project is likely to have on the environment and to “identify ways that environmental damage can be avoided or significantly reduced.” (CEQA Guidelines § 15002(a)(2).) If the project has a significant effect on the environment, the agency may approve the project only upon finding that it has “eliminated or substantially lessened all significant effects on the environment where feasible” and that any unavoidable significant effects on the environment are “acceptable due to overriding concerns” specified in CEQA Pub. Res. Code § 21081. (CEQA Guidelines § 15092(b)(2)(A–B).)

While the courts review an EIR using an “abuse of discretion” standard, “the reviewing court is not to ‘*uncritically*’ rely on every study or analysis presented by a project proponent in support of its position.’ A ‘clearly inadequate or unsupported study is entitled to no judicial deference.’” (*Berkeley Jets*, 91 Cal.App.4th 1344, 1355 (emphasis added) (quoting *Laurel Heights*, 47 Cal.3d at 391, 409 fn. 12).) Drawing this line and determining whether the EIR complies with CEQA’s information disclosure requirements presents a question of law subject to independent review by the courts. (*Sierra Club v. Cnty. of Fresno* (2018) 6 Cal. 5th 502, 515; *Madera Oversight Coalition, Inc. v. County of Madera* (2011) 199 Cal. App. 4th 48, 102, 131.) As the court stated in *Berkeley Jets*, 91 Cal.App.4th at 1355:

A prejudicial abuse of discretion occurs “if the failure to include relevant information precludes informed decision-making and informed public participation, thereby thwarting the statutory goals of the EIR process.

“The preparation and circulation of an EIR is more than a set of technical hurdles for agencies and developers to overcome. The EIR’s function is to ensure that government officials who decide to build or approve a project do so with a full understanding of the environmental consequences and, equally important, that the public is assured those consequences have been taken into account. [Citation.] For the EIR to serve these goals it must present information so that the foreseeable impacts of pursuing the project can be understood and weighed, and the public must be given an adequate opportunity to comment on that presentation before the decision to go forward is made.” (*Communities for a Better Environment v. Richmond* (2010) 184 Cal. App. 4th 70, 80 (quoting *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 449–450).)

- **Negative Declaration or Mitigated Negative Declaration.**

Third, CEQA and CEQA Guidelines are strict and unambiguous about when a Negative Declaration (“ND”) or a Mitigated Negative Declaration (“MND”) may be used. A public agency must prepare an EIR whenever substantial evidence supports a “fair argument” that a proposed project “may have a significant effect on the environment.” (Pub. Res. Code §§ 21100, 21151; Guidelines §§ 15002(f)(1) & (2), 15063; *No Oil, Inc. v. City of Los Angeles* (“No Oil”) (1974) 13 Cal.3d 68, 75; *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98, 111-112.) “Said another way, if a lead agency is presented with a fair argument that a project may – [not “will”] – “have a significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect.” (Guidelines §§ 15064(f)(1) & (2) (emph. added); *No Oil, supra*, 13 Cal.3d 68, 75.)

5-4
cont'd

“Substantial evidence” means “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” (Guidelines § 15384(a).)

“Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous....” (Pub. Res. Code § 21080(e)(2); see also Guidelines § 15384(a).)

The fair argument standard is a “low threshold” test for requiring the preparation of an EIR. (*No Oil, supra*, 13 Cal.3d at 84; *County Sanitation Dist. No. 2 of Los Angeles County v. County of Kern* (2005) 127 Cal.App.4th 1544, 1579 (“*County Sanitation*”).) It “requires the preparation of an EIR where ‘there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial’” (*County Sanitation, supra*, 127 Cal.App.4th at 1580, quoting Guidelines § 15063(b)(1).) A lead agency may adopt an MND only if “there is no substantial evidence that the project will have a significant effect on the environment[.]” (Guidelines § 15074(b) (emphasis added).)

Evidence supporting a fair argument of a significant environmental impact triggers preparation of an EIR regardless of whether the record contains contrary evidence. (*League for Protection of Oakland’s Architectural and Historical Resources v. City of Oakland* (1997) 52 Cal.App.4th 896, 904-905.) “Where the question is the sufficiency of the evidence to support a fair argument, deference to the agency’s determination is not

appropriate” (*County Sanitation*, 127 Cal.App.4th at 1579, (emphasis added), quoting *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1317-1318.)

Further, it is the duty of the lead agency, not the public, to conduct the proper environmental studies. “The agency should not be allowed to hide behind its own failure to gather relevant data.” (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.) “Deficiencies in the record may actually enlarge the scope of fair argument by lending a logical plausibility to a wider range of inferences.” (*Id.*) The “lack of study . . . ‘enlarge[s] the scope’ of the fair argument which may be made ‘based on the limited facts in the record’ [Cit. omit.]” (*Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1382.)

5-4
cont'd

Thus, refusal to complete recommended studies lowers the already low threshold to establish a fair argument. The “court may not exercise its independent judgment on the omitted material by determining whether the ultimate decision of the lead agency would have been affected had the law been followed. . . . The remedy for this deficiency was for the trial court to have issued a writ of mandate” (*Environmental Protection Information Center v. California Dept. of Forestry* (2008) 44 Cal.4th 459, 486.)

Both the review for failure to follow CEQA’s procedures and the fair argument test are questions of law, i.e., *de novo* standard of review applies. (*Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412, 435.) “Whether the agency’s record contains substantial evidence that would support a fair argument that the project may have a significant effect on the environment is treated as a **question of law**. (See, e.g., *Consolidated Irrig. Dist. v. City of Selma* (2012) 204 Cal.App.4th 187, 207.” (Kostka and Zischke, *Practice Under the Environmental Quality Act*, (2017, 2d ed.), at § 6.76 (emphasis added).) The Court gives no deference to the agency in the MND context.

In an MND context, the agency or the court should not *weigh* expert testimony or decide on the credibility of evidence; such weighing is for an EIR. As stated in *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 935:

Unlike the situation where an EIR has been prepared, neither the lead agency nor a court may “weigh” conflicting substantial evidence to determine whether an EIR must be prepared in the first instance. Guidelines section 15064, subdivision (f)(1) provides in pertinent part: “if a lead agency is presented with a fair argument that a project may have a

significant effect on the environment, the lead agency shall prepare an EIR even though it may also be presented with other substantial evidence that the project will not have a significant effect. (*No Oil* [, *supra*,] 13 Cal.3d 68 [118 Cal.Rptr. 34, 529 P.2d 66]).” Thus, as *Claremont* itself recognized, “Consideration is not to be given contrary evidence supporting the preparation of a negative declaration. (*City of Carmel-by-the Sea v. Board of Supervisors* (1986) 183 Cal.App.3d 229, 244–245 [227 Cal.Rptr. 899]; *Friends of “B” Street v. City of Hayward* (1980) 106 Cal.App.3d 988 [165 Cal.Rptr. 514]).” (*Claremont*, *supra*, 37 Cal.App.4th at p. 1168, 44 Cal.Rptr.2d 288.

(*Pocket Protectors*, 124 Cal.App.4th at 935.)

In cases where it is not clear whether there is substantial evidence of significant environmental impacts, CEQA requires erring on the side of a “preference for resolving doubts in favor of environmental review.” (*Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 332.) “The foremost principle under CEQA is that the Legislature intended the act to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.” (*Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259.)

5-4
cont'd

- **CEQA Exemptions and Exceptions Thereto.**

Fourth, where the Lead Agency chooses to dispose of CEQA by asserting a CEQA exemption, it has a duty to support its CEQA exemption findings by substantial evidence, including evidence that there are no applicable exceptions to exemptions. This duty is imposed by CEQA and related case law. (Guidelines § 15020 [“The Lead Agency shall not knowingly release a deficient document hoping that public comments will correct defects in the document.”]; *see also*, *Citizens for Environmental Responsibility v. State ex rel. 14th Dist. Ag. Assn.* (2015) 242 Cal.App.4th 555, 568 [“The lead agency has the burden to demonstrate that a project falls within a categorical exemption and the agency’s determination must be supported by substantial evidence”]; *Association for Protection etc. Values v. City of Ukiah* (1991) 2 Cal.App.4th 720, 732 [agency is required to consider exemption exceptions “where there is some information or evidence in the record that the project might have a significant impact.”])

The duty to support CEQA (and/or exemption) findings with substantial evidence is also required by the Code of Civil Procedure and case law on administrative or traditional writs. Under Code of Civil Procedure (“CCP”) § 1094.5(b), an abuse of

discretion is established if the decision is not supported by the findings, or the findings are not supported by the evidence. CCP § 1094.5(b). In *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515 (“*Topanga*”), our Supreme Court held that “implicit in [Code of Civil Procedure] section 1094.5 is a requirement that the agency which renders the challenged decision must set forth findings to bridge the analytic gap between the raw evidence and ultimate decision or order.” The agency’s findings may “be determined to be sufficient if a court ‘has no trouble under the circumstances discerning the analytic route the administrative agency traveled from evidence to action.’” *West Chandler Blvd. Neighborhood Ass’n vs. City of Los Angeles* (2011) 198 Cal.App.4th 1506, 1521- 1522. However, “mere conclusory findings without reference to the record are inadequate.” *Id.* at 1521 (finding city council findings conclusory, violating *Topanga*).

5-4
cont'd

Further, CEQA exemptions must be narrowly construed to accomplish CEQA’s environmental objectives. *California Farm Bureau Federation v. California Wildlife Conservation Bd.* (2006) 143 Cal.App.4th 173, 187 (“*California Farm*”); *Save Our Carmel River v. Monterey Peninsula Water Management Dist.* (2006) 141 Cal.App.4th 677, 697 (“These rules ensure that in all but the clearest cases of categorical exemptions, a project will be subject to some level of environmental review.”)

Finally, CEQA procedures reflect a preference for resolving doubts in favor of environmental review. (*See*, Pub. Res. Code § 21080(c) [dispose of EIR only if “there is no substantial evidence, in light of the *whole record* before the lead agency, that the project *may* have a significant effect on the environment” or “revisions in the project Would avoid the effects or mitigate the effects to a point where *clearly* no significant effect on the environment would occur, *and*” Emph. added.]; Guidelines §§ 15061(b)(3) [common sense exemption only “where it can be seen with certainty”]; 15063(b)(1) [prepare an EIR “if the agency determines that there is substantial evidence that *any* aspect of the project, either *individually* or *cumulatively*, *may* cause a significant effect on the environment, *regardless* of whether the overall effect of the project is adverse or beneficial”]; 15064(h) [need to consider cumulative impacts of past, other current and “probable future” projects]; 15070 [prepare a negative declaration only if “no substantial evidence, *in light of the whole record* before the agency, that the project *may* have a significant effect on the environment,” or project “revisions would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur, *and* (2) there is no substantial evidence, in light of the whole

5-4
cont'd

record before the project, that the project as revised *may* have a significant effect on the environment” emph. added]; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 83-84 [interpret “significant impacts” so as “to afford the fullest possible protection”].)

B. Due to the COVID-19 Crisis, the Lead Agency Must Adopt a Mandatory Finding of Significance that the Project May Cause a Substantial Adverse Effect on Human Beings and Mitigate COVID-19 Impacts.

CEQA requires that an agency make a finding of significance when a Project may cause a significant adverse effect on human beings. (Pub. Res. Code § 21083(b)(3); CEQA Guidelines § 15065(a)(4).)

Public health risks related to construction work require a mandatory finding of significance under CEQA. Construction work has been defined as a Lower to High-risk activity for COVID-19 spread by the Occupational Safety and Health Administration. Recently, several construction sites have been identified as sources of community spread of COVID-19.⁸

5-5

Southwest Carpenters recommend that the Lead Agency adopt additional CEQA mitigation measures to mitigate public health risks from the Project’s construction activities. Southwest Carpenters request that the Lead Agency require safe on-site construction work practices as well as training and certification for any construction workers on the Project Site.

In particular, based upon Southwest Carpenters’ experience with safe construction site work practices, Southwest Carpenters recommend that the Lead Agency require that while construction activities are being conducted at the Project Site:

Construction Site Design:

- The Project Site will be limited to two controlled entry points.
- Entry points will have temperature screening technicians taking temperature readings when the entry point is open.

⁸ Santa Clara County Public Health (June 12, 2020) COVID-19 CASES AT CONSTRUCTION SITES HIGHLIGHT NEED FOR CONTINUED VIGILANCE IN SECTORS THAT HAVE REOPENED, available at <https://www.sccgov.org/sites/covid19/Pages/press-release-06-12-2020-cases-at-construction-sites.aspx>.

5-5
cont'd

- The Temperature Screening Site Plan shows details regarding access to the Project Site and Project Site logistics for conducting temperature screening.
- A 48-hour advance notice will be provided to all trades prior to the first day of temperature screening.
- The perimeter fence directly adjacent to the entry points will be clearly marked indicating the appropriate 6-foot social distancing position for when you approach the screening area. Please reference the Apex temperature screening site map for additional details.
- There will be clear signage posted at the project site directing you through temperature screening.
- Provide hand washing stations throughout the construction site.

Testing Procedures:

- The temperature screening being used are non-contact devices.
- Temperature readings will not be recorded.
- Personnel will be screened upon entering the testing center and should only take 1-2 seconds per individual.
- Hard hats, head coverings, sweat, dirt, sunscreen or any other cosmetics must be removed on the forehead before temperature screening.
- Anyone who refuses to submit to a temperature screening or does not answer the health screening questions will be refused access to the Project Site.
- Screening will be performed at both entrances from 5:30 am to 7:30 am.; main gate [ZONE 1] and personnel gate [ZONE 2]
- After 7:30 am only the main gate entrance [ZONE 1] will continue to be used for temperature testing for anybody

5-5
cont'd

gaining entry to the project site such as returning personnel, deliveries, and visitors.

- If the digital thermometer displays a temperature reading above 100.0 degrees Fahrenheit, a second reading will be taken to verify an accurate reading.
- If the second reading confirms an elevated temperature, DHS will instruct the individual that he/she will not be allowed to enter the Project Site. DHS will also instruct the individual to promptly notify his/her supervisor and his/her human resources (HR) representative and provide them with a copy of Annex A.

Planning

- Require the development of an Infectious Disease Preparedness and Response Plan that will include basic infection prevention measures (requiring the use of personal protection equipment), policies and procedures for prompt identification and isolation of sick individuals, social distancing (prohibiting gatherings of no more than 10 people including all-hands meetings and all-hands lunches) communication and training and workplace controls that meet standards that may be promulgated by the Center for Disease Control, Occupational Safety and Health Administration, Cal/OSHA, California Department of Public Health or applicable local public health agencies.⁹

The United Brotherhood of Carpenters and Carpenters International Training Fund has developed COVID-19 Training and Certification to ensure that Carpenter union members and apprentices conduct safe work practices. The Lead Agency should

⁹ See also, The Center for Construction Research and Training, North America's Building Trades Unions (April 27 2020) NABTU and CPWR COVID-19 Standards for U.S. Construction Sites, *available at* https://www.cpwr.com/sites/default/files/NABTU_CPWR_Standards_COVID-19.pdf; Los Angeles County Department of Public Works (2020) Guidelines for Construction Sites During COVID-19 Pandemic, *available at* https://dpw.lacounty.gov/building-and-safety/docs/pw_guidelines-construction-sites.pdf.

5-5
cont'd

require that all construction workers undergo COVID-19 Training and Certification before being allowed to conduct construction activities at the Project Site.

Southwest Carpenters has also developed a rigorous Infection Control Risk Assessment (“ICRA”) training program to ensure it delivers a workforce that understands how to identify and control infection risks by implementing protocols to protect themselves and all others during renovation and construction projects in healthcare environments.¹⁰

ICRA protocols are intended to contain pathogens, control airflow, and protect patients during the construction, maintenance and renovation of healthcare facilities. ICRA protocols prevent cross contamination, minimizing the risk of secondary infections in patients at hospital facilities.

The City should require the Project to be built using a workforce trained in ICRA protocols.

II. THE PROJECT VIOLATES CEQA SINCE THERE IS SUBSTANTIAL EVIDENCE TO SUPPORT A FAIR ARGUMENT THAT THE PROJECT MAY HAVE SIGNIFICANT IMPACTS, REQUIRING AN EIR AS A MATTER OF LAW.

CEQA allows the lead agency to dispose of an EIR in very limited cases: (1) if there is an applicable CEQA exemption; or (2) if the Project, with certain modifications, will clearly have no significant impacts.

5-6

Thus, under CEQA:

Pub. Res. Code § 21064.5. Mitigated negative declaration

“Mitigated negative declaration” means a negative declaration prepared for a project when the **initial study** has **identified** potentially significant effects on the environment, but (1) **revisions in the project plans or proposals made by, or agreed to by**, the applicant **before** the proposed negative declaration and initial study are **released for public review** would **avoid the effects or mitigate** the effects to a point where **clearly no** significant effect on the environment would occur, and (2) there is **no substantial evidence** in light of

¹⁰ For details concerning Southwest Carpenters’s ICRA training program, *see* <https://icrahealthcare.com/>.

the whole record before the public agency that the project, **as revised**, **may** have a significant effect on the environment.

(Pub. Res. Code § 21064.5, *emph. added*; *see also*, Pub. Res. Code § 21080(c)&(e).)

Similarly, under CEQA Guidelines § 15064(f):

“(f) The decision as to whether a project may have one or more significant effects shall be based on substantial evidence in the record of the lead agency.

(1) If the lead agency determines there is substantial evidence in the record that the **project may have** a significant effect on the environment, the lead agency **shall** prepare an EIR (*Friends of B Street v. City of Hayward* (1980) 106 Cal. App. 3d 988). Said another way, **if a lead agency** is presented with a **fair argument** that a project **may** have a **significant effect** on the environment, the lead agency **shall** prepare an **EIR even though** it may also be presented with other substantial evidence that the project will not have a significant effect (*No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal. 3d 68).

(2) If the lead agency determines there is substantial evidence in the record that the project **may have** a significant effect on the environment **but** the lead agency determines that **revisions** in the project plans or proposals made by, or agreed to by, the applicant **would avoid the effects** or **mitigate the effects** to a point where **clearly no significant effect** on the environment would occur **and** there is no substantial evidence in light of the whole record before the public agency that the project, **as revised**, **may** have a significant effect on the environment **then a mitigated negative** declaration shall be prepared.

(3) If the lead agency determines there is no substantial evidence that the project may have a significant effect on the environment, the lead agency shall prepare a negative

5-6
cont'd

5-6 cont'd	<p>declaration (<i>Friends of B Street v. City of Hayward</i> (1980) 106 Cal. App. 3d 988).</p> <p>(4) The existence of public controversy over the environment effects of a project will not require preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment.”</p> <p>(Guidelines § 15064(f), <i>emph. added.</i>)</p>
5-7	<p>Thus, under both CEQA and Guidelines, the agency <i>shall</i> prepare an EIR unless it is <i>clear</i> that the Project <i>will not</i> have any significant impacts. Such is not the case here, since the Project may have significant impacts, including on: air quality, greenhouse gas emissions (“GHG”), land use, transportation, public services, geology, noise, hazards, as well as long-term impacts, cumulative impacts, and adverse impacts on human life.</p>
5-8	<p>Briefly, the MND’s determination of “no impacts” is based on understated and flawed impacts analysis (e.g., hydrology/water, utilities, air quality, transportation, public services, mandatory findings of significance); its determination of “less than significant impacts” is based on the understated and flawed impacts analysis, as well as illusory, unenforceable, or improperly deferred mitigation measures (e.g., GHG emissions, noise, cultural resources, energy). (MND, p. 15.)</p>
5-9	<p>The Project is proposed within 25 meters of residential structures (i.e., 82 feet). (MND, p. 28.) The project site consists of a previously disturbed site that was occupied by former residential and commercial uses, which were demolished between 2004 and 2013. (MND, p. 20.) It is proposed on lots, some of which are zoned <i>single family</i> residential; and it seeks zone change, new zoning designation, and a general plan amendment to accommodate the Project’s proposed non-residential uses. (<i>Ibid.</i>)</p>
5-10	<p>Moreover, the Project proposes high intensity non-residential uses, which, among other things, may occur for 24 hours long, while the MND is silent on that issue.</p>
5-11	<p>As described by the MND itself:</p> <p>The proposed project involves construction of a full-service high-rise (maximum height of 350 feet) resort hotel with hotel program entertainment/pool deck (height of approximately 61 feet) on a 3.72-acre site. The proposed hotel would include 500 guest suites with balconies; themed pool experience with lazy river; storage and</p>

5-11
cont'd

loading area at 8,600 square feet maximum; event space with a **600-person** maximum occupancy theater; a grand **ballroom at 9,490 square feet**; **two (2) meeting rooms at 4,194 square feet and 4,031 square feet**, respectively; a variety of **food and beverage** opportunities to be placed throughout the hotel totaling a maximum area of **22,296 square feet**; **themed amenities totaling 13,238 square feet**; a **7,000-square foot arcade**; and a **spa and fitness center at 8,532 square feet** (see Table 1). **All hotel amenities**, except for **the ballroom, meeting rooms, and 11,148 square feet of restaurant**, would be for the **hotel guests use** only.

The proposed project would also include a five-level (approximately 61 feet) **parking garage** (four levels above grade and one level below grade) with a grand total of **528 spaces** to serve the **500 guest suites, event space, commercial and retail uses, food and beverage needs**, as well as **other amenities such as spa and fitness center** (see Table 2).

To accommodate the proposed development, the proposed project also includes **vacation of a public street** (Thackery Drive) **and public alley** located entirely within the site.

(MND, p. 9, *emph. added.*)

5-12

The mass and scale and the intensity of the Project speaks for itself and, along with the City's omissions in good faith disclosures, refutes the City's findings that the Project may not have any construction or operational impacts or that those impacts would be *clearly* reduced to the level insignificance, as required for an MND.

Tellingly, the MND provides:

5-13

3.2 CONSTRUCTION The proposed project construction would take approximately **30 months in a single phase**. The construction and grading activities hours would comply with the noise limitation provisions set forth in the City of Garden Grove's Noise Ordinance, Garden Grove Municipal Code Sections 8.47.040 to 8.47.060, except that permitted hours and days of construction and grading will be as follows: **Monday through Saturday – not before 7:00 a.m. and not after 8:00 p.m.** (of the same day); and **Sunday and Federal Holidays – may work the same hours**, but be subject to the restrictions as stipulated in Sections 8.47.040 to 8.47.060 of the Municipal Code. Compliance with the

5-13
cont'd

permitted hours and days of construction and grading would be imposed as conditions of approval for the proposed project. The maximum number of employees during construction would be **210 toward the last six-month period of construction.**

(MND, p. 11, *emph. added.*)

5-14

The MND is generally silent on the amount of hauling, export, import and fill amounts, despite the fact that the preliminary geological report prepared for the Project in 2018 by GEOCON found that the Project is in liquefaction zone and specifically called for an additional investigation of the Project site to ascertain the stability of the site to withstand the Project's mass and scale. (MND, pp. 45-46.) Instead, the MND engages in pure speculation: "Past building and demolition activities within the project site **likely** removed some overlying soil, and **artificial** or **disturbed** fill **may** be present in the upper levels." (MND, p. 46.)

5-15

Apart from adding the above-described major construction activity and high-intensity uses to what is now a vacant 3.72-acre site (baseline), with its associated traffic circulation impacts, the Project also seeks to *vacate* public street and public alley, claiming it is completely within the Project site. The MND's understatement of this issue is manifest. The vacation of the street and alley by themselves will *add* to the Project's own induced traffic and circulation that will occur on the site, disproving the MND's "no" transportation impacts findings.

5-16

The MND's Water Supply Assessment ("WSA") appears to rely solely on the fact that the Project's significant use was already counted in the City's Urban Water Management Plan and projections through Fiscal Year 2045. The MND states:

The **proposed project's water demand** was included in the projections utilized in the **City's 2020 UWMP** (as it included future planned development of hotels within the International West Resort Area along Harbor Boulevard [Focus Area A] consistent with the City's 2030 General Plan, which the project site is located within). Given this, as stated above, the **City would meet water demand** through **FY 2045**, including the water demand generated by the proposed project.

(MND, p. 89, *emph. added.*)

Yet, the MND and the WSA it relies upon are clearly erroneous, as they do not consider the intensity of the Project's water uses, including its pool and river features,

5-16
cont'd

and they rely on water demands estimates, if at all, until 2030 or 2045, i.e., for about the first 20 years of operation, while the Project will reasonably continue longer.

Similarly, for wastewater, the MND provides:

5-17

The proposed project would generate approximately **1.4 tons of waste per day** (RK, 2022). **Republic Services would provide solid waste collection** and disposal services to the proposed project, which would include participation in the City's recycling program. The solid waste generated by the proposed project **could be** accommodated by the CVT Regional Material Facility and Transfer Station as well as any of these three Orange County Landfills. Furthermore, the proposed project would **comply with all applicable federal, state, and local management and reduction statutes and regulations** related to solid waste, including the CALGreen waste diversion requirements (International Code Council, 2019) and **mandatory recycling requirements per the GGSD Code of Regulations** (GGSD, 2010). **Given this**, the proposed project **would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals**. Therefore, impacts would be less than significant.

(MND, p. 90, emph. added.)

The reasons for the MND's findings of less than significant wastewater and utility impacts are unsupported and unrelated to the Project's *impacts*, but focusing on other issues, such as who will dispose of the waste, how it will be done. The MND's reasons for finding no impacts are also misplaced in an MND context where, unlike an EIR, the City must show that *clearly* no impacts would occur. It is well-established that compliance with plans or regulations is not a guarantee of no significant impacts in an MND context. Thus, the MND's reasoning here is also legally erroneous.

5-18

Lastly, the MND proceeds without a Phase I Environmental Site Assessment and does not disclose if there are any hazards or potential soil contamination on the site, including from the prior residential or commercial uses. The MND only states that the site is not listed on Cortese list. But the hazards analysis under CEQA's Appendix G is not only limited to disclosing the Project's listing on Cortese list, as also evidenced by the MND's respective section and checklist. (MND, p. 52.) Further, CEQA's

5-18
cont'd

hazards analysis is not only limited to the Project's hazardous *emissions* as the MND suggests (*ibid.*); instead, CEQA's checklist for hazards looks generally if there are any hazards – from both construction or operation – that the Project may expose human beings to hazards or hazardous materials, which includes but is not limited to hazards of disturbing contaminated soils, hazards from hauling or transport of contaminated soil or hazardous materials, hazards of fires, including by the removal of vegetation.

5-19

Tellingly, the MND is silent on the amount of transport or hauling from the Project's site in this section. Neither does the MND or the Project approval include or disclose the haul route, to verify if the Project will indeed be safe for its planned 30 months of construction in a single phase.

5-20

At the same time, the MND admits that there are *three* schools within 0.25 miles from the Project site, without listing the significance of such statement and CEQA's specific requirements related to schools. (MND, p. 53.) The MND simply disregards the impact of the Project on school children, including but not limited to construction hazards, as well as hazards of increased intensity on the site, alcohol uses on the site, with reasonably foreseeable increase in the use of public services, including firefighters, police, and generally increase of traffic and potentially drunk driving.

5-21

In sum, the MND grossly understates the Project's impacts; its analysis and studies contain critical omissions and thereby does not pass CEQA's good faith disclosure requirement or the requirement to support findings with substantial evidence. (CEQA Guidelines § 15384 [Substantial evidence is not argument or speculation, but a fact or a reasonable inference based on facts].) Neither does the MND meet CEQA's requirement that impacts be *clearly* reduced to the level of insignificance, given its illusory, unenforceable, legally erroneous, and/or deferred mitigation measures.¹¹

III. CONCLUSION.

5-22

In view of the aforementioned, there is a fair argument that the Project may have multiple significant impacts, requiring an adequate environmental impact report, to

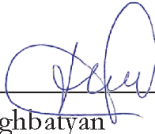
¹¹ This comment and the above-noted issues do not exhaust all flaws in the MND; they are for illustration only. We reserve the right to supplement this comment further before the Project approval.

5-22
cont'd

identify the impacts, devise and apply enforceable mitigation measures, and to consider alternatives as well as alternative sites in order to mitigate the Project's impacts.¹²

If the City has any questions or concerns, please feel free to contact my Office.

Sincerely,



Naira Soghatyan
Attorneys for Southwest Regional
Council of Carpenters

Attached:

March 8, 2021 SWAPE Letter to Mitchell M. Tsai re Local Hire Requirements and Considerations for Greenhouse Gas Modeling (**Exhibit A**);

Air Quality and GHG Expert Paul Rosenfeld CV (**Exhibit B**); and

Air Quality and GHG Expert Matt Hagemann CV (**Exhibit C**).

¹² The Project by itself also violates numerous other state laws, which are not detailed here and are not provided to the City at this time, in view of the nature of the instant comment being limited to comments on the Project's MND.

Comment Letter 5: Mitchell M. Tsai Attorney for the Southwest Regional Council of Carpenters (SWRCC)

Response to Comment 5-1

Comment acknowledged. The commenter will be placed on requested public mailing/notification lists related to the proposed project.

Response to Comment 5-2

The comment regarding community benefits such as local hire does not raise a specific concern or issue regarding the adequacy of the environmental analysis contained in the Draft IS/MND. Also, the project impacts related to greenhouse gas (GHG) emissions, air quality, and transportation have been identified and mitigated to a less than significant impact level as set forth in the Draft IS/MND. No additional mitigation is required. This comment is noted for the record and will be forwarded to the decision makers with all other comments. No further response to this comment is required.

Response to Comment 5-3

The proposed project would exceed the current 2019 Green Building Code Standards in several ways, including:

- Providing on-site renewable energy production through the use of solar panels (GHG-2). The 2019 Building Energy Efficiency Standards requires that Hotels provide dedicated rooftop solar zones (Section 110.10), but do not require on-site renewable energy production. Hence, by providing on-site renewables, the proposed project will significantly reduce energy usage compared to what is required in the Building Code.
- Restricting the use of wood burning and natural gas fireplaces and firepits (SCAQMD Rule 445 and GHG-6). Section 5.503 of CALGreen allows the installation of both wood burning and natural gas fireplaces. By restricting the use of fireplaces and fire pits, the proposed project will significantly reduce natural gas and energy usage beyond the requirements of the CA Building Standards.
- Implementing a trip reduction program that encourages multi-modal and active transportation (GHG-7). Sections 5.106.4 and 5.106.5.3 of CALGreen require on-site bicycle parking and EV charging, however, the proposed project will go beyond these requirements to reduce fossil fuel usage by implementing a full trip reduction program. The program will improve the walkability and design of the proposed project, install traffic calming measures, locate near a high-quality transit stop and transit corridor and provide transit/shuttle services to guests. These measures will result in the proposed project exceeding the fossil fuel and VMT reduction requirements in CALGreen.

The 2020 County of Los Angeles Green Building Standards Code would not be applicable to the proposed project as the project site is located in County of Orange.

In addition, as determined in Section 4.3 (Greenhouse Gas Emissions) of the Draft IS/MND, the proposed project would comply with the South Coast Air Quality Management District (SCAQMD)'s five-tiered GHG thresholds of significance and will be in compliance with Assembly Bill 32 (AB 32). In addition, the proposed project would demonstrate it can achieve a 42 percent reduction in long-term operational GHG emissions compared to business as usual (BAU) conditions with Mitigation Measures GHG-1 through GHG-7. Thus, implementation of the proposed project would be in compliance with AB 32 and California Air Resources Board (CARB)'s 2017 Scoping Plan Update. (Draft IS/MND, pp. 48-51).

Response to Comment 5-4

Comment acknowledged. The comment cites various provisions of state law, regulations and cases which speak for themselves. Since this comment does not raise a specific concern or issue regarding the adequacy of the environmental analysis contained in the Draft IS/MND, no further response to this comment is required.

Response to Comment 5-5

Comment acknowledged. The Draft IS/MND provides impact analysis as well as feasible mitigation measures for all required CEQA impact areas. As for the risks associated with construction activities and COVID-19, implementation of the proposed project will comply with all state and local construction guidelines and policies, such as Centers for Disease Control and Prevention guidelines, the Occupational Safety and Health Administration requirements, and contractor policies, to maintain a healthy workplace environment for construction workers at the job site.

Response to Comment 5-6

Comment acknowledged. The comment cites various provisions of state law, regulations and cases which speak for themselves. Since this comment does not raise a specific concern or issue regarding the adequacy of the environmental analysis contained in the Draft IS/MND, no further response to this comment is required.

Response to Comment 5-7

As determined in Section 4.3 (Air Quality) of the Draft IS/MND, the proposed project would result in a less than significant impact as the daily construction and operational emissions would be below the applicable SCAQMD's air quality regional thresholds of significance and Localized Thresholds of Significance (LST). In addition, the proposed project would be in compliance with applicable rules and regulations such as SCAQMD Rules 402 and 403. (Draft IS/MND, pp. 28-31).

As determined in Section 4.3 (Greenhouse Gas Emissions) of the Draft IS/MND, with Mitigation Measures GHG-1 through GHG-7, implementation of the proposed project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. The proposed project would comply with the SCAQMD's five-tiered GHG thresholds of significance and be in compliance with AB 32. In addition, the proposed project would achieve a 42 percent reduction in long-term operational GHG emissions compared to BAU conditions with Mitigation Measures GHG-1 through GHG-7. Thus, implementation of the proposed project would be in compliance with AB 32 and CARB's 2017 Scoping Plan Update. Therefore, impacts related to GHG would be less than significant with mitigation incorporated. (Draft IS/MND, pp. 48-51).

As determined in Section 4.3 (Land Use and Planning) of the Draft IS/MND, the proposed project would not result in impacts related to physical division of an established community and it would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (Draft IS/MND, pp. 62-64).

As determined in Section 4.3 (Transportation) of the Draft IS/MND, the proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities; would satisfy the Transit Priority Area screening criteria and therefore would have a less than significant vehicle miles traveled (VMT) impact; and would not result in inadequate emergency access. In addition, to ensure that the proposed project has a less than significant impact on potential safety and hazard issues, the proposed project would follow the standard site plan review requirements and implement Mitigation Measures TR-1 through TR-5. (Draft IS/MND, pp. 83-84)

As determined in Section 4.3 (Public Services) of the Draft IS/MND, the proposed project is a transient use that would not directly introduce new residents that could impact public services. In addition, the proposed project would be in compliance with all standard conditions with regard to development such as water supply, applicable local fire codes, ordinances, California Fire Code regulations, and California Building Code requirements. (Draft IS/MND, pp. 77-79)

As determined in Section 4.3 (Geology and Soils) of the Draft IS/MND, the proposed project would comply with the California Building Code, SCAQMD Rule 403, standard best management practices (BMPs), as well as with

the geotechnical investigation recommendations as a condition of approval. In addition, Mitigation Measure G-1 would apply in the event the fossil specimens are encountered at the project site. Therefore, the impacts related to geology and soils would be less than significant. (Draft IS/MND, pp. 43-47)

As determined in Section 4.3 (Noise) of the Draft IS/MND, the proposed project would comply with the applicable noise standards and thresholds established in the City of Garden Grove's General Plan (Noise Element) and Municipal Code. In addition, implementation of Mitigation Measures N-1 through N-3, in conjunction with Project Design Features (PDF)-13 through PDF-26, would reduce construction noise to below the Federal Transit Administration (FTA) construction noise criteria. The operation of the proposed project would not generate a substantial permanent increase in ambient noise levels in the vicinity of the project site in excess of standards established in the City's General Plan and Municipal Code. Project construction related vibration levels would be under the vibration structural damage and vibration human annoyance thresholds; and the project operation would not generate vibration impacts. As such, the impacts related to noise would be less than significant. (Draft IS/MND, pp. 67-75)

As determined in Section 4.3 (Hazards and Hazardous Materials) of the Draft IS/MND, the proposed project would comply with all federal, state and local requirements related to the transport, storage, use, and disposal of limited quantities of hazardous materials such as paints, solvents, cleaning agents, oils, grease, fuel for construction equipment, and common household hazardous wastes. The proposed project is not located on a site that has been included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and thus would not create a significant hazard to the public or environment. In addition, the proposed project would be designed to ensure adequate emergency access is provided. Therefore, impacts related to hazards and hazardous materials would be less than significant. (Draft IS/MND, pp. 52-55)

The Draft IS/MND is therefore supported by substantial evidence. Further, as explained throughout the responses to comments, there is no substantial evidence supporting a fair argument.

Response to Comment 5-8

Please note that the excerpt of the Draft IS/MND (page 15) referenced in this comment is an introductory (Sections 4.0 and 4.1). There is no impact analysis in these two sections. Please refer to Section 4.3 where the "no impacts" and the "less than significant impacts" are discussed. As determined in Section 4.3 (Hydrology/Water, Utilities, Air Quality, Transportation, Public Services, GHG, Noise, Cultural Resources, Energy, Mandatory Findings of Significance) of the Draft IS/MND, the analysis resulted in the determination of no impacts, less than significant, and less than significant with mitigation incorporated. The Draft IS/MND provides substantial evidence that the proposed project will not result in any significant impacts. It should be noted that the identified PDFs will be conditions of approval and will be enforceable along with mitigation measures which will be part of the Mitigation Monitoring and Reporting Program.

Response to Comment 5-9

This comment quotes the Draft IS/MND. No further response is warranted.

Response to Comment 5-10

The Draft IS/MND does not indicate that the proposed project would include uses that would be 24-hour long. Neither is the Draft IS/MND silent on this issue. As stated on page 13 of the Draft IS/MND, the proposed project includes PDF-15, which limits the hotel themed pool attraction and outdoor pool deck operation to be open only during the daytime hours (7 a.m. – 10 p.m.); and PDF-20, which limits the delivery, loading/unloading activity, and trash pick-up hours to daytime hours (7 a.m. – 10 p.m.).

Response to Comment 5-11

The comment quotes the Draft IS/MND. No further response is warranted.

Response to Comment 5-12

The comment does not identify any specific issue or concern regarding the Draft IS/MND. No further response is warranted.

Response to Comment 5-13

This comment quotes the Draft IS/MND. No further response is warranted.

Response to Comment 5-14

The proposed project anticipates requiring a total export of approximately 60,720 cubic yards of earthwork material for grading purposes (refer to Appendix B of the Draft IS/MND). The analysis in the Draft IS/MND does take into account activities associated with site preparation (hauling, export, etc.) identified in the geotechnical investigation. These activities were included in the air quality/greenhouse gas emissions and traffic modeling, refer to Appendices B and I of the Draft IS/MND. The referenced sentence in this comment (page 46 of the Draft IS/MND, "Past building and demolition activities within the project site likely removed some overlying soil, and artificial or disturbed fill may be present in the upper levels" is related to the potential to encounter fossil specimens within the project site during ground-disturbing activities. It has nothing to do with stability of the site (Draft IS/MND, pp. 46-47).

Response to Comment 5-15

The purpose of the proposed vacation of Thackery Drive and the public alley is to facilitate the development of the proposed project. Once vacated, Thackery Drive and the public alley will be incorporated into the proposed project's developable land area and will only serve the properties on the project site and thus are not needed to support the circulation needs of the abutting properties. As such, the vacation would not have a detrimental impact on the circulation system. Thackery Drive and the public alley, along with the rest of the project site, are currently secured with a perimeter fence and have no public access. The proposed project would have public street access from Harbor Boulevard and Twintree Avenue. To the extent this comment alleges Level of Service (LOS) impacts, congestion is no longer relevant for CEQA purposes.

Response to Comment 5-16

The proposed project's water demand estimate (including the proposed pool and lazy river) is detailed in Table 3.1 of the Site B-2 Hotel Water Supply Assessment (WSA). Based on Table 3.1, the proposed project would generate a unit demand of 167 gallons per day (gpd) per room. To test this demand estimate, water use data was gathered from three hotels in Anaheim from meter reads that were averaged over a five-year period totaling 2,350 rooms. These hotels averaged 167 gpd per room with one hotel having a significant amount of conference room and banquet space. This particular hotel had an 11 percent higher demand per room than the next largest hotel with more nominal ancillary uses so it is logical to assume the more typical hotels would average about 10 percent less or 150 gpd. Due to the potential additional demand from the entertainment venues of the proposed project, this demand estimate is supported by substantial evidence. (WSA, pp. 3-1 and 3-4) CEQA does not require perfection. (CEQA Guidelines § 15003(i))

Senate Bill (SB) 610 requires the preparation of a WSA for a proposed hotel with more than 500 rooms. Because of the size of the proposed project, SB 610 requires that a WSA be completed to evaluate the potential effects of the proposed development on current and future water supplies. It mandates that a city or county approving certain projects subject to the California Environmental Quality Act (i) identify any public water system that may supply water for the project, and (ii) request the public water system to prepare a specified water supply assessment. As part of the assessment, the following discussion is required: 1. A discussion of whether the public water system's total projected water supplies available during normal, single dry, and multiple dry water years during a **20-year projection** will meet the projected water demand associated with the proposed project,

in addition to the public water system's existing and planned future uses, including agricultural and manufacturing. (WSA, p. 2-1)

Response to Comment 5-17

Please note that the excerpt of the Draft IS/MND referenced in this comment is about solid waste, not wastewater.

As determined in Section 4.3 (Utilities and Service Systems) of the Draft IS/MND, the project site is located in a highly urbanized area and the proposed project would be served by the existing water, wastewater treatment, storm drainage, electric power, natural gas, and telecommunication facilities. The WSA prepared for the proposed project concluded that there would be a sufficient water supply for the proposed project and the Orange County Sanitation District (OCSD) confirmed that there is adequate wastewater treatment capacity to serve the proposed project's projected demand in addition to OCSD's existing commitments. The proposed project's projected waste generation of approximately 1.4 tons per day (tpd) would be accommodated by the CVT Regional Material Facility and Transfer Station (permitted 6,000 tpd) as well as any of the three Orange County Landfills: Frank R. Bowerman Landfill (permitted 11,500 tpd); Olinda Alpha Landfill (permitted 8,000 tpd); and Prima Deshecha Landfill (permitted 4,000 tpd). (Draft IS/MND, pp. 87-90)

Based on the discussion/summary above, the Draft IS/MND provides substantial evidence that the proposed project will not result in any potentially significant impacts.

Response to Comment 5-18

The preparation of a Phase I Environmental Site Assessment (ESA) is not required by CEQA. A Phase I ESA is a real estate document. However, a comprehensive search of the project site and vicinity for underground storage tanks, leaks, or hazardous spills was conducted for the project site, as explained in Section 4.3, Hazards and Hazardous Materials, of the Draft IS/MND. Specifically, the search included review of the California Department of Toxic Substances Control (DTSC)'s EnviroStor database, which includes the following hazardous waste facilities and cleanup sites: Permitted Treatment, Storage, and Disposal Facilities (TSDFs); Federal Superfund sites (National Priorities List [NPL]); State Response sites, including military facilities and State Superfund sites; Voluntary Cleanup sites; school sites; and Corrective Action sites. This search also included review of the State Water Resources Control Board (SWRCB)'s GeoTracker database, which provides access to statewide environmental data and tracks regulatory data for the following types of sites: (1) Leaking Underground Storage Tanks (LUST) cleanup sites; (2) Cleanup Program Sites (CPS, also known as Site Cleanups [SC] and formerly known as Spills, Leaks, Investigations, and Cleanups [SLIC] sites); (3) military sites (including military UST sites, military privatized sites, and military cleanup sites [formerly known as Department of Defense (DOD) non-UST]); (4) Land Disposal sites (Landfills, Surface Impoundments, Waste Piles, Land Treatment Units, Mining Units); (5) Permitted Underground Storage Tank (UST) facilities; (6) Composting Operations; (7) Waste Discharge Requirement (WDR) sites; (8) Confined Animal / Concentrated Animal Feed Lots facilities; (9) Irrigated Lands Regulatory Program (ILRP) sites; and (10) Oil and Gas Monitoring sites (Aquifer Exemption, Produced Water Ponds, Underground Injection Control, Well Stimulation Projects). In addition, this search included a review of the California Environmental Protection Agency (CalEPA)'s Cortese List Data Resources, which include the following: a list of solid waste disposal sites identified by SWRCB with waste constituents above hazardous waste levels outside the waste management unit; list of active Cease and Desist Orders and Cleanup and Abatement Orders from the SWRCB; list of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code identified by DTSC; list of hazardous waste and substances sites from DTSC; and list of LUST sites from SWRCB. No records were found identifying historic or current underground storage tanks, leaks, or hazardous spills on the project site. The nearest LUST site per the search results was located approximately 916 feet south of the project site, which given the distance and current activities (i.e., groundwater well monitoring activities), would not present a hazardous condition to the project site nor would the proposed activities impact this LUST site.

The prior uses at the project site over the years was discussed in Cultural Resources Section of the Draft IS/MND, which helped inform the hazards and hazardous materials background research efforts. Specifically, the prior uses were discussed as follows: “The project site is located within a heavily disturbed urban area. Prior to World War II, the project site was utilized for agricultural purposes, with a grove of trees present on most of the property and one building that was present in the southeast corner for a short period of time. During the housing boom of the 1950s, the project site was developed with a residential tract and commercial buildings which were established by 1963. A review of construction manuals from the period suggests that it is adequate to assume that up to five feet of the soil was disturbed by construction, grading, and the placement of utilities for a 1960s-era tract development. All buildings in the project site were removed between 2004 and 2013, leaving only the cul-de-sac and alley between the dirt lots. The process appears to have consisted of removing building foundations and prior utilities and grading the surface.” (Draft IS/MND, p. 38)

As determined in Section 4.3 (Air Quality) of the Draft IS/MND, the proposed project would result in a less than significant impact related to exposure of sensitive receptors (including children, the elderly, the acutely and chronically ill, and those with cardio-respiratory diseases). Sensitive receptors would not be exposed to substantial pollutant concentrations during construction or operation of the proposed project. In addition, the proposed project would be in compliance with applicable rules and regulations such as SCAQMD Rules 402 and 403. (Draft IS/MND, pp. 28-31).

Construction of the proposed project would involve transport, use, and disposal of limited quantities of hazardous materials such as paints, solvents, cleaning agents, oils, grease, and fuel for construction equipment. However, the proposed project would have to comply with all federal, state, and local requirements related to the transport, storage, use, and disposal of such materials. Operation and maintenance activities of the hotel and restaurant uses would also use limited quantities of non-acutely hazardous materials, such as paints, cleaning agents, and batteries, as well as generate small quantities of common household hazardous wastes (HHW); however, the use, storage, and disposal of such hazardous materials and HHW would be conducted in compliance with all applicable hazardous materials and waste federal, state, and local requirements. Thus, the proposed project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials. Additionally, the proposed project would not require the use or storage of significant quantities of hazardous materials that could become a significant hazard to the public or the environment through an accidental release or upset condition. Though it is not reasonably foreseeable that significant quantities of hazardous materials would be used or stored on site, to the extent any such use or storage would occur, such use and storage would be conducted in compliance with all applicable federal, state, and local requirements. Therefore, impacts would be less than significant. (Draft IS/MND, p. 53).

The project site is located in urbanized area of the City and is not located adjacent to any wildlands or an area where residences are intermixed with wildlands. According to the California Department of Forestry and Fire Protection (CAL FIRE)’s Fire Hazard Severity Zone (FHSZ) Viewer Map, the project site is also not within or near a state responsibility area or a very high fire severity zone (CAL FIRE, 2021). Therefore, implementation of the proposed project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. No impact would occur. (Draft IS/MND, pp. 54-55).

The following conditions of approval will be required prior to the issuance of building permits. These conditions of approval will address soil contamination concerns.

- 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 per the requirements of the Orange County Health Department^{1,2} and the mitigation requirements of governing regulatory requirements. The report shall make recommendations for foundations and pavement structural section design of interior streets and parking spaces. The report shall also test and analyze soil conditions for LID (Low Impact Development) principles and the implementation of water quality for stormwater run-off, including potential infiltration alternatives, soil compaction, saturation, permeability and groundwater levels.

- A soil report complying with CBC Chapter 18 shall be required and shall be submitted for review at time of building permit application.
- A Geo-technical peer review of the soil report shall be required, and shall be completed prior to building permit application.

Based on the discussion/summary above, the Draft IS/MND provides substantial evidence that the proposed project will not result in any significant impacts during construction or operation. In addition, as part of standard practice (conditions of approval) soil contamination would be remediated if necessary. Pursuant to all applicable laws and regulations, the comment does not provide substantial evidence supporting a fair argument.

Response to Comment 5-19

Hauling trips associated with construction of the proposed project were analyzed as part of the Traffic Impact Study (refer to Appendix I of the Draft IS/MND). Table 10-1 of the Traffic Impact Study shows the daily construction trip generation for each of the construction phases. The total daily trips for each construction phase consist of worker trips, vendor trips and hauling trips (whichever apply), with the appropriate passenger car equivalent (PCE) factors applied. Table 10-2 shows the peak hour construction trip generation for each of the construction phases. The maximum construction trip generation occurs during the grading phase, when the proposed project is forecast to generate approximately 813 PCE-adjusted daily construction trips which include approximately 203 PCE-adjusted AM peak hour construction trips and approximately 203 PCE-adjusted PM peak hour construction trips.

As concluded in the Traffic Impact Study, the proposed project's short-term construction traffic would not adversely affect the level of service of the study intersections (20 intersections). It is anticipated the haul route would consist of several of these intersections, especially Harbor Boulevard. Therefore, the haul route will be safe during the construction phase of the proposed project. To the extent this comment alleges LOS impacts, congestion is no longer relevant.

Response to Comment 5-20

The Draft IS/MND accounts for the three schools within 0.25 miles from the project site. The Walton Intermediate School is located approximately 0.2 mile northwest of the project site; Warren Elementary School is located approximately 0.25 mile northeast of the project site; and Violette Elementary School is located approximately 0.25 mile southwest of the project site (Google Earth Pro, 2022). While the proposed project would use, store, and dispose limited quantities of hazardous materials during construction and operation, such as paints, solvents, cleaning agents, etc., such materials would be used, stored, and disposed in compliance with all federal, state, and local requirements. Therefore, hazardous material impact would be less than significant. (Draft IS/MND, p. 53).

¹ Orange County Health Care Agency (OCHCA) Local Oversight Program. <https://www.ochealthinfo.com/about-hca/public-health-services/environmental-health-services/more/site-mitigation/local-oversight>

² OCHCA Industrial Cleanup Program: <https://www.ochealthinfo.com/about-hca/public-health-services/environmental-health-services/more/site-mitigation/industrial>

Also, as determined in Section 4.3 (Air Quality) of the Draft IS/MND, the proposed project would result in a less than significant impact related to air pollution exposure of sensitive receptors (including children, the elderly, the acutely and chronically ill, and those with cardio-respiratory diseases). Sensitive receptors would not be exposed to substantial pollutant concentrations during construction or operation of the proposed project. In addition, the proposed project would be in compliance with applicable rules and regulations such as SCAQMD Rules 402 and 403. (Draft IS/MND, pp. 28-31).

The Draft IS/MND provides substantial evidence that the proposed project will not result in any significant impacts related to emitting hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of a school. The use of alcohol is not an environmental impact, nor is the city required to assume violation of applicable drunk-driving laws. The comment does not provide substantial evidence supporting a fair argument.

Response to Comment 5-21

The Draft IS/MND provides substantial evidence that the proposed project will not result in any significant impacts (Draft IS/MND, Section 4.3). In addition, the identified conditions of approval will be enforceable and mitigation measures will be implemented through Mitigation Monitoring and Reporting Program.

Response to Comment 5-22

Based on the responses to comments above, the Draft IS/MND provides substantial evidence that the proposed project will not result in any significant impacts. Potentially significant impacts that were identified have been reduced to a less than significant level with the incorporation of mitigation measures. Therefore, an EIR is not required. There is no evidence supporting a fair argument.

Exhibit A

The commenter includes a local hire requirements and considerations for greenhouse gas modeling report as an attachment to this comment letter. This comment is noted for the record and no further response to this comment is warranted. Exhibit A is included as Attachment A of this Final IS/MND.

Exhibit B

The comment includes an air quality and GHG expert Paul Rosenfeld CV as an attachment to this comment letter. No further response to this comment is warranted. Exhibit B is included as Attachment A of this Final IS/MND.

Exhibit C

The comment includes an air quality and GHG expert Matt Hagemann CV as an attachment to this comment letter. No further response to this comment is warranted. Exhibit C is included as Attachment A of this Final IS/MND.

Page intentionally left blank



P: (626) 381-9248
F: (626) 389-5414
E: info@mitschtsailaw.com

Mitchell M. Tsai
Attorney At Law

139 South Hudson Avenue
Suite 200
Pasadena, California 91101

VIA E-MAIL

July 6, 2022

Honorable Chairman John Ramirez and Teresa Pomeroy, City Clerk
Planning Commissioners City of Garden Grove
c/o Judy Moore, Planning Commission 11222 Acacia Parkway
Secretary Garden Grove, CA 92840
Community and Economic Development Em: cityclerk@ggcity.org
Department
11222 Acacia Parkway
Garden Grove, CA 92840
Em: judym@ggcity.org

Maria Parra, Senior Planner
Planning Services Division
City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840
Em: mariap@ggcity.org

RE: Objections to Approval of Site B-2 Hotel or Nickelodeon Resort Hotel
Project and Its Mitigated Negative Declaration, Garden Grove City
Planning Commission Hearing, July 7, 2022, Agenda Items C.2 and D

Honorable Chairman Ramirez and Planning Commissioners:

On behalf of the Southwest Regional Council of Carpenters (“**SWRCC**” or
“**Southwest Carpenters**”), my Office is submitting these comments on the Site B-2 or
Nickelodeon¹ Resort Hotel project proposed at northwest corner of Harbor Boulevard
and Twintree Avenue, along the west and east sides of Thackery Drive, east of
Tamerlane Drive in the City of Garden Grove (“**Project**”). The project site is located

6-1

¹ For the first time in the 7/7/2022 Staff Report, the Project uses a *different name* and changing from Site B-2 Hotel project into a Nickelodeon Resort Hotel Project. This name change, even if inadvertent, may be prejudicial as it may not associate with the MND or the Project discussed in the MND, which was also circulated only for 20 days, with the hearing set just after the July 4, 2022 holiday weekend.

6-1
cont'd

at 12241, 11261, 12271, 12291, 12311 and 12323 Harbor Boulevard; and 12246, 12252, 12262, 12282, 12292, 12312, 12322, 12251, 12261, 12281, 12291, 12311, and 12321 Thackery Drive in the City of Garden Grove, County of Orange. The Project approval includes various approvals and actions from the City of Garden Grove (“City” or “Lead Agency”). The Project will be coming before the City’s Planning Commission on **July 7, 2022, at 7:00 pm**, seeking various approvals, including the approval of a mitigated negative declaration (“MND”) (Item C2) and a consideration of the street and alley vacation and general plan conformance for same (Item D).

6-2

This comment supplements our prior comment submitted on June 28, 2022 (“Objection to MND”), which we fully incorporate by reference herein.

6-3

As previously noted, the Southwest Carpenters is a labor union representing more than 50,000 union carpenters in six states, including California, and has a strong interest in well-ordered land use planning, addressing the environmental impacts of development projects and equitable economic development.

Individual members of the Southwest Carpenters live, work and recreate in the area and surrounding communities and would be directly affected by the Project’s environmental impacts.

6-4

SWRCC expressly reserve the right to supplement these comments at or prior to hearings on the Project, and at any later hearings and proceedings related to this Project. (Cal. Gov’t Code § 65009(b); Cal. Pub. Res. Code § 21177(a); *Bakersfield Citizens for Local Control v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1199-1203; see *Galante Vineyards v. Monterey Water Dist.* (1997) 60 Cal.App.4th 1109, 1121.)

6-5

SWRCC incorporate by reference all comments raising issues regarding the Project and its CEQA compliance, submitted prior to the Project approvals. (*Citizens for Clean Energy v City of Woodland* (2014) 225 Cal.App.4th 173, 191 [finding that any party who has objected to the Project’s environmental documentation may assert any issue timely raised by other parties].)

6-6

SWRCC renews its request that the City should consider utilizing skilled and trained workforce policies and requirements to benefit the local area economically and mitigate greenhouse gas, air quality and transportation impacts.

6-7

Also, the City should require the Project to be built to standards exceeding the current 2019 California Green Building Code and 2020 County of Los Angeles Green Building

6-7
cont'd

Standards Code to mitigate the Project's environmental impacts and to advance progress towards the State of California's environmental goals.

I. THE PROJECT VIOLATES CEQA SINCE THERE IS SUBSTANTIAL EVIDENCE TO SUPPORT A FAIR ARGUMENT THAT THE PROJECT MAY HAVE SIGNIFICANT IMPACTS, REQUIRING AN ENVIRONMENTAL IMPACT REPORT, AS A MATTER OF LAW.

6-8

As previously noted, CEQA allows the lead agency to dispose of an EIR in very limited cases: (1) if there is an applicable CEQA exemption; or (2) if the Project, with certain modifications, will clearly have no significant impacts. (Pub. Res. Code § 21064.5, *emph. added*; *see also*, Pub. Res. Code § 21080(c)&(e); CEQA Guidelines § 15064(f).)

Thus, under both CEQA and Guidelines, the agency *shall* prepare an EIR unless it is *clear* that the Project *will not* have any significant impacts. Such is not the case here, as detailed further below.

A. Biological Resources Impacts.

6-9

The MND concludes that there will be no biological impacts, without conducting a single Project-site study and solely based on speculation. First, the MND states: "Due to the built-out nature of the City and surrounding area, biological resources in the City are almost non-existent (City of Garden Grove, 2021)." (MND, p. 32.) City does not provide any page number for the referenced document, neither does it explain what that reference means. Instead, at the end of the Biological Resources section, it provides a description of the General Plan Update, Land Use Element, Chapter 2 and a link to the City's website which contains numerous *other* links to other documents. However, none of the "Land Use Element" links referenced in the MND contains any reference to "biological resources" at issue here.²

6-10

On the other hand, in the Section of "Public Services" (MND, p. 79), the MND provides a link to a similarly referenced "City of Garden Grove, 2021" document, this time describing it as the Draft EIR for the Focused General Plan Update in the City ("GP DEIR").

² *See, e.g.*, https://ggcity.org/sites/default/files/2021-10/LandUseElement_Redline_10-2021_0.pdf

Upon further search in the GP DEIR through the link provided (GP DEIR, p. 79), it becomes clear that the biological resources were among those studied for potential significant impacts, and the GP DEIR discarded the issue by relying on similar speculations and references to other documents:

6-11

Due to the densely developed urban setting of Garden Grove, primarily consisting of no natural biological communities, sensitive species would have little to no potential to occur within the Planning Area. The existing 2008 General Plan and the proposed 2021 General Plan Update do **not** contain **goals** or **policies** concerning **biological resources** that would negatively impact special-status species. Therefore, it is not expected that any **new impacts** would occur to special-status species as part of implementation of this FGPUZA. It should also be noted that **future development** would have to **comply** with established laws and regulations regarding the **protection** of **biological resources** when proposed (e.g., migratory bird treaty act).

(GP DEIR, p. 4.2-9, emph. added.)

The above-quoted passage shows that the GP DEIR's focus was *new impacts* due to the *new goals or policies* concerning biological resources and further confirms that the "future development," as here, will have to comply with all laws and regulations to protect biological resources. CEQA specifically protects such biological resources, including natural unique resources. "*Special emphasis should be placed on environmental resources that are rare or unique to that region and would be affected by the project.* The EIR must ... permit the significant effects of the project to be considered in the full environmental context." (Guidelines § 15125(c), italics added.)

At the same time, the GP DEIR lists various special status plants and species that have *potential*³ to appear in the GP planning area (DEIR, p. 4.2-2) and provides:

Wildlife and Sensitive Species

Wildlife known to occur within the Planning Area consists of avian, reptile, and mammal species that occupy urban areas. The “sensitive” or “special” label denotes a species as a State or Federally listed threatened or endangered species and/or a potential candidate for threatened or endangered listing. Table 4.2-1 (Federally- and State-Listed Species and other Special Status Species) lists Federally- and State-listed species known to occur in the Planning Area, as identified by the CNDDDB (CNDDDB, 2020). The Planning Area is located on the Anaheim 7.5-minute series United States Geological Survey (USGS) topographic quadrangle map. The United States Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), California Native Plant Society (CNPS), California Natural Diversity Database (CNDDDB) recorded the following species in Table 4.2-1 as historically occurring within 1-mile of the Planning Area (but not within the Planning Area). These species have **low potential** to occur or are not expected to occur within the Planning Area **due to** the marginal suitable habitat available or lack of habitat.

(GP DEIR, p. 4.2-1, *emph. added.*)

Thus, GP DEIR – on which the MND here relies – does not specifically study the Project’s site or the biological impacts of *this* Project; to the opposite, it suggests that future development itself will have to comply with all applicable laws to protect biological resources, and yet concludes that there is low potential for special plants or animals to occur only due to marginal suitable habitat available *in general in the City*.

³ Figure 2.1 (DEIR, p. 4.2-2) claims that such potential is “low” and in the asterisk provides an explanation for such qualification: “*Due to the densely developed urban setting of Garden Grove, primarily consisting of no natural biological communities, this species would have low potential to occur.” In other words, the GP DEIR solely relies on the *generally* densely developed urban setting of Garden Grove, which speculation is inapplicable to this 3.72-acre vacant land of the Project site.

6-13 The MND here admits that the Project site has been vacant, at least in part, since 2004 and contains some vegetation and ornamental trees. (MND, p. 33.)⁴ It also admits that based on a survey by CDFW in February of 2022, “the California black rail (*Laterallus jamaicensis coturniculus*) is the only sensitive species (State Threatened) with the potential to be found on the project site (CDFW, 2022).” (MND, p. 33.) Thus, there is potential that the Project site may be home to various special status species and there is no specific study in the MND to conclusively and *clearly* negate such potential.

6-14 Further, because the place has been vacant for about 20 years, it is possible that it may be roosting bats in the vacant areas or in the trees, whereas bats are on decline in California and U.S. and require special protection.⁵

6-15 Lastly, the MND provides ineffective, unenforceable, and illusory mitigation measures for the potential impacts on migratory fish. It provides BIO-1 (p. 33-34), which only requires that 3 days prior to the construction, a qualified biologist survey the area to ascertain if there are active nests and, if so:

[T]he qualified biologist shall establish an appropriate buffer and monitor the active nests within the buffers at a minimum of once per week to determine whether the birds are being disturbed. If signs of disturbance or stress are observed, the qualified biologist shall immediately implement adaptive measures to reduce disturbance. These **measures** shall be determined by the qualified biologist and **could include**, without limitation, increasing buffer distance, temporarily halting construction activities until fledging is confirmed, or placing visual screens or sound dampening structures between the nest and construction activity.

(MND, pp. 33-34, *emph. added.*)

6-16 As such, City or the MND does not even require the qualified biologist to *report back* to the City about findings, does not impose the minimum distance for buffers, but leaves all those choices and conclusions to the discretion of a qualified biologist retained by the Applicant itself without any accountability or oversight. This is far worse than the practice of requiring an Applicant to retain a qualified biologist and provide a post-

⁴ The MND makes no reference of any specific Project study for this conclusion and therefore the MND’s statement is only an assertion, without any factual support that can be verified. It does not pass muster as substantial evidence under CEQA.

⁵ See, <https://wildlife.ca.gov/Conservation/Mammals/Bats/Report-Colony>

approval study, which was ruled to be improper mitigation in an MND context. (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 307 [a post-approval study found to be improperly deferred mitigation and a post hoc rationalization].) As the Court noted in *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93

6-16
cont'd

We find this proposal is no different than the deferred mitigation rejected by the appellate court in *San Joaquin Raptor, supra*, 149 Cal.App.4th 645, 57 Cal.Rptr.3d 663. There, the EIR required “a management plan” to be prepared “by a qualified biologist to ‘maintain the integrity and mosaic of the vernal pool habitat.’ ” (*Id.* at p. 669, 57 Cal.Rptr.3d 663.) The court held that this measure was deficient because it merely included a “generalized goal of maintaining the integrity of the vernal pool habitats,” placing the onus of mitigation to the future plan and leaving the public “in the dark about what land management steps will be taken, or what specific criteria or performance standard will be met....” (*Id.* at p. 670, 57 Cal.Rptr.3d 663.)

6-17

In sum, the MND contains no substantial evidence that the 3.72-acre vacant site contains or breeds no protected or rare species and will not have any impact on biological resources; further, its offered mitigation measures are illusory and unenforceable. For all the reasons mentioned above, there is potential that the Project may impact biological resources, which requires an EIR and disqualifies an MND.

B. Energy Impacts.

The MND’s energy impacts analysis is fatally flawed. It concludes that the Project will have less than significant impact, based on *generalized goals* or *aspirations* in the Municipal Code and CON-4 and CON-5 goals in the General Plan, which provide:

6-18

- Goal CON-4: Reduce per-capita non-renewable energy waste and city-wide peak electricity demand through energy efficiency and conservation.
- Goal CON-5: Reduce dependency on non-renewable energy resources through the use of local and imported alternative energy sources.

(MND, p. 40.)

6-18
cont'd

There is no substantial evidence as to how these generalized goals would reduce the Project's energy impacts.

Further, the MND's analysis construction energy impacts is unsupported and is based on an unquantified, incoherent, and illogical conclusion:

6-19

Construction and operation of the proposed project would result in **the consumption of energy resources**. Energy consumption during construction would consist of electricity providing temporary power to lighting and equipment as well as fuel for construction vehicles. Per PDF-8, construction-related activities would minimize the use of non-renewable diesel by minimizing the use of diesel-powered equipment or generators, **where feasible**. **Construction-related energy consumption** would be **minimal in comparison** to the **operational** consumption once the proposed hotel is occupied.

(MND, p. 40, *emph. added*.)

As such, the MND only provides for minimization of use of diesel-powered equipment or generators "where feasible," making this minimization essentially unenforceable. It also appears to conclude the construction energy impacts will be less than significant just because those will be less than the operational energy impacts. The conclusion lacks any logical link.

Lastly, for *operational* energy impacts, the MND provides the significant amount of energy usage of the Project and yet relies on the *same generalized goals* adopted by the City, as well as the *greenhouse gas* ("GHG") mitigation measures to *energy* impacts. But reduction of GHG impacts is not the same as reduction of energy impacts and the City's conclusion that implementation of GHG mitigation measures will necessarily result in less than significant energy impacts is therefore unsupported. The MND provides:

6-20

Energy usage for operation of the proposed project would include **both electricity and natural gas**, where total electricity usage would be approximately **4,956,901 kilowatt hours per year**, and total natural gas usage would be approximately 15,780,088 thousand British thermal units per year (RK, 2022a). Per PDF-11, the proposed project would be designed **in compliance** with the California Building **Energy Efficiency Standards** and Garden Grove **Municipal Code** Section 18.04.0101,

6-20
cont'd

including the provisions for **bicycle parking, electric vehicle charging stations, energy efficiency, material conservation, and water/waste reduction**. To further ensure the operation of the proposed project would not result in inefficient or wasteful energy consumption or conflict with the City's energy goals CON-4 and CON-5, Mitigation Measures **GHG-2 through GHG-6** (provided below in Section VIII, Greenhouse Gas Emissions, of this IS/MND), which would require the use of **renewable energy sources and increase energy efficiency**, such as installing **onsite renewable energy sources** capable of generating **up to 25 percent** of the proposed project's total electricity demand, implementing water conservation strategies, and implementing waste management, recycling, and composting programs **to divert 50 percent** of waste away from a landfill. Thus, with Mitigation Measures GHG-2 through GHG-6, implementation of the proposed project **would not result** in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during **project construction or operation**, nor would it conflict with or obstruct a state or local plan for renewable energy or energy efficiency. Therefore, impacts would be less than significant with mitigation incorporated.

(MND, p. 41, *emph. added.*)

Yet, GHG-2 through GHG-6 (MND, pp. 49-50) only require that "up to" 25% of the Project's energy use be supported by solar and only 50% of waste be diverted. In view of the Project's *mass, scale and intensity*, there is no substantial evidence or expert opinion that the Project's *remaining* energy use and waste will be non-significant and will have no significant impacts.

Further, even in an EIR context, CEQA Guidelines require a *project-specific* energy consumption analysis and far more than reliance on energy guidelines, as here:

6-21

- (b) Energy Impacts. If analysis of the project's energy use reveals that the project may result in significant environmental effects due to **wasteful, inefficient, or unnecessary consumption** use of energy, or **wasteful use** of energy resources, the **EIR shall mitigate** that energy use. This analysis should include the **project's energy use for all project phases and components**, including **transportation-related energy**, during **construction** and

6-21
cont'd

operation. In addition to building code compliance, other relevant considerations may include, among others, the **project's size, location, orientation, equipment use** and any **renewable energy features** that could be incorporated into the project. (Guidance on information that may be included in such an analysis is presented in Appendix F.) This analysis is subject to the rule of reason and shall focus on **energy use** that is **caused by the project**. This analysis may be included in related analyses of air quality, greenhouse gas emissions, transportation or utilities in the discretion of the lead agency.

(CEQA Guidelines § 15126.2(b), emph. added)

6-22

The MND fails to adequately disclose the Project's energy impacts and makes an unsupported conclusion that those impacts will necessarily be reduced to the level of insignificance through generalized goals or GHG mitigation measures. As such, there is a fair argument that the Project may have energy impacts, requiring an EIR.

C. Geology/Soils Impacts.

As also noted in our prior Comment letter, the MND's geology impacts assessment of no impacts is unsupported.

First, the MND admits that the Project site is located in the liquefaction area and contains unstable soils. (MND, pp. 44-45.) Yet, it concludes:

6-23

Furthermore, as a **condition of approval**, per Section 8.1.2 of the geotechnical investigation, **prior to obtaining building permits** from the City, **additional site exploration and laboratory testing** will be required to **confirm the existing conditions** throughout the project site and provide **final** design recommendations, which **would be** incorporated into an updated geotechnical investigation and implemented as a condition of approval (Geocon, 2018). **Given this**, implementation of the proposed project **would not directly or indirectly** cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. Therefore, impacts would be less than significant.

(MND, p. 44, emph. added.)

6-23
cont'd

The MND's conclusion is unsupported and relies solely on unenforceable and also improperly deferred "additional site exploration and laboratory testing to confirm the existing conditions." There is no reason why the 2022 MND failed to include such site exploration, which appeared to have been required or necessary at least since 2018, per the 2018 Geocon's report. CEQA forbids deferred mitigation, absent some practical or legal hardship to conduct testing or devise mitigation measures. Per the MND, the Project site has been vacant for years and there is no information that the Applicant was not permitted access on the Project site in any way.

6-24

Further, the MND is chronologically incorrect. It claims that as a condition of *approval now*, some *yet-to-be developed* final recommendations would be implemented and would thereby necessarily reduce any impacts to the level of insignificance. And yet, just because an additional site exploration and laboratory testing will occur and final design recommendations, if at all, would be incorporated into the Project, the MND cannot make the absolute claim that those final design recommendations will indeed *clearly* reduce any geology impacts to the level of *insignificance*, as required by CEQA.

Lastly, the MND references 2018 Geocon's report and concludes that the Project site has no expansive soils and thereby no associated impacts. Yet, it admits that Geocon recommended that the upper 6 feet of existing site soils be excavated and properly compacted. The MND provides:

6-25

No Impact. Based on the geotechnical investigation performed for the proposed project, **it is recommended**, at a minimum, that the **upper 6 feet of existing site soils** within the proposed on-grade building footprint areas **be excavated** and **properly compacted** for foundation and slab support. The **upper 5 feet of existing soils encountered** at the project site during **this investigation** are **considered** to have a "very low" expansive potential and are classified as "non-expansive" per the California Building Code (Geocon, 2018). **Given this**, the proposed project would **not be located on expansive soil**. No impact would occur.

(MND, p. 46, *emph. added*.)

6-26

As for the referenced 2018 Geocon report, it references the word "expansive" only twice, at p. 15 and p. 28, and provides:

8.2.4 The upper 5 feet of existing site soils **encountered** during this investigation are **considered** to have a "**very low**" expansive potential (EI

6-26
cont'd

= 0); and are classified as “non-expansive” based on the 2016 California Building Code (CBC) Section 1803.5.3. **Recommendations** presented herein **assume** that the building foundations and slabs **will derive support** in these materials.

(2018 Geocon, p. 15, emph. added.)

8.16.2 **Swimming pool foundations and walls** may be designed in accordance with the foundation design recommendations below and *Retaining Wall Design* section of this report (see Section 8.13). The proposed pools should be constructed utilizing an **expansive soils** design, and a hydrostatic relief valve should be considered as part of the swimming pool design unless a gravity drain system can be placed beneath the pool shell.

(2018 Geocon, p. 28.)

6-27

Further, Geocon provides only one sample “B1 @ 0-5” which appears to have been tested for expansiveness; yet, it discloses that it took *three* samples from three different sites “excavating **three** 8-inch diameter borings to depths of approximately 40½ and 75½ feet below.” (2018 Geocon, p. 1, emph. added.) The Project site is 3.72 acres and should have required more testing to make a supported conclusion as to the entire site’s condition. In addition, the fact that the upper 5 feet of soil sample showed no expansive soils, even if true as to the entire site, is irrelevant where the recommendation is to excavate the upper 6 feet of soil and in view of the fact that the Project will have to accommodate up to 350-foot high constructions and include an underground parking (MND, p. 9.) A deeper and broader site investigation should have been conducted and its results should have been included in this 2022 MND. They were not, without any justification.

6-28

As such, because there is no evidence that the entire 3.72-acre site was tested for expansive soils, because the Project involves numerous structures as tall as 350 feet, and because Geocon’s recommendations *assume* that the soils are not expansive and will provide support for the Project’s development and yet propose to excavate 6 feet of the upper layer of soil, there is no support for the MND’s conclusion that the entire Project site contains no expansive soils and will have no associated impacts.

6-29

Lastly, among its limitations, Geocon itself provides that its 2018 Report cannot be relied upon in 2022:

6-29
cont'd

The findings of **this report** are **valid as of the date of this report**. However, **changes** in the conditions of a property **can occur** with the passage of time, whether they are due to **natural processes** or the **works of man** on this or adjacent properties. In addition, **changes in applicable or appropriate standards** may occur, whether they result from legislation or the broadening of knowledge. **Accordingly**, the findings of this report **may be invalidated** wholly or partially by changes outside our control. Therefore, **this report** is subject to review and **should not** be relied upon **after a period of three years**.

(August 15, 2018, Geocon Report, p. 41, emph. added.)

Similarly, Geocon's report may not be trusted for geology impacts since it contains several discrepancies. First, it claims the Project site is **9.55 acres**, whereas it is only 3.72 acres, per the MND. (2018 Geocon, p. 1.) Further, the 2018 Geocon report was based on significantly *understated* Project mass and scale and without final design plans:

6-30

Based on the information provided by the Client, It is our understanding that the proposed project consists of **an 18-story hotel** tower with a roof deck; a **16-story hotel tower**; an **8-story** timeshare tower; and **parking structures**. The proposed hotel complex will include **on-grade structures** and also **two levels of subterranean space** extending to depths of up to **25 feet below** the ground surface. The proposed development is depicted on the Site Plan (see Figure 2A).

(2018 Geocon, p. 2, emph. added.) This description is at odds with the MND's project description: "The proposed project involves construction of a full-service high-rise (maximum height of **350 feet**) resort hotel with hotel program entertainment/pool deck (height of approximately 61 feet) on a **3.72-acre** site." (MND, p. 9, emph. added.)

As such, the 2018 Geocon's report has not studied the stability of soil on the site to support a 350-foot hotel structures and numerous other tall buildings.

6-31

To the extent the MND relies on the 2018 Geocon's outdated report with flawed assumptions, such reliance is misplaced, and there is a fair argument the Project – with its unstudied mass and scale and undisputed liquefaction potential – may have significant geology impacts.

D. GHG Impacts.

6-32

The Project may have significant GHG impacts and the MND's conclusion to the contrary is unsupported. (MND, pp. 48-50.) First, the MND *understates* the Project's impacts overall, since its estimated Project's GHG impacts already *assume* certain project design features (PDFs) were incorporated: "The total estimated GHG emissions of the proposed project were **5,756.97 MTCO₂e** per year (which **assumed** incorporation of PDF-1 through PDF-12, provided previously in Section 3.3 of this IS/MND)." (MND, p. 49, *emph. added.*) Also, PDF-1 through PDF-12 (MND, pp. 11-12) are non-enforceable measures and non-binding (e.g., PDF-6, 8, and 9 provide for specific measures, "if" or "as" or "where" feasible). Further, the MND provides no estimate *without* the PDFs, which is an error. As such, the MND fails to disclose the Project's GHG impacts *without* the application of mitigation measures, as required by CEQA.

6-33

Second, the MND relies on GHG mitigation measures and concludes that those further reduce the 5,756.97 MTCO₂e by 51%: "[T]he total estimated GHG emissions generated by the proposed project would be **3,583.53 MTCO₂e/year**, reflecting a 51 percent reduction." (MND, p. 49.) Yet, there is no evidence or discussion as to how or whether the GHG measures that the MND relies upon will indeed reach the 51 percent reduction, particularly where GHG measures include compliance with certain codes, generation of renewable energy for up to 25% energy demand, and diversion of only 51 percent of waste. Lastly, the MND provides no clear significance threshold for GHG emissions and only concludes that the 51% reduction of GHG impacts to 3,583.53 MTCO₂e/year will amount to non-significant impacts. Yet, even if the MND follows some unspecified threshold, it is well-settled that a Project's compliance with a significance threshold does not mean the Project will have no impacts:

- (2) Thresholds of significance, as defined in Section 15064.7(a), may assist lead agencies in determining whether a project may cause a significant impact. When using a threshold, the lead agency should briefly explain how compliance with the threshold means that the project's impacts are less than significant. Compliance with the threshold **does not** relieve a lead agency of the obligation to consider substantial evidence indicating that the project's environmental effects may still be significant.

(CEQA Guidelines § 15064(b)(2), *emph. added.*)

6-34

Lastly, to the extent the Project may be larger than the 3.72 acres (per Geocon’s investigated 9.55-acre site area [2018 Geocon, p. 1]) and its haul route is not calculated in the MND’s GHG analysis (see, *infra*), and also to the extent the Project may have cumulative GHG impacts, those are not studied or disclosed in the MND.

6-35

In sum, the MND understates the Project’s GHG impacts overall and through the use of unenforceable and non-binding PDFs and ineffective and illusory mitigation measures, and the MND erroneously assumes, without support, that a claimed 51% reduction, even if practicable, will indeed *clearly* result in less than significant impacts to warrant an MND. As such, the Project may have significant GHG impacts, requiring an EIR to adequately study and mitigate those.

E. Hazards Impacts.

6-36

The MND’s discussion of hazards (MND, p. 52-53) is manifestly flawed. First, it combined two very important questions about routine transport of hazardous materials or their release into the air, which can have impact on people and limits such discussion to only construction materials to be stored on the site, and provides a cursory and limited analysis for those. For example, nowhere does the MND disclose if the soil that will be excavated (e.g., 6 feet on the 3.72-acre site, as recommended by 2018 Geocon’s report) contains contamination or if the buildings that existed on the Project’s site and were demolished starting in 2004 did not leave any contamination or hazardous materials on the site.

6-37

Moreover, in an unprecedented manner, the Project provides no Phase I Environmental Site Assessment (“ESA”) that could have performed a search of the site for underground storage tanks, leaks, or hazardous spills. Phase I ESA would have also listed all prior uses at the Project site over the years and the potential that those uses handles hazardous materials (e.g., dry-cleaning,⁶ car repair shops). Further, the Project site has been subject to significant demolition, which could have included various hazardous materials, including asbestos and lead that can be still present on the Project site. Yet, the MND appears to rely on just DTSC general records and EPA online records (MND, p. 55) and provides just general links to the searches conducted; there is no indication that a more thorough inquiries were made to DTSC or EPA

⁶ See, e.g., active hazardous site at 13020 Chapman Ave., Garden Grove, which is a block away from the Project and which used to be a dry cleaners place from 1966 to 2006.
https://www.envirostor.dtsc.ca.gov/public/profile_report?global_id=60002907

6-37
cont'd about all 3.72 acres of the Project site or if the entire 3.72 acres were ever considered in searching DTSC or EPA databases.

6-38 The MND only claims that the site is not listed on a hazardous site. (MND, p. 53.)
However, whether the site is or is not listed in a database is not conclusive proof that the site contains no hazardous materials or contamination that could harm human beings during excavation or their routing transportation.

6-39 Further, Geocon's 2018 report provides, among limitations: "The evaluation or identification of the potential presence of hazardous or corrosive materials was not part of the scope of services provided by Geocon West, Inc." (2018 Geocon, p. 41.) It begs the question: Why?

6-40 In sum, the MND's manifest lack of study of these hazardous conditions on the Project's site which was previously occupied by residential and commercial uses, as well as its cursory and limited analysis focusing on solely *construction* phase (construction materials) and completely ignoring the transport of hazardous materials, including soil and debris during *pre-construction* phase (e.g., grading and excavation) supports a fair argument that the Project may have significant impacts.

F. Hydrology/Water Quality – no impact

6-41 In addition to the flaws pointed out in our prior Comment and related to the Project's impacts on water supply and waste impacts, the MND also understates the Project's hydrology and water quality impacts. First, the MND relies on *preliminary* reports; there is no explanation why the MND could not provide a *final* stormwater and drainage management report, which, per the MND, will be provided only after the Project approval and before the permits are issued.

6-42 Second, the MND admits that the Project will be adding *new impervious surfaces* increasing them from 28% to 68% after the Project is built. This means that the Project will directly or indirectly impede the *natural* drainage patterns that exist on the site since it was gradually vacated starting in 2004. The MND's focus on only *adjacent* buildings' drainage flows in this analysis and ignoring the drainage patterns that exist on the 3.72 acre site now (covered with dirt and vegetation) is erroneously limited. There is a fair argument that the Project *will* impede and redirect the existing drainage flows on the vacant land at least because it will add 40% more impervious surfaces.

Third, the MND admits that it would be *redirecting* the drainage from the adjacent Sheraton hotel and *reroute* it. (MND, p. 57.) It further states that the drainage on the site will be “similar” to pre-development, i.e., admittedly *not* the “same”:

6-43

As mentioned above, the project site currently consists of **28 percent** of impervious area; and with the construction of the proposed project, the impervious area **would increase to 68 percent**. However, the post development drainage would be **similar** to the pre-development drainage. With the proposed project, the offsite drainage would be **routed** to the **new drive aisle** along the west property line and continue to flow west onto Twintree Avenue to **match** the **existing** condition.

(MND, p. 59, *emph. added.*)

6-44

In view of the above-noted admissions that the Project will increase impervious areas and redirect the existing flows, there is a fair argument that the Project may also increase the rate, amount, and depth of the existing drainage flows, due to redirection of existing flows on the vacant land, as well as by creating more impervious areas, altering the current natural flood patterns, and most importantly significantly adding to the drainage flows due to the significant mass and scale of the Project.

Lastly, the MND improperly relies on deferred mitigation and creation of post-approval plans to mitigate impacts and yet concludes that the Project will have “less than significant impacts.” This conclusion is unsupported, since it provides no binding or enforceable mitigation measures to support it. The MND states:

6-45

The incorporation of **BMPs** [best management practices] prescribed in the **WQMP** would **minimize** impervious areas in addition to reducing potential pollutants that enter the surface flows as a result of project implementation, to the **maximum extent practicable**, as required by the Regional Water Quality Control Board. **Prior to the commencement of grading and construction** activities, **a final WQMP would be prepared**. With **implementation** of the **SWPPP**, **WQMP**, and **BMPs**, the construction and operation of the proposed project would not violate any water quality standards or waste discharge requirements, provide substantial additional sources of polluted runoff or otherwise substantially degrade water quality, nor would it substantially alter the existing drainage

6-45
cont'd

pattern of the project site or area. **Therefore**, impacts would be **less than significant**.

(MND, p. 58, *emph. added*.)

6-46

The MND's above-quoted analysis is illusory, conclusory, and unsupported. First, it is unclear how a new BMP can "minimize" the amount of impervious surfaces in the Project after it gets entitled and approved. Second, it is unclear how a BMP that will only *minimize* the amount of impervious surfaces "to the maximum extent practicable" will indeed amount to *less than significant* impacts. Third, it is unclear why a final WQMP (water quality management program) should be prepared and timed only after Project approval and only before the commencement of construction activities.

6-47

In sum, the MND's conclusion that the Project will have no hydrology or water quality impacts is unsupported and also contains non-binding and improperly deferred mitigation measures. Its findings of less than significant impact before mitigation is also unsupported because the MND clearly relies on post-approval studies and water quality management programs to mitigate water impacts.

G. Land Use Impacts

6-48

The MND understates the Project's *land use* impacts. First, its 2-page land use impact analysis (MND, pp. 62-63) fails to note the Project's *inconsistencies* with the General Plan and zoning. For example, the analysis fails to note that, under the current General Plan, there is a *street* and an *alley* which traverse the Project's site and which the Project proposes to vacate. This, by itself, is an inconsistency with the General Plan's transportation element. Moreover, this will divide the established community, which currently uses the street and alley to be vacated. In addition, such vacation of the street and alley will have significant impacts on traffic and circulation.

6-49

Second, while the MND's analysis mentions the residential zoning on the Project's site in the beginning, it fails to note that the residential zoning R-1-7 is for *single-family* development. (See, MND, pp. 3 & 65.) Instead, the MND's land use impact analysis focuses on "[t]he IW designation [that] allows a maximum floor area ratio (FAR) of up to 5.0 for hotel resorts" (MND, p. 63), which it later admits to apply to only PUD *commercial* – and not R-1-7 *residential* zoning – and yet presents that because the Project will have 4.27 FAR, it necessarily conforms to the General Plan as to land use designation:

6-49
cont'd

The **IW designation** allows a **maximum floor area ratio (FAR)** of up to **5.0** for hotel resorts and entertainment venues. FAR results from dividing the total gross floor area of all buildings on a lot by the total area of that lot. The proposed project would develop **approximately 691,693** square feet of hotel uses on the **3.72-acre** (162,043.20 square feet) site, which would result in a **FAR of 4.27**, and be **within the allowable FAR**. Thus, the proposed project would **be consistent with the IW designation**.

The **IW designation** of the proposed project is implemented by the **PUD zoning**. Section 9.18.160.010 (Planned Unit Developments) of the Garden Grove Municipal Code states that planned unit developments may be permitted in any Mixed Use zone subject to the provisions of Section 9.16.030.020 (Planned Unit Development) of the Garden Grove Municipal Code.

(MND, p. 63, *emph. added.*)

6-50

In other words, the Project *transfers* the 5.0 FAR of the PUD mixed-use zoned lots to the R-1-7 single-family residential zoned lots and the MND fails to note either about such FAR transfer or about the inconsistency of *both* building a hotel on the single-family residential lots, the *applicable* FAR on the residential R-1-7 lots, and the inconsistency of such 5.0 FAR on the residential R-1-7 zoned lots.

6-51

Lastly, the MND inconspicuously admits that it seeks to *change* the zoning for the entire site and thereby make the Project conform to the General Plan's IW designation:

As previously mentioned, the project site is currently zoned PUD-141-01 and R-1-7. As part of the proposed project, the entire project site would be rezoned to create a subzone, PUD-141-01(A), which would be consistent with the existing General Plan land use designation of IW and would facilitate the development of the proposed project. With this modification, no conflict with the property's zoning would occur. Therefore, impacts would be less than significant.

(MND, p. 63.)

6-52

The above-noted zoning amendment to ensure the Project's conformance with the General Plan underscores the *existing conflict* of the Project with the applicable land use

6-52
cont'd

plans and the Project site's density and intensity designations and refutes the MND's finding that the Project is consistent with land use plans and will have no land use impacts.

6-53

In sum, the MND's analysis of land use impacts critically omits inconsistencies and understates the Project's scope or associated land use impacts. In view of the above-noted changes proposed by the Project, there is a fair argument that the Project, with its mass, scale and proposed solely commercial uses, is inconsistent with the applicable land use plans and may have significant impacts, requiring an EIR.

H. Noise Impacts.

6-54

The MND's noise impact analysis is flawed. (MND, pp. 67-71.) First, the MND erroneously assumes that since the Project will comply with the noise regulations, it is necessarily "exempt" from any additional construction restrictions, such as hours, days, and times of construction starting at 7am and extending to 8pm (i.e., 13 hours/day) from Monday through Friday, and even on holidays and Sundays. In an MND context, the City's conclusion of no construction impacts here is unsupported, especially where the MND admits that construction noise may reach 80 dBA for an 8-hour limit, whereas the hours of construction noise far exceed 8. (MND, p. 69.)

6-55

Second, the MND admits that the construction noise will exceed the 80 dBA, and yet claims that the implementation of mitigation measures will reduce those impacts to the level of insignificance. Among those mitigation measures, the MND requires to build a masonry wall *barrier* on the western and eastern borders of the Project, as well as place a temporary barrier on the northern and southern borders. Yet, the MND does not state the proximity of sensitive uses to the Project site. It was also found that noise barriers are most efficient if they are moveable and placed next to the noise area. (**Exhibit A**, pp. 19-20 [*Aids Healthcare Foundation v. City of Los Angeles*, Case Number: 19STCP05445, April 5, 2021]) As stated in *Aids Healthcare Foundation*:

Effective mitigation to sensitive receptors requires the noise barrier systems to be moved. The City argues MM 1-2 is effective because "the noise barriers are *moveable*, meaning that they move in concert with any piece of construction equipment to ensure the equipment does not operate with an unobstructed line of sight to a receptor." [citation omitted] The City recognizes the barriers must be moveable "to shield construction activities, no matter where they occur onsite." [citation omitted]

(Exhibit A, p. 20.)

6-55
cont'd

As such, the barriers proposed by the Project and the MND do not meet that description, to ensure efficacy of noise reduction and lack substantial evidence that such noise reduction will indeed occur.

In addition, as described in an analogous lower court case, the noise analysis here does not consider the fact that the Project will be built at 350 feet height; so its noise insulation barriers extending to a maximum of 8 feet are further non efficient as a mitigation measure:

6-56

To the extent sound attenuation is to be measured at the sensitive receptor, it may allow measurement from street level ignoring impacts at higher floors. Higher floor sound attenuation is important as the efficacy of sound barriers to shield higher floors in a building is questionable.

Fn. 22 Sound is most audible when it travels by direct line of sight. Sound barriers are largely ineffective if they do not break the line of sight between the source and receiver....

Fn. 23 [S]ound barriers are most effective when they are very close to either the source or the receiver and become less effective with greater distance from the noise producing equipment.

(Exhibit A, p. 19, and fns. 22-23.)

6-57

In addition, unlike in the *EIR* case cited above, the MND here does not provide how much sound reduction will those barriers provide. Yet, it concludes that the impacts will be reduced to the level of *insignificance*.

6-58

Further, the MND sets very high thresholds of significance for construction noise (80 dBA per 8 hours) and ignores the fact that the Project's construction noise will exceed the 8-hour mark (will be almost 13 hours, from 7am to 8pm).

6-59

Lastly, similar to the construction noise impacts, the MND and the City set high thresholds for *operational* noise impacts and fail to note that the Project site is now completely vacant and part of it is zoned residential. The MND also appears to conclude that just because noise increases will not exceed 3 dBA (a conclusion not supported by any evidence), then the Project will have no operational noise impacts. (MND, p. 71.) And yet, particularly in an MND context, it is settled that compliance

6-59
cont'd

with thresholds should not foreclose the study of the Project's impacts since it is not conclusive proof that the Project may not have impacts.

Also, the MND erroneously assumes that unless the Project *doubles* the amount of traffic, it will not cause more than 3dBA noise increase:

In addition, **typically**, it takes a **doubling** of **traffic** volumes along a roadway to cause a **significant increase** in ambient noise levels of more than **3 dBA**. The proposed project is projected to generate approximately **5,122 average daily trips** (ADT). The current ADT along Harbor Boulevard is approximately **27,585**. Hence, the proposed project would not double the amount of traffic volume along Harbor Boulevard. Also, the proposed project would restrict access to the project site along Twintree Avenue to emergency vehicles, maintenance, and trash/delivery trucks. Daily truck deliveries are expected to be less than 20 trucks per day whereas existing ADT along Twintree Avenue, west of Harbor Boulevard, is approximately 2,000 vehicles per day. The proposed project would not cause a doubling of traffic along Twintree Avenue. **Thus**, operation of the proposed project's **would not cause a significant increase** (i.e., an increase of 3 dBA or more) in **roadway noise** at Harbor Boulevard and Twintree Avenue.

6-60

(MND, p. 71, emph. added.)

The MND provides no legal or acceptable authority for its assumptions quoted above.

Lastly, the MND erroneously includes *future* conditions as part of the MND's baseline and noise analysis, stating:

Lastly, based on the City's noise/land use compatibility per the **City's Noise Element**, the **project site** is **expected** to experience **future noise** levels ranging from **60 dBA to 70 dBA CNEL**, which would fall within **normally acceptable to conditionally accepted noise** and land use zone.

6-61

(MND, p. 71, emph. added.)

Yet, the fact the MND's above-noted statement admits the Project's impacts may far exceed the 55 dBA thresholds and the MND appears to rely on *future* conditions to understate the Project's impacts based on its compatibility under the Noise Element

6-61
 cont'd

underscores the MND’s erroneous legal assumptions. CEQA is clear that the the Project’s baseline is the existing conditions and the compatibility or conformance with the General Plan is not part of the baseline analysis for purposes of impacts and does not foreclose CEQA’s impacts analysis. (*Oro Fino Gold Mining Corp. v. County of El Dorado* (1990) 225 Cal.App.3d 872, 881–882 [“Initially, we note that conformity with a general plan does not insulate a project from EIR review where it can be fairly argued that the project will generate significant environmental effects. (*City of Antioch v. City Council*, supra, 187 Cal.App.3d at p. 1332, 232 Cal.Rptr. 507.)”])

6-62

In sum, the MND performs a curtailed analysis of the Project’s construction and operational impacts, relies on unsupported and flawed assumptions and erroneous baseline to measure the acceptable limits, and proposes inefficient mitigation measures, including barriers, to reduce the noise limits without any specific performance standards to ensure such noise reductions. As such, there is a fair argument that the Project may have significance noise impacts, requiring an EIR to study, disclose and mitigate those.

I. Transportation Impacts.

6-63

The MND’s transportation analysis is critically flawed and its conclusion of no impacts is unsupported. First, the MND omits the *elephant in the room*: vacating of a public street and alley. As such, its analysis of whether the Project will “[c]onflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities” and its ultimate conclusion of “no impacts” (MND, p. 81) is clearly erroneous and unsupported.

6-64

Second, the MND’s analysis of vehicle-miles-traveled is erroneous. It fails to acknowledge the dramatic increase of circulation in the Project site, the fact that vacation of the street and alley under the Project may create spill-over traffic and cause various travelers to change their travel patterns, as well as the fact that it is reasonably foreseeable that hotel guests will use Lyft, Uber or other transportation means thereby doubling the amount of trips to/from the Project site as compared with traveling to the Project site in one’s own car. Further, the Project’s proximity to transit, on which the MND relies, appears to be irrelevant in view of the fact that the Project – a high-rise hotel – may operate during night hours and perhaps more intensely during those night hours and yet there is typically no public transit available at night.

6-65

Third, and similarly, the MND's analysis of whether the Project will "d) Result in inadequate emergency access" and its ultimate conclusion of less than significant impact is unsupported. The MND admits that the Project will be "sharing" the road access with another hotel, which will also provide guest and employee access for buses and shuttles. It admits that the second access to the Project will be via an "unsignalized" driveway on Twintree Avenue and only for emergency vehicles, maintenance, and trash/delivery trucks only. And yet, it concludes that there will be less than significant impacts on emergency access, including on Harbor Boulevard because the *existing* access on Harbor Boulevard "would follow the standard site plan review requirements to ensure that the proposed project would not have a significant impact on safety and hazard issues." (MND, p. 84.) Here again, the MND fails to note that not only will the Project dramatically increase the circulation in the area and will *add* to the Sheraton Hotel's circulation amounts and intensity, but it will also *vacate* a public street and an alley, thereby increasing the potential of traffic congestion and delays, in case of an emergency, and *reducing* or *impeding* the emergency access.

6-66

J. Mitigation Monitoring and Reporting Program.

For all reasons mentioned above, the Mitigation Monitoring and Reporting Program may not be approved since it provides unenforceable, illusory, and improperly deferred mitigation measures.

6-67

K. The MND May Not Be Approved Since There Has Been No Consultation with the School District.

The MND admits that the Project is within 0.25 miles of three schools.

6-68

The MND also fails to do an adequate study or even a Phase I ESA (*supra*), to confirm if the Project site contains any hazardous materials or contaminated soils that will be hauled away and transported potentially next to schools. The MND fails to include a haul route analysis or even disclose the amount of excavation at the Project site. At the same time, the MND admits that the Project site previously included residential and commercial uses, which were demolished. As such, those buildings could have contained asbestos, lead, or used various other chemicals, such as lead, or paint, that is harmful. In sum, there is no substantial evidence the Project site contains no

6-68
cont'd

recognized environmental conditions (“REC”) (including but not limited to release or leak of hazardous materials, spills, oil, or vapor intrusion).⁷

6-69

Yet, such manifest absence of study of the site’s hazardous conditions should not excuse the City’s or MND’s failure to comply with CEQA’s school consultation requirement, in view of the *potential* of RECs on the Project site, the Project’s significant traffic increase within close proximity to those schools, as well as the existence of three schools within 0.25 miles of the Project site, of which two are elementary schools.

Under CEQA Guidelines § 15186, a special consultation with the school district needs to occur **30 days** before the approval of a negative declaration, as here:

15186. SCHOOL FACILITIES

6-70

(a) CEQA establishes a special requirement for certain school projects, as well as certain projects near schools, to ensure that potential health impacts resulting from exposure to hazardous materials, wastes, and substances will be carefully examined and disclosed in a **negative declaration** or EIR, and that the lead agency will consult with other agencies in this regard.

(b) **Before** certifying an EIR or adopting a **negative declaration** for a **project** located within **one fourth mile** of a **school** that involves the construction or alteration of a facility that **might reasonably be anticipated to emit hazardous air emissions, or that would handle an extremely hazardous substance or a mixture containing extremely hazardous substances** in a quantity equal to or greater than the state threshold quantity specified in subdivision (j) of Section 25532 of the Health and Safety code, that may impose a health or safety hazard to persons who would attend or would be employed at the school, the lead agency must do both of the following:

(1) **Consult** with the **affected school district** or **districts** regarding the potential impact of the project on the school; and

⁷ See, <https://www.geoforward.com/recognized-environmental-condition-rec/>

6-70 cont'd	<p>(2) Notify the affected school district or districts of the project, in writing, not less than 30 days prior to approval or certification of the negative declaration or EIR. ...</p> <p>....</p> <p>(d) When the lead agency has carried out the consultation required by paragraph (2) of subdivision (b), the negative declaration or EIR shall be conclusively presumed to comply with this section, notwithstanding any failure of the consultation to identify an existing facility.</p> <p>(Emph. added.)</p>
6-71	<p>The MND does not adequately disclose or address the <i>health</i> risks of the Project and its hazards on children of the nearby three schools.</p>
6-72	<p>The above-noted issues about the potential of hazards on the Project site, the haul route of the Project and its proximity to the three schools need to be disclosed to the school district and the Project's impacts on schools must be respectively addressed.</p>
6-73	<p>L. <u>The MND May Not Be Approved and is Flawed for Lack of Consideration of the Haul Route, which is Improperly Piecemealed.</u></p> <p>CEQA requires to consider all phases of the Project, including the planning, implementation and operation, both during the initial study and even before. CEQA Guidelines § 15063(a)(1) provides: “(1) All phases of project planning, implementation, and operation must be considered in the initial study of the project.” (Emph. added.) (See also, CEQA Guidelines § 15126 [“All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development, and operation.” (Emph. added)])</p>
6-74	<p>Here, the MND does not analyze the haul route. It is critically silent on the amount of the export/import or fill that would need to be transported to or from the Project site, the number of trucks that will be involved, how far they will be driving, how many times each day for round trips, how close those will be to the children in nearby schools, and thereby leaves the public in the dark about the related impacts. Yet, CEQA places the duty to thoroughly investigate upon the lead agency, not the public.</p>
6-75	<p>Because of this piecemealing of the haul route and failure to adequately disclose, study, or mitigate its impacts and because of the mass and scale of the 6-foot excavation of the Project's 3.72 feet site and the site's liquefaction potential, suggesting the need for</p>

6-75
 cont'd

more reinforcement to accommodate the 350 feet high development thereon, there is a fair argument that the Project may have significant impacts associated with the haul route, including but not limited to air quality, GHG, hazards, and noise. The lack of study of this issue in the MND enlarges the scope of the fair argument as to the named impacts. Such lack of study also violates CEQA's piecemealing requirement.

M. There is a Fair Argument that the Project May Have Significant Impacts due to Cumulative Impacts and Direct or Indirect Impacts on Human Beings, and Long-Term Impacts on the Environment Requiring Mandatory Findings of Significance and an EIR.

6-76

For all reasons above – including but not limited to the MND's understated analysis of various impacts and the Project's potentially significant impacts on human beings in light of air quality, GHG emissions, noise, geology, hazards, as well as the fact that the Project is within 0.25 miles of schools with particularly vulnerable children and youth – the Project will have impacts requiring mandatory findings of significance and an EIR under Guidelines § 15065.

N. The MND Must Be Recirculated.

6-77

The MND here must be recirculated to include the omitted analysis which implicates more significant impacts than disclosed or studied in the MND. (CEQA Guidelines §§ 15073.5 [MND recirculation]; 15088.5 [EIR recirculation]; *see also, We Advocate Through Environmental Review v. County of Siskiyou* (2022) 78 Cal.App.5th 683, 695-696. [need to recirculate if more severe impacts].)

II. **THE PROJECT'S APPROVAL VIOLATES THE HIGHWAY AND STREET CODE'S PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.**

6-78

The Project involves vacating of a public street and alley; as such, it is subject to the Highway and Street Code ("H&S") procedural and substantive requirements. There is no information that such requirements have been met here. The MND provides: "To accommodate the proposed development, the proposed project also includes **vacation of a public street** (Thackery Drive) **and public alley** located entirely within the site." (MND, p. 9, *emph. added.*)

The City's attempt to approve vacating of two streets all in one action/hearing of approving the Project and without the specific findings disclosed in the MND violates the procedures of Streets and Highways ("S&H") Code sections 8300, *et. seq.*

S&H Code Sec. 8313 requires the agency to consider the General Plan and obviously consistency therewith when planning to vacate the street. As mentioned above, the City inconspicuously and illegally plans to amend the General Plan to effectuate the vacating of the street and alley, since the General Plan amendment is not included among the discretionary actions, listed in the MND:

3.4 DISCRETIONARY ACTIONS AND APPROVALS

The following discretionary actions and other non-discretionary approvals are required to implement the proposed project.

- Approval of the MND Adoption of Mitigation Monitoring and Reporting Program
- Approval of Zone Change to subzone Planned Unit Development No. PUD-141-01(A)
- Approval of Site Plan No. SP-107-2022
- Approval of a Street Vacation
- Approval of a Tentative Tract Map
- Approval of a Development Agreement
- Approval of Grading
- Approval of Building and Occupancy Permits
- Approval of a Conditional Use Permit⁸

⁸ Separately, nowhere does the MND explain what the “Conditional Use Permit” is for. Actually, the MND references “Conditional Use Permit” only once – at p. 14, in the above-quoted list of discretionary actions.

Similarly, nowhere does the MND mention that the Project proposes on- and off-site alcohol sale and use; nowhere does the MND even use the word “alcohol,” but only generally refers to beverages. Yet, the 7/7/2022 PC Staff Report, and its findings, *for the first time*, notes conditional use permits for alcohol sale and use among *future* entitlements that will be sought by the Project (e.g., Conditions 33 and 73). Also, the Permitted Uses for the Project, listed in the Staff Report, include on- and off-site alcohol sales. As such, the MND violates CEQA in that it failed to adequately disclose the “whole of an action” and the MND’s omission of this critical aspect of the Project failed CEQA’s mandate of good faith disclosure.

Further, this piecemealed future approval of a conditional use permit (or, permits) for alcohol use and sale also violates CEQA’s piecemealing prohibition.

6-78
cont'd

- Approval of Final Water Quality Management Plan and Stormwater Pollution Prevention Plan (SWPPP)

(MND, p. 14.)

The S&H Code defines “vacation” as “the complete or partial abandonment or termination of the public right to use a street, highway, or public service easement.” (S&H Code § 8309.) The code defines a “street” and “highway” as “all or part of, or any right in, a state highway or other public highway, road, **street**, avenue, **alley**, lane, driveway, place, court, trail, or other public right-of-way or easement, or purported public street or highway, and rights connected therewith, including, but not limited to, restrictions of access or abutters’ rights, sloping easements, or other incidents to a street or highway.” (S&H Code § 8308, *emph. added.*)

6-78
cont'd

The Code also provides that “[t]his part shall be liberally construed in order to effectuate its purposes.” (*Id.* § 8310.) Thus, both the street and alley vacation in this case are subject to the H&S Code requirements.

“The authority to vacate a street rests with the city legislative body and may occur only after a hearing is held and evidence presented to the city council and a resolution of vacation adopted. (S&H §§ 8312, 8320–8325; *City of Los Angeles v. Fiske* (1953) 117 Cal.App.2d 167, 172 [“The act of vacating can be done only upon a finding that the property in question is unnecessary for present or future uses as a street”].)” (*County of Amador v. City of Plymouth* (2007) 149 Cal.App.4th 1089, 1106–1107.)

Before the City vacates a street, it must engage in prescribed procedures, such as *noticing* and *holding an evidentiary hearing* after which the legislative body may find “from all the evidence submitted, that the street, highway, or public service easement described in the notice of hearing or petition is unnecessary for present or prospective public use,” and thereafter vacate the street. (S&H Code §§ 8320, 8324.)

Lastly, the MND’s failure to adequately disclose the whole of the Project and its alcohol use and sale both on- and off-site resulted in inadequate CEQA review of the Project’s impacts in that the MND is silent on impacts of alcohol sale and use, including but not limited to increased potential for crime, drunk driving, and the associated increased use for public services, including police, firefighters, emergency vehicles.

In addition, because of this piecemealed approval, the MND fails to inform about the impacts of the Project’s alcohol use on the surrounding single family residential structures, as well as on the *three* schools located within 0.25 miles of the Project site.

The City failed the S&H Code’s procedural requirements and the City’s inclusion of the street vacation as a separate Item D in the Planning Commission’s Agenda, posted only on July 1, 2022, for the hearing to occur on July 7, 2022, is procedurally improper. Also, in view of all the General Plan inconsistencies noted above and not disclosed or analyzed in the MND, the Planning Commission has no substantial evidence to recommend that the City Council find the street and alley vacation to be conforming and consistent with the General Plan. Neither does the City’s Staff Report and information at the end of same (7/7/2022 PC Staff Report, pdf pp. 289-299) cure the public notice requirement under the S&H code.

Further, it is well-settled that a street may not be vacated for exclusive private use. (*Citizens Against Gated Enclaves v. Whitley Heights Civic Assn.*, *supra*, 23 Cal.App.4th 812, 820, citing *Constantine v. City of Sunnyvale* (1949) 91 Cal.App.2d 278, 282.)

6-78
cont'd

In this case, the MND openly and improperly claims that the street and alley are “located entirely within the site.” (MND, p. 9.) The statement is legally erroneous. Just because the Project extends several blocks, it does not mean that the streets therein automatically become the property of the private Applicant and can be terminated for their private use.

Here, the public street and alley will become essentially a private development. The Real Party apparently needs the space in question to make the project more inviting to the public or to increase its buildable area and thereby maximize its profits. As part of maintaining the Project site, the owner will deploy cleaning crews, private security, and other services. Even if the Project site will be open to the general public, the public will be deprived of the street and alley use, since it will turn into a completely private use.

Apart from the public-private issue, the vacation procedure requires findings that a street “is no longer needed for vehicular traffic.” (*Zack’s, Inc. v. City of Sausalito* (2008) 165 Cal.App.4th 1163, 1188 (*Zack’s*)). In *Zack’s*, a city leased portions of a public street to a private company to use for boat storage. When the city argued that certain statutes relating to reclaimed tidelands allowed the city to lease the land, the Court of Appeal held that “[i]t cannot reasonably be supposed that the Legislature intended that governments holding these streets can summarily close them to vehicular traffic, even if they are heavily trafficked major thoroughfares, but can close nearby nontideland streets, even those of marginal use, only on the basis of a resolution or ordinance made

upon a formal finding that the street is no longer needed for vehicular traffic after a noticed hearing on the issue.” [Citation.] (*Id.* at p. 1188.)

In addition, the Streets and Highways Code includes specific provisions for the conversion of a street from vehicular use to a pedestrian mall. (See S&H Code § 11200.) A “pedestrian mall” is defined as “one or more ‘city streets,’ or portions thereof, on which vehicular traffic is or is to be restricted in whole or in part and which is or is to be used exclusively or primarily for pedestrian travel.” (*Id.* § 11006.)

While City in this case did not make such S&H Code findings, did not check the consistency of the General Plan with the proposed street and alley vacation, and did not provide the specific separate public notice as required under S&H Code, there is no substantial evidence that the City can find that the public street and alley are no longer necessary for vehicular traffic, especially now when the 3.72-acre Project site will be put to a more high intensity use, as compared to the baseline conditions of a vacant land.

In sum, the City violated S&H Code’s substantive and procedural requirements and made no specific findings; further no such findings can be reasonably made or supported, in view of the mass, scale, and intensity of the Project.

III. THE PC AGENDA VIOLATES THE BROWN ACT.

As yet another violation of the law, the City’s 7/7/2022 Planning Commission Agenda and Staff Report related to the Project at issue here violate the Brown Act. First, the Agenda itself mentions a *separate* Item D on the vacation of the street and alley (for purposes of the Project) and its conformity with the General Plan as merely a “Consideration” item; it does not mention about any approval or resolution to be taken by the Planning Commission.

Yet, the Staff Report (at pdf p. 210) mentions a *concurrent action* and *finding* on Agenda Item D (vacating of the street and alley), as follows:

Concurrently with the adoption of this Resolution, the Planning Commission adopted Resolution No. 6045-2022 approving Site Plan No. SP-107-2022 for the construction of the proposed hotel resort, and **Resolution No. 6046-22 finding and reporting** to City Council that Street Vacation No. SV-002-2022 for the vacation of Thackery Drive and a public alley **is consistent** with the City’s General Plan. The **facts** and

6-78
cont'd

6-79

findings set forth in Planning Commission Resolution No. 6045-22 and **6046-22** are hereby incorporated into this Resolution by reference.

(7/7/2022 PC Agenda and Staff Report, pdf p. 210, emph. added.)

6-79
cont'd

Brown Act provides that meeting agendas must contain a brief general description of each item of business to be transacted or discussed at the meeting. (Govt. Code § 54954.2(a)). The Agenda's defined scope of "consideration" of Item D is not consistent with the "resolution" and findings that the Planning Commission should make, as noted in the Staff Report. In other words, the Agenda's description of the Item D is misleading and, as such, amounts to no fair notice required by law. (*San Diegans for Open Gov't v. City of Oceanside* (2016) 4 Cal.App.5th 637, 643. ["agenda drafters must give the public a fair chance to participate in matters of particular or general concern by providing the public with more than mere clues from which they must then guess or surmise the essential nature of the business to be considered by a local agency."])

Second, the Agenda's description of Item C.2 was also misleading and amounts to no notice. The Project at issue here was consistently described as "Site B-2" Project, including in the Notice of Intent to Adopt the MND, as well as in the MND itself. Nowhere did the City reference the Project by the name of "Nickelodeon Resort Hotel." The City's 7/7/2022 PC Agenda Item C.2, however, does not reference "Site B-2 Hotel Project" at all and instead introduces a *new* name for the Project: "Nickelodeon Hotel Resort" Project. The Agenda's changing of the Project's name by which it was initially introduced to the public in less than a month (MND and NOI circulated on June 9, 2022) and introducing a new name for the Project in the PC Agenda for the hearing where the MND and the Project will be approved fails to provide public with the fair notice as required by the Brown Act, to apprise them of the Project and allow them to participate in the discussion of it.

As such, the City violated the Brown Act and cannot take action unless it re-notices Items D and C.2, especially in view of their correlation and concurrent actions.

6-80

IV. THE PROJECT'S APPROVAL VIOLATES THE GENERAL PLAN CONSISTENCY REQUIREMENT UNDER THE STATE PLANNING AND ZONING LAWS AND DERIVATIVELY CEQA.

In view of the proposed vacation of street and alley and undisclosed inconsistencies of the Project proposed on single-family residential zoning, the Project is not consistent

6-80
cont'd

with the goals and policies of the General Plan, violating the state planning and zoning law. In addition, in view of the MND's failure to disclose future alcohol sale and use at the Project site, its MND's discussion of the General Plan consistency and conformity is inadequate, especially since the Project is proposed on lots zoned for single family residential and is also adjacent to residential developments.

Derivatively, the MND's failure to disclose such GP inconsistency also violates CEQA.

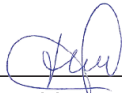
V. CONCLUSION.

6-81

In view of the aforementioned, we respectfully request you to deny the Project and its MND and to require full and adequate compliance with all applicable laws, as detailed above.

If the City has any questions or concerns, please feel free to contact my Office.

Sincerely,



Naira Soghatyan
Attorneys for Southwest Regional
Council of Carpenters

Attached:

Trial Court Ruling in *Aids Healthcare Foundation v. City of Los Angeles*, Case Number: 19STCP05445, April 5, 2021 (**Exhibit A**)

Comment Letter 6: Mitchell M. Tsai Attorney for the SWRCC

Response to Comment 6-1

Comment acknowledged.

Response to Comment 6-2

Comment acknowledged.

Response to Comment 6-3

Comment acknowledged.

Response to Comment 6-4

Comment acknowledged.

Response to Comment 6-5

Comment acknowledged.

Response to Comment 6-6

The comment regarding community benefits such as local hire does not raise a specific concern or issue regarding the adequacy of the environmental analysis contained in the Draft IS/MND. Also, the project impacts related to greenhouse gas (GHG) emissions, air quality, and transportation have been identified and mitigated to a less than significant impact level as set forth in the Draft IS/MND. No additional mitigation is required. This comment is noted for the record, will be forwarded to the decisionmakers, and no further response to this comment is required.

Response to Comment 6-7

The proposed project would exceed the current 2019 Green Building Code Standards in several ways, including:

- Providing on-site renewable energy production through the use of solar panels (GHG-2). The 2019 Building Energy Efficiency Standards requires that Hotels provide dedicated rooftop solar zones (Section 110.10), but do not require on-site renewable energy production. Hence, by providing on-site renewables, the proposed project will significantly reduce energy usage compared to what is required in the Building Code.
- Restricting the use of wood burning and natural gas fireplaces and firepits (SCAQMD Rule 445 and GHG-6). Section 5.503 of CALGreen allows the installation of both wood burning and natural gas fireplaces. By restricting the use of fireplaces and fire pits, the proposed project will significantly reduce natural gas and energy usage beyond the requirements of the CA Building Standards.
- Implementing a trip reduction program that encourages multi-modal and active transportation (GHG-7). Sections 5.106.4 and 5.106.5.3 of CALGreen require on-site bicycle parking and EV charging, however, the proposed project will go beyond these requirements to reduce fossil fuel usage by implementing a full trip reduction program. The program will improve the walkability and design of the proposed project, install traffic calming measures, locate near a high-quality transit stop and transit corridor and provide transit/shuttle services to guests. These measures will result in the proposed project exceeding the fossil fuel and VMT reduction requirements in CALGreen.

The 2020 County of Los Angeles Green Building Standards Code would not be applicable to the proposed project as the project site is located in County of Orange.

In addition, as determined in Section 4.3 (Greenhouse Gas Emissions) of the Draft IS/MND, the proposed project would comply with the South Coast Air Quality Management District (SCAQMD)'s five-tiered GHG thresholds of

significance and be in compliance with Assembly Bill 32 (AB 32). In addition, the proposed project would demonstrate it can achieve a 42 percent reduction in long-term operational GHG emissions compared to business as usual (BAU) conditions with Mitigation Measures GHG-1 through GHG-7. Thus, implementation of the proposed project would be in compliance with AB 32 and California Air Resources Board (CARB)'s 2017 Scoping Plan Update. (Draft IS/MND, pp. 48-51).

Response to Comment 6-8

The comment cites and characterizes various provisions of state law which speak for themselves.

Response to Comment 6-9

The project site is located in a highly urbanized area with commercial uses along Harbor Boulevard and residential uses along Twintree Avenue, with little to no biological resources of value. In addition, the project site had been fully developed in the past with residential and commercial uses which were demolished between 2004 and 2013. Since then, the project site continued to be disturbed over time. The north/northeastern parcels of the project site are paved and are used for parking by the adjacent Sheraton Hotel, and the remaining parcels are comprised of dirt pads with limited vegetation (i.e., non-native grass and two ornamental trees on Twintree Avenue along the sidewalk near Harbor Boulevard) that are mostly vacant except for the southeastern parcels that are used for temporary construction storage. A records search was conducted of the California Department of Fish and Wildlife (CDFW)'s California Natural Diversity Database (CNDDB) for sensitive plant, natural community, and wildlife species occurrence data. As stated in the Draft IS/MND, the California black rail is the only sensitive species (State Threatened) that came up through the records search that had the potential to be found on the project site. However, the project site does not provide suitable habitat for the California black rail which is a wetlands habitat. Additionally, the California black rail was last sighted in December 1986 in the City of Orange. On this basis, it is not reasonably foreseeable that there would be an occurrence of this species at the project site. Therefore, it was concluded that no sensitive plants or wildlife exist on the project site. This conclusion is also supported by the Garden Grove General Plan 2030 Conservation Element (p. 10-3) which states, biological resources in Garden Grove are almost non-existent due to the urban nature of the City and surrounding areas. A similar statement regarding biological resources is also stated in the General Plan Draft EIR (p. 4.2-1). Links to these referenced documents have been added to the Final IS/MND (refer to Section 3, Errata).

As stated in the Draft IS/MND, there is a potential for impacts to occur to raptors and other nesting birds protected under the federal Migratory Bird Treaty Act (MBTA) that could nest within the two trees that will be removed. Therefore, Mitigation Measure BIO-1 was included to protect biological resources and further confirms that the proposed project will have to comply with laws and regulations to protect biological resources. The language in Mitigation Measure BIO-1 has been acceptable to regulatory agencies and has been implemented by many lead agencies to protect raptors and other nesting birds. Pre-construction nesting bird surveys are standard practice. All mitigation measures in the Draft IS/MND will be part of Mitigation Monitoring and Reporting Program which will be enforced by the City. It will be the City's responsibility to monitor and verify that all mitigation measures are implemented properly and will be documented in the Mitigation Monitoring and Reporting Program.

Additionally, city staff is familiar with the project site and its condition. City staff has not concluded that it is reasonably foreseeable that the project site has any biological resources other than those described above.

Based on the discussion above, the Draft IS/MND provides evidence that the project site does not have sensitive plant, natural community, and wildlife species and will not impact biological resources directly or through habitat modifications.

Response to Comment 6-10

Comment acknowledged. Refer to response to comment 6-9.

Response to Comment 6-11

Comment acknowledged. Refer to response to comment 6-9.

Response to Comment 6-12

Comment acknowledged. Refer to response to comment 6-9.

Response to Comment 6-13

Refer to response to comment 6-9. Even though the California black rail is the only sensitive species (State Threatened) that came up through the records search (not a survey by CDFW) that had the potential to be found on the project site, it does not mean that it will be present at the project site. This records search is based on historical data and it covers a very large area (Anaheim topographic quadrangle map). The project site is located within the Anaheim topographic quadrangle map (approximately 90 square miles) but is not in close proximity to the sighting from December 1986. According to the CNDDDB, the exact location of the sighting is unknown but the California black rail possibly occupied the Santa Ana River and Santiago Creek within the City of Orange. The reason for this is that the California black rail is known to occupy riparian/wetland habitats which the project site lacks. In addition, the CNDDDB states that this sighting is likely not a representative of a breeding population but a migrating individual. Based on the discussion above and the fact that the project site does not have suitable habitat for the California black rail, the project site will not be the home to various special status species including the California black rail.

Response to Comment 6-14

Refer to response to comment 6-9 and 6-13. The records search of the CNDDDB did not identify any bats within the Anaheim topographic quadrangle map. There are a few scattered ornamental trees in the project vicinity but these tree canopies are relatively small and do not provide sufficient roosting habitat for bats. The closest record for bats (western mastiff bat) is in the Orange topographic quadrangle map which is several miles from the project site. This species occurs in many open, semi-arid to arid habitats, including conifer and deciduous woodlands, coastal scrub, annual and perennial grasslands, palm oases, chaparral, and desert scrub. These bats typically forage at great heights, approximately 195 feet above ground. They need this height to drop off to take flight. Therefore, due to the lack of sufficient roosting habitat, it is very unlikely that bats are present at the project site.

Response to Comment 6-15

Refer to response to comment 6-9, 6-13, 6-14, 6-15, and 6-16. The commenter is incorrect in stating that the Draft IS/MND provides ineffective, unenforceable, and illusory mitigation measures for the potential impacts on migratory fish. There are no impacts to migratory fish that would require mitigation measures. As stated in the Draft IS/MND, there are no rivers, creeks, or open drainages near the project site or vicinity. Therefore, implementation of the proposed project would not interfere with resident or migratory fish. The Draft IS/MND identified Mitigation Measure BIO-1 which minimizes potential impacts to raptors and other nesting birds protected under the MBTA. Mitigation Measure BIO-1 requires that a pre-construction nesting bird survey shall be conducted by a qualified biologist within three days prior to the start of construction activities to determine whether active nests are present within or directly adjacent to the construction zone. Three days prior to construction is common practice and is acceptable by regulatory agencies to identify active nests and protecting nesting birds. It should be noted that birds typically take longer than three days to establish their nests so by conducting pre-construction surveys three days prior to construction, we would be able to detect active nests if they are present. In addition, by waiting no more than three days after a survey before the onset of construction, birds do not have enough time to establish a nest before the disturbance. All mitigation measures including BIO-1 in the Draft IS/MND will be part of Mitigation Monitoring and Reporting Program which will be

enforced by the City. It will be the City's responsibility to monitor and verify that all mitigation measures are implemented properly and will be documented in the Mitigation Monitoring and Reporting Program.

Response to Comment 6-16

Refer to response to comment 6-9. The mitigation measure does not result in prohibited deferral. The City has committed to the mitigation. Nothing further is required. All mitigation measures including BIO-1 in the Draft IS/MND will be part of Mitigation Monitoring and Reporting Program which will be enforced by the City. It will be the City's responsibility to monitor and verify that all mitigation measures are implemented properly and will be documented in the Mitigation Monitoring and Reporting Program.

Response to Comment 6-17

Comment acknowledged. Refer to response to comment 6-9.

Response to Comment 6-18

The commenter inaccurately alleges that the analysis of energy impacts is flawed because the Draft IS/MND utilizes goals out of the City's General Plan Conservation Element for measuring energy impacts and suggests that no substantial evidence has been provided to show how meeting these goals would reduce the proposed project's energy impact.

First, it is important to note that neither the City of Garden Grove, the County of Orange, nor the State of California have formally established quantifiable thresholds of significance for measuring energy impacts. The CEQA Guidelines, Appendix F: Energy Conservation, recommends measuring impacts based on whether the project would result in wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation or conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

It is appropriate to use the City's General Plan Conservation Element as a metric to evaluate the proposed project's energy impact, as it highlights energy conservation goals within the City—however, this is not the only metric used to evaluate project impacts. The Draft IS/MND also takes into consideration consistency with the State's broader energy reduction goals, and the application of the proposed project's energy reduction measures.

The Conservation Element goals require the reduction of non-renewable energy through energy efficiency and conservation measures and through the use of alternative energy sources. These goals directly align with CEQA Guidelines, Appendix F: Energy Conservation goals, which identify decreasing overall per capita energy consumption, decreasing reliance on fossil fuels, and increasing reliance on renewable energy as key metrics for measuring energy impacts.

The proposed project meets both the City's and CEQA goals by providing numerous project design features (PDFs) and mitigation measures aimed at reducing energy usage and promoting alternative energy sources. Examples of these PDFs and mitigation measures include:

Project Design Features

- Utilizing construction best practices, such as using the latest clean diesel engines (PDF-3)
- Maintaining equipment in proper tune (PDF-4)
- Limiting excessive idling (PDF-5)
- Establishing electricity power supply to the site (PDF-8)

- Complying with the latest California Title 24 Energy Efficiency Code, which would result in about 30 percent less energy usage³, and compliance with CALGreen, which requires on-site electric vehicle charging stations (PDF-11)
- Limiting idling time at loading docks (PDF-12 & 21)

Mitigation Measures

- Limiting the number of heavy-duty trucks visiting the site (GHG-1)
- Providing on-site renewable energy sources, such as solar panels (GHG-2)
- Implementing water conservation strategies (GHG-3)
- Implementing recycling and composting programs (GHG-4)
- Utilizing electric landscaping equipment (GHG-5)
- Prohibiting natural gas fireplaces (GHG-6)
- Providing vehicle trip reduction measures to promote walking, bicycling and public transit (GHG-7)

Response to Comment 6-19

Refer to response to comment 6-18. The commenter wrongfully claims that the Draft IS/MND's analysis of construction energy impacts is unsupported and is based on an unquantified, incoherent, and illogical conclusion. The Draft IS/MND identifies multiple PDFs that are known to reduce energy usage and promote alternative energy sources. Implementation of these measures will ensure the proposed project aligns with the City's Conservation Element and CEQA guidelines for measuring energy impacts. As highlighted in response to comment 6-18 above, PDF-3, PDF-4, PDF5, and PDF-8 all contribute to reduce energy usage during construction. Additionally, the Draft IS/MND notes that construction-related energy consumption would be minimal in comparison to the operational consumption once the hotel is occupied. Hence, through the implementation of these measures, it is concluded that the proposed project's construction impact would be less than significant.

Furthermore, all PDFs will be conditions of approval of the proposed project and will be enforced by the City. In addition, all mitigation measures will be enforceable and will be part of the Mitigation Monitoring and Reporting Program. The proposed project will provide electricity to the project site during construction, which will reduce reliance on non-renewable energy sources; however, the proposed project will still require the use of many different types of off-road construction equipment (i.e., tractors, excavators, cranes, etc.) that are not yet available with electric powertrain.

Response to Comment 6-20

Refer to response to comment 6-18 for discussion regarding the use of the City's General Plan Conservation Element as a metric for assessing energy impacts. The commenter is incorrect in stating that the "reduction of GHG impacts is not the same as reduction of energy impacts". In fact, reduction in GHG emissions is a direct result of reductions in energy usage, and these reductions have been quantified and reported in the proposed project's Air Quality and Greenhouse Gas Impact Study⁴ (refer to Appendix B of the Draft IS/MND). Among other energy reduction measures, the proposed project is being required to install solar panels which will increase usage of renewable energy. Electricity not supplied by onsite solar will be supplied by Southern California Edison, which per the requirements of Senate Bill (SB) 100, has a 2045 goal of powering all retail

³ The California Energy Commission. 2019 Building Energy Efficiency Standards, Frequently Asked Questions. "How much energy with the 2019 standards save?" March 2018. Website: https://www.energy.ca.gov/sites/default/files/2020-03/Title_24_2019_Building_Standards_FAQ_ada.pdf

⁴ RK Engineering Group, Inc. Garden Grove Hotel Site B-2, Air Quality and Greenhouse Gas Impact Study, City of Garden Grove. April 26, 2022. Appendix C & D.

electricity sold in California with renewable and zero-carbon resources⁵, thus meeting the CEQA requirements for increased reliance on renewable energy sources.

Response to Comment 6-21

Comment acknowledged. The Draft IS/MND utilizes the California Emissions Estimator Model (CalEEMod) to quantify, report and evaluate energy usage. In addition to building code compliance, the Draft IS/MND considers the project's size, location, equipment usage, and renewable energy features in the assessment of energy impacts. Each of these factors are key input parameters within the Air Quality and Greenhouse Gas Impact Study modeling analysis provided in Appendix B of the Draft IS/MND.

Response to Comment 6-22

Refer to response to comment 6-18. The Draft IS/MND follows the CEQA Guidelines, Appendix F: Energy Conservation requirements for the evaluation of energy impacts. The Draft IS/MND discloses and quantifies the proposed project's energy usage and supports the conclusions with facts that show the proposed project will reduce energy consumption, and promote renewable energy usage. Therefore, an EIR is not required. There is no evidence supporting a fair argument.

Response to Comment 6-23

The Geotechnical Investigation Report prepared in 2018 (Appendix E of the Draft IS/MND) was for a larger 9.55-acre site (including the 3.72-acre project site), a portion of which was inaccessible for geotechnical exploration which was the basis for indicating that additional site exploration would be required. However, the project site consists solely of vacant land which has been explored by eight (8) geotechnical borings: three (3) borings performed by Geocon West, Inc. and five (5) borings performed by Cal Land Engineering, Inc. It is the opinion of the signing engineer that the geotechnical site exploration performed for the project site was sufficient to support the findings of the Draft IS/MND that the proposed project would not result in significant impacts related to geology and soils.

As such, the conclusion in the Draft IS/MND related to geology and soils are supported by the Geotechnical Investigation (Appendix E of the Draft IS/MND). The Geotechnical Investigation has identified site conditions that would need to be addressed through proper design. For example, the alluvial soils below the historic high groundwater level at the project site could be susceptible to settlement (ranging from 0.3 inches to 2.6 inches) and would be required to be addressed through implementation of the Geotechnical Investigation's design recommendations provided in Section 8. Some of these design recommendations are related to the following:

- Soil and Excavation Characteristics
- Minimum Resistivity, pHm, Water-Soluble Sulfate
- Grading
- Foundation Design
- Conventional Foundation Design
- Mat Foundation Design-Tower Care
- Foundation Settlement
- Concrete Slabs-on-Grade
- Preliminary Pavement Recommendations
- Retaining Wall Design
- Dynamic (Seismic) Lateral Forces
- Elevator Pit Design

⁵ California Energy Commission. SB 100 Joint Agency Report. Website:

<https://www.energy.ca.gov/sb100#:~:text=Senate%20Bill%20100&text=Sets%20a%202045%20goal%20of,emit%20climate%20altering%20greenhouse%20gases>. (Accessed July 2022).

- Temporary Excavation
- Shoring – Soldier Pile Design and Installation
- Temporary Tie-Back Anchors
- Anchor Installation
- Anchor Testing
- Surface Drainage

With implementation of the design recommendations and compliance with the California Building Code seismic requirements, impacts related to geology and soils would be considered less than significant. It should be noted that prior to issuance of building permits, an updated geotechnical report with final design recommendations (based on the final project design) will be submitted to the City for review and approval. As standard practice, this updated geotechnical report will be a condition of approval and the final design recommendations will be enforceable. Based on the discussion above, the Draft IS/MND provides substantial evidence that the proposed project will not result in significant impacts related to geology and soils.

Response to Comment 6-24

Comment acknowledged. Refer to response to comment 6-23.

Response to Comment 6-25

The recommendation from the Geotechnical Investigation (Appendix E of the Draft IS/MND) regarding the upper 6 feet of existing soils to be excavated is associated with proper foundation and slab support. It is not related to expansive soils. The discussion that follows under item d) states that the upper 5 feet of existing soils encountered at the project site are considered to have a “very low” expansive potential and are classified as “non-expansive” per the California Building Code (Geocon, 2018). Therefore, it was concluded that the proposed project would not be located on expansive soil (No Impact).

Response to Comment 6-26

Comment acknowledged. Refer to response to comment 6-25.

Response to Comment 6-27

The project site has been evaluated based on a total of eight (8) borings: three (3) borings performed by Geocon West, Inc. and five (5) borings performed by Cal Land Engineering, Inc. (Appendix E of the Draft IS/MND). The depth of the borings ranged from 21 ½ to 75 ½ feet in depth. The licensed engineer and geologist responsible for preparation of the project geotechnical report have determined, based on their professional experience and judgement, that the number of borings and depths are sufficient to characterize the site for the proposed project. Therefore, the results of the borings support the findings of the Draft IS/MND that the proposed project would not result in significant impacts related to geology and soils.

Response to Comment 6-28

The near-surface conditions in the eight (8) borings performed within the project site indicate predominately granular materials, typically described as silty sand. The recommendation is to excavate, stockpile, and reuse the upper 6 feet of existing non-expansive site soils for support of the on-grade components of the proposed structures. Finished grade testing can be performed following the completion of the site grading to confirm that the near-surface conditions remain non-expansive. Where subterranean, due to the depth of embedment, foundations would not be susceptible to the effects of expansive soils, if any.

Response to Comment 6-29

Comment acknowledged. For this reason, it is why an updated geotechnical report with final design recommendations (based on the final project design) will be submitted to the City for review and approval. It will need to be reviewed and approved by the City prior to issuance of building permits. As standard practice,

this updated geotechnical report will be a condition of approval and the final design recommendations will be enforced to ensure site conditions are addressed and are consistent with applicable or appropriate standards.

Response to Comment 6-30

Comment acknowledged. For this reason, it is why an updated geotechnical report with final design recommendations (based on the final project design) will be submitted to the City for review and approval. It will need to be reviewed and approved by the City prior to issuance of building permits. As standard practice, this updated geotechnical report will be a condition of approval and the final design recommendations will be enforced to ensure site conditions are addressed and are consistent with applicable or appropriate standards.

Response to Comment 6-31

Comment acknowledged. Refer to response to comment 6-23 through 6-30.

Response to Comment 6-32

The Draft IS/MND provides an in-depth GHG technical analysis⁶ that analyzes and discloses the proposed project's impact to GHG emissions. The Draft IS/MND does not underestimate emissions by assuming project design features (PDFs) will be incorporated into the proposed project. All PDFs are part of the proposed project's conditions of approval and therefore, must be implemented. Thus, it is appropriate to include them as part of the proposed project. Furthermore, by mandating PDFs be implemented as part of the conditions of approval, the City will be able to enforce them through plan check and inspections. Lastly, since PDFs are part of the proposed project, and are not considered mitigation, it would not be appropriate to analyze the proposed project without the PDFs.

Response to Comment 6-33

As previously stated in response to comment 6-32, an in-depth analysis was performed that quantifies and discloses the GHG emissions and reductions achieved by the required mitigation measures. The GHG analysis utilizes the CalEEMod software and methodologies consistent with the California Air Pollution Control Officers Association (CAPCOA) for quantifying GHG reduction measures.

Additionally, the comment stating that the Draft IS/MND does not provide a clear significance threshold is also not accurate. The GHG analysis utilizes the recommended thresholds of significance from the SCAQMD Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Thresholds, 2008. This is described on pages 5-2, 5-3 and Table 19 of the Air Quality and Greenhouse Gas Impact Study (refer to Appendix B of the Draft IS/MND). The SCAQMD significance thresholds have been established for purposes of CEQA compliance and to ensure project impacts to GHG are less than significant.

Response to Comment 6-34

The project site is 3.72 acres. The GHG analysis is based on the emissions from a 3.72-acre site. The Draft IS/MND adequately addresses activities associated with the hauling of export/fill. The analysis in the Draft IS/MND does take into account activities associated with all phases of the proposed project, construction (site preparation, hauling, export, etc.) and operations. These activities were included in the air quality/GHG emissions and traffic modeling (refer to Appendices B and I of the Draft IS/MND). Furthermore, the cumulative GHG impact of the proposed project is analyzed and disclosed as part of the proposed project's overall GHG impact. CEQA Guidelines generally address GHG emissions as a cumulative impact due to the global nature of climate change (Public Resources Code, § 21083, subd. (b)(2)). As the California Supreme Court explained, "because of the global scale of climate change, any one project's contribution is unlikely to be significant by itself." (Cleveland National Forest Foundation v. San Diego Assn. of Governments [2017] 3 Cal.5th 497, 512.)

⁶ RK Engineering Group, Inc. Garden Grove Hotel Site B-2, Air Quality and Greenhouse Gas Impact Study, City of Garden Grove. April 26, 2022.

Also, refer to response to comment 6-68 for additional hauling discussion.

Response to Comment 6-35

The alleged comment that the Draft IS/MND understates project GHG impacts ignores the analysis in the Draft IS/MND and is not based on facts. The Draft IS/MND includes a comprehensive GHG technical study and utilizes statewide emissions modeling standards and methodology for the quantification and reporting of emissions. All PDFs will be enforced through the proposed project's conditions of approval and all mitigation measures will be enforced through the Mitigation Monitoring and Reporting Program. The GHG reduction achieved through the required mitigation is substantial and is consistent with the significance thresholds established by SCAQMD. Therefore, the conclusions related to GHG in the Draft IS/MND are supported by substantial evidence.

Response to Comment 6-36

In Section 4.3 (Hazards and Hazardous Materials) of the Draft IS/MND, although the first two questions were addressed together, the discussion fully addresses both questions and does not solely focus on the construction materials to be stored on site. For example, the type and quantity of hazardous materials anticipated to be transported, used, and disposed of during construction and operation are discussed in this section (e.g., limited quantities of non-acutely hazardous materials such as paints, solvents, cleaning agents, oils, grease, and fuel for construction equipment, and limited quantities of non-acutely hazardous materials such as paints, cleaning agents, and batteries, as well as small quantities of common household hazardous wastes during operation and maintenance activities). It is also noted that the proposed project would be required to comply with all federal, state, and local requirements related to the transport, storage, use, and disposal of such materials and thus would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of such materials. Furthermore, as discussed in this section, it is noted that the proposed project would not require the use or storage of significant quantities of hazardous materials that could become a significant hazard to the public or the environment through an accidental release or upset condition. Though it is not reasonably foreseeable that significant quantities of hazardous materials would be used or stored on site, to the extent any such use or storage would occur, such use and storage would be conducted in compliance with all applicable federal, state, and local requirements.

In addition, based on a review of the prior uses at the project site, a comprehensive search of the project site and vicinity for underground storage tanks, leaks, or hazardous spills (discussed in greater detail in response to comment 6-37, below), and review of prior demolition activities' compliance with SCAQMD Rule 1403 and California Health & Safety Code requirements (also discussed in greater detail in response to comment 6-37, below), the project site is not listed on a hazardous site and no hazardous materials or contaminants are expected to occur on the project site. However, per Condition of Approval No. 10 for the proposed project, a geotechnical study is required, which shall analyze sub-surface issues related to the past uses of the site; any soil or groundwater contamination discovered shall be remediated prior to the issuance of a building permit per the requirements of the Orange County Health Department and the mitigation requirements of governing regulatory requirements. Accordingly, construction and operation activities will not present a hazardous material risk.

Response to Comment 6-37

The preparation of a Phase I Environmental Site Assessment (ESA) is not required by CEQA. A Phase I ESA is a real estate document. However, a comprehensive search of the project site and vicinity for underground storage tanks, leaks, or hazardous spills was conducted for the project site, as explained in Section 4.3, Hazards and Hazardous Materials, of the Draft IS/MND. Specifically, the search included review of the California Department of Toxic Substances Control (DTSC)'s EnviroStor database, which includes the following hazardous waste facilities and cleanup sites: Permitted Treatment, Storage, and Disposal Facilities (TSDFs); Federal Superfund sites (National Priorities List [NPL]); State Response sites, including military facilities and State Superfund sites; Voluntary Cleanup sites; school sites; and Corrective Action sites. This search also included review of the State Water Resources Control Board (SWRCB)'s GeoTracker database, which provides access to statewide

environmental data and tracks regulatory data for the following types of sites: (1) Leaking Underground Storage Tanks (LUST) cleanup sites; (2) Cleanup Program Sites (CPS, also known as Site Cleanups [SC] and formerly known as Spills, Leaks, Investigations, and Cleanups [SLIC] sites); (3) military sites (including military UST sites, military privatized sites, and military cleanup sites [formerly known as Department of Defense (DOD) non-UST]); (4) Land Disposal sites (Landfills, Surface Impoundments, Waste Piles, Land Treatment Units, Mining Units); (5) Permitted Underground Storage Tank (UST) facilities; (6) Composting Operations; (7) Waste Discharge Requirement (WDR) sites; (8) Confined Animal / Concentrated Animal Feed Lots facilities; (9) Irrigated Lands Regulatory Program (ILRP) sites; and (10) Oil and Gas Monitoring sites (Aquifer Exemption, Produced Water Ponds, Underground Injection Control, Well Stimulation Projects). In addition, this search included a review of the California Environmental Protection Agency (CalEPA)'s Cortese List Data Resources, which include the following: a list of solid waste disposal sites identified by SWRCB with waste constituents above hazardous waste levels outside the waste management unit; list of active Cease and Desist Orders and Cleanup and Abatement Orders from the SWRCB; list of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code identified by DTSC; list of hazardous waste and substances sites from DTSC; and list of LUST sites from SWRCB. No records were found identifying historic or current underground storage tanks, leaks, or hazardous spills on the project site. The nearest LUST site per the search results was located approximately 916 feet south of the project site, which given the distance and current activities (i.e., groundwater well monitoring activities), would not present a hazardous condition to the project site nor would the proposed activities impact this LUST site. In response to footnote 6 on page 15 of the comment letter, it should be noted that the active hazardous site at 13020 Chapman Avenue in Garden Grove noted by the commenter is more than a block away from the project site (it is over half a mile to the northwest of the project site) and would not present a hazardous condition to the project site nor would the proposed activities impact this hazardous site.

The prior uses at the project site over the years was discussed in Cultural Resources Section of the Draft IS/MND, which helped inform the hazards and hazardous materials background research efforts. Specifically, the prior uses were discussed as follows: "The project site is located within a heavily disturbed urban area. Prior to World War II, the project site was utilized for agricultural purposes, with a grove of trees present on most of the property and one building that was present in the southeast corner for a short period of time. During the housing boom of the 1950s, the project site was developed with a residential tract and commercial buildings which were established by 1963. A review of construction manuals from the period suggests that it is adequate to assume that up to five feet of the soil was disturbed by construction, grading, and the placement of utilities for a 1960s-era tract development. All buildings in the project site were removed between 2004 and 2013, leaving only the cul-de-sac and alley between the dirt lots. The process appears to have consisted of removing building foundations and prior utilities and grading the surface." (Draft IS/MND, p. 38)

Regarding the demolition of the buildings on project site that occurred between 2004 and 2013, the demolition activities were subject to the SCAQMD's Rule 1403, which establishes survey requirements, notification, and work practice requirements to prevent asbestos emissions from emanating during building renovation and demolition activities. Compliance with SCAQMD Rule 1403 for these demolition activities are documented on the building permits issued by the City, which are on file with the City's Building Services Division. The demolition activities were also subject to the California Health & Safety Codes 6717 to 6717 for lead-related activities in construction work. As such, that the City is not required to assume that any asbestos and lead that were removed from the demolished buildings are still present in the soil on the project site. However, per Condition of Approval No. 10 for the proposed project, a geotechnical study is required, which shall analyze sub-surface issues related to the past uses of the site; any soil or groundwater contamination discovered shall be remediated prior to the issuance of a building permit per the requirements of the Orange County Health Department and the mitigation requirements of governing regulatory requirements. Thus, per Condition of Approval No. 10, the soil and groundwater will be analyzed for potential contamination and, if confirmed, would

be remediated accordingly prior to the issuance of a building permit for the proposed project, thus ensuring construction and operation activities will not present a hazardous material risk.

Response to Comment 6-38

Comment acknowledged. Refer to responses to comments 6-36 and 6-37.

Response to Comment 6-39

As discussed in Appendix E, Geotechnical Investigation, of the Draft IS/MND, the scope of Geocon's 2018 report was solely "the geotechnical aspects of proposed design and construction." Thus, the note that an evaluation of the potential presence of hazardous or corrosive materials was not part of the scope of services provided by Geocon was simply to acknowledge it was not part of the scope of this specific investigation. However, as noted above in response to comment 6-36 and 6-37, a geotechnical study that will analyze sub-surface issues related to the past issues of the project site, which would include an evaluation for the potential presence of hazardous or corrosive materials in the soil and groundwater, will be required for the proposed project as a condition of approval prior to the issuance of building permits.

Response to Comment 6-40

Comment acknowledged. Refer to responses to comments 6-36, 6-37, and 6-39. The comment does not provide substantial evidence supporting a fair argument.

Response to Comment 6-41

The Preliminary Water Quality Management Plan (pWQMP) complies with the requirements of the local National Pollutant Discharge Elimination System (NPDES) Stormwater Program and with the requirements of the California Environmental Quality Act. The Final WQMP may differ from the pWQMP as a result of final design which has not yet occurred. For the proposed project, the Final WQMP would be amended as appropriate to reflect up-to-date conditions on the project site consistent with the current Orange County Drainage Area Management Plan and the non-point source NPDES Permit for Waste Discharge Requirements for the County of Orange, Orange County Flood Control District and the incorporated Cities of Orange County within the Santa Ana region as applicable at that time.

Response to Comment 6-42

The Draft IS/MND does not solely focus on adjacent buildings' drainage flow in the analysis. Specifically, the analysis presented in Section 4.3, Hydrology and Water Quality, of the Draft IS/MND, as well as the Preliminary Hydrology Report and pWQMP (refer to Appendices F1 and F2 of the Draft IS/MND), address the existing on- and off-site drainage patterns at the project site (pre- and post-development). For example, as discussed in Section 4.3 and Appendices F1 and F2 of the Draft IS/MND, it is noted that the project site consists of 28 percent of impervious area; it also noted that the project site is predominantly flat and drainage surface flows to Thackery Drive, then west onto Twintree Avenue, and south onto Buaro Street where it flows into a curb opening catch basin and enters the public storm drain system. The drainage ultimately flows through city and county owned facilities to Anaheim Bay. There are no streams or rivers on the project site. Also, as discussed in Section 4.3 and Appendices F1 and F2 of the Draft IS/MND, it is noted that off-site existing drainage from the Sheraton Hotel property just north of the project site currently surface flows through a culvert onto Thackery Drive and ultimately leaves the project site flowing west onto Twintree Avenue.

Furthermore, as determined in Section 4.3 and Appendices F1 and F2 of the Draft IS/MND, while impervious surfaces would be increased to 68 percent with implementation of the proposed project, no alteration of a course or stream would occur and the post development drainage would be similar to the pre-development drainage (thus, the proposed project would maintain a similar drainage pattern compared to existing conditions). There is one drainage management area and runoff flows in the southern direction in both the pre- and post-development. All flows beyond the full design capture volume would follow the pre-development

drainage pattern to leave the project site. Specifically, the proposed project would implement the Best Management Practices (BMPs) prescribed in the pWQMP which would ensure no substantial alteration of the existing drainage pattern at the project site occurs. For example, per the pWQMP, bioretention BMPs with no underdrains would be used to treat runoff and site drainage from the proposed project given the soils on the project site have been determined to have adequate infiltration capacity. In particular, runoff from the proposed hotel would be collected using roof downspouts that would either flow directly into the top of the bioretention BMPs or outlet at grade and surface flow to the bioretention BMPs, where it would be filtered, then infiltrated on-site. Retained flows would be treated and metered prior to direction to off-site storm drains and the public storm drain system. In addition, as part of the proposed project, the off-site drainage from the adjacent Sheraton Hotel would be routed to the new drive aisle along the west property line and continue to flow west onto Twintree Avenue to match the existing condition. These flows would not be mixed with the runoff of the proposed project. As such, the proposed project would not substantially increase the rate or amount of surface runoff in a manner that would impede or redirect flood flows. The proposed project would also not substantially increase the rate, amount, or depth of surface runoff in a manner which would result in flooding on- or offsite.

Response to Comment 6-43

As described in response to comment 6-42 above, Section 4.3 and Appendices F1 and F2 of the Draft IS/MND, it is noted that off-site existing drainage from the Sheraton Hotel property just north of the project site currently surface flows through a culvert onto Thackery Drive and ultimately leaves the project site flowing west onto Twintree Avenue. With the vacation of Thackery Drive under the proposed project, the off-site drainage from the adjacent Sheraton Hotel would be routed to the new drive aisle along the west property line; however, from the new drive aisle, it would continue to leave the site flowing west onto Twintree Avenue to match the existing condition. While the post development drainage pattern would not be the same as the existing drainage pattern, it would be similar and this would not be a substantial alteration. As determined in Section 4.3 of the Draft IS/MND, the proposed project would not result in a substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: result in substantial erosion or siltation on- or off-site; substantially increase the rate, amount, or depth of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or, impede or redirect flood flows.

Response to Comment 6-44

Comment acknowledged. Refer to response to comment 6-42 and 6-43.

Response to Comment 6-45

Pursuant to CEQA Guidelines Section 15126.4(a)(1)(A), the “the discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project.” The proposed project is required to implement the measures of the WQMP (pWQMP and final WQMP) as well as the (SWPPP) per regulatory requirements and conditions of approval for the proposed project. Hence, the BMPs identified to be implemented are not deferred mitigation but rather are binding and enforceable requirements pursuant to regulatory requirements (e.g., requirements of NPDES Permit for Waste Discharge Requirements for the County of Orange, Orange County Flood Control District, and incorporated cities of Orange County within the Santa Ana Region; Orange County Drainage Area Management Plan [DAMP] requirements, City of Garden Grove Municipal Code Section 6.40.050, and project conditions of approval nos. 10 and 29, etc.). The WQMP is a binding document that is tied to the property; if there is a change in land ownership, the new owner will bear the responsibility to continue implementing the WQMP per City

requirements, as discussed in the pWQMP in Appendix F2 of the Draft IS/MND. Also refer to response to comment 6-41.

Response to Comment 6-46

Comment acknowledged. Refer to response to comment 6-41 through 6-43, and 6-45.

Additionally, the purpose of the BMPs is to treat the increased runoff from the project site and to ensure that the post development flows exiting the project site do not exceed the pre-development flows exiting the project site. The final WQMP and drainage study will be reviewed and approved by the authority having jurisdiction during the design plan check process to ensure all of these requirements are equally met.

Response to Comment 6-47

Comment acknowledged. Refer to response to comment 6-42 and 6-43.

Response to Comment 6-48

The commenter states that the vacation of a street and alley that traverse the project site is inconsistent with the General Plan's "transportation element", will divide an established community, which currently uses the street and alley to be vacated, and will have a significant effect on traffic and circulation. There is no "transportation element" in the General Plan, and the street proposed to be vacated, Thackery Drive, is not mentioned in the Circulation Element of the General Plan. Under the City's Circulation Element, local residential streets such as Thackery Drive serve adjacent land uses only, allowing access to residential driveways and providing on-street parking for neighborhoods. The purpose of the proposed vacation of Thackery Drive and the public alley is to facilitate the development of the proposed project. Once vacated, Thackery Drive and the public alley will be incorporated into the proposed project's developable land area and will only serve the properties that encompasses the project site. Thackery Drive and the public alley are not needed to support the circulation needs of the abutting properties, and the vacation would not have a detrimental impact on the circulation system. Thackery Drive and the public alley, along with the rest of the project site, are currently secured with a perimeter fence and have no public access. As such, the vacation of Thackery Drive and the public alley would not divide the established community or impact existing traffic or circulation. The proposed project would have public street access from Harbor Boulevard and Twintree Avenue.

Response to Comment 6-49

Both pages 3 and 65 of the Draft IS/MND state that R-1-7 is *Single-Family Residential Zone*. The entire project site has a General Plan land use designation of International West Mixed Use (IW). The IW designation 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. To facilitate the proposed hotel resort, the proposed project includes zone change of the project site from Planned Unit Development (PUD-141-01) and Single-Family Residential Zone (R-1-7) to a sub-area PUD, PUD-141-01(A).

Response to Comment 6-50

To facilitate the proposed hotel resort, the proposed project includes zone change of the project site from PUD-141-01 and R-1-7 to a sub-area PUD, PUD-141-01(A). This proposed PUD amendment would place the entire project site parcels into a PUD sub-area with specific development standards established to facilitate the development of the proposed hotel resort that will regulate the number of hotel rooms, building height, building setbacks, landscaping, permitted uses, required parking, site circulation and access, signage, utilities, storage and refuse collection.

Response to Comment 6-51

The proposed zone change from PUD-141-01 and R-1-7 to a sub-area PUD, PUD-141-01(A) are mentioned throughout the Draft IS/MND: Section 3.4, Discretionary Actions and Approvals (Draft IS/MND, p. 14); Section I. Aesthetics c) (Draft IS/MND, p. 20); and Section XI. Land Use and Planning a) and b) (Draft IS/MND, pp. 62-63).

Response to Comment 6-52

The current zoning of the project site is outdated, is partially inconsistent with the General Plan, and would not accommodate the proposed project. The City has not adopted new generally applicable zoning and development standards to implement the IW designation, and the General Plan contemplates and provides for the establishment of such standards through the PUD process. To facilitate the development of the proposed project, and to continue to further the goals of the City's General Plan to expand and enhance the City's resort area, establishment of a sub-area PUD, PUD-141-01(A), on the project site is necessary. This PUD sub-area will establish specific development standards to the project site that will regulate the number of hotel rooms, building height, building setbacks, landscaping, permitted uses, required parking, site circulation and access, and signage.

The project site is located in the City's Grove District Anaheim Resort, which is designated as a resort destination that encourages hotels, restaurants, and entertainment uses. The resort area is developed with existing hotels, restaurants, and retail uses. As such, the proposed project would be compatible with the existing hotel developments in the area, and would expand and enhance the hospitality services currently available in the resort district.

The project site directly abuts the Sheraton Hotel to the north, and residential uses to the northwest and west. The proposed project would incorporate specific mitigation measures and PDFs to minimize impacts to the adjacent residential uses from noise generated from the hotel, including from the parking structure and the pool deck. Implementation of the mitigation measures and PDFs would ensure that the adjacent residential uses are adequately screened and buffered from the proposed hotel site.

The Draft IS/MND analyzes the potential impacts of the proposed project as a whole. The proposed project is consistent with the goals and policies of the General Plan Land Use Element, the Community Design Element, and the Economic Development Element, including:

- Policy LU-1.4 to encourage a wide variety of retail and commercial uses, such as restaurant and cultural arts/entertainment, in appropriate locations and Policy LU-6.2 to encourage a mix of retail and commercial services along major corridors and in centers to meet the community needs.
- Policy LU-1.5 to encourage active and inviting pedestrian-friendly street environments that include a variety of uses within commercial and mixed-use areas.
- Goal LU-4 that seeks to develop uses that are compatible with one another and Policy LU 4.5 that requires that commercial developments adjoining residential uses be adequately screened and buffered from residential areas.
- Goal LU-9 Creation of tourism and entertainment-related destination area that will benefit all residents, businesses, and visitors and Policy LU-9.6 Locate tourist or entertainment related uses with adequate access to freeway or major arterials to encourage both local and regional patronage.
- Policy CD-7.1 Encourage future development and redevelopment projects to reinforce district scale, identity, and urban form.
- Policy ED-1.1 Continue to encourage the development and expansion of hotel facilities in key corridors of the City (i.e., Harbor Boulevard).

Response to Comment 6-53

Based on the response to comment 6-49 through 6-52, the proposed project would result in less than significant impacts related to land use. The comment does not provide substantial evidence supporting a fair argument.

Response to Comment 6-54

The Draft IS/MND does not assume that simply because the proposed project will comply with the noise regulations that it is exempt from any additional construction restrictions. The Draft IS/MND includes an in-depth technical Noise Study⁷ that not only analyzes the proposed project's compliance with the City of Garden Grove Municipal Code requirements, but also utilizes thresholds of significance established by the Federal Transit Administration (FTA) for assessing construction noise impacts⁸ (refer to Appendix H of the Draft IS/MND). The Noise Study includes detailed noise modeling, utilizing the FHWA Roadway Construction Noise Model (RCNM), to demonstrate noise level impacts during construction (see Appendix D of the Noise Study). The Draft IS/MND finds that a less than significant impact would occur with mitigation measures incorporated. The commenter has not provided any facts to dispute the findings of technical study.

Response to Comment 6-55

The Draft IS/MND shows that construction noise levels may exceed 80 dBA and would require mitigation (including masonry block walls and temporary construction noise barriers) to reduce impacts to a level of insignificance. However, the commenter is incorrect in stating that the Draft IS/MND does not identify the proximity to sensitive receptors. Section 4.3 (Air Quality) of the Draft IS/MND (pp. 28-30) and the Noise Study identifies the proximity of all surrounding sensitive receptors (pp. 1-1 and 1-2) (refer to Appendix H of the Draft IS/MND). Furthermore, the Noise Study analyzes noise impacts at the surrounding communities and discloses the results in Table 17 of the Noise Study (Appendix H of the Draft IS/MND). The commenter then suggests that moveable barriers would be more effective based on an obscure excerpt from an unrelated project. However, for the proposed project, the combination of the permanent block walls and the temporary noise barriers effectively enclose the project site from all surrounding noise sensitive receptors. The permanent block wall will shield sensitive receptors to the west of the project site, and the temporary barriers, which will be installed in fixed locations along the north, south and east property lines of the project site throughout the duration of construction, will shield sensitive receptors located to the north and south of the project site. Hence, additional moveable barriers would not be necessary, as all receptors will be shielded throughout the entirety of construction with the installation of the block walls and temporary noise barriers regardless of where onsite equipment and activity is located.

Response to Comment 6-56

The commenter suggests that the proposed noise barrier shielding would not be effective against construction activity occurring above ground level during the construction of the building. It is acknowledged that as the height of noise increases, the effectiveness of ground level noise barriers decreases. However, the noise impact analysis shows that the worst-case construction noise generating activities would occur at ground level. This would include the operation of heavy equipment such as graders, excavators, tractors, cranes, etc. It is from these noise sources that the noise impact has been identified, and which the barrier walls will mitigate. Equipment that may operate above ground level, such as welders, are shown to be below the threshold of significance and would not need mitigation. As shown in Table 17 of the Noise Study, a welder would generate up to 64.0 dBA at 100 feet (unmitigated), which is significantly below the 80 dBA threshold of significance established by the FTA (Appendix H of the Draft IS/MND).

Response to Comment 6-57

The commenter is incorrect in stating that the Draft IS/MND does not show the amount of noise reduction achieved by the barrier shielding during construction. Section 4.3 (Noise) of the Draft IS/MND (p. 70) and Table

⁷ RK Engineering Group, Inc. Garden Grove Hotel Site B-2 Noise Impact Study. May 16, 2022.

⁸ Federal Transit Administration. Transit Noise and Vibration Impact Assessment Manual. September 2018.

17 of Noise Study (Appendix H of the Draft IS/MND) show that the required noise barrier shielding will reduce worst case noise levels to 75.9 dBA, which is below the significance threshold. The FHWA noise barrier reduction calculations are shown in Appendix D of the Noise Study (Appendix H of the Draft IS/MND).

Response to Comment 6-58

The commenter arbitrarily states that the 80 dBA 8-hour threshold of significance is very high, and questions whether it is applicable on days when construction were to occur longer than 8-hours but does not provide facts to support these claims. The Draft IS/MND utilizes significance thresholds established by the FTA, which recommends a criterion for noise assessment to help prevent adverse community reaction.⁹ The FTA threshold is widely cited as an industry standard and commonly used for CEQA analysis purposes. The 80 dB/8-hour threshold is a time-weighted average of the worst-case 8 hours of construction noise per day. Construction may occur longer than 8 hours a day, but it is limited to an 80 dBA equivalent noise level for 8 consecutive hours. Hence, the community would be protected against noise impacts throughout the entirety of the day while construction activities would occur.

Response to Comment 6-59

The commenter suggests that the City of Garden Grove has set high thresholds for operational noise impacts but does not provide any support to this claim. The noise limits set in the City's Municipal Code have been established to protect public health and prohibit nuisances from any loud, unnecessary, or unusual noise that disturbs the peace or quiet of any neighborhood, or that causes discomfort or annoyance to any person of normal sensitiveness. The City's Municipal Code noise standards are based on well-established thresholds from the County of Orange Noise Control Ordinance and have been widely adopted by other local agencies in the area. Additionally, the 3 dBA change threshold is also a widely cited threshold of significance under CEQA and is considered an industry standard. It is based on the FHWA Highway Traffic Noise Analysis and Abatement Policy and Guidance which found that a change in noise level of 3 dBA is considered barely perceptible.

Response to Comment 6-60

The commenter is incorrect in stating that the Draft IS/MND erroneously assumes that unless the project doubles the amount of traffic it will not cause more than a 3 dBA noise increase. The scientific explanation for this phenomenon is described in Sections 2.4 and 2.5 of the Noise Study (Appendix H of the Draft IS/MND) and referenced from the Caltrans Technical Noise Supplement to the Traffic Noise Analysis Protocol, September 2013. Decibels are measured on a logarithmic scale, and it takes a doubling of sound energy to produce a 3 dB increase. Hence, doubling of traffic volume along a roadway segment would equate to a doubling of sound energy and result in an approximate 3 dBA change in noise.

Response to Comment 6-61

The commenter appears to be confusing two separate issues here. The Draft IS/MND and Noise Study discuss both the proposed project's impact to the surrounding community and impacts from the built environment to the proposed project. The City's noise/land use compatibility guidelines and the future baseline noise environment are discussed within the context of evaluating whether the proposed project's building structure will meet the required interior noise standards. To the extent the latter analysis involves the environment's impact on the proposed project, which is not a CEQA issue, the analysis is provided for informational purposes.

Response to Comment 6-62

Please refer to response to comment 6-54 through 6-61 for detailed explanations.

⁹ Federal Transit Administration. Transit Noise and Vibration Impact Assessment Manual. September 2018. Page 179, "Assess Construction Noise Impact".

Response to Comment 6-63

The commenter inaccurately alleges that the analysis of transportation impacts is flawed because it does not address the issue of vacating a public street and alley. The analysis of transportation impacts has been prepared pursuant to the requirements of the City of Garden Grove Traffic Impact Analysis Guidelines for Vehicle Miles Traveled and Level of Service Assessment, May 2020 (Guidelines)¹⁰. The Guidelines do not require the analysis of public right of way vacation as part of the determination of transportation impacts under CEQA. However, for informational purposes, Thackery Drive was a local road, not listed on the City's Master Plan of Streets and Highways. In the baseline condition, it is fenced off and not open to the public. Hence, its vacation would not impact the City's broader street network or circulation policy.

Response to Comment 6-64

The Draft IS/MND follows the City's Guidelines⁸ for the evaluation of vehicle miles traveled (VMT). The proposed project is shown to result in a less than significant impact to VMT due to its location along a high-quality transit corridor. A 'high-quality transit corridor' means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. CEQA Guidelines Section 15064.3(b)(1) state that projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Harbor Boulevard qualifies as a high-quality transit corridor and the proposed project is located within ½ mile of a bus stop with 15-minute headways or less. Hence, the finding of a less than significant impact has been based on substantial evidence. Furthermore, the commenter provides no evidence to show how the use of Uber, Lyft and other means of transportation would double the number of trips to/from the project site. The Traffic Impact Study (Appendix I of the Draft IS/MND) estimated trip generation for the proposed project by utilizing the latest edition of the industry-wide standard Institute of Transportation Engineers (ITE) Trip Generation Manual. Trip generation rates from ITE are established based on nationwide surveys and empirical data of vehicle trips generated by various land uses, including Hotels. The ITE trip generation rates include trips from Uber, Lyft and other ride sharing services as part of the rate. Hence, the use of these services is accounted for in the Draft IS/MND and the commenter is incorrect to suggest that they would double the number of traffic traveling to/from the project site.

Response to Comment 6-65

The commenter inaccurately claims that the proposed project will result in impacts related to increased traffic congestion and reduced emergency access. An in-depth Traffic Impact Study¹¹ was prepared that analyzed project access, circulation and area-wide traffic congestion (refer to Appendix I of the Draft IS/MND). The findings of the analysis show that all project related traffic congestion will be addressed through various intersection improvements, including the installation of a new traffic signal at the main project access on Harbor Boulevard (shared access with Sheraton Hotel). The Traffic Study shows that this intersection will operate at an acceptable level of service with the new signal and provide adequate access for both the proposed project and the existing Sheraton Hotel. As stated previously, congestion is no longer a CEQA issue.

Additionally, as part of the conditions of approval of the proposed project, the site plan will be reviewed and approved by the Garden Grove Fire Department to ensure adequate emergency access is provided and all drive aisle and driveway standards are met, prior to obtaining building permits.

Response to Comment 6-66

All mitigation measures in the Draft IS/MND will be part of Mitigation Monitoring and Reporting Program which will be enforced by the City. It will be the City's responsibility to monitor and verify that all mitigation measures

¹⁰ City of Garden Grove. City of Garden Grove Traffic Impact Analysis Guidelines for Vehicle Miles Traveled and Level of Service Assessment, May 2020 (Guidelines).

¹¹ RK Engineering Group, Inc. Site "B-2" Hotel Traffic Impact Study, City of Garden Grove, CA. July 1, 2022.

are implemented properly and will be documented in the Mitigation Monitoring and Reporting Program. Please see prior responses regarding sufficiency of the project's mitigation measures.

Response to Comment 6-67

The Notice of Intent (NOI) for the Draft IS/MND review period was sent to the Superintendent of the Garden Grove Unified School District. Along with the NOI, the Superintendent also received a USB containing the Draft IS/MND. It should be noted that the three schools identified within the 0.25 miles of the project site are part of the Garden Grove Unified School District. The City has not received any comments or concerns regarding the proposed project from the Garden Grove Unified School District.

Response to Comment 6-68

Refer to response to comment 6-37.

Hauling trips associated with construction of the proposed project were analyzed as part of the Traffic Impact Study (refer to Appendix I of the Draft IS/MND). Table 10-1 of the Traffic Impact Study shows the daily construction trip generation for each of the construction phases. The total daily trips for each construction phase consist of worker trips, vendor trips and hauling trips (whichever apply), with the appropriate passenger car equivalent (PCE) factors applied. Table 10-2 shows the peak hour construction trip generation for each of the construction phases. The maximum construction trip generation occurs during the grading phase, when the proposed project is forecast to generate approximately 813 PCE-adjusted daily construction trips which include approximately 203 PCE-adjusted AM peak hour construction trips and approximately 203 PCE-adjusted PM peak hour construction trips.

Though congestion is no longer a CEQA issue, as concluded in the Traffic Impact Study, the proposed project's short-term construction traffic is forecast to not adversely affect the level of service of the study intersections (20 intersections).

The proposed project anticipates requiring a total export of approximately 60,720 cubic yards of earthwork material for grading purposes (refer to Appendix B of the Draft IS/MND). The analysis in the Draft IS/MND does take into account activities associated with site preparation (hauling, export, etc.) identified in the geotechnical investigation. These activities were included in the air quality/GHG emissions and traffic modeling, refer to Appendices B and I of the Draft IS/MND.

Response to Comment 6-69

Refer to response to comment 6-67.

Response to Comment 6-70

Comment acknowledged. Since this comment does not raise a specific concern or issue regarding the adequacy of the environmental analysis contained in the Draft IS/MND, no further response to this comment is required. Also, refer to response to comment 6-67.

Response to Comment 6-71

The Draft IS/MND accounts for the three schools within 0.25 miles from the project site. The Walton Intermediate School is located approximately 0.2 mile northwest of the project site; Warren Elementary School is located approximately 0.25 mile northeast of the project site; and Violette Elementary School is located approximately 0.25 mile southwest of the project site (Google Earth Pro, 2022). While the proposed project would use, store, and dispose limited quantities of hazardous materials during construction and operation, such as paints, solvents, cleaning agents, etc., such materials would be used, stored, and disposed in compliance with all federal, state, and local requirements. Therefore, hazardous material impact would be less than significant. (Draft IS/MND, p. 53).

Also, as determined in Section 4.3 (Air Quality) of the Draft IS/MND, the proposed project would result in a less than significant impact related to exposure of sensitive receptors (including children, the elderly, the acutely and chronically ill, and those with cardio-respiratory diseases). Sensitive receptors would not be exposed to substantial pollutant concentrations during construction or operation of the proposed project. In addition, the proposed project would be in compliance with applicable rules and regulations such as SCAQMD Rules 402 and 403. (Draft IS/MND, pp. 28-31).

The Draft IS/MND provides substantial evidence that the proposed project will not result in any significant impacts related to emitting hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of a school.

Response to Comment 6-72

Comment acknowledged. Refer to response to comment 6-68 through 6-71.

Response to Comment 6-73

Comment acknowledged. Refer to response to comment 6-74 and 6-75.

Response to Comment 6-74

The commenter is incorrect in stating that the Draft IS/MND is silent regarding the amount of export/import fill and number of trucks associated with this activity. The proposed project anticipates requiring a total export of approximately 60,720 cubic yards of earthwork material for grading purposes (refer to Appendix B of the Draft IS/MND). Hauling trips associated with construction of the proposed project were analyzed as part of the Traffic Impact Study (refer to Appendix I of the Draft IS/MND). Table 10-1 of the Traffic Impact Study shows the daily construction trip generation for each of the construction phases. The total daily trips for each construction phase consist of worker trips, vendor trips and hauling trips (whichever apply), with the appropriate PCE factors applied. Table 10-2 shows the peak hour construction trip generation for each of the construction phases. The maximum construction trip generation occurs during the grading phase, when the proposed project is forecast to generate approximately 813 PCE-adjusted daily construction trips which include approximately 203 PCE-adjusted AM peak hour construction trips and approximately 203 PCE-adjusted PM peak hour construction trips. As concluded in the Traffic Impact Study, the proposed project's short-term construction traffic is forecast to not adversely affect the level of service of the study intersections (20 intersections). It is anticipated the haul route would consist of several of these intersections, especially Harbor Boulevard.

Also, as determined in Section 4.3 (Air Quality) of the Draft IS/MND, the proposed project would result in a less than significant impact related to exposure of sensitive receptors (including children, the elderly, the acutely and chronically ill, and those with cardio-respiratory diseases). Sensitive receptors would not be exposed to substantial pollutant concentrations during construction or operation of the proposed project. In addition, the proposed project would be in compliance with applicable rules and regulations such as SCAQMD Rules 402 and 403. (Draft IS/MND, pp. 28-31).

Response to Comment 6-75

Refer to response to comment 6-74. The Draft IS/MND analyzed activities associated with the hauling of export/fill. The analysis in the Draft IS/MND takes into account activities associated with all phases of the proposed project, construction (site preparation, hauling, export, etc.) and operations. These activities were included in the air quality/GHG emissions and traffic modeling, refer to Appendices B and I of the Draft IS/MND. Therefore, the commenter is incorrect and the Draft IS/MND does not violate CEQA's piecemealing requirement. The comment does not provide substantial evidence supporting a fair argument.

Response to Comment 6-76

Comment acknowledged. Refer to response to comment 6-67 and 6-75.

Response to Comment 6-77

The Draft IS/MND appropriately addresses the environmental parameters under CEQA and the analysis concludes that all potential impacts would be considered less than significant. Significant impacts that were identified have been reduced to a less than significant level with the incorporation of mitigation measures. There is no omitted analysis that would trigger the need for recirculation of the Draft IS/MND or the need to prepare an EIR as the commenter suggests. It should be noted that an Errata to the Draft IS/MND will be prepared to clarify some of the Draft IS/MND content but none of the revisions would trigger recirculation. Therefore, the analysis and conclusions in the Draft IS/MND are adequate and would not require the recirculation.

Response to Comment 6-78

Comment acknowledged. The commenter states that the City is attempting to vacate two streets all in one action/hearing of approving the proposed project and without following the procedures of the Streets and Highways Code. The commenter is mistaken. The City intends to follow all legal and procedural requirements for the proposed street vacation, and the land use approvals for the proposed project are proposed to be contingent upon approval of said street vacation. A General Plan amendment is not needed or proposed. The Planning Commission's action of July 7, 2022, regarding the street vacation was to report to the City Council on conformance of the proposed vacation with the General Plan pursuant to Government Code Section 65402, not to consider or act on the street vacation itself. The City Council will separately consider and act on the street vacation proposal in accordance with applicable state law. The remainder of the comment does not raise a specific concern or issue regarding the adequacy of the environmental analysis contained in the Draft IS/MND, no further response to this comment is required.

Response to Comment 6-79

Comment acknowledged. The commenter alleges that the agenda descriptions for the July 7, 2022 Planning Commission meeting did not satisfy the Brown Act. The City disagrees. Regardless, since this comment does not raise a specific concern or issue regarding the adequacy of the environmental analysis contained in the Draft IS/MND, no further response to this comment is required.

Response to Comment 6-80

Comment acknowledged. Refer to response to comment 6-48 for street vacancy discussion and response to comment 6-52 for GP consistency discussion. The sale of alcohol is not inconsistent with the General Plan and is not a topic under CEQA that would need to be addressed in the Draft IS/MND.

Response to Comment 6-81

Comment acknowledged. Refer to response to comment 6-1 through 6-80.

Exhibit A

The commenter includes a Trial Court Ruling in *Aids Healthcare Foundation v. City of Los Angeles*, Case Number 19STCP05445, April 5, 2021, as an attachment to their comment letter. This comment is noted for the record and no further response to this comment is required. Exhibit A is included as Attachment B of this Final IS/MND.

Page intentionally left blank



LAND USE, ENVIRONMENTAL & MUNICIPAL LAWYERS

Jordan R. Sisson
801 South Grand Avenue, 11th Floor
Los Angeles, California 90017
Direct: (951) 542-2735
Fax: (213) 623-7755
E-mail: jordan@gideonlaw.net
www.gideonlaw.net

July 7, 2022

VIA EMAIL:

Planning Commission (public-comment@ggcity.org)
Maria Parra, Senior Planner (mariap@ggcity.org)
City of Garden Grove

**RE: Item C.2, Planning Commission Hearing Scheduled July 7, 2022;
Nickelodeon Hotel Project (12241 Harbor Blvd., Garden Grove, CA 92840);
Project Approvals PUD-141-01, SP-107-2022 & IS/MND (SCH No. 2022060174)**

Dear Planning Commission and Ms. Parra:

7-1

On behalf of UNITE HERE Local 11 (“**Local 11**”), this office respectfully provides the following comments¹ to the City of Garden Grove (“**City**”) with regard to the above-referenced item² involving the 500-room, 23-story hotel with 600-seat Nick Studio theater (“**Project**”) on a 3.72-acre site located at the northwest corner of Harbor Boulevard and Twintree Avenue (“**Site**”) proposed by Kam Sang Company (“**Applicant**”). Pursuant to the Gardena Municipal Code (“**GMC**” or “**Code**”), Applicant seeks a variety of land use approvals (e.g., Zone Change to Planned Unit Development No. PUD-141-01(A), Site Plan No. SP-107-2022, alcohol Conditional Use Permit, Development Agreement, etc.) (collectively “**Entitlements**”). Additionally, for the purpose of review under the California Environmental Quality Act (“**CEQA**”),³ the City is considering the adoption of the Mitigated Negative Declaration and associated approvals (“**MND**”).^{4, 5}

7-2

The MND fails to adequately analyze the Project’s impact on greenhouse gas (“**GHG**”) emissions and vehicle miles traveled (“**VMT**”) and, thus, fails to incorporate sufficient mitigation. Failure to do so infects not only the City’s CEQA findings but also the Code-required findings necessary to grant the Entitlements. There is a fair argument of CEQA impacts. This Project is expected to generate over 3 million annual VMTs, which is far too big for a MND. An Environmental Impact Report (“**EIR**”) should be prepared. Until the issues discussed herein are resolved, Local 11 respectfully urges the City to stay action on the Entitlements and MND (collectively “**Project Approvals**”).

/ / /

¹ Herein, page citations are either the stated pagination (i.e., “p. #”) or PDF-page location (i.e., “PDF p. #”).

² City (7/7/22) Planning Commission Staff Report (“**Staff Report**”), PDF p. 72 (start of Item C.2), <https://ggcity.org/sites/default/files/commissions/planning-commission/a07072022.PDF>.

³ Including “**CEQA Guidelines**” codified at 14 Cal. Code Regs. § 15000 et seq.

⁴ City (Jun. 2022) Draft Initial Study/MND Site B-2, https://ggcity.org/sites/default/files/2022-06/Site%20B2%20Hotel%20Project%20Draft%20Initial%20Study_Mitigated%20Negative%20Declaration.pdf.

⁵ Inclusive of all appendices (collectively “**APP**” or individually “**APP-##**”) compiled in the 1,364-page document available online. (See City [Jun. 2022] Technical Appendices [APP-A through APP-J], <https://ggcity.org/sites/default/files/2022-06/Site%20B2%20Hotel%20Project%20Technical%20Studies.pdf>).



I. STANDING

7-3

Local 11 represents more than 25,000 workers employed in hotels, restaurants, airports, sports arenas, and convention centers throughout Southern California and Phoenix—including roughly 400 members who live and/or work in the City. The union has a First Amendment right to petition public officials in connection with matters of public concern, including compliance with applicable zoning rules and CEQA, just as developers, other community organizations, and individual residents do. Protecting its members' interest in the environment, including advocating for the environmental sustainability of development projects and ensuring the availability of housing and hotels (in compliance with state and local rules), is part of Local 11's core function. Recognizing unions' interest and union members' interest in these issues, California courts have consistently upheld unions' standing to litigate land use and environmental claims. (See *Bakersfield Citizens v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1198.) Furthermore, Local 11 has public interest standing to challenge the Project Approvals given the City's public duty to comply with applicable zoning and CEQA laws, which Local 11 seeks to enforce. (See e.g., *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 914-916, n6; *La Mirada Avenue Neighborhood Assn. of Hollywood v. City of Los Angeles* (2018) 22 Cal.App.5th 1149, 1158-1159; *Weiss v. City of Los Angeles* (2016) 2 Cal.App.5th 194, 205-206; *Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 166, 169-170.)

II. SPECIFIC DEFICIENCIES WITH CEQA AND MANDATORY PROJECT FINDINGS

7-4

For background, CEQA has two primary purposes; to inform decision makers and the public about the potential, significant environmental effects of a project and reduce environmental damage by requiring implementation of environmentally superior alternatives and all feasible mitigation measures. (See CEQA Guidelines § 15002(a).) Because a more comprehensive EIR was not prepared, the Project is subject to the less deferential 'fair argument' standard, which requires a lead agency to prepare an EIR whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. (See e.g., Pub. Res. Code §§ 21100, 21151; *Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75.) A project "may" have a significant effect on the environment if there is a "reasonable probability" that it will result in a significant impact. (*No Oil, Inc.*, supra, 13 Cal.3d at 83 n. 16.) This is a "low threshold" requiring the preparation of an EIR and preference for resolving doubts in favor of environmental review, even if the overall effect of the project is beneficial. (*Meiia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 332; see also CEQA Guidelines § 15063(b)(1).) "[T]he existence of contrary evidence does not excuse a lead agency from its duty to prepare an EIR." (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 931; see also *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002; *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1318 ["decision not to require an EIR can be upheld only when there is no credible evidence to the contrary."].)

Hence, an MND may be used only where there is "clearly no significant effect on the environment would occur, and [] there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant impact on the environment." (Pub. Res. Code § 21064.5 (emphasis added); see also CEQA Guidelines §§ 15070(b), 15369.5.) Substantial evidence includes facts, a reasonable assumption predicated upon fact, or expert opinion supported by fact; not argument, speculation, unsubstantiated opinion or narrative, clearly inaccurate or erroneous evidence, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment. (See e.g., Pub. Res. Code §§ 21080(e),



7-4
 cont'd

21082.2(c); CEQA Guidelines §§ 15064(f)(5), 15384.) Courts will not blindly trust bare conclusions, bald assertions, and conclusory comments without the “disclosure of the ‘analytic route the . . . agency traveled from evidence to action.’” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404 405 [quoting *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515].)

Here, as discussed below, there is substantial evidence of a fair argument that the Project’s GHG and VMT impacts are significant—thus requiring the City to prepare an EIR.

A. MND’S GHG ANALYSIS IS FUNDAMENTALLY FLAWED AND THERE IS A FAIR ARGUMENT OF SIGNIFICANT GHG IMPACTS

7-5

The California Supreme Court demands a robust GHG analysis to assess a project’s impact on climate change. Lead agencies must provide “the contours of their logical argument,” leaving no “analytical gaps” in their analysis, and supporting determinations “through substantial evidence and reasoned explanation.” (*Center for Biological Diversity v. Cal. Dept. of Fish and Wildlife* (“*Newhall Ranch*”) (2015) 62 Cal.4th 204, 227; see also *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (“*Cleveland II*”) (2017) 3 Cal.5th 497, 504, 519 [analysis must be “based to the extent possible on scientific and factual data . . . stay[ing] in step with evolving scientific knowledge and state regulatory schemes.” (Quoting CEQA Guidelines § 15064(b)).]

7-6

Here, the MND claims the Project has no GHG impacts because it would comply with the multi-tiered GHG threshold proposed by South Coast Air Quality Management District (“SCAQMD”). In short, while acknowledging the Project’s mitigated GHG impact is 3,316 MTCO₂e/yr (exceeding SCAQMD’s Tier 3 threshold of 3,000 MTCO₂e/yr), the MND claims it is 42 percent less than the Project’s unmitigated GHG impact of 5,756 MTCO₂e/yr (purported below SCAQMD’s Tier 4 threshold of 30 percent below business as usual [“BAU”] comparison). (MND, p. 49; APP, PDF p. 75 [APP-B, pp. 7-2 – 7-3].) However, this BAU comparison is fatally flawed and improper. There is a fair argument of significant GHG impacts.

1. MND Applies Incorrect Tier-3 Threshold

7-7

Here, MND applies SCAQMD’s Tier-3 threshold for mixed-use projects (i.e., 3,000 MTCO₂e/yr). (MND, p. 49; APP, PDF p. 63.) However, the Project contains zero housing and proposes only commercial uses. Consistent with SCAQMD’s multi-tier recommendations,⁶ the MND should have used the 1,400 MTCO₂e/yr for commercial projects, just like the City has done for similar hotel projects.⁷

/ / /

⁶ See SCAQMD (Oct. 2008) Draft Guidance Document – Interim CEQA GHG Significance Threshold, pp. 3-10 – 3-16, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgattachmente.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf); see also SCAQMD (12/5/08) Board Letter, p. 5, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2); SCAQMD (9/28/10) Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group # 15, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf).
⁷ See e.g., City (10/24/18) Hilton Hotel Project MND, p. 42, https://ggcity.org/sites/default/files/2018-12/BNGroupInitialStudy_0.pdf.



2. MND Relies on Outdated Tier-4 BAU Methodology

7-8

Here, as previously mentioned, the MND applies the 30 percent reduction below BAU comparison for SCAQMD's Tier-4 (i.e., Option 1). In 2008, the BAU methodology was one of the three options proposed by SCAQMD for Tier-4 compliance, based on the then-prevailing wisdom of applying the statewide GHG emission reduction percentage (i.e., 30 percent) as a project-level threshold.⁸ However, this perfunctory application of the statewide reduction goal as a project-level threshold has been rejected by the California Supreme Court. (See *Newhall Ranch*, supra at 225.) Like the *Newhall Ranch* EIR, the MND here assumes that the level of effort required at the state-level—30 percent reduction under AB 32 (i.e., 1990 emission levels by 2020) and 40 percent reduction under SB 32 (i.e., 40 percent below 1990 emission levels by 2030)—correlates to the level of effort required for this specific Project at this specific Site. (MND, pp. 51; APP, PDF p. 75.) Critically missing from the MND is any reasoned explanation justifying any “quantitative equivalence” between the statewide context and the Project-level context. (*Newhall Ranch*, supra at p. 227.) This reasoning violates *Newhall Ranch* and CEQA.

3. Project Exceeds SCAQMD Tier-4 Performance Standards

7-9

Instead of the perfunctory BAU methodology, the appropriate performance standard under SCAQMD's Tier-4 analysis is the per capita efficiency standard of 4.8 and 3.0 MTCO₂e/yr per service population (“MTCO₂e/yr/sp”) for years 2020 and 2035 (respectively),⁹ which the City has acknowledged in recent CEQA reviews.¹⁰ Service population (“sp”) is defined as only the residents and employees served by a project.¹¹ Here, the Project includes zero housing (i.e., 0 residents), but the MND does not specify the anticipated employees generated by the Project beyond the reference to the demand for 98 employee parking spaces. (APP, PDF p. 1350 [APP-J, Tbl. 3].) Based on various data sources, the City of Los Angeles, for example, has used a job generation ratio of 0.50 jobs per hotel room for purposes of VMT modeling,¹² or in some cases 0.20 jobs per hotel room ratio.¹³ Hence, 100-250 employees generated by this 500-room Project is a reasonable estimate. When dividing 3,316 MTCO₂e/yr by a service population of 100 to 250, the Project would achieve an efficiency level of 33.16 to 13.2 MTCO₂e/yr/sp—which exceeds both the 4.8 and 3.0 MTCO₂e/yr/sp performance standards.

Despite being proposed prior to the State's adoption of more aggressive GHG reduction goals of 40 percent 1990 levels by 2030 (i.e., SB 32 and Executive Order B-30-15), SCAQMD's screening/efficiency thresholds are akin to and most consistent with bright-line/efficiency thresholds adopted by numerous other air districts in recent years, including Sacramento

⁸ SCAQMD Draft Guidance Document, supra fn. 6, p. 3-15.

⁹ SCAQMD Minutes, supra fn. 6, pp. 1-2.

¹⁰ City (8/18/21) Focused General Plan Update Draft EIR, p. 4.6-23, <https://ggcity.org/sites/default/files/2021-08/FGPUZA%20DEIR.pdf>.

¹¹ CAPCOA (Jan. 2008) CEQA & Climate Change, pp. 62-64, 71-72 (service population is defined as “the sum of the number of residents and the number of jobs supported by the project.”), <http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf>; SCAQMD, PDF p. 6 (“sp (service population) = population + employment population”).

¹² City of Los Angeles (May 2020) VMT Calculator Documentation, p. 11, https://ladot.lacity.org/sites/default/files/documents/vmt_calculator_documentation-2020.05.18.pdf.

¹³ City Hilton Hotel Project MND, supra fn. 7, pp. 4, 87 (25 full/part-time worker for 124-room hotel).



7-9
 cont'd

Metropolitan AQMD,¹⁴ Bay Area AQMD,¹⁵ Placer County APCD,¹⁶ and San Luis Obispo County APCD.^{17, 18} Similarly, the Association of Environmental Professionals (“AEP”) has proposed a 2020 and 2030 land-use efficiency threshold of 4.7 and 2.6 MTCO₂e/yr/sp (respectively, which can also be interpolated during interim years), and based on SB 32 mid-term GHG reduction goals for 2030.¹⁹ By relying solely on the BAU methodology and failing to apply an appropriate performance standards (e.g., SCAQMD’s Tier-4 efficiency standard), the MND fails to stay in step with evolving scientific knowledge and regulatory schemes governing GHG, as required under *Cleveland II*. The bottom line is that this a very large Project and there is a fair argument of significant GHG impacts.

4. MND’s Perfunctory Analysis of CARB’s 2017 Scoping Plan

Here, the MND improperly relies on its perfunctory BAU analysis to claim consistency with the California Air Resources Board (“CARB”) 2017 Scoping Plan. The MND fails to recognize the Scoping Plan’s explicit reliance on local land-use decisions and GHG reduction at the project-level:

7-10

“Implementation of this change will rely, in part, on *local land use* decisions to reduce GHG emissions associated with the transportation sector, both at the *project level*, and in long-term plans (including general plans, climate action plans, specific plans, and transportation plans) and supporting sustainable community strategies developed

¹⁴ SMAQMD (May 2018) Guide to Air Quality Assessment in Sacramento County, pp. 6:1-3, 6:10-12 (“(GHG) emissions adversely affect the environment through contributing, on a cumulative basis, to global climate change ... *the District recommends that lead agencies address the impacts of climate change on a proposed project and its ability to adapt to these changes in CEQA documents* ... [thus urging] evaluating whether the GHG emissions associated with a proposed project will be responsible for making a cumulatively considerable contribution to global climate change.”[emphasis original]), <http://www.airquality.org/LandUseTransportation/Documents/Ch6GHGFinal5-2018.pdf>; see also SMAQMD Thresholds of Significance Table, <http://www.airquality.org/LandUseTransportation/Documents/CH2ThresholdsTable5-2015.pdf>.

¹⁵ BAAQMD (May 2017) CEQA Air Quality Guidelines, p. 2:1-4 (“No single project could generate enough GHG emissions to noticeably change the global average temperature [but rather] [t]he combination of GHG emissions from past, present, and future projects contribute substantially to the phenomenon of global climate change and its associated environmental impacts.”), http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en.

¹⁶ PCAPCD (Oct. 2016) CEQA thresholds of Significance Justification Report, pp. E-2, 2, 17-22 (“CEQA requires that the lead agency review not only a project’s direct effects on the environment, but also the cumulative impacts of a project and other projects causing related impacts. When the incremental effect of a project is cumulatively considerable, the lead agency must discuss the cumulative impacts in an EIR. [citing CEQA Guidelines § 15064]”), <https://www.placer.ca.gov/DocumentCenter/View/2061/Threshold-Justification-Report-PDF>; see also PCAPCD (11/21/17) CEQA Thresholds And Review Principles, <http://www.placerair.org/landuseandceqa/ceqathresholdsandreviewprinciples>.

¹⁷ SLOAPCD (Mar. 28, 2012) GHG Threshold and Supporting Evidence, p. 5, 25-30, 42 (“No single land use project could generate enough GHG emissions to noticeably change the global average temperature. Cumulative GHG emissions, however, contribute to global climate change and its significant adverse environmental impacts. Thus, the primary goal in adopting GHG significance thresholds, analytical methodologies, and mitigation measures is to ensure new land use development provides its fair share of the GHG reductions needed to address cumulative environmental impacts from those emissions.”), <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/Greenhouse%20Gas%20Thresholds%20and%20Supporting%20Evidence%204-2-2012.pdf>.

¹⁸ See also AEP (Oct. 2016) Beyond Newhall and 2020, pp. 25 (Tbl. 2 identifying other air districts that have adopt/proposed similar screening/efficiency thresholds), https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf.

¹⁹ Ibid., pp. 34, 40 40.



7-10
 cont'd

under SB 375 ... *Local land use decisions play a particularly critical role* in reducing GHG emissions associated with the transportation sector, both at the *project level*, and in long-term plans, including general plans, local and regional climate action plans, specific plans, transportation plans, and supporting sustainable community strategies developed under SB 375. While the State can do more to accelerate and incentivize these local decisions, *local actions that reduce VMT are also necessary to meet transportation sector-specific goals and achieve the 2030 target under SB 32.*²⁰ (Emphasis added.)

To this end, CARB provides various GHG mitigation measures that could be considered by the City—but the MND fails to consider incorporating many of them here (see below list).²¹

B. Examples of potentially feasible mitigation measures that could be considered for individual projects under CEQA when the local jurisdiction is the lead agency.

Construction

- Enforce idling time restrictions for construction vehicles
- Require construction vehicles to operate with the highest tier engines commercially available
- Divert and recycle construction and demolition waste, and use locally-sourced building materials with a high recycled material content to the greatest extent feasible
- Minimize tree removal, and mitigate indirect GHG emissions increases that occur due to vegetation removal, loss of sequestration, and soil disturbance
- Utilize existing grid power for electric energy rather than operating temporary gasoline/diesel powered generators
- Increase use of electric and renewable fuel powered construction equipment and require renewable diesel fuel where commercially available
- Require diesel equipment fleets to be lower emitting than any current emission standard

Operation

- Comply with lead agency's standards for mitigating transportation impacts under SB 743
- Require on-site EV charging capabilities for parking spaces serving the project to meet jurisdiction-wide EV proliferation goals

/ / /

²⁰ 2017 Scoping Plan, pgs. 76, 100-101, https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf.

²¹ 2017 Scoping Plan, Appendix B-Local Action, p. 7-9, https://www.arb.ca.gov/cc/scopingplan/app_b_local_action_final.pdf



7-11
 cont'd

Operation (continued)

- Allow for new construction to install fewer on-site parking spaces than required by local municipal building code, if appropriate¹
- Dedicate on-site parking for shared vehicles
- Provide adequate, safe, convenient, and secure on-site bicycle parking and storage in multi-family residential projects and in non-residential projects
- Provide on- and off-site safety improvements for bike, pedestrian, and transit connections, and/or implement relevant improvements identified in an applicable bicycle and/or pedestrian master plan
- Require on-site renewable energy generation
- Prohibit wood-burning fireplaces in new development, and require replacement of wood-burning fireplaces for renovations over a certain size developments
- Require cool roofs and "cool parking" that promotes cool surface treatment for new parking facilities as well as existing surface lots undergoing resurfacing
- Require solar-ready roofs
- Require organic collection in new developments
- Require low-water landscaping in new developments. Require water efficient landscape maintenance to conserve water and reduce landscape waste.
- Achieve Zero Net Energy performance targets prior to dates required by CALGreen
- Require new construction, including municipal building construction, to achieve third-party green building certifications, such as the GreenPoint Rated program or the LEED rating system
- Require the design of bike lanes to connect to the regional bicycle network
- Expand urban forestry and green infrastructure in new land development
- Require preferential parking spaces for park and ride to incentivize carpooling, vanpooling, commuter bus, electric vehicles, and rail service use
- Require a transportation management plan for specific plans which establishes a numeric target for non-SOV travel and overall VMT
- Develop a rideshare program targeting commuters to major employment centers
- Require the design of bus stops/shelters/express lanes in new developments to promote the usage of mass-transit
- Require gas outlets in residential backyards for use with outdoor cooking appliances such as gas barbeques if natural gas service is available
- Require the installation of electrical outlets on the exterior walls of both the front and back of residences to promote the use of electric landscape maintenance equipment
- Require the design of the electric boxes in new residential unit garages to promote electric vehicle usage
- Require electric vehicle charging station (Conductive/inductive) and signage for non-residential developments
- Provide electric outlets to promote the use of electric landscape maintenance equipment to the extent feasible on parks and public/quasi-public lands

¹ This is not to be confused with the Americans with Disabilities Act (ADA) requirements or other minimum parking requirements for dedicating space to clean air vehicles and/or EV charging infrastructure.

/ / /



7-11
 cont'd

Operation (continued)

- Require each residential unit to be "solar ready," including installing the appropriate hardware and proper structural engineering
- Require the installation of energy conserving appliances such as on-demand tank-less water heaters and whole-house fans
- Require each residential and commercial building equip buildings with energy efficient AC units and heating systems with programmable thermostats/timers
- Require large-scale residential developments and commercial buildings to report energy use, and set specific targets for per-capita energy use
- Require each residential and commercial building to utilize low flow water fixtures such as low flow toilets and faucets
- Require the use of energy-efficient lighting for all street, parking, and area lighting
- Require the landscaping design for parking lots to utilize tree cover
- Incorporate water retention in the design of parking lots and landscaping
- Require the development project to propose an off-site mitigation project which should generate carbon credits equivalent to the anticipated GHG emission reductions. This would be implemented via an approved protocol for carbon credits from California Air Pollution Control Officers Association (CAPCOA), the California Air Resources Board, or other similar entities determined acceptable by the local air district
- Require the project to purchase carbon credits from the CAPCOA GHG Reduction Exchange Program, American Carbon Registry (ACR), Climate Action Reserve (CAR) or other similar carbon credit registry determined to be acceptable by the local air district
- Encourage the applicant to consider generating or purchasing local and California-only carbon credits as the preferred mechanism to implement its off-site mitigation measure for GHG emissions and that will facilitate the State's efforts in achieving the GHG emission reduction goal

C. Additional References

- California Air Pollution Control Officers Association, "Model Policies for Greenhouse Gases in General Plans: A Resource for Local Government to Incorporate General Plan Policies to Reduce Greenhouse Gas Emissions", June 2009 – accessible here: <http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-ModelPolicies-6-12-09-915am.pdf>
- California Air Pollution Control Officers Association, "Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures," August 2010 – accessible here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>
- Governor's Office of Planning and Research, "General Plan Guidelines" – accessible here: https://www.opr.ca.gov/s_generalplanguidelines.php

7-12

B. MND'S TRAFFIC ANALYSIS IS FUNDAMENTALLY FLAWED

CEQA requires analysis of VMT traffic impacts related to a project. (See *Kings County Farm Bureau v. Hanford* (1990) 221 Cal.App.3d 692, 727.) In particular, CEQA requires analysis of project-related traffic impacts in a manner that does not minimize cumulative impacts. (See e.g., *Cleveland National Forest Foundation v. San Diego Assn. of Governments* ("Cleveland III") (2017) 17 Cal.App.5th 413, 444-445 (on remand, traffic analysis based on methodology with known data gaps that underestimated traffic impacts necessarily prejudiced informed public participation and decisionmaking); *Kings County Farm Bureau*, supra at 718, 727 [rejecting determination that less



7-12
 cont'd

than one percent to area emissions was less than significant because analysis improperly focused on the project-specific impacts and did not properly consider the collective effect of the relevant projects on air quality]; *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1072 [upheld the use of same thresholds for immediate and cumulative impacts when its application was “undoubtedly more stringent cumulative-impact threshold”]; *Al Larson Boat Shop, Inc. v. Board of Harbor Comm’rs*, (1993) 18 Cal.App.4th 729, 749 [upheld where cumulative impacts were not minimized or ignored].) The relevant inquiry is not only the relative amount of increased traffic that the Project will cause, but whether any additional amount of Project traffic should be considered significant in light of the already serious problem. (See *Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025.)

Here, the MND claims the Project has no VMT impacts because it is screened out based on the City’s Traffic Impact Analysis Guidelines (“TIA Guidelines”).²² (MND, pp. 81-82; APP, PDF pp. 897 [APP-I, pp. 17, 9-1 – 9-5].) In short, the MND claims that the Project is located in a Transit Priority Area (“TPA”) and meets four conditions (e.g., FAR greater than 0.75, not overparked, consistent with sustainable community strategy, does not replace affordable residential units). (Id.) However, this Project should not be screened out for several reasons discussed below.

1. Fails to show consistency with SCAG RTP/SCS

7-13

Here, the MND claims without any discussion that “the proposed project is consistent with the applicable [Southern California Association of Governments (“SCAG”) 2020 Regional Transportation Plan/Sustainable Communities Strategy (“RTP/SCS”)], as determined by the City[.]” (MND, p. 82; APP, PDF p. 966 [APP-I, p. 9-4].) Such conclusory statements are not substantial evidence under CEQA. (See CEQA Guidelines § 15384.) There is no attempt to show consistency with any specific, binding requirements for local land-use projects identified in SCAG’s RTP/SCS. For example, there is no attempt to show the Project is consistent with any of the project-level mitigation measures identified in the RTP/SCS Program Environmental Impact Report.²³ Nor is there any attempt to show the Project would achieve any of the benchmarks presumed in the RTP/SCS, such as daily VMT per capita reductions from 24.1 (in 2016) to 22.3 (by 2045) for the County of Orange.²⁴ Here, the MND’s air quality/GHG modeling estimates the Project would generate 3,594,058 annual VMTs. (See APP, PDF p. 300.) The MND also assumes that light/medium-duty trucks and automobiles (“LDA(s)”) are roughly 91 percent of the Project’s vehicle mix. (Id.). Thus, the Project’s LDAs would generate roughly 8,960 VMTs per day or 35.8 VMTs per service population of 250²⁵—which exceeds the Orange County benchmark discussed above. This Project is far too big for a MND—an EIR should be prepared.

/ / /

²² City (May 2020) TIA Guidelines, <https://gardengrove.novusagenda.com/AgendaPublic/AttachmentViewer.ashx?AttachmentID=4377&ItemID=3092>.

²³ SCAG (Dec. 2019) Final Program EIR, pp. 2.0-18 – 2.0-71 (see “project-level mitigation measures” for air quality, GHG, and transportation impacts), https://scag.ca.gov/sites/main/files/file-attachments/fpeir_connectsocial_complete.pdf?1607981618.

²⁴ SCAG (9/3/20) 2020 RTP/SCS, p. 122, https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf?1606001176.

²⁵ Calculated: $[(3594058 \text{ annual VMTs}) (91\%)] / [365] / (250 \text{ employees})$.



2. There Is a Fair Argument That Project VMTs are Significant

Under the City's TIA Guidelines, the TPA screening is appropriate only when there is "absent substantial evidence to the contrary."²⁶ Here, there is a variety of indicia showing the Project's VMTs are significant, such as:

- The Project would generate 5,122 average daily trips ("ADT(s)") compared to the Site's zero ADTs (MND, p. 71), which exceeds the City's 110 ADT screening threshold for small project's that is based on the VMT guidance provided by the Governor's Office of Planning and Research ("OPR");²⁷
- The Project is not a local-serving hotel or located in a low VMT area screening area (APP, PDF pp. 964-966);
- The MND's GHG Study shows the Project would generate 3,594,058 annual VMTs (i.e., 9,846 daily VMTs) as compared to zero VMTs generated by the vacant site (APP, PDF p. 300), which exceeds OPR's no net increase threshold for redevelopment projects;²⁸ and
- As discussed above, the Project would achieve 35.8 daily VMTs/sp, which exceeds SCAG's 2020 RTP/SCS assumption of 22.3 daily VMTs per capita.

In sum, substantial evidence demonstrates that this destination hotel Project will generate significant VMTs that warrant a full VMT analysis and mitigation, such as those recommended by CARB, SCAG, CAPCOA, and the City.²⁹ An EIR should be prepared.

C. CEQA ISSUES RUN COUNTER TO CODE-REQUIRED FINDINGS

The above-mentioned CEQA issues run contrary to various goals and policies under the City's General Plan (e.g., policies LU-1.5, LU-IMP-1C, LU-2.1, etc.)³⁰ as well as Code-required findings necessary to grant the entitlements (e.g., GCMC §§ 9.32.030-D.3.b [site plan review findings]; 9.12.030.02-F [planned unit development findings].) Findings need to be supported by substantial evidence that bridge the analytical gap between the raw evidence and City's decisions. (See e.g., *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal. 3d 506, 514-515; *Stolman v. City of Los Angeles* (2003) 114 Cal.App.4th 9(1974) 11 Cal.3d 506, 16, 923.) Until the CEQA issues discussed herein are corrected via a CEQA-compliant EIR, the City lacks substantial evidence to grant the Project Approvals.

/ / /

²⁶ City TIA Guidelines, supra fn. 22, p. 16.

²⁷ See City TIA Guidelines, supra fn. 22, p. 18; see also OPR (Dec. 2018) Technical Advisory: On Evaluating Transportation Impacts In CEQA, pp. 12, https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.

²⁸ OPR Technical Advisory, supra fn. 28, p. 17.

²⁹ 2017 Scoping Plan: Appendix B-Local Action, supra fn. 21; SCAG Final Program EIR, supra fn. 24; City TIA Guidelines, Attachment B-TDM Strategies, <https://gardengrove.novusagenda.com/AgendaPublic/AttachmentViewer.ashx?AttachmentID=4348&ItemID=3092>; CAPCOA (Dec. 2021) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, https://www.airquality.org/ClimateChange/Documents/Final%20Handbook_AB434.pdf.

³⁰ City's Land Use Element, https://ggcity.org/internet/pdf/planning/chapter02_landuseelement.pdf.



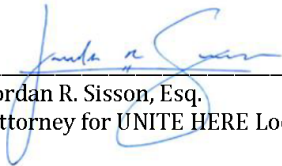
III. CONCLUSION

7-16

Local 11 appreciates the opportunity to provide these comments. We respectfully request the City reject the Project Approvals until the issues discussed herein are resolved in a CEQA-compliant review that adequately analyzes and mitigates the Project's GHG and VMT impacts. There is a fair argument of CEQA impacts. This Project is expected to generate over 3 million annual VMTs, which is far too big for a MND. An EIR should be prepared. Lastly, this office requests all notices concerning any CEQA/land use actions involving the Project and Project Approvals, as required under applicable law. (See Pub. Res. Code §§ 21092.2, 21167(f) and Gov. Code § 65092.) Please send all notices by electronic and regular mail.

Thank you for consideration of these comments. We ask that this letter be placed in the Project's administrative record.

Sincerely,



Jordan R. Sisson, Esq.
Attorney for UNITE HERE Local 11



Comment Letter 7: GK Law for the UNITE HERE Local 11

Response to Comment 7-1

Comment acknowledged.

Response to Comment 7-2

This comment summarizes the balance of the comments of the letter. Please see the following responses to comment.

Response to Comment 7-3

The comment cites California case law that speaks for itself.

Response to Comment 7-4

The comment cites various positions of California law, regulations, and cases that speak for themselves.

Response to Comment 7-5

The comment cites California case law that speaks for itself. The Draft IS/MND along with the Air Quality and Greenhouse Gas Impact Study (refer to Appendix B of the Draft IS/MND) provides an in-depth GHG technical analysis¹² that analyzes and discloses the proposed project's impacts related to GHG emissions.

Response to Comment 7-6

The GHG analysis utilizes the recommended thresholds of significance from the South Coast Air Quality Management District (SCAQMD) Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Thresholds, 2008. This is described on pages 5-2, 5-3 and Table 19 of the Air Quality and Greenhouse Gas Impact Study. The SCAQMD significance thresholds have been established for purposes of CEQA compliance. SCAQMD is charged with regulating air quality within the South Coast Air Basin including all of Orange County and the non-desert regions of Los Angeles County, San Bernardino County, and Riverside County. SCAQMD has provided guidance on determining significance for GHG emissions in CEQA documents. The Draft IS/MND adheres to SCAQMD's expert GHG guidance.

Response to Comment 7-7

The commenter is incorrect in stating that the Draft IS/MND incorrectly applies the SCAQMD Tier-3 Threshold of 3,000 MTCO₂e/yr. First, SCAQMD recommends that both residential and commercial projects may be analyzed using the 3,000 MTCO₂e/yr¹³. Secondly, since the proposed project was shown to exceed the SCAQMD's Tier 3 threshold, the proposed project was thus analyzed under SCAQMD's Tier 4 threshold, not Tier 3. Therefore, the Tier 3 threshold is not applicable.

Response to Comment 7-8

It is important to note that neither the CEQA statute nor the CEQA Guidelines prescribe thresholds of significance or particular methodologies for performing an impact analysis. This is left to lead agency judgment and discretion, based upon factual data and guidance from regulatory agencies and other sources where available and applicable. The Tier 4 BAU threshold is consistent with SCAQMD GHG Guidelines¹⁶. As described in the Office of Planning Research Discussion Draft CEQA and Climate Change Advisory, December 2018, in the absence of clearly defined thresholds for GHG emissions, such emissions must be disclosed and mitigated to the extent feasible whenever the lead agency determines that the project contributes to a significant, cumulative climate change impact. The determination has been made that the proposed project has the potential to

¹² RK Engineering Group, Inc. Garden Grove Hotel Site B-2, Air Quality and Greenhouse Gas Impact Study, City of Garden Grove. April 26, 2022.

¹³ South Coast Air Quality Management District. Draft Guidance Document – Interim CEQA Greenhouse Gas (GHG) Significance Threshold. October 2008. Page 3-13 to 3-15.

contribute to a significant, cumulative climate change impact, and thus is required to provide substantial mitigation to reduce GHG emissions. The Court's ruling in the Newhall case is acknowledged, however, it was determined that the BAU reduction threshold is still the most appropriate measure for assessing impacts for the proposed project based on the following reasons: 1) the size and nature of the proposed project (i.e., being a hotel/customer based land use) do not lend themselves to using a screening level threshold or service population efficiency threshold (more discussion regarding the use of an efficiency threshold is provided in Response to Comment 7-9); 2) the BAU reduction threshold requires that substantial GHG reductions are required and enforced as mitigation; and 3) it promotes the goals and policies of the City's General Plan, including promote water conservation in new development (Policy CON-1.3), reduce total waste diverted to treatment or disposal at the waste source and through re-use and recycling (Goal CON-3), reduce dependency on non-renewable energy resources through the use of local and imported alternative energy sources (Goal CON-5), Green Building programs achieve water and energy efficiency, minimize raw resource consumption, and reduce the amount of waste placed in landfills while improving human health and quality of life in the City (Goal CON-6), provide efficient development that promotes alternative modes of transportation, while ensuring that economic development goals are not sacrificed (GP Goal AQ-4), and increased energy efficiency and conservation (GP Goal AQ-6).

The proposed project will achieve more than a 40 percent reduction in GHG emissions with the recommended mitigation measures and will promote the use of renewable energy sources and alternative modes of travel, including locating in close proximity to transit. Each of these features is aligned with the City's goals and broader regional and statewide climate change goals.

Response to Comment 7-9

The use of an efficiency threshold based solely on residents and employees is not appropriate for a hotel use because it does not take into account the effect hotel guests have on GHG contribution. Hotel guest are the main contributor of operational emissions from the proposed project, and the GHG Study accounts for these emissions as part of the analysis. However, the efficiency threshold only relates emissions to residents and/or employees of a site. So, for a hotel use, whose primary users are guests, the service population would be artificially low if only employees are counted. Thus, the use of the Tier 4 efficiency threshold is not appropriate in this case because it was not intended for customer based land use.

Response to Comment 7-10

The commenter is incorrect in stating that the proposed project fails to recognize the California Air Resources Board (CARB) Scoping Plan reliance on local land-use decisions and GHG reduction at the project level. The proposed project has demonstrated substantial reduction in GHG emissions which is consistent with the local land use thresholds for measuring significant GHG impacts (refer to Section 7.0 of the Air Quality and Greenhouse Gas Impact Study, Appendix B of the Draft IS/MND).

Response to Comment 7-11

The commenter lists several non-project specific mitigation measures referenced from CARB to reduce GHG, and inaccurately claims that the Draft IS/MND has failed to incorporate many of them. This statement is not accurate. Most of these mitigation measures will be included through construction design features (such as idling restrictions, higher tiered engines, waste recycling, and establishing electrical supplies) and building code requirements (such as EV & bicycle parking, compliance with CALGreen, cool roofs, low flow fixtures, drought tolerant landscaping, and energy star appliances). Additionally, many other mitigation measures and project design features are being included in the proposed project that are consistent with this list, such as meeting SB 743 requirements for vehicles miles traveled (VMT) reduction, implementing a vehicle trip reduction plan, installing rooftop solar, and prohibiting wood and natural gas burning fireplaces. Based on all of these facts, the Draft IS/MND concluded that GHG impacts would be less than significant with the implementation of mitigation measures.

Response to Comment 7-12

The analysis of transportation impacts has been prepared pursuant to the requirements of the City of Garden Grove Traffic Impact Analysis Guidelines for Vehicle Miles Traveled and Level of Service Assessment, May 2020 (Guidelines)¹⁴. The proposed project is shown to result in a less than significant impact to VMT due to its location along a high-quality transit corridor. A 'high-quality transit corridor' means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. CEQA Guidelines Section 15064.3(b)(1) state that projects within one-half mile of either an existing major transit stop or a stop along an existing high quality transit corridor should be presumed to cause a less than significant transportation impact. Harbor Boulevard qualifies as a high-quality transit corridor and the proposed project is located within ½ mile of a bus stop with 15-minute headways or less. Hence, the Draft IS/MND's finding of a less than significant impact is consistent with CEQA Guidelines § 15064.3(b)(1) and is based on substantial evidence.

Response to Comment 7-13

The commenter inaccurately states that the proposed project is not consistent with the Southern California Association of Governments (SCAG) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and provides unrelated VMT data out of the RTP/SCS that does not have bearing on the proposed project. For instance, one of the main goals of the RTP/SCS is to focus growth near high-quality transit areas and reduce GHG emissions. The proposed project meets these goals by locating along a high-quality transit corridor and implementing substantial GHG reduction measures, including the use of renewable energy sources. The proposed project also helps contribute to the Harbor Boulevard tourist job center and provides neighborhood scale mobility that encourage "walkability," active transportation and short, shared vehicular trips on a through increased density, mixed land uses, neighborhood design, enhanced destination accessibility and reduced distance to transit. These features are key goals of the RTP/SCS¹⁵ and demonstrate the proposed project's consistency with SCAG's plan. Furthermore, the City of Garden Grove recognizes the Orange County Transportation Model (OCTAM) as the most appropriate and accurate model for measuring VMT within the City. The VMT data provided by the commenter is not based on the OCTAM model and does not provide an accurate estimate of VMT within the City.

Response to Comment 7-14

The commenter is mistaken in stating that there is a fair argument that proposed project VMTs are significant. As previously stated in response to comment 7-12, the Draft IS/MND assesses VMT impacts pursuant to the City of Garden Grove Traffic Impact Analysis Guidelines for Vehicle Miles Traveled and Level of Service Assessment, May 2020 (Guidelines), and the proposed project is shown to result in a less than significant impact to VMT due to its location along a high-quality transit corridor. The City's guidelines and CEQA Guidelines are very clear in stating that if a project is located along a high-quality transit corridor, then it may be presumed to result in a less than significant impact to VMT. The bullet point items mentioned by the commenter do not impact whether the project meets the transit screening requirements.

Response to Comment 7-15

Comment acknowledged. Refer to responses to comments 7-5 through 7-14.

Response to Comment 7-16

Comment acknowledged. Contrary to the comment, CEQA contains no limitation on the size of projects that may be analyzed in a negative declaration. The commenter will be placed on requested public mailing/notification lists related to the proposed project.

¹⁴ City of Garden Grove. City of Garden Grove Traffic Impact Analysis Guidelines for Vehicle Miles Traveled and Level of Service Assessment, May 2020 (Guidelines).

¹⁵ Southern California Association of Governments (SCAG). Connect So Cal. The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategies of the Southern California Association of Governments. September 3, 2020. Page 48-52, "Sustainable Communities Strategy".



LAND USE, ENVIRONMENTAL & MUNICIPAL LAWYERS

Jordan R. Sisson
801 South Grand Avenue, 11th Floor
Los Angeles, California 90017
Direct: (951) 542-2735
Fax: (213) 623-7755
E-mail: jordan@gideonlaw.net
www.gideonlaw.net

July 27, 2022

VIA EMAIL & HAND DELIVERY:

City Clerk's Office, City of Garden Grove
c/o Andrea Vital, City Clerk's Office
c/o Maria Parra, Senior Planner
11222 Acacia Parkway
Garden Grove, California 92840
andreav@ggcity.org
mariap@ggcity.org

Judy Moore, Planning Commission Secretary
Community and Economic Development Department
City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840
judydm@ggcity.org

**RE: APPEAL OF NICKELODEON HOTEL PROJECT (12241 HARBOR BLVD., GARDEN GROVE, CA 92840);
PROJECT APPROVALS PUD-141-01, SP-107-2022, & IS/MND (SCH No. 2022060174);
ACTION ON ITEM C.2 & D.1 OF THE JULY 7, 2022 PLANNING COMMISSION HEARING**

Dear City of Garden Grove ("City") Clerk and Judy Moore:

In accordance with the appeal procedures authorized by the Garden Grove Municipal Code ("GGMC" or "Code"), UNITE HERE Local 11 ("Local 11") and City-resident Marlene Perez (collectively "Appellants"), hereby appeal ("Appeal") the City Planning Commission's ("Commission") approval of a 500-room, 23-story hotel with the 600-seat Nick Studio theater ("Project") at the 3.72-acre location referenced above ("Site") proposed by Kam Sang Company ("Applicant").¹ Specifically, at its July 7, 2022 hearing (i.e., Items 2c and D.1),² the Commission took the following actions in furtherance of the Project:

8-1

1. Adopted Resolution No. 6044-22 that (a) recommends City Council adopt the Project's Mitigated Negative Declaration and associated findings/determination ("MND"),³ and (b) recommends City Council approve an ordinance creating Planned Unit Development No. PUD-141-01(A) ("PUD");
2. Adopted Resolution No. 6045-22 conditionally approving Site Plan No. SP-107-2022 ("Site Plan"), subject to the City's Council approval of the PUD and the vacation/disposition of Thackery Drive and a public alley within the Project Site (i.e., Street Vacation No. SV-002-2022 ("Street Vacation"); and
3. Adopted Resolution No. 6046-22 finding and reporting to the City Council that the proposed Street Vacation is consistent with the City's General Plan.

// //

¹ Herein, page citations are either the stated pagination (i.e., "p. #") or PDF-page location (i.e., "PDF p. #").

² See City (7/7/22) Planning Commission Staff Report ("Staff Report"), PDF pp. 3-4, 72, 84, 289-299, <https://ggcity.org/sites/default/files/commissions/planning-commission/a07072022.PDF>.

³ https://ggcity.org/sites/default/files/2022-06/Site%20B2%20Hotel%20Project%20Draft%20Initial%20Study_Mitigated%20Negative%20Declaration.pdf.



8-2

This Appeal challenges all ripe project approvals, including but not limited to the aforementioned resolutions, MND, PUD, Site Plan, Street Vacation, and other local land use approvals in furtherance of the Project (e.g., alcohol Conditional Use Permit, Development Agreement, Tentative Tract Maps, etc.) (collectively “Project Approvals”). (See MND, p. 14.) In light of discussions with the City Clerk’s Office, it appears at a minimum that Resolution No. 6045-22 and 6046-22 are ripe for this Appeal. This Appeal is timely filed within the 21-day deadline. (See GGMC § 9.32.120.) This Appeal alleges that conditionally approving the **Site Plan**, Street Vacation findings, and other actions taken on the other Project Approvals violate the Code and the California Environmental Quality Act (“CEQA”).⁴ Appellants respectfully request the City grant this Appeal and deny the Project Approvals—particularly Resolution No. 6045-22 and 6046-22—until the issues raised herein, and elsewhere in the Project’s administrative record, are adequately addressed. If the City has questions or concerns about appealability or ripeness of any of the Project Approvals, please contact the undersigned.

8-3

APPELLANTS’ STANDING: Local 11’s members live and/or work in the vicinity of the Project Site, breathe the air, suffer traffic congestion, and suffer other environmental impacts of the Project. Local 11 has approximately 400 members who live and/or work in the City. Therefore, Local 11 is committed to ensuring responsible development in the City, that local land-use rules/regulations are followed, and informed decision-making by public officials regarding projects that may significantly impact the environment in the City. Appellant Marlene Perez lives in the City within one-quarter mile of the Project Site and is regularly in the vicinity of the Project Site. Granting this Appeal will confer a substantial benefit to Local 11, Ms. Perez, and the public, including citizens, residents, businesses, and taxpayers affected by the Project, and will result in the enforcement of important public rights. In sum, Appellants are *interested parties* to this land use action Appeal with *public interest* standing to raise and litigate the land use and environmental claims at issues here. (See GGMC § 9.32.110; see e.g., *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 914-916, n6.)

8-4

SPECIFIC POINTS AT ISSUE IN APPEAL: As specifically raised in Local 11’s comment letter dated July 7, 2022 (attached hereto as *Exhibit A* and incorporated in its entirety by this reference), the MND fails to adequately analyze the Project’s impact on greenhouse gas (“GHG”) emissions and vehicle miles traveled (“VMT”). For example, the Project will generate over 3 million annual VMTs and generate GHG emissions that exceed relevant thresholds of the regional air district, which warrants greater mitigation measures—particularly those that promote carpooling, public transit, and other strategies that reduce and/or offset mobile emissions. This is substantial evidence of a fair argument that the Project will have significant VMT and GHG impacts, particularly to residential communities near and/or adjacent to the Project Site. (See MND, Fig. 3.) These impacts require further analysis, mitigation, and consideration of project alternatives in a CEQA-compliant **Environmental Impact Report (“EIR”)**—instead of the MND. Additionally, the unmitigated CEQA impacts are inconsistent with policies and goals under the City’s General Plan,⁵ and invalidate the findings required under state and local law when granting the Project Approvals.⁶

⁴ Pub. Res. Code § 21000 et seq. and 14 Cal. Code Regs. (“CEQA Guidelines”) § 15000 et seq.

⁵ See e.g., Land Use Element (Policies LU-2.1, LU-2.4, LU-9.5), https://ggcity.org/internet/pdf/planning/chapter02_landuseelement.pdf and Air Quality Element (Policies, AQ-1.2, AQ-IMP-1B, AQ-2.2, AQ-3.1, AQ-4.1, AQ-5.3, AQ-IMP-5A, Goals AQ-3, AQ-4), https://ggcity.org/internet/pdf/planning/chapter08_airqualityelement.pdf.

⁶ See e.g., GGMC §§ 9.32.030-D.3.b (Site Plan findings), 9.12.030.02-F (PUD findings), and Gov. Code § 65402 (Street Vacation finding).



8-5

In accordance with GGMC § 9.32.130, this Appeal incorporates in its entirety all submitted **comments by Local 11 and other commenters, including but not limited to Local 11's previously** submitted written comment (attached hereto as Exhibit A) and verbal comments made by other commenters.⁷ Appellants reserve the right to supplement these comments and specific appeal points in the future. (See *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 [CEQA litigation not limited only to claims made during the EIR comment period].)

8-6

Lastly, this office requests all notices concerning this Appeal, hearings and any CEQA/land use actions involving the Project and Project Approvals, as required under applicable law. (See Pub. Res. Code §§ 21092.2, 21167(f) and Gov. Code § 65092 and GGMC § 9.32.100.G.) Please send all notices by electronic and regular mail.

Sincerely,



Jordan R. Sisson
Attorney for Appellant

8-7

Exhibit A: Local 11 Comment Letter (7/7/22)

⁷ <https://ggcity.org/commissions/planning-commission#>.



Comment Letter 8: GK Law for the UNITE HERE Local 11

Response to Comment 8-1

Comment acknowledged.

Response to Comment 8-2

Comment acknowledged.

Response to Comment 8-3

Comment acknowledged.

Response to Comment 8-4

Comment acknowledged. Refer to response to comment 7-1 through 7-16 (Comment Letter 7).

Response to Comment 8-5

Comment acknowledged.

Response to Comment 8-6

Comment acknowledged. The commenter will be placed on requested public mailing/notification lists related to the proposed project.

Response to Comment 8-7

Refer to Comment Letter 7.

3 ERRATA

This section identifies revisions to the Site B-2 Hotel Draft IS/MND to incorporate clarifications, corrections, or additions prepared in response to comments on the Draft IS/MND. These changes include minor errors or editorial correction identified through subsequent review. Additions are shown in underline. Deletions are shown in ~~strike through~~. Commentary Notes are shown in *italics type* where needed.

None of the revisions below represents a substantial increase in the severity of an identified significant impact or the identification of a new significant impact or mitigation considerably different from those already considered in the Draft IS/MND.

Draft IS/MND Section IV. Biological Resources

(Page 32, Discussion a), 1st paragraph, 1st sentence)

Due to the built-out nature of the City and surrounding area, biological resources in the City are almost non-existent (City of Garden Grove, 2021a, 2021b, & 2008).

(Page 34, Discussion c), 1st paragraph, 1st sentence)

As discussed above, due to the built-out nature of the City and surrounding area, biological resources in the City are almost non-existent (City of Garden Grove, 2021a, 2021b, & 2008).

(Page 36, Sources)

City of Garden Grove. 2021a. Focused General Plan Update and Zoning Amendments Draft Environmental Impact Report. Page 4.2-1. August 18, 2021. Adopted November 9, 2021. Available at: <https://ggcity.org/sites/default/files/2021-08/FGPUZA%20DEIR.pdf> (accessed March 2022).

----. 2021b. Garden Grove General Plan, Chapter 2 Land Use Element, Public Review Draft – October 2021. Page 2-2. Adopted November 9, 2021. Available at: [Housing Element Update | City of Garden Grove \(ggcity.org\)](#) (accessed March 2022).

----. 2020. Garden Grove Municipal Code. Available at: <http://qcode.us/codes/gardengrove/> (accessed June 2021).

----. 2008. Garden Grove General Plan, Chapter 10, Conservation Element, Public Review Draft – May 2008. Page 10-3. Available at: https://ggcity.org/internet/pdf/planning/chapter10_conservation.pdf (accessed March 2022).

Draft IS/MND Section V. Cultural Resources

(Page 37, Discussion a), 4th sentence)

~~13~~Thirteen properties within 0.25 miles of the project site are listed on California's State Built Environment Resources Directory, however, none of these are located on the project site.

Draft IS/MND Section VIII. Greenhouse Gas Emissions

(Page 49, 3rd paragraph, 5th sentence)

With implementation of Mitigation Measures GHG-1 through GHG-7 shown below, the total estimated GHG emissions generated by the proposed project would be ~~3,583.533~~ 3,316.08 MTCO₂e/year, reflecting a ~~54~~ 42 percent reduction.

(Page 50, GHG Mitigation Measure GHG-7, List Number 5)

5. Hotel management/concierge should provide information that promotes walking, bicycling and public transit options to nearby attractions. This should include information on local bus routes and schedules, regional transportation options, such as the Anaheim Regional Transportation Intermodal Center (ARTIC) and Orange Metrolink Station, and wayfinding to the existing transit stops along Harbor Boulevard.

Draft IS/MND Section XI. Land Use and Planning

(Page 64, 1st sentence)

Therefore, the proposed project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Draft IS/MND Section XIII. Noise

(Page 70, Construction Noise Reduction Mitigation Measure, N-1, 1st bullet)

- All construction equipment shall be equipped with mufflers and other suitable noise attenuation devices (e.g., engine shields).

Draft IS/MND Appendix I Traffic Impact Study

As response to comment 4-3, the Traffic Impact Study has been updated to include HCM level of service and queue reports for intersections within the Caltrans right-of-way, including intersection #7, #8, #18, and #20. Tables 6-1, 6-2, 6-3, and 6-4 of the Traffic Impact Study (see pp. 67-70) have been updated with the summary LOS results and HCM calculation worksheets and queue reports are provided in Appendices C, D, F, and G. The updated Traffic Impact Study is included as Attachment C of this Final IS/MND.

4 MITIGATION MONITORING AND REPORTING PROGRAM

This Mitigation Monitoring and Reporting Program (MMRP) identifies Mitigation Measures required to be implemented for the proposed project. These Mitigation Measures were identified in the Site B-2 Hotel Final IS/MND. For each Mitigation Measure, the MMRP identifies the potentially significant impact per environmental category, the related mitigation measure, the implementation entity, the monitoring and verification entity, and timing requirements.

Page intentionally left blank

IDENTIFIED IMPACT	MITIGATION MEASURES/PDFs	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
AESTHETICS						
Light and Glare						
Introduce new source of substantial light or glare	AES-1 Prior to final site plan approval, a site specific light and glare study shall be prepared and approved by the Community and Economic Development Director, or his or her designee, to ensure that the proposed project will be in compliance with the City’s Zoning Code related to lighting designs. The light and glare study shall include technologically advanced hotel/resort lighting measures in its detailed design plans. These measures may include, without limitation, installation of exterior screening such as shielding attached to the luminaire, building, or site structures; using anti-reflective glass or glass treated with an anti-reflective coating; and shielding lights with visors to reduce light trespass, glare impact and visual distraction. Additionally, the light and glare study shall incorporate measures necessary for the proposed 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. These measures may include, without	Project Applicant	Community and Economic Development Department/ Public Works Department	Prior to final site plan approval		

IDENTIFIED IMPACT	MITIGATION MEASURES/PDFs	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	limitation, placement of pedestrian-level lighting throughout the project site; and provision of signage and markings within the project site for pedestrian safety.					
BIOLOGICAL RESOURCES						
MBTA Nesting Birds						
Raptors and other nesting birds protected under the federal Migratory Bird Treaty Act encountered during tree removal activity	<p>BIO-1 With the potential for nesting birds protected under the Migratory Bird Act Treaty (MBTA) and California Fish and Game Code (CFGF) to occur in ornamental trees within the project site and surrounding area, tree removal during construction shall occur outside of the nesting bird season (generally, February 15 through September 1). If avoiding the nesting season is not practicable, the following additional measures shall be employed:</p> <p>a. A pre-construction nesting bird survey shall be conducted by a qualified biologist within 3 days prior to the start of construction activities to determine whether active nests are present within or directly adjacent to the construction zone. All active nests found shall be recorded.</p>	Project Applicant	Community and Economic Development Department /Public Works Department	Prior to grading and building construction		

IDENTIFIED IMPACT	MITIGATION MEASURES/PDFs	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	b. If active nests are detected during the survey, the qualified biologist shall establish an appropriate buffer and monitor the active nests within the buffers at a minimum of once per week to determine whether the birds are being disturbed. If signs of disturbance or stress are observed, the qualified biologist shall immediately implement adaptive measures to reduce disturbance. These measures shall be determined by the qualified biologist and could include, without limitation, increasing buffer distance, temporarily halting construction activities until fledging is confirmed, or placing visual screens or sound dampening structures between the nest and construction activity.					
CULTURAL RESOURCES						
Archaeological Resources						
Archaeological resources encountered during ground-disturbing activities	CR-1 In the event archeological resources are found during construction, all attempts will be made to preserve in place or leave resources in an undisturbed state in compliance with all applicable laws. In the event that	Project Applicant	Community and Economic Development Department /Public Works Department	During grading and building construction		

IDENTIFIED IMPACT	MITIGATION MEASURES/PDFs	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	archeological resources are identified and cannot be preserved in place, a qualified archaeologist will be contacted to evaluate and determine appropriate treatment for the resource in accordance with Public Resources Code (PRC) Section 21083.2(i). Work in the vicinity of the discovery (15-meter radius) will halt until the appropriate assessment and treatment of the resource is determined by the archaeologist (work can continue elsewhere on the project site).					
Human Remains Discovery						
Unknown and unanticipated human remains encountered during ground-disturbing activities	CR-2 If human remains are discovered, work in the immediate vicinity of the discovery shall be suspended and the Orange County Coroner shall be contacted. If the remains are deemed Native American in origin, the Coroner will contact the NAHC and identify a Most Likely Descendant pursuant to PRC Section 5097.98 and California Code of Regulations Section 15064.5. Work will only commence after consultation and treatment have been concluded. Work may continue on other parts of the project site while	Project Applicant	Community and Economic Development Department /Public Works Department	During grading and building construction		

IDENTIFIED IMPACT	MITIGATION MEASURES/PDFs	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	consultation and treatment are conducted.					
ENERGY						
Inefficient or wasteful energy consumption or conflict with the City's energy goals	Refer to Mitigation Measures GHG-2 through GHG-6					
GEOLOGY AND SOILS						
Paleontological Resources						
Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature	G-1 In the event paleontological resources are found during construction, all attempts will be made to preserve in place or leave resources in an undisturbed state in compliance with applicable laws. In the event that fossil specimens are encountered on the site and cannot be preserved in place, a qualified paleontologist will be contacted and work in the vicinity of the discovery (15-meter radius) will halt until the appropriate assessment and treatment of the resource is determined by the paleontologist (work can continue elsewhere on the project site). If recommended by the project paleontologist, monitoring	Project Applicant	Community and Economic Development Department /Public Works Department	During grading and building construction		

IDENTIFIED IMPACT	MITIGATION MEASURES/PDFs	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	may be implemented, collection of specimens or appropriate sediment samples may be conducted, and remains may be curated at a repository, in accordance with Society of Vertebrate Paleontology guidelines.					
GREENHOUSE GAS EMISSIONS						
Generate greenhouse gas emission, either directly or indirectly, that may have a significant impact on the environment or conflict with Assembly Bill 32 or California Air Resources Board's 2017 Scoping Plan Update	GHG-1 The number of large diesel trucks coming to the site (i.e., for deliveries, trash collection or other services) shall be limited to 20 trucks per day or less. 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.	Project Applicant	Community and Economic Development Department /Public Works Department	During grading and building construction / On going		
	GHG-2 Onsite renewable energy sources (i.e., solar panels) shall be installed capable of generating up to 25% of the project's total electricity demand.	Project Applicant	Community and Economic Development Department /Public Works Department	During grading and building construction / On going		
	GHG-3 Prior to receiving a Certificate of Occupancy, the proposed project shall demonstrate to the satisfaction of the Garden Grove Building and Safety Division that water conservation strategies have been implemented, including low flow fixtures and toilets,	Project Applicant	Community and Economic Development Department /Public Works Department	Prior to receiving a Certificate of Occupancy		

IDENTIFIED IMPACT	MITIGATION MEASURES/PDFs	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	water efficient irrigation systems, drought tolerant/native landscaping, and pool water recycling systems.					
	GHG-4 Waste management, recycling and composting programs shall be implemented to divert up to 50% of waste away from a landfill.	Project Applicant	Community and Economic Development Department /Public Works Department	During grading and building construction / On going		
	GHG-5 Electric landscaping equipment, such as leaf blowers and pressure washers shall be used.	Project Applicant	Community and Economic Development Department /Public Works Department	During grading and building construction / On going		
	GHG-6 No onsite natural gas fireplaces or fire pits shall be installed.	Project Applicant	Community and Economic Development Department /Public Works Department	During grading and building construction / On going		
	GHG-7 Trip reduction measures and project design features shall be implemented to reduce the number of auto-based trips generated by the project and to encourage the use of transit, bicycling, and walking through the following measures.	Project Applicant	Community and Economic Development Department /Public Works Department	During grading and building construction / On going		

IDENTIFIED IMPACT	MITIGATION MEASURES/PDFs	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	<ol style="list-style-type: none"> 1. Improve the walkability and design of the project by providing pedestrian and bicycling connections within the project site and to adjacent off-site facilities (i.e., sidewalks, crosswalks, wayfinding signage, etc.). 2. Provide traffic calming measures (i.e., marked crosswalks, raised crosswalks, raised intersections, count-down signal timers, curb extensions, speed tables, median islands, tight corner radii, roundabouts or mini-circles, on-street parking, planter strips with street trees, chicanes/chokers, etc.) 3. Provide secure onsite bicycle racks and provide bicycle rentals for hotel guests. 4. Provide transit/shuttle service for guests to local area attractions. The shuttle service shall operate on a regular daily basis and be offered to all guests staying at the hotel. 5. Hotel management/concierge should provide information that promotes walking, bicycling and public transit options to nearby 					

IDENTIFIED IMPACT	MITIGATION MEASURES/PDFs	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	attractions. This should include information on local bus routes and schedules, <u>regional transportation options, such as the Anaheim Regional Transportation Intermodal Center (ARTIC) and Orange Metrolink Station</u> , and wayfinding to the existing transit stops along Harbor Boulevard.					
NOISE						
Construction Noise Reduction						
Generate temporary noise levels in exceedance of ambient conditions at the residential uses surrounding the project site	<p>N-1 Prepare and submit a construction management plan to the City of Garden Grove prior to starting construction. The construction management plan shall ensure all contractors implement construction best management practices to reduce construction noise levels. Best management practices shall include, but not be limited to, the following:</p> <ul style="list-style-type: none"> • All construction equipment shall be equipped with mufflers and other suitable noise attenuation devices (e.g., engine shields). • Where feasible, electric hook-ups shall be provided to avoid the use of generators. If electric service is determined to be infeasible for the 	Project Applicant	Community and Economic Development Department / Public Works Department	Prior to grading and building construction		

IDENTIFIED IMPACT	MITIGATION MEASURES/PDFs	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	<p>site, only whisper-quiet generators shall be used (i.e., inverter generators capable of providing variable load.)</p> <ul style="list-style-type: none"> • Use electric air compressors and similar power tools rather than diesel equipment, where feasible. • Locate staging area, generator areas, and stationary construction equipment as far from the adjacent residential homes, as feasible. • Construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than 5 minutes. • Provide notifications and signage in readily visible locations along the perimeter of construction sites that indicate the dates and duration of construction activities, as well as provide a telephone number where neighbors can inquire about the construction process and register complaints to a designated construction noise disturbance coordinator. 					

IDENTIFIED IMPACT	MITIGATION MEASURES/PDFs	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	<ul style="list-style-type: none"> All construction activities shall take place during daytime hours, between 7:00 a.m. to 8:00 p.m., per the requirements of the City of Garden Grove conditions of approval. No impact pile driving or blasting activities shall be permitted on the project site during construction. 					
	N-2 Construct the eight (8) foot high masonry block noise barrier wall along the western and northwestern property lines during the first phase of construction, prior to performing any excavation or grading activities.	Project Applicant	Community and Economic Development Department / Public Works Department	During the first phase of construction, prior to performing any excavation or grading activities		
	N-3 Install a temporary noise barrier wall along the northern and southern property lines of the project site to shield adjacent sensitive receptors from construction noise. The temporary barrier should be installed at the first phase of construction, prior to performing any excavation or grading activities and shall remain till the construction is completed. The temporary noise barrier shall be a minimum of six (6) feet high and present a solid face area such as by	Project Applicant	Community and Economic Development Department / Public Works Department	During the first phase of construction, prior to performing any excavation or grading activities		

IDENTIFIED IMPACT	MITIGATION MEASURES/PDFs	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
	installing sound absorptive material or blankets which can be installed in multiple layers for improved noise insulation.					
TRANSPORTATION						
Left-Turn Queue						
Substantially increase hazards due to a geometric design or incompatible uses	TR-1	Coordinate with the City of Anaheim to determine if the project is required to make a fair-share contribution to extend the left-turn capacity up to 266 feet at the intersection of Harbor Boulevard and Orangewood Avenue.	Project Applicant	Public Works Department	Prior to final building permits	
	TR-2	Pay full cost to extend the left-turn capacity up to 169 feet at the intersection of West Street and Chapman Avenue.	Project Applicant	Public Works Department	Prior to final building permits	
	TR-3	Pay full cost to extend the left-turn capacity up to 105 feet at the intersection of Harbor Boulevard and Lampson Avenue.	Project Applicant	Public Works Department	Prior to final building permits	
	TR-4	Pay full cost to extend the left-turn capacity up to 133 feet at the intersection of Haster Street and Lampson Avenue.	Project Applicant	Public Works Department	Prior to final building permits	
	TR-5	Pay full cost to extend the left-turn capacity up to 381 feet at the intersection of Harbor Boulevard and Trask Avenue.	Project Applicant	Public Works Department	Prior to final building permits	

IDENTIFIED IMPACT	MITIGATION MEASURES/PDFs	MONITORING			VERIFICATION	
		Implementation Entity	Monitoring and Verification Entity	Timing Requirements	Signature	Date
TRIBAL CULTURAL RESOURCES						
Substantial adverse change in the significance of a tribal cultural resource pursuant to Public Resources Code § 21074	TCR-1 If any tribal cultural resources are encountered within the project site, interested Native American parties established in the contact program, in compliance with Assembly Bill 52 (AB 52), will be notified. The City of Garden Grove will coordinate with interested Native American parties, as established during AB 52 consultation, to determine whether the resources constitute tribal cultural resources and solicit any comments the Native American parties may have regarding appropriate treatment and disposition of the resources. All attempts will be made to preserve tribal cultural resources in place or leave resources in an undisturbed state in compliance with all applicable laws. Work in the vicinity of the discovery (15-meter radius) will halt until the appropriate assessment and treatment of the resource is determined in consultation with Native American parties (work can continue elsewhere on the project site).	Project Applicant	Community and Economic Development Department / Public Works Department	During grading and building construction		

Page intentionally left blank

KAM SANG COMPANY

411 EAST HUNTINGTON DRIVE, ARCADIA, CA



CITY OF GARDEN GROVE PRELIMINARY

PREPARED FOR:
CITY of GARDEN GROVE
GARDEN GROVE, CALIFORNIA

NO.	DATE	REVISION	BY

SHEET TITLE
NICKELODEON RESORT HOTEL
GARDEN GROVE, CALIFORNIA

Date	2/25/2021
Scale	1" = 20'-0"
Sheet No.	1 OF 20
File No.	

CITY OF GARDEN GROVE PRELIMINARY PLAN REVIEW
DECEMBER 2020
HARBOR BOULEVARD & TWINTREE LANE
GARDEN GROVE, CA 92840

KAM SANG COMPANY
411 E HUNTINGTON DR #305, ARCADIA, CA 91006

BUILDING CLASSIFICATIONS

LOT INFORMATION

LOT SIZE: GROSS 3.72 ACRES (APPROX 161,933 SQUARE FEET)
LANDSCAPE: GROSS APPROX 26,224 SQUARE FEET (AT STREET LEVEL)
GROSS APPROX 29,359 SQUARE FEET (AT PODIUM LEVEL)
GROSS APPROX 55,583 SQUARE FEET (34 % COVERAGE)
CIRCULATION: GROSS APPROX 101,900 SQUARE FEET

OCCUPANT LOADS

Table with 3 columns: Room Name, Occupant Load, and Calculations. Rows include Ballroom, Meeting Rooms, Restaurant, Office, Retail, Hotel, Storage, and Below Grade Parking.

*ALL OCCUPANT LOAD CALCULATIONS ARE APPROXIMATE FOR CONCEPTUAL DESIGN PURPOSES

TYPE OF CONSTRUCTION:

TYPE 1 FIRE RESISTIVE: SPRINKLER SYSTEM

BUILDING INFORMATION

ADDRESS: HARBOR BOULEVARD AND TWINTREE LANE GARDEN GROVE, CA 92840
CURRENT ZONING: C-3, COMMERCIAL
INITIAL GUESTROOM KEY COUNT
INITIAL HOTEL TOWER CONSIST OF 500 KEYS (660 MODULES @ 439 S.F. +/-)

PARKING COUNTS

ALL ENTERTAINMENT, RESTAURANTS, SPA, FITNESS, NICK STUDIO, NICK AMENITIES, RETAIL, BALLROOM, MEETING SPACE ARE INTENDED FOR OCCUPIED GUEST OF THE HOTEL.

STURCTURED PARKING UNDER MAIN HOTEL TOWER

Table with 3 columns: Parking Level, Spaces Provided, and Total Spaces. Rows include Levels 4, 3, 2, 1, B1, and B2, detailing standard, EV, and ADA spaces.

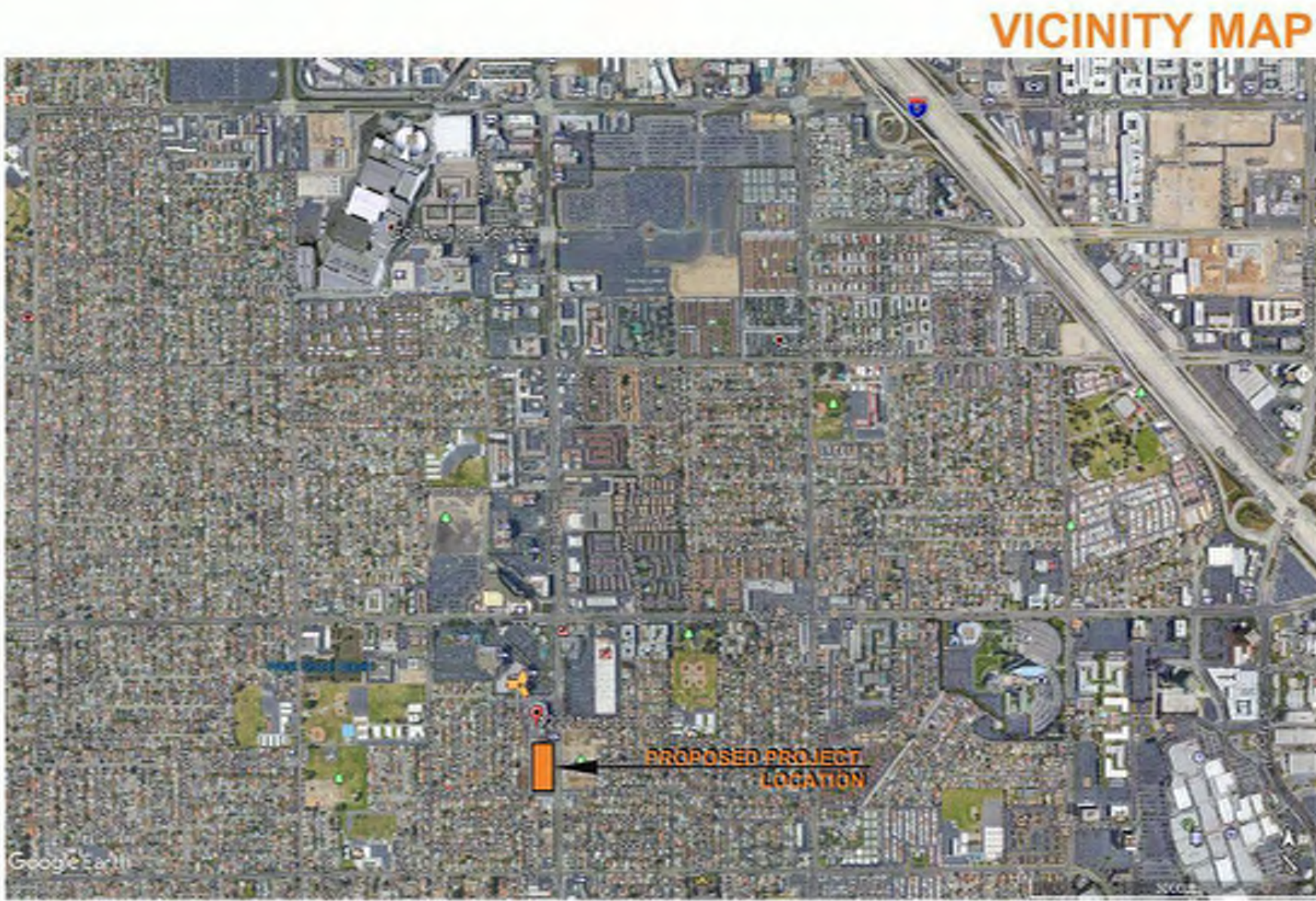
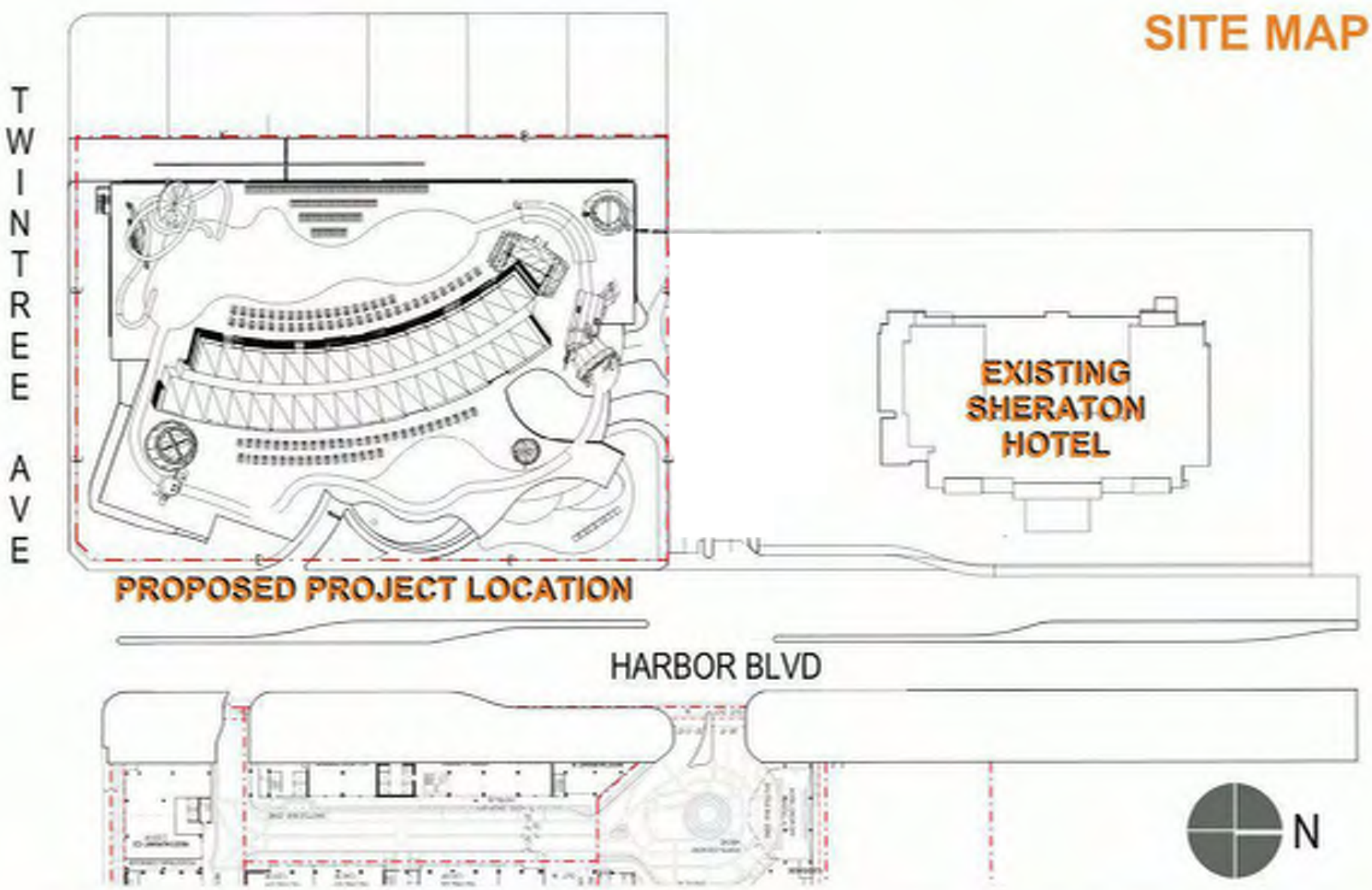
BUILDING CODE SUMMARY

CITY OF GARDEN GROVE MUNICIPAL CODE (1962 CODE 1-1.01)
(UPDATED BY ORDINANCE 13-0-2650 ON NOVEMBER 19,2016)
BUILDING
ELECTRICAL
MECHANICAL
PLUMBING
POOL AND SPA
HOUSING
DIVERSION
FIRE

BUILDING HEIGHT SUMMARY

PROJECT 0'-0" BASED ON RELATIVE ELEVATION 0'-0" AT SOUTHEAST PROPERTY CORNER AND MEASURED TO HIGHEST PROJECTING SURFACE
HOTEL TOWER MAXIMUM HEIGHT +347'-7"
HOTEL PROGRAM ENTERTAINMENT/ POOL DECK +60'-7"

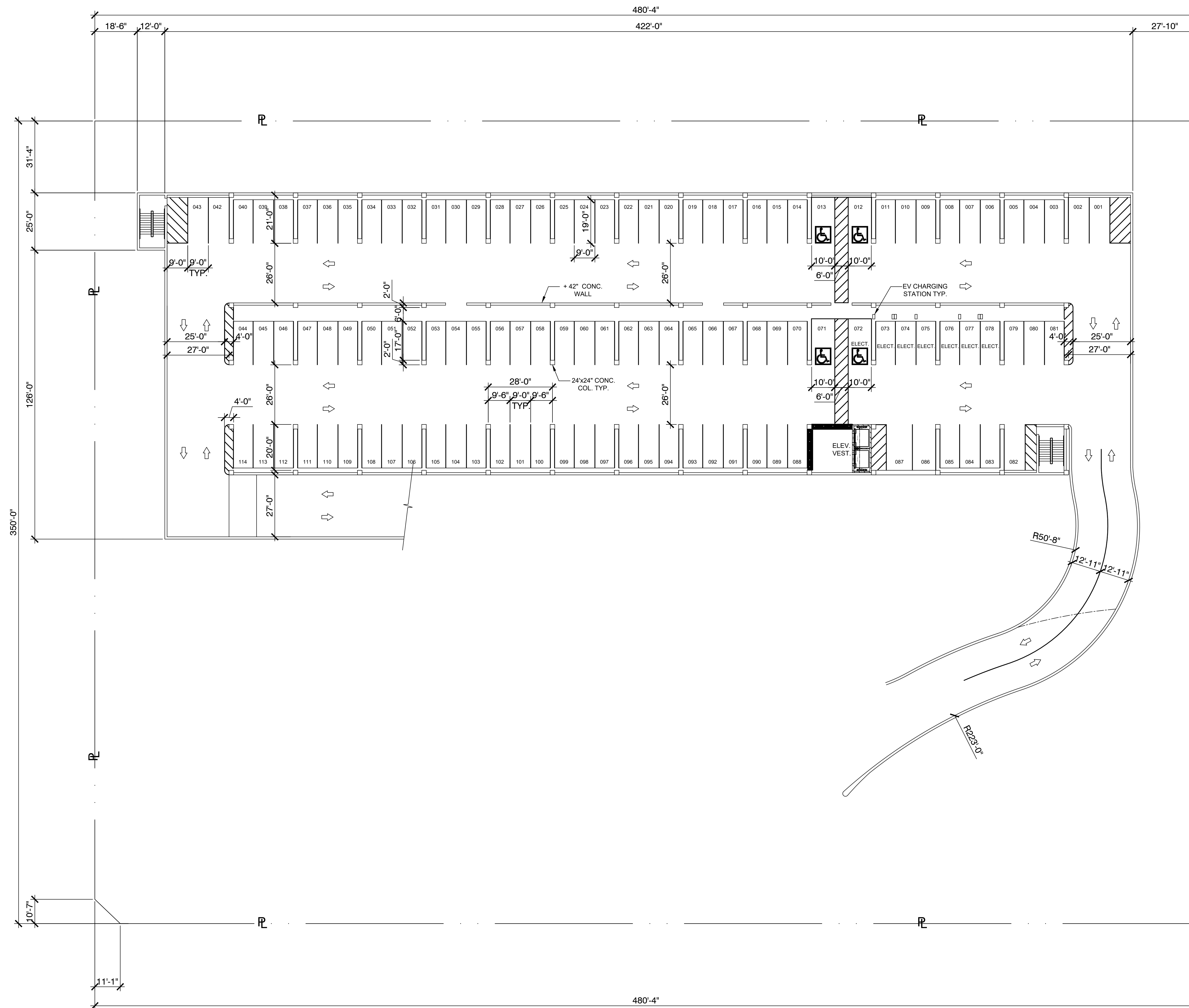
PROJECT DOES NOT ANTICIPATE AN IMPACT ON OUR NEIGHBORING SHERATON HOTEL OTHER THEN REQUESTING A SHARED ACCESS AGREEMENT



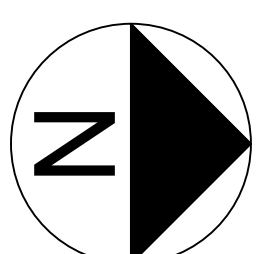
PREPARED FOR: CITY OF GARDEN GROVE

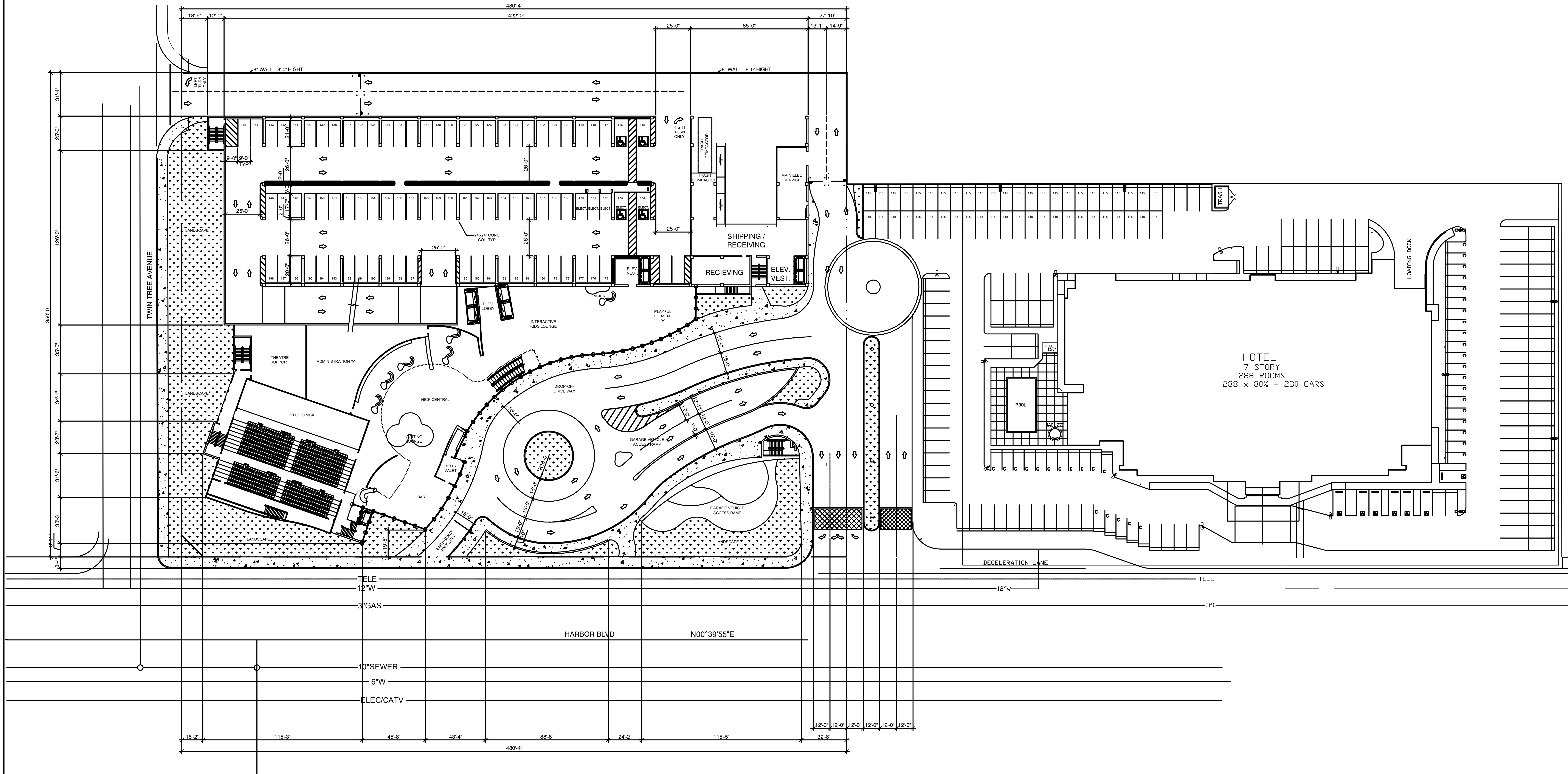
SHEET TITLE
NICKELODEON RESORT HOTEL
GARDEN GROVE, CALIFORNIA

Date: 2/25/2021
Scale: 1" = 20'-0"
Sheet No. 2 OF 20
File No.

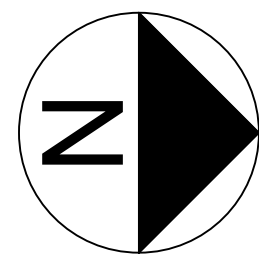


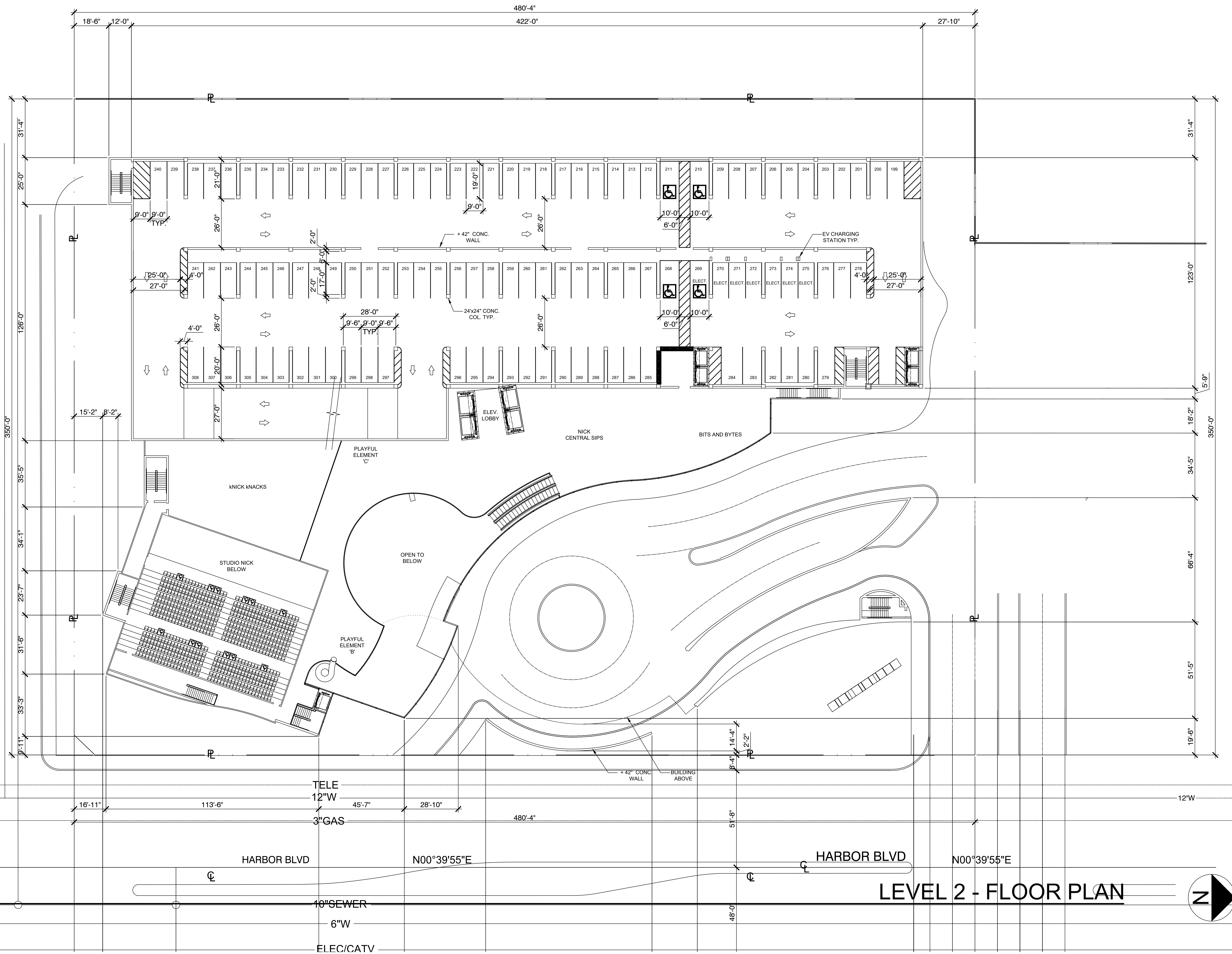
LEVEL B1- BASEMENT LEVEL GARAGE FLOOR PLAN





LEVEL 1 - GRADE LEVEL FLOOR PLAN

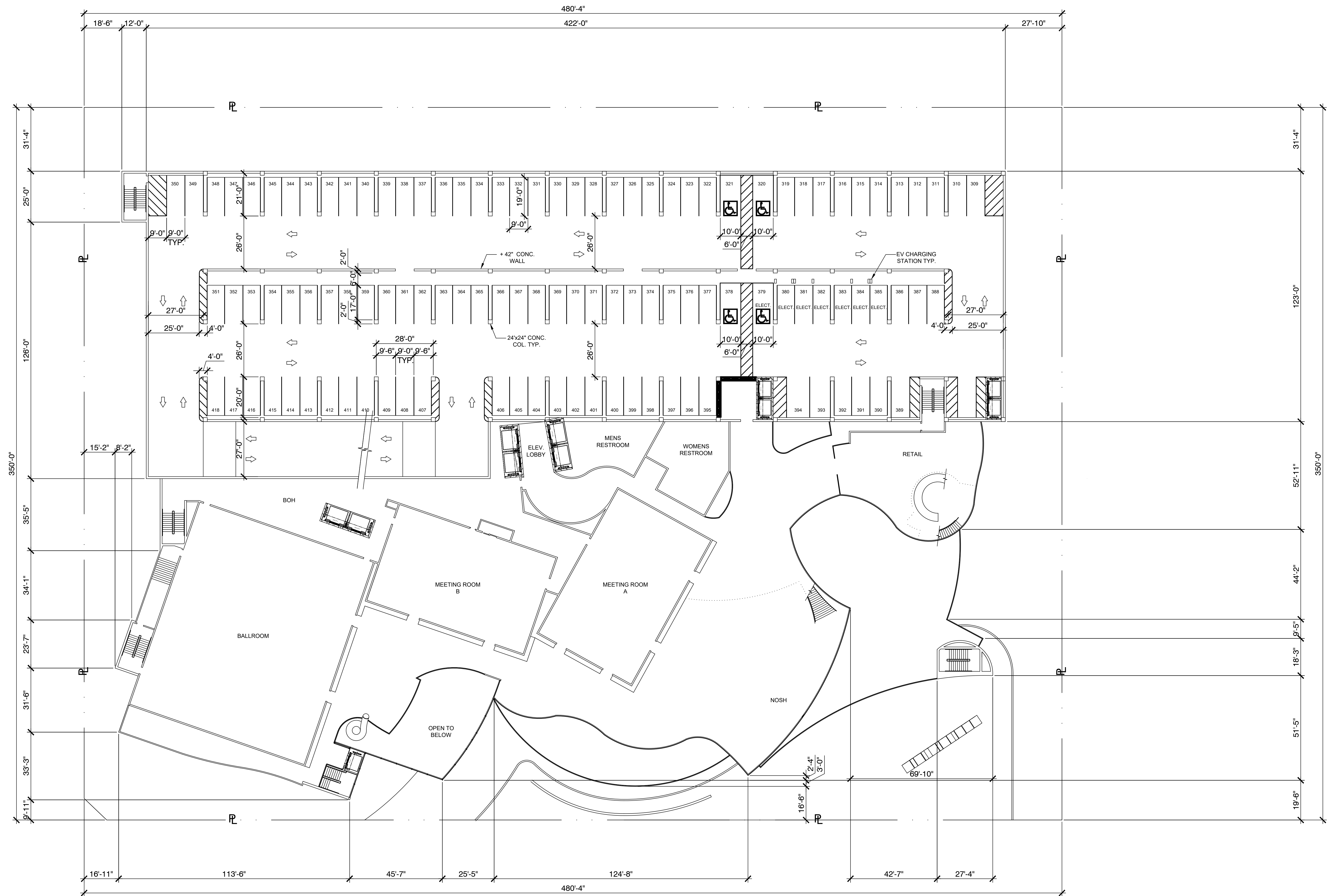




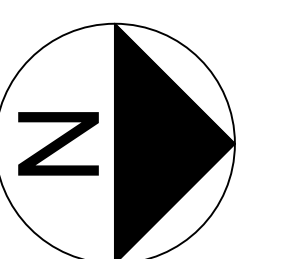
PREPARED FOR:
CITY of GARDEN GROVE
GARDEN GROVE, CALIFORNIA

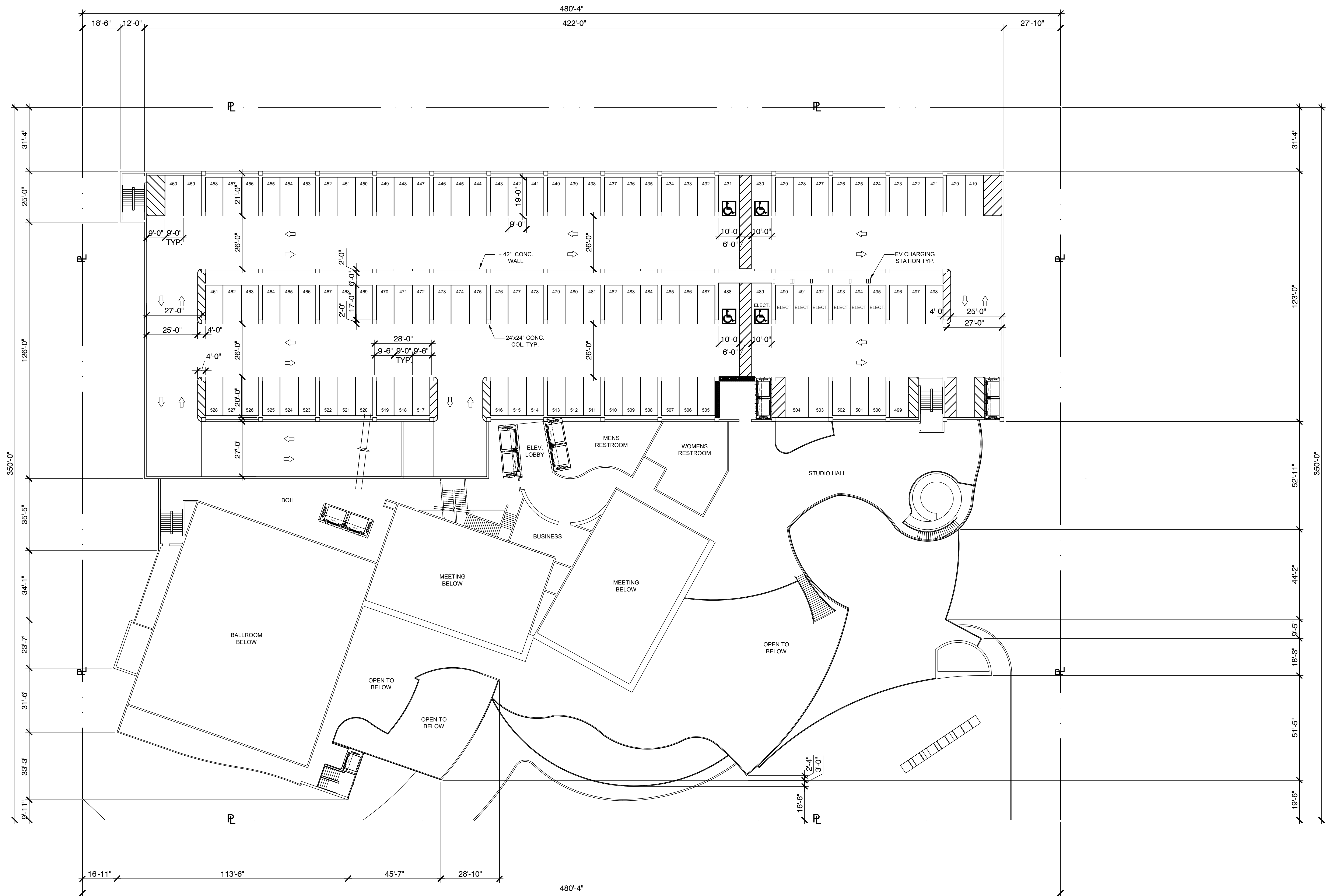
SHEET TITLE
NICKELODEON RESORT HOTEL
GARDEN GROVE, CALIFORNIA

Date
2/25/2021
Scale
1" = 20'-0"
Sheet No.
5 OF 20
File No.

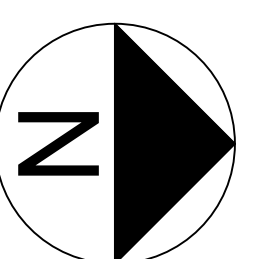


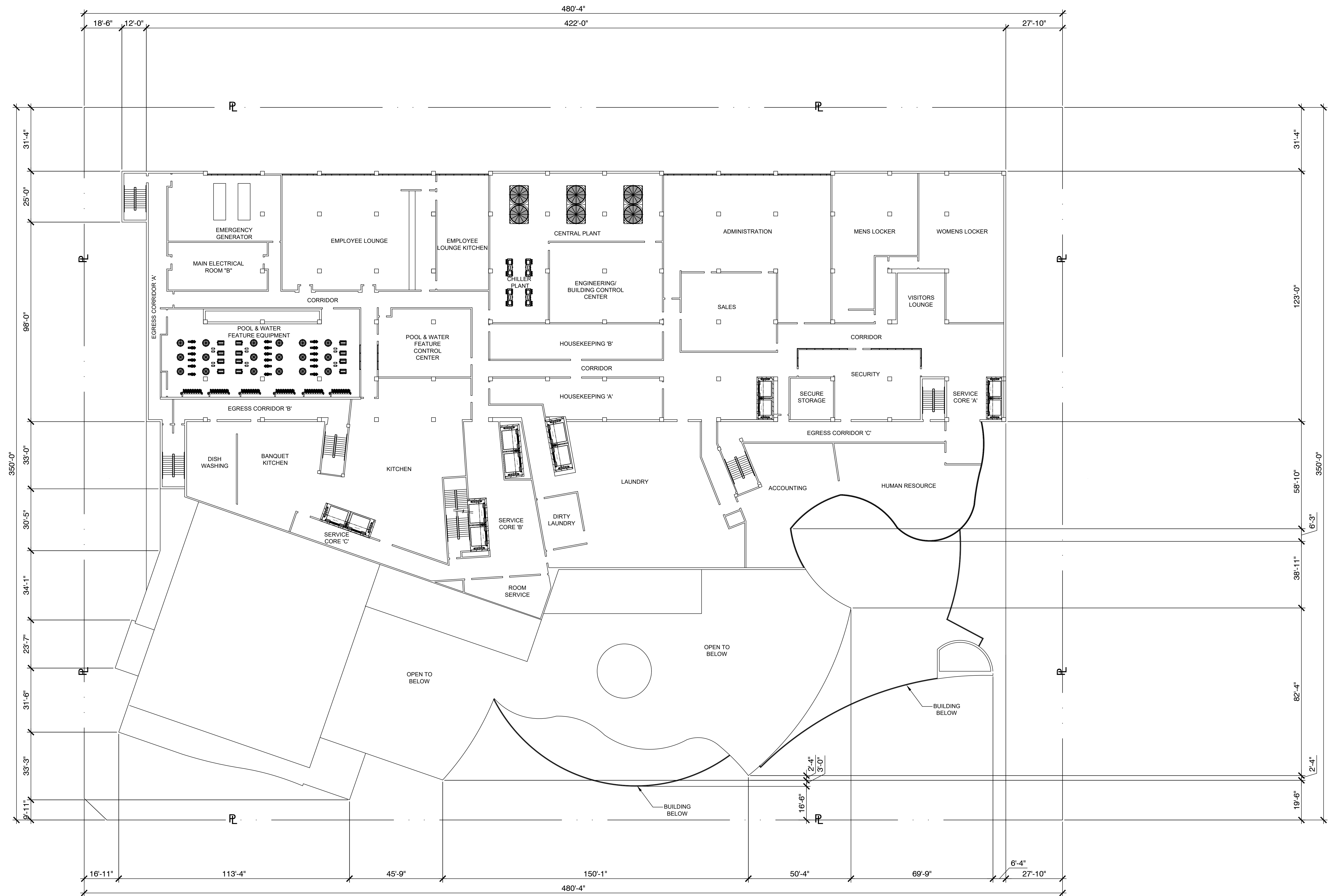
LEVEL 3 - MEETING LEVEL FLOOR PLAN



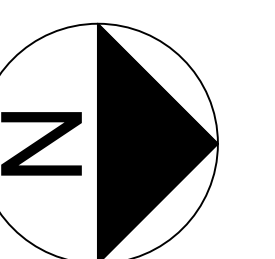


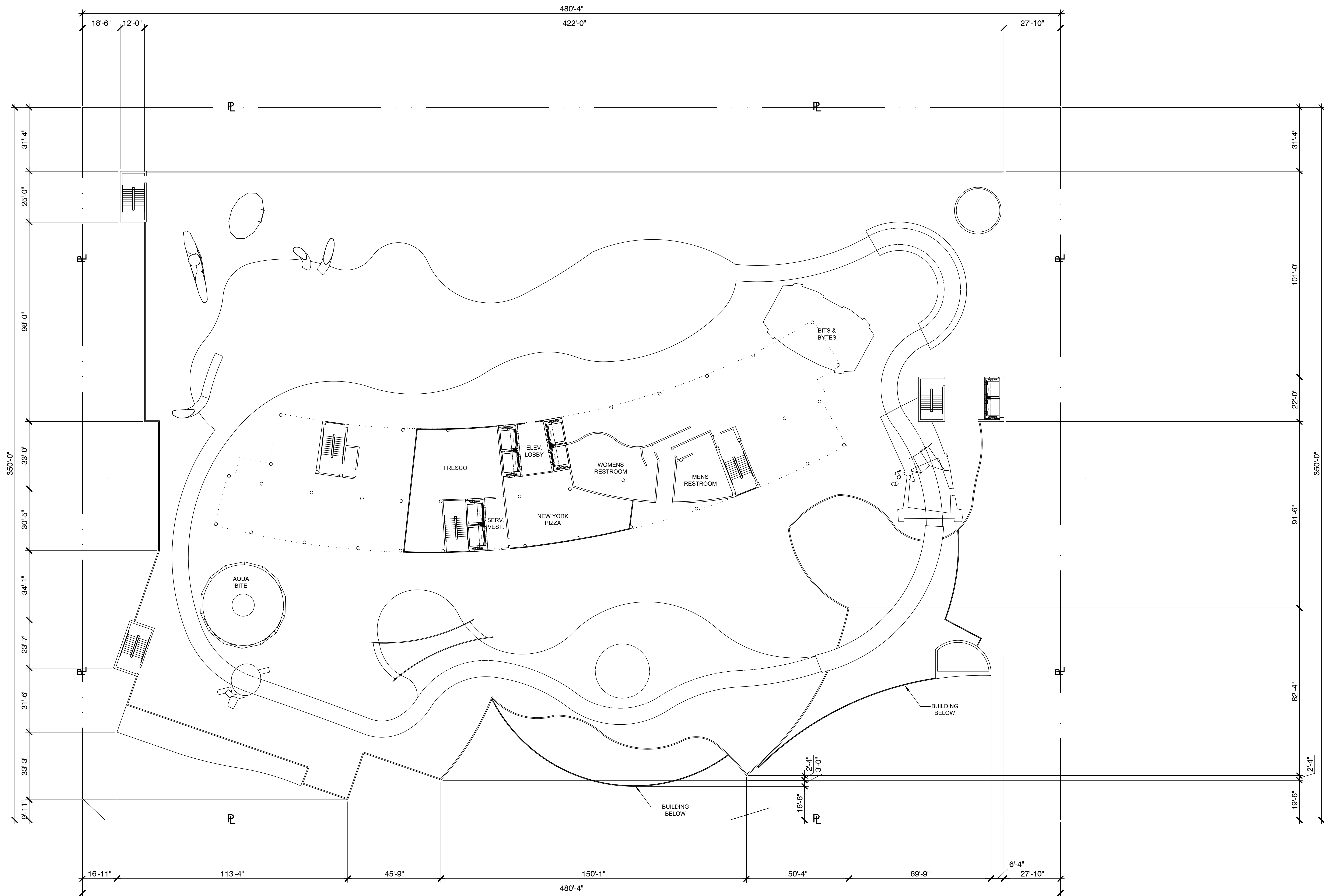
LEVEL 4 - FLOOR PLAN



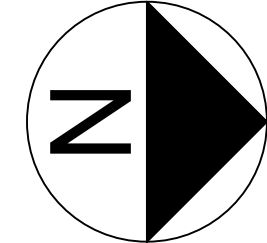


LEVEL 5 - SERVICE LEVEL FLOOR PLAN





LEVEL 6 - POOL & DINING LEVEL FLOOR PLAN



SHEET TITLE
NICKELODEON RESORT HOTEL
GARDEN GROVE, CALIFORNIA

Date
2/25/2021

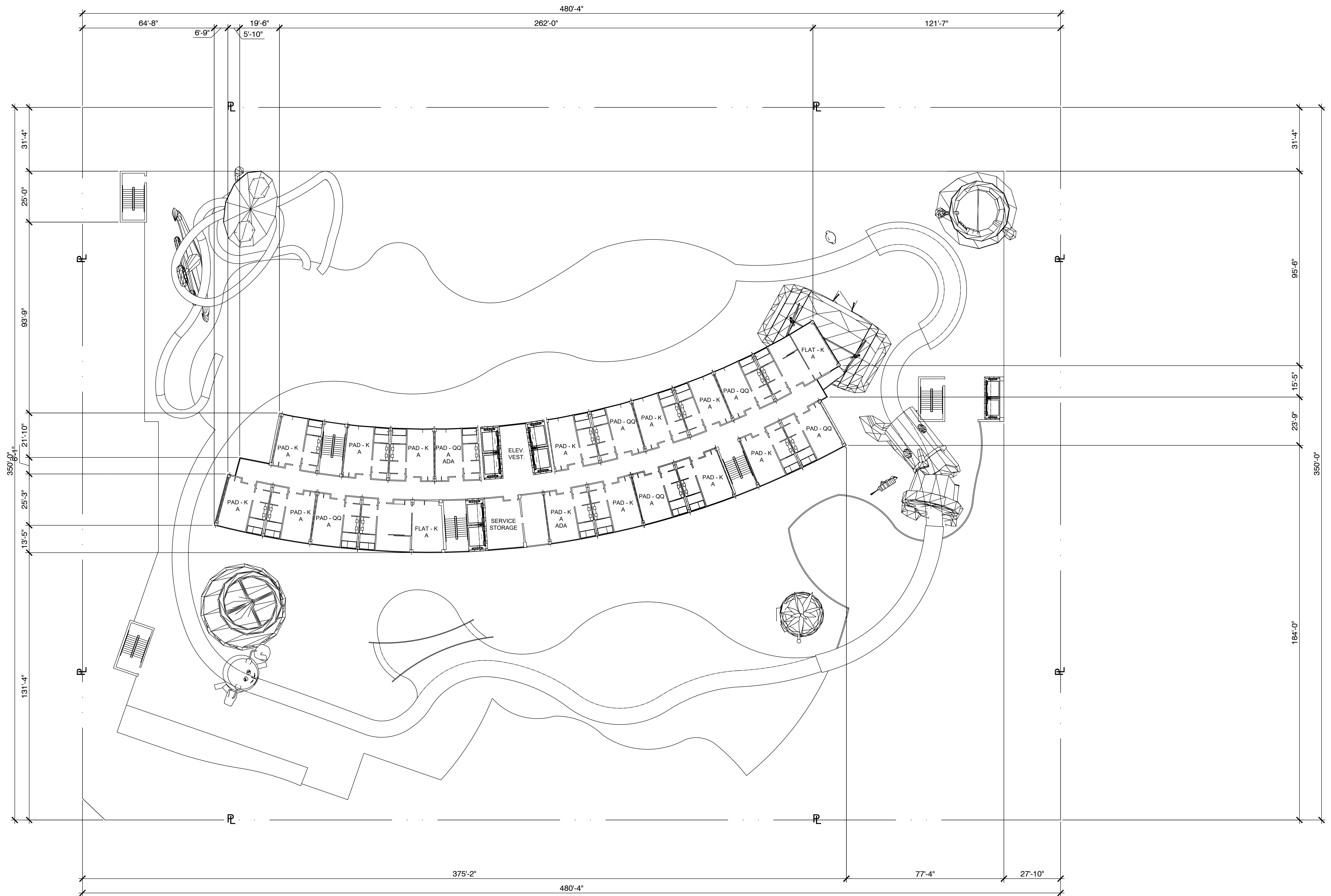
Scale
1" = 20'-0"

Sheet No.
9 OF 20

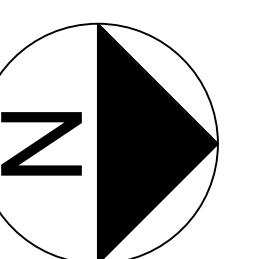
File No.
NICK-1 - 11

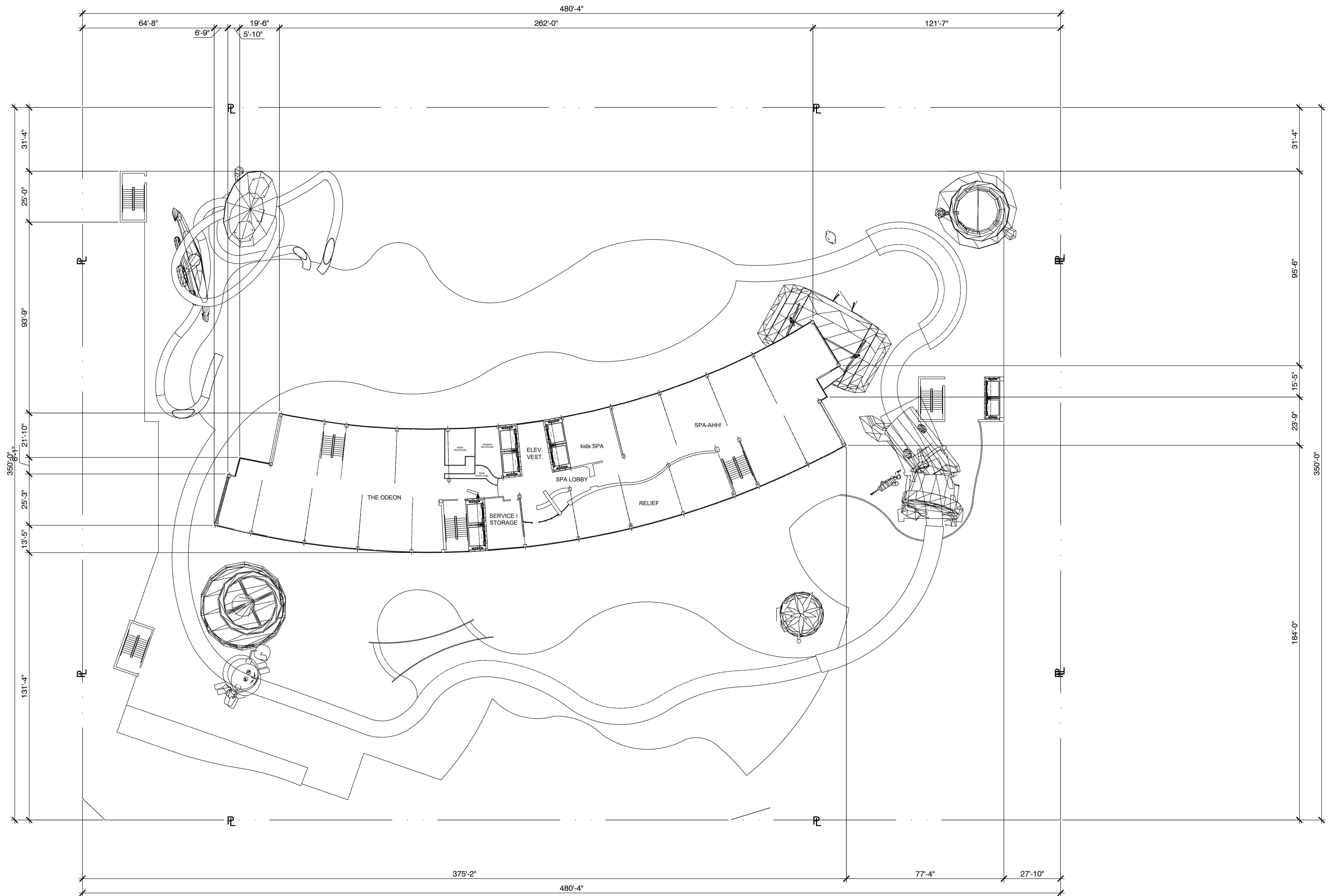
PREPARED FOR:
CITY of GARDEN GROVE
GARDEN GROVE, CALIFORNIA

NO.	DATE	REVISION	BY

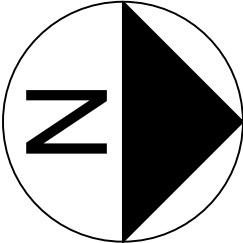


LEVEL 7 to 22 - GUEST ROOM LEVEL FLOOR PLAN





LEVEL 23 - SPA & FINE DINING LEVEL FLOOR PLAN



SHEET TITLE

NICKELODEON RESORT HOTEL

GARDEN GROVE, CALIFORNIA

PREPARED FOR:

CITY of GARDEN GROVE

GARDEN GROVE, CALIFORNIA

No.	DATE	REVISION	BY

Date

2/25/2021

Scale

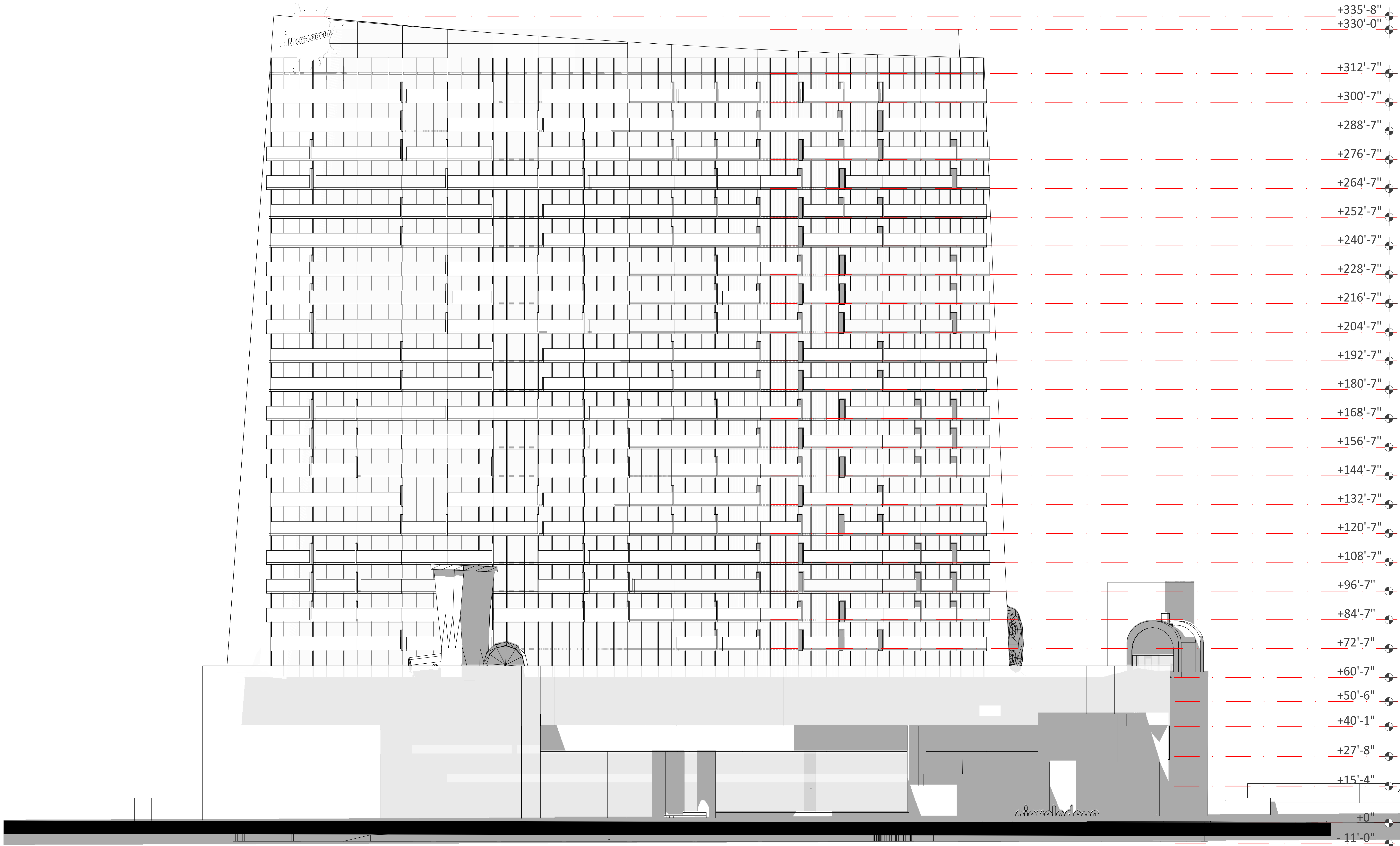
1" = 20'-0"

Sheet No.

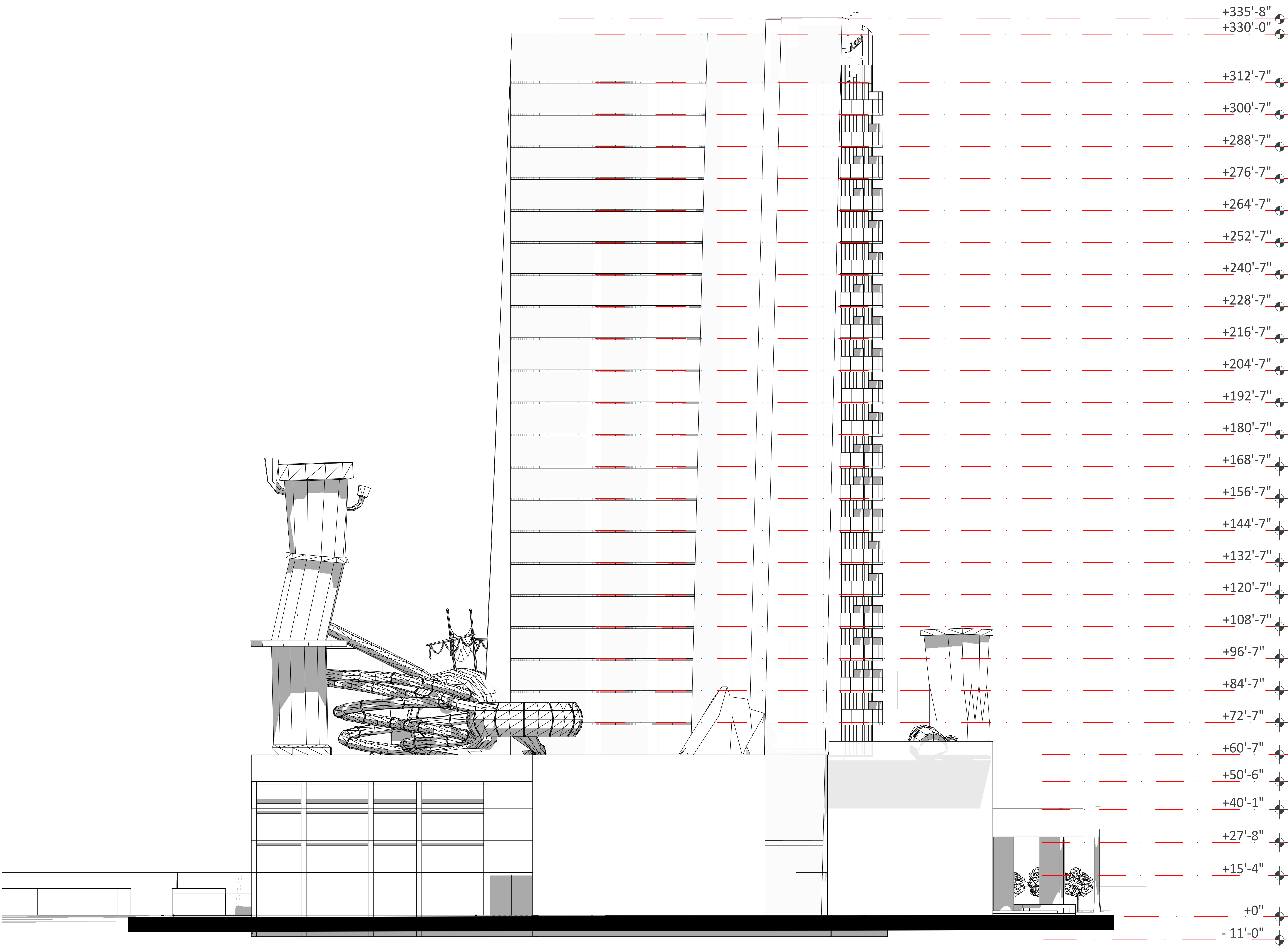
11 OF 20

File No.

NICK-1 - 1.1



EXTERIOR ELEVATION - EAST



EXTERIOR ELEVATION - SOUTH



EXTERIOR ELEVATION - WEST

PREPARED FOR:
CITY of GARDEN GROVE
GARDEN GROVE, CALIFORNIA

No.	DATE	REVISION	BY

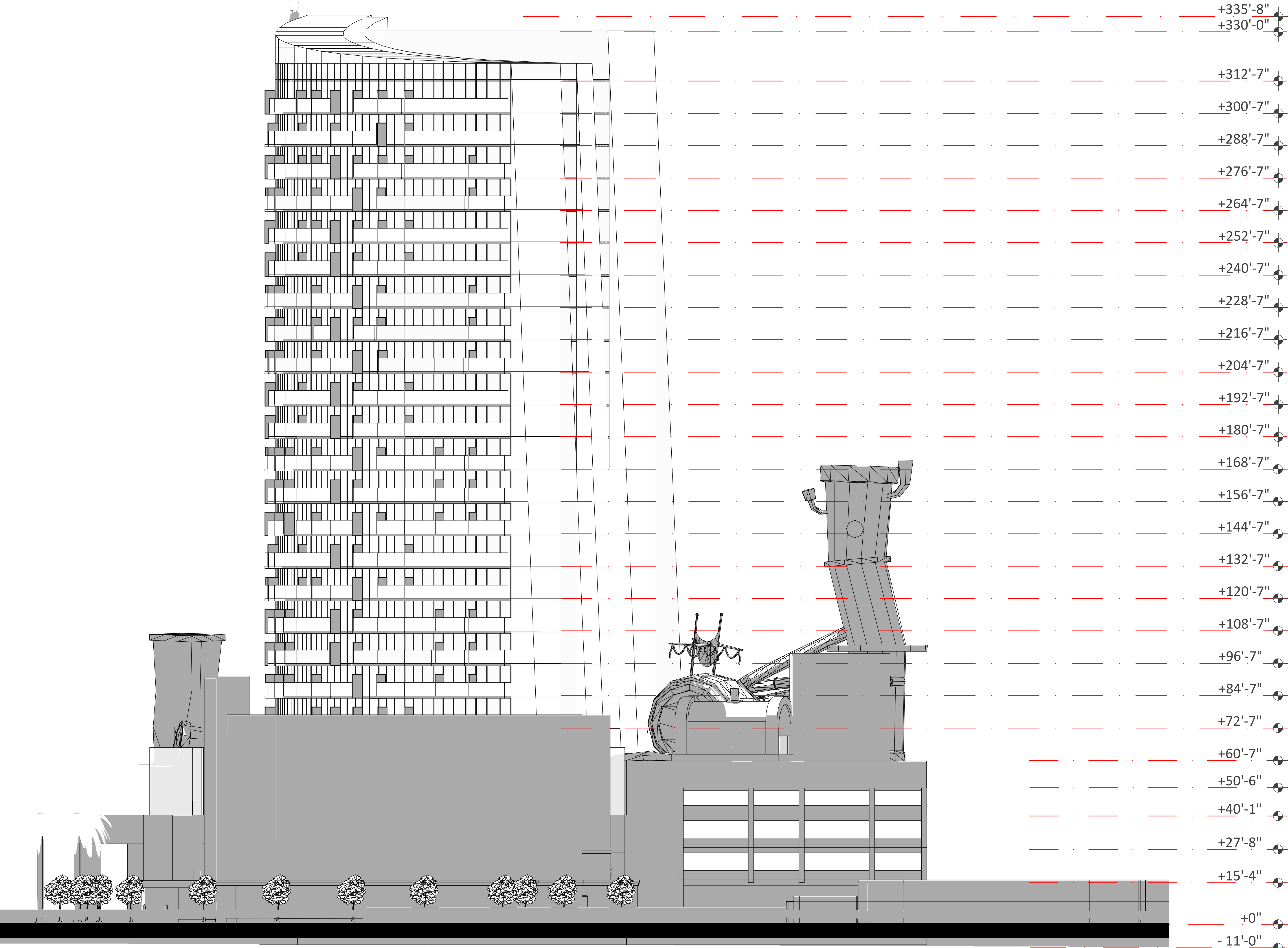
SHEET TITLE
NICKELODEON RESORT HOTEL
GARDEN GROVE, CALIFORNIA

Date
2/25/2021

Scale
1" = 20'-0"

Sheet No.
16 OF 20

File No.
NICK-1 - 11



EXTERIOR ELEVATION - NORTH

PREPARED FOR:
CITY of GARDEN GROVE

GARDEN GROVE, CALIFORNIA

SHEET TITLE
NICKELODEON RESORT HOTEL
GARDEN GROVE, CALIFORNIA

Date
2/25/2021
Scale
1" = 20'-0"
Sheet No.
17 OF 20
File No.
NICK-1 - 11



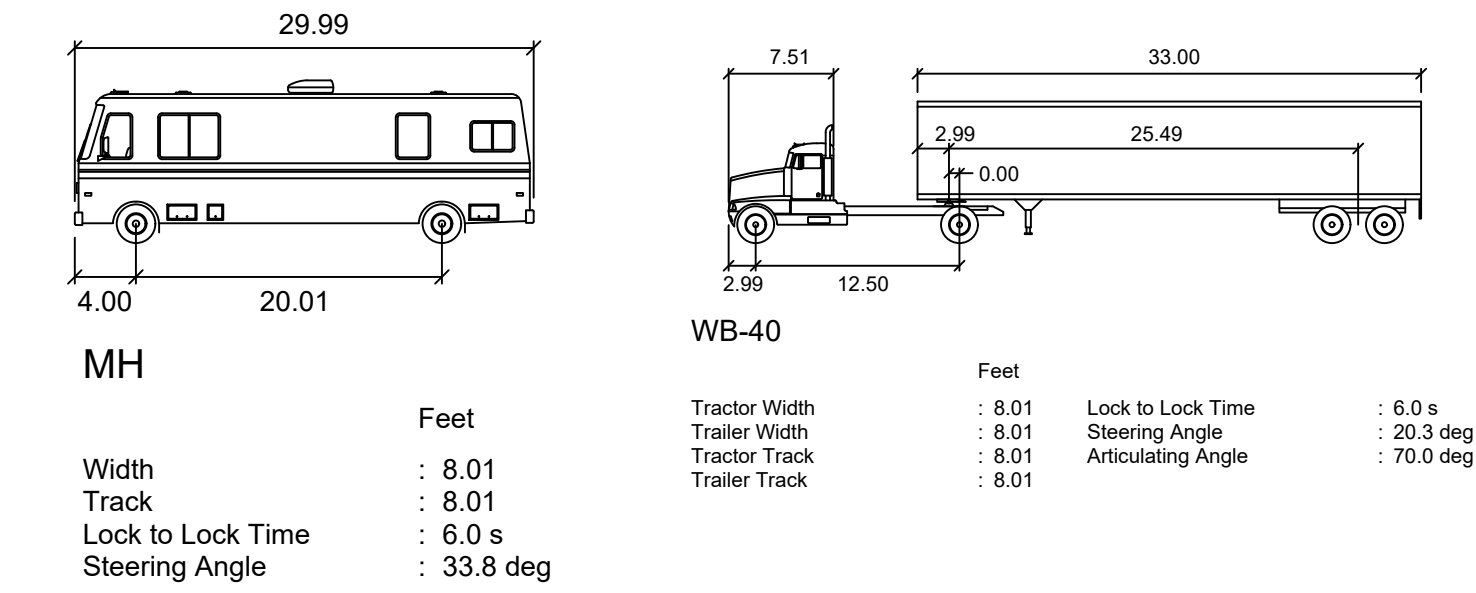
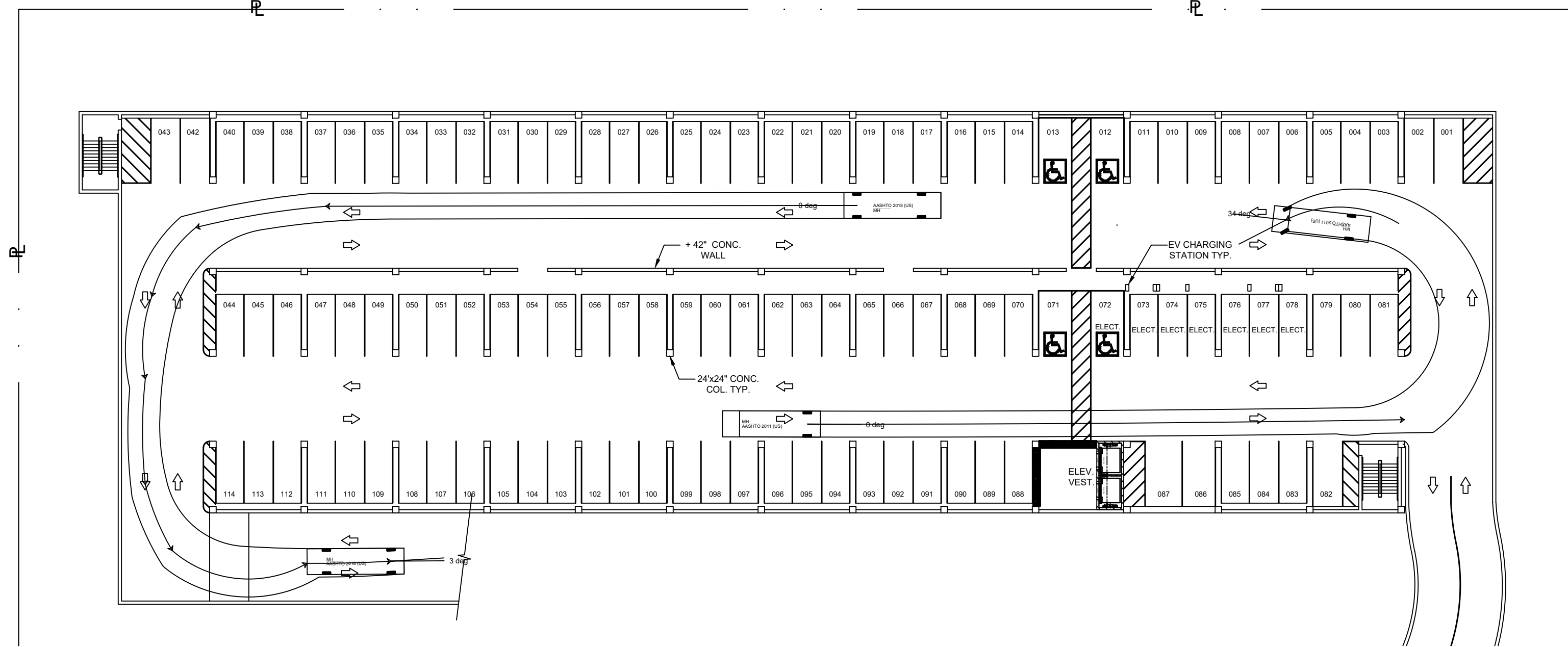
BUILDING SECTION

PREPARED FOR:
CITY of GARDEN GROVE

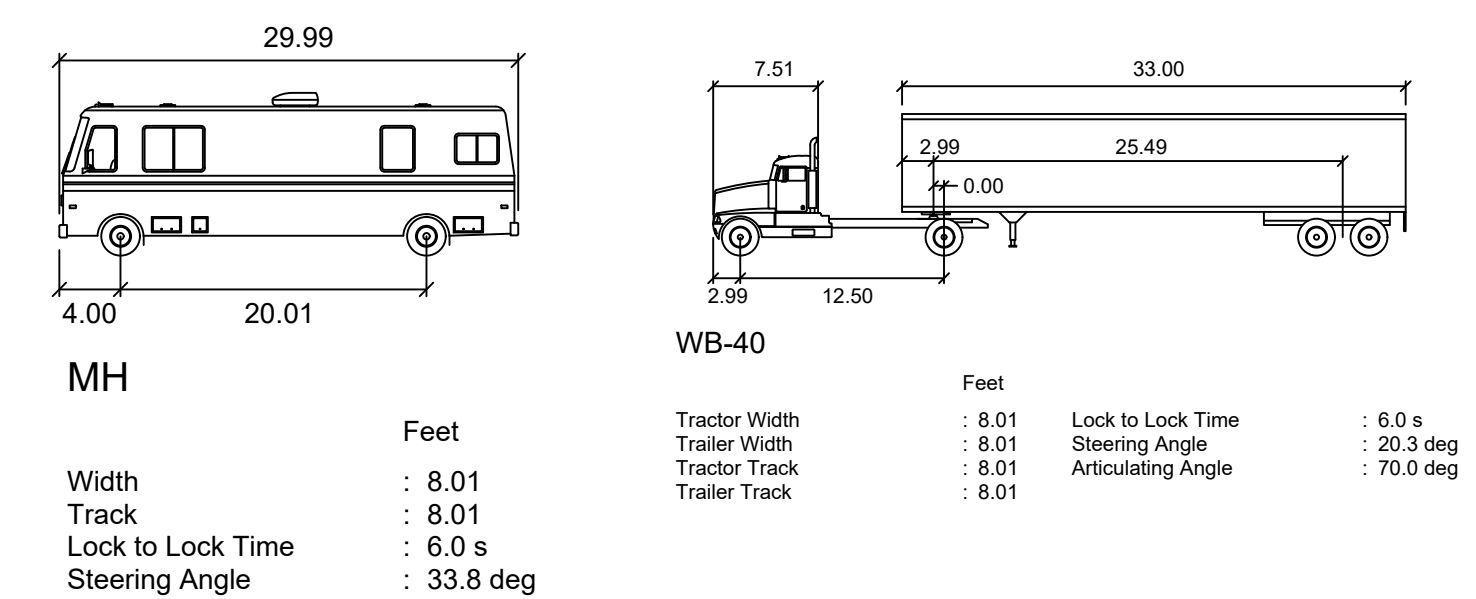
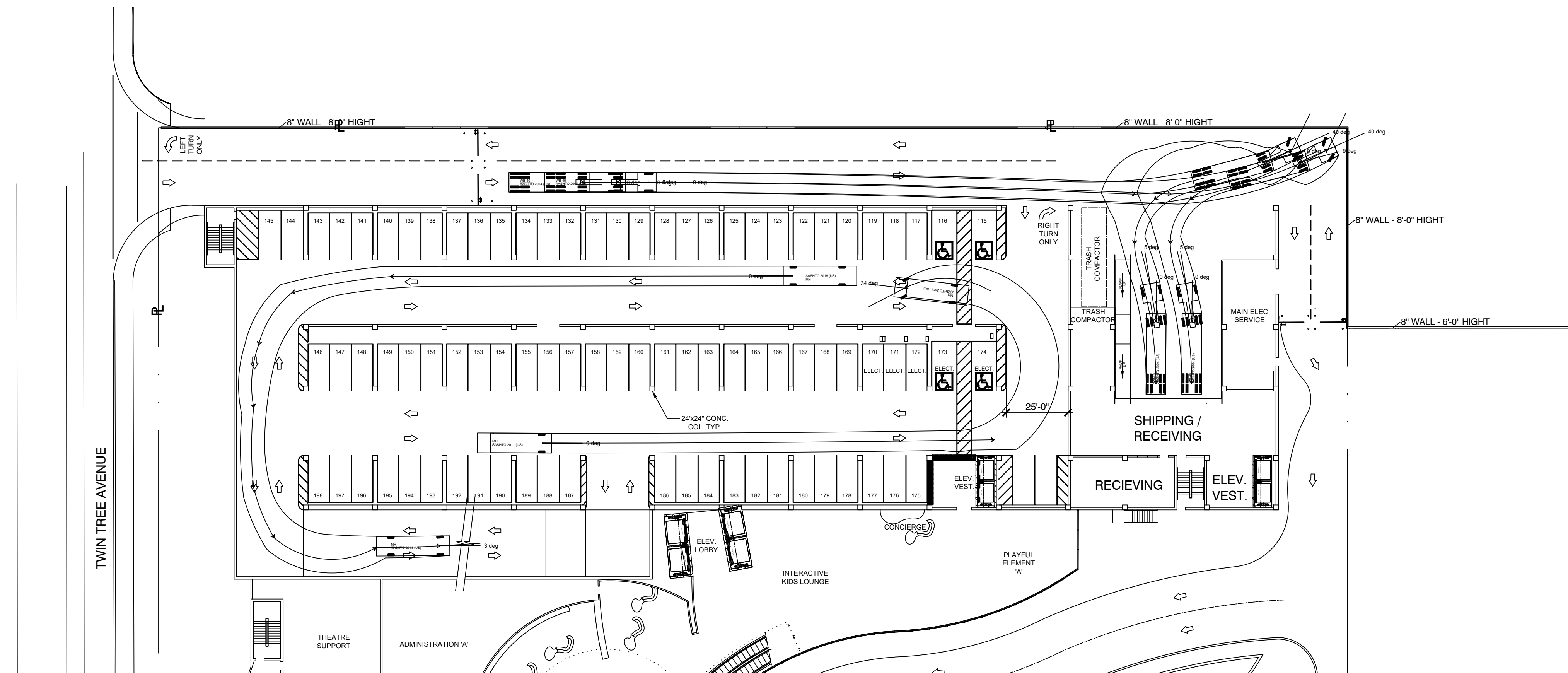
GARDEN GROVE, CALIFORNIA

SHEET TITLE
NICKELODEON RESORT HOTEL
GARDEN GROVE, CALIFORNIA

Date
2/25/2021
Scale
1" = 20'-0"
Sheet No.
18 OF 20
File No.
NICK-1 - 11



VEHICLE TURN RADIUS @ TYPICAL GARAGE PLATE

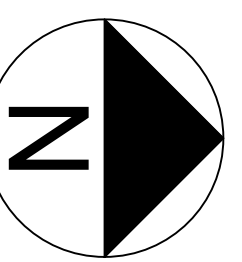


VEHICLE TURN RADIUS LEVEL 1

PREPARED FOR:
CITY of GARDEN GROVE
GARDEN GROVE, CALIFORNIA

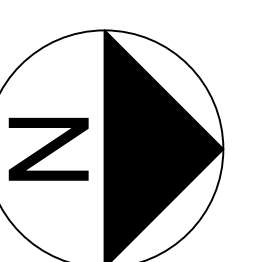
SHEET TITLE
NICKELODEON RESORT HOTEL
GARDEN GROVE, CALIFORNIA

Date
2/25/2021
Scale
1" = 30'-0"
Sheet No.
19 OF 20
File No.
NICK-L-L1





PROJECT RENDERINGS



PREPARED FOR
CITY of GARDEN GROVE
GARDEN GROVE, CALIFORNIA

SHEET TITLE
NICKELODEON RESORT HOTEL
GARDEN GROVE, CALIFORNIA

Date
2/25/2021
Scale
1" = 30'-0"
Sheet No.
File No.
NICK-L-L1

APPEAL
REQUEST FOR CITY COUNCIL OR PLANNING COMMISSION PUBLIC HEARING

TO: City Clerk's Office, City of Garden Grove
11222 Acacia Parkway, Garden Grove, CA 92840
(714) 741-5040

RECEIVED

BY: [Signature]

JUL 27 2022

11 Am

Pursuant to Section 9.32.110 of the Municipal Code, I hereby appeal the decision of the **Planning Commission / Zoning Administrator** in Case No. SP-107-2022, PUD-141-01(A), SV-002-2022 and petition the **City Council / Planning Commission** for a Public Hearing to consider **approving / denying / modifying** the subject application for the following reasons:

SEE ATTACHED LETTER, INCLUSIVE OF EXHIBITS

Date: 7/27/22 Appeal Fee (see reverse): \$350

Appellant: UNITE HERE LOCAL 11 & MARLENE PEREZ

Address: 464 S. LUCAS AVE.

City & ZIP: LOS ANGELES, 90017 Phone No.: 818-534-7999

RECEIVED

JUL 27 2022

BY: [Signature]

TITLE 9 APPEALS

SECTION 9.32.110 PURPOSE

The purpose of an appeal of a Hearing Body decision is to allow an applicant or an interested party of a land use action who feels aggrieved by the decision to seek review of the case by another imported hearing body.

SECTION 9.32.120 TIME FOR APPEAL

A decision of a Hearing Body on a land use action may be appealed by the applicant or an individual within twenty-one (21) days of the date on which the decision was rendered.

SECTION 9.32.130 FILING OF AN APPEAL

All appeals shall be submitted to the City Clerk on a City application form along with all applicable fees and shall specifically state the basis for the appeal.

SECTION 9.32.140 NOTICE OF AN APPEAL

Notice of an appeal hearing shall conform to the manner in which the original notice was given, as described in Section 9.32.040-100 of this Chapter.

SECTION 9.32.150 APPEAL HEARING/DECISION

- A. The hearing and decision procedures of an appeal shall be in accordance with 9.32.040-100 of this Chapter.
- B. Any modification of a land use action that was appealed by City Council shall be returned to the City Council for review.

Appeal Fee*	
General Plan Amendment	\$350
Amendment	\$350
Site Plan Amendment	\$350
Site Plan	\$350
Variance	\$350
Conditional Use Permit	\$480
Unclassified Use Permit	\$350
Planned Unit Development	\$350

*Tenants/Owners/Residents within legal notification area (300 feet) the appeal fee is \$100.00.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
c/o Maria Parra, Senior Planner
11222 Acacia Parkway
Garden Grove, California 92840
andrea@ggcity.org
mariap@ggcity.org

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92840
judym@ggcity.org

**RE: APPEAL OF NICKELODEON HOTEL PROJECT (12241 HARBOR BLVD., GARDEN GROVE, CA 92840);
PROJECT APPROVALS PUD-141-01, SP-107-2022, & IS/MND (SCH No. 2022060174);
ACTION ON ITEM C.2 & D.1 OF THE JULY 7, 2022 PLANNING COMMISSION HEARING**

Dear City of Garden Grove ("City") Clerk and Judy Moore:

In accordance with the appeal procedures authorized by the Garden Grove Municipal Code ("GGMC" or "Code"), UNITE HERE Local 11 ("Local 11") and City-resident Marlene Perez (collectively "Appellants"), hereby appeal ("Appeal") the City Planning Commission's ("Commission") approval of a 500-room, 23-story hotel with the 600-seat Nick Studio theater ("Project") at the 3.72-acre location referenced above ("Site") proposed by Kam Sang Company ("Applicant").¹ Specifically, at its July 7, 2022 hearing (i.e., Items 2c and D.1),² the Commission took the following actions in furtherance of the Project:

1. Adopted Resolution No. 6044-22 that (a) *recommends* City Council adopt the Project's Mitigated Negative Declaration and associated findings/determination ("MND"),³ and (b) *recommends* City Council approve an ordinance creating Planned Unit Development No. PUD-141-01(A) ("PUD");
2. Adopted Resolution No. 6045-22 *conditionally approving* Site Plan No. SP-107-2022 ("Site Plan"), subject to the City's Council approval of the PUD and the vacation/disposition of Thackery Drive and a public alley within the Project Site (i.e., Street Vacation No. SV-002-2022 ("Street Vacation"); and
3. Adopted Resolution No. 6046-22 *finding* and reporting to the City Council that the proposed Street Vacation is consistent with the City's General Plan.

//

¹ Herein, page citations are either the stated pagination (i.e., "p. #") or PDF-page location (i.e., "PDF p. #").

² See City (7/7/22) Planning Commission Staff Report ("Staff Report"), PDF pp. 3-4, 72, 84, 289-299, <https://ggcity.org/sites/default/files/commissions/planning-commission/a07072022.PDF>.

³ https://ggcity.org/sites/default/files/2022-06/Slte%20B2%20Hotel%20Project%20Draft%20Initial%20Study_Mitigated%20Negative%20Declaration.pdf.



This Appeal challenges all ripe project approvals, including but not limited to the aforementioned resolutions, MND, PUD, Site Plan, Street Vacation, and other local land use approvals in furtherance of the Project (e.g., alcohol Conditional Use Permit, Development Agreement, Tentative Tract Maps, etc.) (collectively "**Project Approvals**"). (See MND, p. 14.) In light of discussions with the City Clerk's Office, it appears at a minimum that Resolution No. 6045-22 and 6046-22 are ripe for this Appeal. This Appeal is timely filed within the 21-day deadline. (See GGMC § 9.32.120.) This Appeal alleges that conditionally approving the **Site Plan**, Street Vacation findings, and other actions taken on the other Project Approvals violate the Code and the California Environmental Quality Act ("**CEQA**").⁴ Appellants respectfully request the City grant this Appeal and deny the Project Approvals—particularly Resolution No. 6045-22 and 6046-22—until the issues raised herein, and elsewhere in the Project's administrative record, are adequately addressed. If the City has questions or concerns about appealability or ripeness of any of the Project Approvals, please contact the undersigned.

APPELLANTS' STANDING: Local 11's members live and/or work in the vicinity of the Project Site, breathe the air, suffer traffic congestion, and suffer other environmental impacts of the Project. Local 11 has approximately 400 members who live and/or work in the City. Therefore, Local 11 is committed to ensuring responsible development in the City, that local land-use rules/regulations are followed, and informed decision-making by public officials regarding projects that may significantly impact the environment in the City. Appellant Marlene Perez lives in the City within one-quarter mile of the Project Site and is regularly in the vicinity of the Project Site. Granting this Appeal will confer a substantial benefit to Local 11, Ms. Perez, and the public, including citizens, residents, businesses, and taxpayers affected by the Project, and will result in the enforcement of important public rights. In sum, Appellants are *interested parties* to this land use action Appeal with *public interest* standing to raise and litigate the land use and environmental claims at issues here. (See GGMC § 9.32.110; see e.g., *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 914-916, n6.)

SPECIFIC POINTS AT ISSUE IN APPEAL: As specifically raised in Local 11's comment letter dated July 7, 2022 (attached hereto as *Exhibit A* and incorporated in its entirety by this reference), the MND fails to adequately analyze the Project's impact on greenhouse gas ("**GHG**") emissions and vehicle miles traveled ("**VMT**"). For example, the Project will generate over 3 million annual VMTs and generate GHG emissions that exceed relevant thresholds of the regional air district, which warrants greater mitigation measures—particularly those that promote carpooling, public transit, and other strategies that reduce and/or offset mobile emissions. This is substantial evidence of a fair argument that the Project will have significant VMT and GHG impacts, particularly to residential communities near and/or adjacent to the Project Site. (See MND, Fig. 3.) These impacts require further analysis, mitigation, and consideration of project alternatives in a CEQA-compliant Environmental Impact Report ("**EIR**")—instead of the MND. Additionally, the unmitigated CEQA impacts are inconsistent with policies and goals under the City's General Plan,⁵ and invalidate the findings required under state and local law when granting the Project Approvals.⁶

⁴ Pub. Res. Code § 21000 et seq. and 14 Cal. Code Regs. ("**CEQA Guidelines**") § 15000 et seq.

⁵ See e.g., Land Use Element (Policies LU-2.1, LU-2.4, LU-9.5), https://ggcity.org/internet/pdf/planning/chapter02_landuseelement.pdf and Air Quality Element (Policies, AQ-1.2, AQ-IMP-1B, AQ-2.2, AQ-3.1, AQ-4.1, AQ-5.3, AQ-IMP-5A, Goals AQ-3, AQ-4), https://ggcity.org/internet/pdf/planning/chapter08_airqualityelement.pdf.

⁶ See e.g., GGMC §§ 9.32.030-D.3.b (Site Plan findings), 9.12.030.02-F (PUD findings), and Gov. Code § 65402 (Street Vacation finding).



In accordance with GGMC § 9.32.130, this Appeal incorporates in its entirety all submitted comments by Local 11 and other commenters, including but not limited to Local 11's previously submitted written comment (attached hereto as Exhibit A) and verbal comments made by other commenters.⁷ Appellants reserve the right to supplement these comments and specific appeal points in the future. (See *Galante Vineyards v. Monterey Peninsula Water Management Dist.* (1997) 60 Cal.App.4th 1109, 1120 [CEQA litigation not limited only to claims made during the EIR comment period].)

Lastly, this office requests all notices concerning this Appeal, hearings and any CEQA/land use actions involving the Project and Project Approvals, as required under applicable law. (See Pub. Res. Code §§ 21092.2, 21167(f) and Gov. Code § 65092 and GGMC § 9.32.100.G.) Please send all notices by electronic and regular mail.

Sincerely,

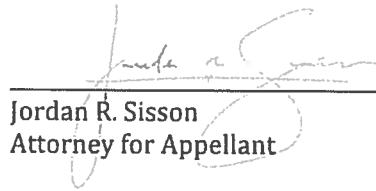

Jordan R. Sisson
Attorney for Appellant

Exhibit A: Local 11 Comment Letter (7/7/22)

⁷ <https://ggcity.org/commissions/planning-commission#>.



EXHIBIT A



LAND USE, ENVIRONMENTAL & MUNICIPAL LAWYERS

Jordau R. Sisson
801 South Grand Avenue, 11th Floor
Los Angeles, California 90017
Direct: (951) 542-2735
Fax: (213) 623-7755
E-mail: jordau@gideonlaw.net
www.gideonlaw.net

July 7, 2022

VIA EMAIL:

Planning Commission (public-comment@ggcity.org)
Maria Parra, Senior Planner (mariap@ggcity.org)
City of Garden Grove

**RE: Item C.2, Planning Commission Hearing Scheduled July 7, 2022;
Nickelodeon Hotel Project (12241 Harbor Blvd., Garden Grove, CA 92840);
Project Approvals PUD-141-01, SP-107-2022 & IS/MND (SCH No. 2022060174)**

Dear Planning Commission and Ms. Parra:

On behalf of UNITE HERE Local 11 ("**Local 11**"), this office respectfully provides the following comments¹ to the City of Garden Grove ("**City**") with regard to the above-referenced item² involving the 500-room, 23-story hotel with 600-seat Nick Studio theater ("**Project**") on a 3.72-acre site located at the northwest corner of Harbor Boulevard and Twintree Avenue ("**Site**") proposed by Kam Sang Company ("**Applicant**"). Pursuant to the Gardena Municipal Code ("**GMC**" or "**Code**"), Applicant seeks a variety of land use approvals (e.g., Zone Change to Planned Unit Development No. PUD-141-01(A), Site Plan No. SP-107-2022, alcohol Conditional Use Permit, Development Agreement, etc.) (collectively "**Entitlements**"). Additionally, for the purpose of review under the California Environmental Quality Act ("**CEQA**"),³ the City is considering the adoption of the Mitigated Negative Declaration and associated approvals ("**MND**").^{4, 5}

The MND fails to adequately analyze the Project's impact on greenhouse gas ("**GHG**") emissions and vehicle miles traveled ("**VMT**") and, thus, fails to incorporate sufficient mitigation. Failure to do so infects not only the City's CEQA findings but also the Code-required findings necessary to grant the Entitlements. There is a fair argument of CEQA impacts. This Project is expected to generate over 3 million annual VMTs, which is far too big for a MND. An Environmental Impact Report ("**EIR**") should be prepared. Until the issues discussed herein are resolved, Local 11 respectfully urges the City to stay action on the Entitlements and MND (collectively "**Project Approvals**").

// //

¹ Herein, page citations are either the stated pagination (i.e., "**p. #**") or PDF-page location (i.e., "**PDF p. #**").

² City (7/7/22) Planning Commission Staff Report ("**Staff Report**"), PDF p. 72 (start of Item C.2), <https://ggcity.org/sites/default/files/commissions/planning-commission/a07072022.PDF>.

³ Including "**CEQA Guidelines**" codified at 14 Cal. Code. Regs. § 15000 et seq.

⁴ City (Jun. 2022) Draft Initial Study/MND Site B-2, https://ggcity.org/sites/default/files/2022-06/Site%20B2%20Hotel%20Project%20Draft%20Initial%20Study_Mitigated%20Negative%20Declaration.pdf.

⁵ Inclusive of all appendices (collectively "**APP**" or individually "**APP-##**") compiled in the 1,364-page document available online. (See City [Jun. 2022] Technical Appendices [APP-A through APP-J], <https://ggcity.org/sites/default/files/2022-06/Site%20B2%20Hotel%20Project%20Technical%20Studies.pdf>).



I. STANDING

Local 11 represents more than 25,000 workers employed in hotels, restaurants, airports, sports arenas, and convention centers throughout Southern California and Phoenix—including roughly 400 members who live and/or work in the City. The union has a First Amendment right to petition public officials in connection with matters of public concern, including compliance with applicable zoning rules and CEQA, just as developers, other community organizations, and individual residents do. Protecting its members' interest in the environment, including advocating for the environmental sustainability of development projects and ensuring the availability of housing and hotels (in compliance with state and local rules), is part of Local 11's core function. Recognizing unions' interest and union members' interest in these issues, California courts have consistently upheld unions' standing to litigate land use and environmental claims. (See *Bakersfield Citizens v. Bakersfield* (2004) 124 Cal.App.4th 1184, 1198.) Furthermore, Local 11 has public interest standing to challenge the Project Approvals given the City's public duty to comply with applicable zoning and CEQA laws, which Local 11 seeks to enforce. (See e.g., *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 914-916, n6; *La Mirada Avenue Neighborhood Assn. of Hollywood v. City of Los Angeles* (2018) 22 Cal.App.5th 1149, 1158-1159; *Weiss v. City of Los Angeles* (2016) 2 Cal.App.5th 194, 205-206; *Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 166, 169-170.)

II. SPECIFIC DEFICIENCIES WITH CEQA AND MANDATORY PROJECT FINDINGS

For background, CEQA has two primary purposes; to inform decision makers and the public about the potential, significant environmental effects of a project and reduce environmental damage by requiring implementation of environmentally superior alternatives and all feasible mitigation measures. (See CEQA Guidelines § 15002(a).) Because a more comprehensive EIR was not prepared, the Project is subject to the less deferential 'fair argument' standard, which requires a lead agency to prepare an EIR whenever substantial evidence in the record supports a fair argument that a project may have a significant effect on the environment. (See e.g., Pub. Res. Code §§ 21100, 21151; *Laurel Heights Improvement Ass'n v. Regents of the Univ. of Cal.* (1993) 6 Cal.4th 1112, 1123; *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75.) A project "may" have a significant effect on the environment if there is a "reasonable probability" that it will result in a significant impact. (*No Oil, Inc.*, supra, 13 Cal.3d at 83 n. 16.) This is a "low threshold" requiring the preparation of an EIR and preference for resolving doubts in favor of environmental review, even if the overall effect of the project is beneficial. (*Meiia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 332; see also CEQA Guidelines § 15063(b)(1).) "[T]he existence of contrary evidence does not excuse a lead agency from its duty to prepare an EIR." (*Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 931; see also *Friends of "B" Street v. City of Hayward* (1980) 106 Cal.App.3d 988, 1002; *Sierra Club v. County of Sonoma* (1992) 6 Cal.App.4th 1307, 1318 ["decision not to require an EIR can be upheld only when there is no credible evidence to the contrary."].)

Hence, an MND may be used only where there is "clearly no significant effect on the environment would occur, and [] there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant impact on the environment." (Pub. Res. Code § 21064.5 (emphasis added); see also CEQA Guidelines §§ 15070(b), 15369.5.) Substantial evidence includes facts, a reasonable assumption predicated upon fact, or expert opinion supported by fact; not argument, speculation, unsubstantiated opinion or narrative, clearly inaccurate or erroneous evidence, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment. (See e.g., Pub. Res. Code §§ 21080(e),



21082.2(c); CEQA Guidelines §§ 15064(f)(5), 15384.) Courts will not blindly trust bare conclusions, bald assertions, and conclusory comments without the "disclosure of the 'analytic route the ... agency traveled from evidence to action.'" (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404 405 [quoting *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515].)

Here, as discussed below, there is substantial evidence of a fair argument that the Project's GHG and VMT impacts are significant—thus requiring the City to prepare an EIR.

A. MND'S GHG ANALYSIS IS FUNDAMENTALLY FLAWED AND THERE IS A FAIR ARGUMENT OF SIGNIFICANT GHG IMPACTS

The California Supreme Court demands a robust GHG analysis to assess a project's impact on climate change. Lead agencies must provide "the contours of their logical argument," leaving no "analytical gaps" in their analysis, and supporting determinations "through substantial evidence and reasoned explanation." (*Center for Biological Diversity v. Cal. Dept. of Fish and Wildlife ("Newhall Ranch")* (2015) 62 Cal.4th 204, 227; see also *Cleveland National Forest Foundation v. San Diego Assn. of Governments ("Cleveland II")* (2017) 3 Cal.5th 497, 504, 519 [analysis must be "based to the extent possible on scientific and factual data ... stay[ing] in step with evolving scientific knowledge and state regulatory schemes." (Quoting CEQA Guidelines § 15064(b)).]

Here, the MND claims the Project has no GHG impacts because it would comply with the multi-tiered GHG threshold proposed by South Coast Air Quality Management District ("SCAQMD"). In short, while acknowledging the Project's mitigated GHG impact is 3,316 MTCO₂e/yr (exceeding SCAQMD's Tier 3 threshold of 3,000 MTCO₂e/yr), the MND claims it is 42 percent less than the Project's unmitigated GHG impact of 5,756 MTCO₂e/yr (purported below SCAQMD's Tier 4 threshold of 30 percent below business as usual ["BAU"] comparison). (MND, p. 49; APP, PDF p. 75 [APP-B, pp. 7-2 – 7-3].) However, this BAU comparison is fatally flawed and improper. There is a fair argument of significant GHG impacts.

1. MND Applies Incorrect Tier-3 Threshold

Here, MND applies SCAQMD's Tier-3 threshold for mixed-use projects (i.e., 3,000 MTCO₂e/yr). (MND, p. 49; APP, PDF p. 63.) However, the Project contains zero housing and proposes only commercial uses. Consistent with SCAQMD's multi-tier recommendations,⁶ the MND should have used the 1,400 MTCO₂e/yr for commercial projects, just like the City has done for similar hotel projects.⁷

/ / /

⁶ See SCAQMD (Oct. 2008) Draft Guidance Document – Interim CEQA GHG Significance Threshold, pp. 3-10 – 3-16, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgattachmente.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgattachmente.pdf); see also SCAQMD (12/5/08) Board Letter, p. 5, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/ghgboardsynopsis.pdf?sfvrsn=2); SCAQMD (9/28/10) Minutes for the GHG CEQA Significance Threshold Stakeholder Working Group # 15, [http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-\(ghg\)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf](http://www.aqmd.gov/docs/default-source/ceqa/handbook/greenhouse-gases-(ghg)-ceqa-significance-thresholds/year-2008-2009/ghg-meeting-15/ghg-meeting-15-minutes.pdf).

⁷ See e.g., City (10/24/18) Hilton Hotel Project MND, p. 42, https://ggcity.org/sites/default/files/2018-12/BNGroupInitialStudy_0.pdf.

2. MND Relies on Outdated Tier-4 BAU Methodology

Here, as previously mentioned, the MND applies the 30 percent reduction below BAU comparison for SCAQMD's Tier-4 (i.e., Option 1). In 2008, the BAU methodology was one of the three options proposed by SCAQMD for Tier-4 compliance, based on the then-prevailing wisdom of applying the statewide GHG emission reduction percentage (i.e., 30 percent) as a project-level threshold.⁸ However, this perfunctory application of the statewide reduction goal as a project-level threshold has been rejected by the California Supreme Court. (See *Newhall Ranch*, supra at 225.) Like the *Newhall Ranch* EIR, the MND here assumes that the level of effort required at the state-level—30 percent reduction under AB 32 (i.e., 1990 emission levels by 2020) and 40 percent reduction under SB 32 (i.e., 40 percent below 1990 emission levels by 2030)—correlates to the level of effort required for this specific Project at this specific Site. (MND, pp. 51; APP, PDF p. 75.) Critically missing from the MND is any reasoned explanation justifying any “quantitative equivalence” between the statewide context and the Project-level context. (*Newhall Ranch*, supra at p. 227.) This reasoning violates *Newhall Ranch* and CEQA.

3. Project Exceeds SCAQMD Tier-4 Performance Standards

Instead of the perfunctory BAU methodology, the appropriate performance standard under SCAQMD's Tier-4 analysis is the per capita efficiency standard of 4.8 and 3.0 MTCO₂e/yr per service population (“MTCO₂e/yr/sp”) for years 2020 and 2035 (respectively),⁹ which the City has acknowledged in recent CEQA reviews.¹⁰ Service population (“sp”) is defined as only the residents and employees served by a project.¹¹ Here, the Project includes zero housing (i.e., 0 residents), but the MND does not specify the anticipated employees generated by the Project beyond the reference to the demand for 98 employee parking spaces. (APP, PDF p. 1350 [APP-J, Tbl. 3].) Based on various data sources, the City of Los Angeles, for example, has used a job generation ratio of 0.50 jobs per hotel room for purposes of VMT modeling,¹² or in some cases 0.20 jobs per hotel room ratio.¹³ Hence, 100-250 employees generated by this 500-room Project is a reasonable estimate. When dividing 3,316 MTCO₂e/yr by a service population of 100 to 250, the Project would achieve an efficiency level of 33.16 to 13.2 MTCO₂e/yr/sp—which exceeds both the 4.8 and 3.0 MTCO₂e/yr/sp performance standards.

Despite being proposed prior to the State's adoption of more aggressive GHG reduction goals of 40 percent 1990 levels by 2030 (i.e., SB 32 and Executive Order B-30-15), SCAQMD's screening/efficiency thresholds are akin to and most consistent with bright-line/efficiency thresholds adopted by numerous other air districts in recent years, including Sacramento

⁸ SCAQMD Draft Guidance Document, supra fn. 6, p. 3-15.

⁹ SCAQMD Minutes, supra fn. 6, pp. 1-2.

¹⁰ City (8/18/21) Focused General Plan Update Draft EIR, p. 4.6-23, <https://ggcity.org/sites/default/files/2021-08/FGPUZA%20DEIR.pdf>.

¹¹ CAPCOA (Jan. 2008) CEQA & Climate Change, pp. 62-64, 71-72 (service population is defined as “the sum of the number of residents and the number of jobs supported by the project.”), <http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-White-Paper.pdf>; SCAQMD, PDF p. 6 (“sp (service population) = population + employment population”).

¹² City of Los Angeles (May 2020) VMT Calculator Documentation, p. 11, https://ladot.lacity.org/sites/default/files/documents/vmt_calculator_documentation-2020.05.18.pdf.

¹³ City Hilton Hotel Project MND, supra fn. 7, pp. 4, 87 (25 full/part-time worker for 124-room hotel).



Metropolitan AQMD,¹⁴ Bay Area AQMD,¹⁵ Placer County APCD,¹⁶ and San Luis Obispo County APCD.^{17, 18} Similarly, the Association of Environmental Professionals ("AEP") has proposed a 2020 and 2030 land-use efficiency threshold of 4.7 and 2.6 MTCO₂e/yr/sp (respectively, which can also be interpolated during interim years), and based on SB 32 mid-term GHG reduction goals for 2030.¹⁹ By relying solely on the BAU methodology and failing to apply an appropriate performance standards (e.g., SCAQMD's Tier-4 efficiency standard), the MND fails to stay in step with evolving scientific knowledge and regulatory schemes governing GHG, as required under *Cleveland II*. The bottom line is that this a very large Project and there is a fair argument of significant GHG impacts.

4. MND's Perfunctory Analysis of CARB's 2017 Scoping Plan

Here, the MND improperly relies on its perfunctory BAU analysis to claim consistency with the California Air Resources Board ("CARB") 2017 Scoping Plan. The MND fails to recognize the Scoping Plan's explicit reliance on local land-use decisions and GHG reduction at the project-level:

"Implementation of this change will rely, in part, on local land use decisions to reduce GHG emissions associated with the transportation sector, both at the project level, and in long-term plans (including general plans, climate action plans, specific plans, and transportation plans) and supporting sustainable community strategies developed

¹⁴ SMAQMD (May 2018) Guide to Air Quality Assessment in Sacramento County, pp. 6:1-3, 6:10-12 ("(GHG) emissions adversely affect the environment through contributing, on a cumulative basis, to global climate change ... the District recommends that lead agencies address the impacts of climate change on a proposed project and its ability to adapt to these changes in CEQA documents ... [thus urging] evaluating whether the GHG emissions associated with a proposed project will be responsible for making a cumulatively considerable contribution to global climate change." [emphasis original]), <http://www.airquality.org/LandUseTransportation/Documents/Ch6GHGFinal5-2018.pdf>; see also SMAQMD Thresholds of Significance Table, <http://www.airquality.org/LandUseTransportation/Documents/CH2ThresholdsTable5-2015.pdf>.

¹⁵ BAAQMD (May 2017) CEQA Air Quality Guidelines, p. 2:1-4 ("No single project could generate enough GHG emissions to noticeably change the global average temperature [but rather] [t]he combination of GHG emissions from past, present, and future projects contribute substantially to the phenomenon of global climate change and its associated environmental impacts."), http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/ceqa_guidelines_may2017-pdf.pdf?la=en.

¹⁶ PCAPCD (Oct. 2016) CEQA thresholds of Significance Justification Report, pp. E-2, 2, 17-22 ("CEQA requires that the lead agency review not only a project's direct effects on the environment, but also the cumulative impacts of a project and other projects causing related impacts. When the incremental effect of a project is cumulatively considerable, the lead agency must discuss the cumulative impacts in an EIR. [citing CEQA Guidelines § 15064]"), <https://www.placer.ca.gov/DocumentCenter/View/2061/Threshold-Justification-Report-PDF>; see also PCAPCD (11/21/17) CEQA Thresholds And Review Principles, <http://www.placerair.org/landuseandceqa/ceqathresholdsandreviewprinciples>.

¹⁷ SLOAPCD (Mar. 28, 2012) GHG Threshold and Supporting Evidence, p. 5, 25-30, 42 ("No single land use project could generate enough GHG emissions to noticeably change the global average temperature. Cumulative GHG emissions, however, contribute to global climate change and its significant adverse environmental impacts. Thus, the primary goal in adopting GHG significance thresholds, analytical methodologies, and mitigation measures is to ensure new land use development provides its fair share of the GHG reductions needed to address cumulative environmental impacts from those emissions."), <https://storage.googleapis.com/slocleanair-org/images/cms/upload/files/Greenhouse%20Gas%20Thresholds%20and%20Supporting%20Evidence%204-2-2012.pdf>.

¹⁸ See also AEP (Oct. 2016) Beyond Newhall and 2020, pp. 25 (Tbl. 2 identifying other air districts that have adopt/proposed similar screening/efficiency thresholds), https://califaep.org/docs/AEP-2016_Final_White_Paper.pdf.

¹⁹ Ibid., pp. 34, 40 40.



under SB 375 ... Local land use decisions play a particularly critical role in reducing GHG emissions associated with the transportation sector, both at the project level, and in long-term plans, including general plans, local and regional climate action plans, specific plans, transportation plans, and supporting sustainable community strategies developed under SB 375. While the State can do more to accelerate and incentivize these local decisions, local actions that reduce VMT are also necessary to meet transportation sector-specific goals and achieve the 2030 target under SB 32."²⁰ (Emphasis added.)

To this end, CARB provides various GHG mitigation measures that could be considered by the City—but the MND fails to consider incorporating many of them here (see below list).²¹

B. Examples of potentially feasible mitigation measures that could be considered for individual projects under CEQA when the local jurisdiction is the lead agency.

Construction

- Enforce idling time restrictions for construction vehicles
- Require construction vehicles to operate with the highest tier engines commercially available
- Divert and recycle construction and demolition waste, and use locally-sourced building materials with a high recycled material content to the greatest extent feasible
- Minimize tree removal, and mitigate indirect GHG emissions increases that occur due to vegetation removal, loss of sequestration, and soil disturbance
- Utilize existing grid power for electric energy rather than operating temporary gasoline/diesel powered generators
- Increase use of electric and renewable fuel powered construction equipment and require renewable diesel fuel where commercially available
- Require diesel equipment fleets to be lower emitting than any current emission standard

Operation

- Comply with lead agency's standards for mitigating transportation impacts under SB 743
- Require on-site EV charging capabilities for parking spaces serving the project to meet jurisdiction-wide EV proliferation goals

/ / /

²⁰ 2017 Scoping Plan, pgs. 76, 100-101, https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf.

²¹ 2017 Scoping Plan, Appendix B-Local Action, p. 7-9, https://www.arb.ca.gov/cc/scopingplan/app_b_local_action_final.pdf

Operation (continued)

- Allow for new construction to install fewer on-site parking spaces than required by local municipal building code, if appropriate¹
- Dedicate on-site parking for shared vehicles
- Provide adequate, safe, convenient, and secure on-site bicycle parking and storage in multi-family residential projects and in non-residential projects
- Provide on- and off-site safety improvements for bike, pedestrian, and transit connections, and/or implement relevant improvements identified in an applicable bicycle and/or pedestrian master plan
- Require on-site renewable energy generation
- Prohibit wood-burning fireplaces in new development, and require replacement of wood-burning fireplaces for renovations over a certain size developments
- Require cool roofs and "cool parking" that promotes cool surface treatment for new parking facilities as well as existing surface lots undergoing resurfacing
- Require solar-ready roofs
- Require organic collection in new developments
- Require low-water landscaping in new developments. Require water efficient landscape maintenance to conserve water and reduce landscape waste.
- Achieve Zero Net Energy performance targets prior to dates required by CALGreen
- Require new construction, including municipal building construction, to achieve third-party green building certifications, such as the GreenPoint Rated program or the LEED rating system
- Require the design of bike lanes to connect to the regional bicycle network
- Expand urban forestry and green infrastructure in new land development
- Require preferential parking spaces for park and ride to incentivize carpooling, vanpooling, commuter bus, electric vehicles, and rail service use
- Require a transportation management plan for specific plans which establishes a numeric target for non-SOV travel and overall VMT
- Develop a rideshare program targeting commuters to major employment centers
- Require the design of bus stops/shelters/express lanes in new developments to promote the usage of mass-transit
- Require gas outlets in residential backyards for use with outdoor cooking appliances such as gas barbeques if natural gas service is available
- Require the installation of electrical outlets on the exterior walls of both the front and back of residences to promote the use of electric landscape maintenance equipment
- Require the design of the electric boxes in new residential unit garages to promote electric vehicle usage
- Require electric vehicle charging station (Conductive/inductive) and signage for non-residential developments
- Provide electric outlets to promote the use of electric landscape maintenance equipment to the extent feasible on parks and public/quasi-public lands

¹ This is not to be confused with the Americans with Disabilities Act (ADA) requirements or other minimum parking requirements for dedicating space to clean air vehicles and/or EV charging infrastructure

/ / /



Operation (continued)

- Require each residential unit to be "solar ready," including installing the appropriate hardware and proper structural engineering
- Require the installation of energy conserving appliances such as on-demand tank-less water heaters and whole-house fans
- Require each residential and commercial building equip buildings with energy efficient AC units and heating systems with programmable thermostats/timers
- Require large-scale residential developments and commercial buildings to report energy use, and set specific targets for per-capita energy use
- Require each residential and commercial building to utilize low flow water fixtures such as low flow toilets and faucets
- Require the use of energy-efficient lighting for all street, parking, and area lighting
- Require the landscaping design for parking lots to utilize tree cover
- Incorporate water retention in the design of parking lots and landscaping
- Require the development project to propose an off-site mitigation project which should generate carbon credits equivalent to the anticipated GHG emission reductions. This would be implemented via an approved protocol for carbon credits from California Air Pollution Control Officers Association (CAPCOA), the California Air Resources Board, or other similar entities determined acceptable by the local air district
- Require the project to purchase carbon credits from the CAPCOA GHG Reduction Exchange Program, American Carbon Registry (ACR), Climate Action Reserve (CAR) or other similar carbon credit registry determined to be acceptable by the local air district
- Encourage the applicant to consider generating or purchasing local and California-only carbon credits as the preferred mechanism to implement its off-site mitigation measure for GHG emissions and that will facilitate the State's efforts in achieving the GHG emission reduction goal

C. Additional References

- California Air Pollution Control Officers Association, "Model Policies for Greenhouse Gases in General Plans: A Resource for Local Government to Incorporate General Plan Policies to Reduce Greenhouse Gas Emissions", June 2009 – accessible here: <http://www.capcoa.org/wp-content/uploads/2012/03/CAPCOA-ModelPolicies-6-12-09-915am.pdf>
- California Air Pollution Control Officers Association, "Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures," August 2010 – accessible here: <http://www.capcoa.org/wp-content/uploads/2010/11/CAPCOA-Quantification-Report-9-14-Final.pdf>
- Governor's Office of Planning and Research, "General Plan Guidelines" – accessible here: https://www.opr.ca.gov/s_generalplanguidelines.php

B. MND'S TRAFFIC ANALYSIS IS FUNDAMENTALLY FLAWED

CEQA requires analysis of VMT traffic impacts related to a project. (See *Kings County Farm Bureau v. Hanford* (1990) 221 Cal.App.3d 692, 727.) In particular, CEQA requires analysis of project-related traffic impacts in a manner that does not minimize cumulative impacts. (See e.g., *Cleveland National Forest Foundation v. San Diego Assn. of Governments* ("Cleveland III") (2017) 17 Cal.App.5th 413, 444-445 (on remand, traffic analysis based on methodology with known data gaps that underestimated traffic impacts necessarily prejudiced informed public participation and decisionmaking); *Kings County Farm Bureau*, supra at 718, 727 [rejecting determination that less



than one percent to area emissions was less than significant because analysis improperly focused on the project-specific impacts and did not properly consider the collective effect of the relevant projects on air quality]; *Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1072 [upheld the use of same thresholds for immediate and cumulative impacts when its application was “undoubtedly more stringent cumulative-impact threshold”]; *Al Larson Boat Shop, Inc. v. Board of Harbor Comm’rs*, (1993) 18 Cal.App.4th 729, 749 [upheld where cumulative impacts were not minimized or ignored].) The relevant inquiry is not only the relative amount of increased traffic that the Project will cause, but whether any additional amount of Project traffic should be considered significant in light of the already serious problem. (See *Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025.)

Here, the MND claims the Project has no VMT impacts because it is screened out based on the City’s Traffic Impact Analysis Guidelines (“TIA Guidelines”).²² (MND, pp. 81-82; APP, PDF pp. 897 [APP-I, pp. 17, 9-1 – 9-5].) In short, the MND claims that the Project is located in a Transit Priority Area (“TPA”) and meets four conditions (e.g., FAR greater than 0.75, not overparked, consistent with sustainable community strategy, does not replace affordable residential units). (Id.) However, this Project should not be screened out for several reasons discussed below.

1. Fails to show consistency with SCAG RTP/SCS

Here, the MND claims without any discussion that “the proposed project is consistent with the applicable [Southern California Association of Governments (“SCAG”) 2020 Regional Transportation Plan/Sustainable Communities Strategy (“RTP/SCS”)], as determined by the City[.]” (MND, p. 82; APP, PDF p. 966 [APP-I, p. 9-4].) Such conclusory statements are not substantial evidence under CEQA. (See CEQA Guidelines § 15384.) There is no attempt to show consistency with any specific, binding requirements for local land-use projects identified in SCAG’s RTP/SCS. For example, there is no attempt to show the Project is consistent with any of the project-level mitigation measures identified in the RTP/SCS Program Environmental Impact Report.²³ Nor is there any attempt to show the Project would achieve any of the benchmarks presumed in the RTP/SCS, such as daily VMT per capita reductions from 24.1 (in 2016) to 22.3 (by 2045) for the County of Orange.²⁴ Here, the MND’s air quality/GHG modeling estimates the Project would generate 3,594,058 annual VMTs. (See APP, PDF p. 300.) The MND also assumes that light/medium-duty trucks and automobiles (“LDA(s)”) are roughly 91 percent of the Project’s vehicle mix. (Id.). Thus, the Project’s LDAs would generate roughly 8,960 VMTs per day or 35.8 VMTs per service population of 250²⁵—which exceeds the Orange County benchmark discussed above. This Project is far too big for a MND—an EIR should be prepared.

/ / /

²² City (May 2020) TIA Guidelines, <https://gardengrove.novusagenda.com/AgendaPublic/AttachmentViewer.ashx?AttachmentID=4377&ItemID=3092>.

²³ SCAG (Dec. 2019) Final Program EIR, pp. 2.0-18 – 2.0-71 (see “project-level mitigation measures” for air quality, GHG, and transportation impacts), https://scag.ca.gov/sites/main/files/file-attachments/fpeir_connectsocial_complete.pdf?1607981618.

²⁴ SCAG (9/3/20) 2020 RTP/SCS, p. 122, https://scag.ca.gov/sites/main/files/file-attachments/0903fconnectsocial-plan_0.pdf?1606001176.

²⁵ Calculated: [(3594058 annual VMTs) (91%)] / [365] / (250 employees).



2. *There Is a Fair Argument That Project VMTs are Significant*

Under the City's TIA Guidelines, the TPA screening is appropriate only when there is "absent substantial evidence to the contrary."²⁶ Here, there is a variety of indicia showing the Project's VMTs are significant, such as:

- The Project would generate 5,122 average daily trips ("ADT(s)") compared to the Site's zero ADTs (MND, p. 71), which exceeds the City's 110 ADT screening threshold for small project's that is based on the VMT guidance provided by the Governor's Office of Planning and Research ("OPR");²⁷
- The Project is not a local-serving hotel or located in a low VMT area screening area (APP, PDF pp. 964-966);
- The MND's GHG Study shows the Project would generate 3,594,058 annual VMTs (i.e., 9,846 daily VMTs) as compared to zero VMTs generated by the vacant site (APP, PDF p. 300), which exceeds OPR's no net increase threshold for redevelopment projects;²⁸ and
- As discussed above, the Project would achieve 35.8 daily VMTs/sp, which exceeds SCAG's 2020 RTP/SCS assumption of 22.3 daily VMTs per capita.

In sum, substantial evidence demonstrates that this destination hotel Project will generate significant VMTs that warrant a full VMT analysis and mitigation, such as those recommended by CARB, SCAG, CAPCOA, and the City.²⁹ An EIR should be prepared.

C. CEQA ISSUES RUN COUNTER TO CODE-REQUIRED FINDINGS

The above-mentioned CEQA issues run contrary to various goals and policies under the City's General Plan (e.g., policies LU-1.5, LU-IMP-1C, LU-2.1, etc.)³⁰ as well as Code-required findings necessary to grant the entitlements (e.g., GGMC §§ 9.32.030-D.3.b [site plan review findings]; 9.12.030.02-F [planned unit development findings].) Findings need to be supported by substantial evidence that bridge the analytical gap between the raw evidence and City's decisions. (See e.g., *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal. 3d 506, 514-515; *Stolman v. City of Los Angeles* (2003) 114 Cal.App.4th 9(1974) 11 Cal.3d 506, 16, 923.) Until the CEQA issues discussed herein are corrected via a CEQA-compliant EIR, the City lacks substantial evidence to grant the Project Approvals.

/ / /

²⁶ City TIA Guidelines, supra fn. 22, p. 16.

²⁷ See City TIA Guidelines, supra fn. 22, p. 18; see also OPR (Dec. 2018) Technical Advisory: On Evaluating Transportation Impacts In CEQA, pp. 12, https://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.

²⁸ OPR Technical Advisory, supra fn. 28, p. 17.

²⁹ 2017 Scoping Plan: Appendix B-Local Action, supra fn. 21; SCAG Final Program EIR, supra fn. 24; City TIA Guidelines, Attachment B-TDM Strategies, <https://gardengrove.novusagenda.com/AgendaPublic/AttachmentViewer.aspx?AttachmentID=4348&ItemID=3092>; CAPCOA (Dec. 2021) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity, https://www.airquality.org/ClimateChange/Documents/Final%20Handbook_AB434.pdf.

³⁰ City's Land Use Element, https://ggcity.org/internet/pdf/planning/chapter02_landuseelement.pdf.

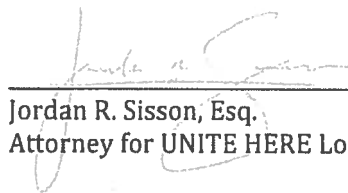


III. CONCLUSION

Local 11 appreciates the opportunity to provide these comments. We respectfully request the City reject the Project Approvals until the issues discussed herein are resolved in a CEQA-compliant review that adequately analyzes and mitigates the Project's GHG and VMT impacts. There is a fair argument of CEQA impacts. This Project is expected to generate over 3 million annual VMTs, which is far too big for a MND. An EIR should be prepared. Lastly, this office requests all notices concerning any CEQA/land use actions involving the Project and Project Approvals, as required under applicable law. (See Pub. Res. Code §§ 21092.2, 21167(f) and Gov. Code § 65092.) Please send all notices by electronic and regular mail.

Thank you for consideration of these comments. We ask that this letter be placed in the Project's administrative record.

Sincerely,



Jordan R. Sisson, Esq.
Attorney for UNITE HERE Local 11



BRIDGET McCONAUGHY

183

Date 7/27/22

PAY TO THE ORDER OF

CITY of Garden Grove \$ 350.00

Three Hundred and fifty

Dollars

Heat Reactive Ink

Memo

Bruce

MP

LOOK FOR PRINTED SECURITY FEATURES INCLUDING THE SECURITY LOGO AND MICR LINE AT THE BOTTOM OF THE RECEIPT. DETAILS ON BACK.



RECEIPT

DATE July 27 20 22

RECEIVED FROM

WHITE HERB LOCAL 11 / BRIDGET McCONAUGHY

ADDRESS

FOR Three Hundred & Fifty Dollars & 0/100 AMOUNT \$ 350.00

FUND	ACCT.	PKG.	CASH	MONEY ORDER	CHECK
					X
BY Amanda Pollock					CITY CLERK
PRINT NAME					DEPT. / EXT.

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: From:

Dept.: Dept.:

Subject: Acceptance of Commissioner Date:
Kevin Rhee's resignation
from the Parks, Recreation
and Arts Commission.
(*Action Item*)

ATTACHMENTS:

Description	Upload Date	Type	File Name
Email from Kevin Rhee	8/10/2022	Letter	Kevin_Rhee_Resignation_from_Parks__Recreation_and_Arts_Commission.pdf

Resignation of Commissioner Position from the City of Garden Grove

From : Kevin Rhee <kevinyoungrhee@aol.com>

Tue, Aug 09, 2022 04:54 PM

Subject : Resignation of Commissioner Position from the City of Garden Grove

To : cityclerk@ggcity.org

Cc : sugeiryr@ggcity.org

Reply To : Kevin Rhee <kevinyoungrhee@aol.com>

Dear Ms. Teresa Pomeroy,

It is very regretful to inform you that as of today, August 9th of 2022, I would like to resign from the Commissioner position for the City of Garden Grove . For the past four years, I have greatly enjoyed serving the City of Garden Grove as Park & Recreational Commissioner. I deeply appreciate and show my gratitude towards all the great time and accomplishments we've enjoyed over the past four years.

Thank you so much!

Sincerely,

KEVIN Y. RHEE
(714)585-5911

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Mayor and City Council From: Mayor Pro Tem Diedre Thu-Ha Nguyen
Dept.: Dept.:
Subject: Discussion on the adoption of a Proclamation celebrating August 2022 as American Muslim Appreciation and Awareness Month in Garden Grove, as requested by Mayor Pro Tem Diedre Thu-Ha Nguyen. (*Action Item*) Date: 8/23/2022

Attached is for discussion on the adoption of a Proclamation recognizing American Muslim Appreciation and Awareness Month as requested by Mayor Pro Tem Diedre Thu-Ha Nguyen.

ATTACHMENTS:

Description	Upload Date	Type	File Name
Proclamation	8/18/2022	Proclamation	8-23-22_Garden_Grove_MAAM_Proclamation.pdf

Proclamation

American Muslim Appreciation and Awareness Month

WHEREAS, American Muslims contribute greatly to charitable organizations that help people from all faiths and backgrounds in Garden Grove, California, the United States, and around the world by providing medical assistance, family services, scholastic supplies, before- and after-school programs, food aid, and emergency/disaster relief efforts;

WHEREAS, The city of Garden Grove is home to a mosque, Islamic school, Muslim based and operated community organizations, and several prominent Muslim figures who continue to make significant contributions to the city and the State as business owners, legal professionals, doctors, engineers, teachers, farmers, civil rights leaders, humanitarians, athletes, and in many other great, notable capacities;

WHEREAS, Council on American-Islamic Relations, California (CAIR-CA), headquartered in Orange County, is the largest Muslim legal services and advocacy organization in the United States and has been a valued partner organization within Garden Grove, Orange County, and California on issues related to the Census, emergency response, pandemic relief, and responding to incidents of hate, and providing civil rights and immigration services to Muslim, immigrant, Black, Indigenous, and People of Color communities. In the past 18 months, CAIR's Greater Los Angeles office (CAIR-LA) has partnered with local Garden Grove organizations to host legal clinics for Afghan refugees and to organize COVID-19 vaccine efforts with public health officials;

WHEREAS, Islamic Society of Orange County (ISOC) is one of the largest mosques in California and a hub for a community of over 7,000 people. ISOC provides the community with a range of programs including youth mentorship, civic engagement seminars, and cultural festivals. ISOC has served as a vital center during the pandemic for essential services and resources, including food aid, COVID-19 testing, and vaccinations. The mosque served as host of a legal clinic that served 100+ Afghan arrivals who are seeking to settle down in the Orange County area;

WHEREAS, Orange Crescent School (OCS) in Garden Grove was founded in 1983 by the Islamic Society of Orange County (ISOC). Years later, OCS is one of the largest Islamic schools in Orange County, existing as a non-profit and serving the diverse Muslim community in Orange County. The students of OCS are empowered and taught to have positive self-identity as Muslim Americans, so that they can become civically engaged members in their local communities;

WHEREAS, Dr. Muzammil Siddiqi holds a PhD in comparative religion from Harvard University and serves as the Religious Director of the Islamic Society of Orange County (ISOC). Throughout the years, Dr. Siddiqi has been influential in the Orange County community and given lectures at different colleges and religious

institutions in over 28 countries. Dr. Siddiqi is a frequent participant in interfaith events within Orange County and all around the country. Through these events, Dr. Siddiqi continues to build relationships and mutual understanding between the Muslim community and other communities of faith; and

WHEREAS, It is appropriate to acknowledge and promote awareness of the myriad of invaluable contributions of American Muslims in Garden Grove, and extend to them the respect and camaraderie every American deserves.

NOW, THEREFORE, BE IT PROCLAIMED, that the City Council of the City of Garden Grove does hereby celebrate and recognize August 2022 to be American Muslim Appreciation and Awareness Month in the City of Garden Grove.