

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal
Dept: City Manager
Subject: CONSIDERATION OF A MITIGATED
NEGATIVE DECLARATION, GENERAL
PLAN AMENDMENT NO. GPA-1-10(A),
PLANNED UNIT DEVELOPMENT NO.
PUD-126-10, AND DEVELOPMENT
AGREEMENT NO. DA-183-10

From: Susan Emery
Dept: Community Development
Date: January 25, 2011

OBJECTIVE

To transmit a Planning Commission recommendation for (i) adoption of a Mitigated Negative Declaration and Mitigation Monitoring Program for the proposed development of a hotel and water park on an approximately 12.1 acre site along Harbor Boulevard, (ii) approval of a General Plan Amendment to change the General Plan Land Use designations of two properties within the proposed project area from Low Density Residential to International West Mixed Use, (iii) adoption of an ordinance establishing a Planned Unit Development zoning with development standards for the development of the proposed hotel and water park;, and (iv) adoption of an ordinance approving a Development Agreement with Garden Grove MXD, Inc. concerning the land use entitlements for the proposed project.

BACKGROUND

The project area is an approximately 12.1-acre site, currently comprised of six properties, and is located on the west side of Harbor Boulevard, between Lampson Avenue and Garden Grove Boulevard. The site is comprised of a vacant property, a recreational vehicle park, vacant commercial structures, and two vacant single-family homes. Four of the properties maintain a General Plan Land Use Designation of International West Mixed Use and a zoning of Planned Unit Development No. PUD-121-98. The remaining two properties maintain a General Plan Land Use Designation of Low Density Residential and a zoning of R-1 (Single-Family Residential).

The properties to the north are zoned R-1 (Single-Family Residential) and Planned Unit Development No. PUD-121-98 and are developed with single-family homes and an integrated commercial development, respectively. The properties to the east, across Harbor Boulevard, are zoned R-1 and are developed with one-story, single-family homes. The properties to the south are zoned PUD-121-98 and are

developed with an integrated commercial center. The properties to the west are zoned PUD-121-98 and R-1 and are developed with an apartment complex and a church, respectively.

The subject project proposes to establish a Planned Unit Development zoning with development standards for the development of a hotel and water park on an approximately 12.1-acre site, along with a General Plan Amendment to change the General Plan Land Use designations of two properties from Low Density Residential to International West Mixed Use, a Conditional Use Permit to allow for the sale of alcoholic beverages in the hotel and hotel restaurants, and a Tentative Parcel Map to reconfigure the existing six properties into three separate properties. The proposed project will include an approximately 605 room hotel, an approximately 130,000 square foot water park, approximately 18,000 square feet of retail space located within the facility, approximately 30,000 square feet of meeting space, restaurants within the hotel facility, a 5-level parking structure, and an approximately 14,850 square foot restaurant pad. A Development Agreement is also proposed.

As part of the entitlement process, a neighborhood meeting was held on August 11, 2010 and a community meeting was held on August 25, 2010. Both meetings were held to provide information to the community and surrounding neighborhood, as well as address concerns that were raised by those attending the meetings. The main concerns raised and addressed at these meetings included traffic, access, light and glare, and water quality.

The Planning Commission held a public hearing on September 16, 2010, and continued the item in order to finalize environmental work. On December 16, 2010, the Planning Commission held a continued public hearing regarding the project and the Mitigated Negative Declaration. Issues that were raised and addressed at the Planning Commission meetings included parking, the perimeter wall, the number of jobs projected for the resort, noise, length of construction, fire service and emergency access, use of Leda Lane and maintenance of the cul-de-sac, site grading, light and glare, water demand and conservation, traffic on surrounding streets, and sewer capacity. Excerpts from the minutes of the September 16, 2010 and December 16, 2010 Planning Commission meetings describing the comments and discussion relating to the project are attached to this report.

At the conclusion of the December 16, 2010 public hearing, the Planning Commission voted to recommend City Council adoption and approval of the Mitigated Negative Declaration and Mitigation Monitoring Report, General Plan Amendment, Planned Unit Development, and Development Agreement.

Additionally, the Planning Commission adopted a resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring Program for the project and approving the associated Conditional Use Permit (CUP-303-10) and Tentative Parcel

Map (PM-2010-1178), subject to specified Conditions of Approval. The approval of the Conditional Use Permit will allow for the sale of alcoholic beverages in the hotel and hotel restaurants. The Tentative Parcel Map approval will allow the reconfiguration of the existing six properties into three separate properties.

DISCUSSION

General Plan Amendment

Two of the six properties that are included in the development and that make up the northwesterly portion of the site are located at the end of Leda Lane. The General Plan Land Use Designation of the two properties is Low Density Residential and they are currently developed with single-family homes. The remainder of the site maintains a General Plan Land Use Designation of International West Mixed Use.

In order for the project to move forward as proposed, the General Plan Land Use Designation of the two properties needs to be changed from Low Density Residential to International West Mixed Use. The current General Plan Land Use Designation only allows the development of single-family homes. The proposed International West Mixed Use Land Use Designation encourages the development of hotels, resort, and tourist-based entertainment-related uses. Additionally, mixed-use commercial/residential developments are permitted within the area as well. The proposed use of the site is a water park resort hotel that includes a hotel, an indoor/outdoor water park, associated restaurant and retail uses within the hotel, and a free-standing restaurant pad. With the proposed General Plan Amendment, the subject project will be consistent with the goals of the City's General Plan.

Planned Unit Development

The property presently maintains two zoning designations. Two of the properties that make up the northwesterly portion of the site, and are located at the end of Leda Lane, are zoned R-1 (Single-Family Residential). The remainder of the Site is zoned Planned Unit Development No. PUD-121-98. The R-1 zoning designation allows the development of the single-family residential homes. The PUD-121-98 zoning designation was originally intended for the Riverwalk development, which was a 53-acre development that included 1,000,000 square feet of commercial and entertainment uses. While the project was never constructed, the Planned Unit Development zoning remained in place.

The applicant is proposing to change the zoning designation of the subject site from R-1 and PUD-121-98 to Planning Unit Development No. PUD-126-10 in order to allow the development of the subject water park hotel to move forward. The Planned Unit Development (PUD) zoning designation establishes development standards and uses specific to a particular project, and independent of the Municipal Code, provided that

the quality of the project achieved through the PUD zoning is greater than could be achieved through traditional zoning.

The proposed PUD is establishing the design and use criteria for the entire development site that will facilitate the project's construction. The proposed PUD includes standards that address building height and setbacks, landscaping, use, maintenance, parking, circulation and access, signage, utilities, storage and refuse collection, submittal of development plans, environmental mitigation measures, and related conditions of approval. The development of the proposed water park hotel facility and associated uses is the type of development/use that is envisioned and encouraged within the International West Mixed Use zoning Land Use Designation and therefore is consistent with the City's General Plan.

Site Design and Circulation:

While the PUD for the site includes development and use standards, the envisioned build out of the site is based on a submitted concept plan and environmental document that are the basis for setting the parameters for which the water park hotel is to follow. All construction plans of the water park, hotel, and parking structure shall be consistent with the PUD standards and the associated plans, environmental documentation, and conditions of approval that are approved through the entitlement process. The development of the restaurant pad will require a separate entitlement approval.

The development will have three ingress and egress points. The main access to the site will be from a lighted intersection that will allow both left and right turns in and out of the site. The main access point will allow direct access to the project's parking structure as well as the hotel's front entrance under a decorative porte-cochere. A second egress point, that will be restricted to right turn movements, will be located south of the main entrance. The third access point will be located along the northerly property line and will be restricted to right-turns in and right-turns out of the site. This third access area will be for emergency vehicle access to the rear of the site, access to the rear loading area, and employee entrance. The parking structure for the site will be a 5-level parking structure, 50 feet in height, located toward the north and west property lines. The parking for the development totals 1,050 parking spaces, which, with the exception of seven parking spaces located between the porte-cochere and the front property line, are within the confines of the parking structure.

Surrounding the site, on the northerly, westerly, and southerly property lines will be a minimum 8-foot high decorative wall that will separate the subject site and the adjacent properties. The wall is required for screening and sound attenuation.

Landscaping will be provided within the project as well as along Harbor Boulevard. The landscaping along Harbor Boulevard will include a double row of palm trees with canopy trees, shrubs, and ground cover that will match the landscaping treatment used at the southwest corner of Harbor Boulevard and Chapman Avenue.

Building Architecture/Aesthetics:

The physical improvements for the project site will be compatible with the Community Design Guidelines as stated in the General Plan. The proposed development will comply with the goals and objective of the Community Design Element of the City's Adopted General Plan including provisions for attractive building design, landscaping, and signage. All development plans will be subject to, and be governed by, the approved PUD for the site.

While aesthetic impacts are by their nature very subjective, the intent of the project is to create a themed resort environment through enhanced architectural elements as shown on the conceptual massing and building elevation plans submitted along with the PUD request. The concept has structures that vary in height and massing. The hotel structure will be 12 stories with a height of 165 feet to top of parapet wall. The enclosed water park building, including a tower feature will be 70 feet high. The height of the 5-level parking structure will be 50 feet to the top of the parapet wall and the future free-standing restaurant, located toward Harbor Boulevard, will be 35 feet high.

The design of the water park building and hotel will reflect a themed architectural style, which includes a decorative porte-cochere with carved wolves, stucco and vertical siding, building pop-outs, varied roof lines, windows on the water park building facing Harbor Boulevard, water park ride tubing extruding from the front façade of the water park structure, and decorative lighting. The PUD requirements will require that the parking structure be decorative, utilizing materials and details that are used on the hotel building.

Conditions of Approval

All Conditions of Approval adopted in conjunction with Conditional Use Permit (CUP-303-10) and Tentative Parcel Map (PM-2010-1178) shall apply to the project. Note that the Garden Grove Agency for Community Development ("Agency") is responsible for certain off-site improvements and other obligations required by the Conditions of Approval in accordance with that certain First Amended and Restated Disposition and Development Agreement between the Agency and the developer approved on April 13, 2010.

Development Agreement

The applicant is entering into a Development Agreement with the City. The applicant will be guaranteed five years in which to construct the project in accordance with the existing land use entitlements, and the City will receive from the developer a development agreement payment, along with the payment of development fees, in an amount not to exceed \$2,635,629,. The Planning Commission recommended that the Development Agreement be approved by City Council.

Environmental Consideration

Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., an Initial Study was prepared. Based on the Initial Study and supporting analyses, it was determined that all potentially adverse environmental impacts can be mitigated to a level of less than significance. The applicable mitigation measures are incorporated in the conditions of approval for the project. On this basis, a Mitigated Negative Declaration and Mitigation Monitoring Program have been prepared. Copies of the Initial Study, Mitigated Negative Declaration, including the Mitigation Monitoring Program, and conditions of approval have been included in Attachments 4, 5, and 2, respectively.

The 30-day public comment period on the Mitigated Negative Declaration occurred from November 5, 2010, to December 6, 2010. Two comment letters were received. These letters were from the California Department of Toxic Substances Control and the California Department of Transportation. These comment letters and the City's responses are included as Attachment 6.

FINANCIAL IMPACTS

Pursuant to the proposed Development Agreement, the City would receive a development agreement payment, along with the payment of development fees, in an amount not to exceed \$2,635,629,.

RECOMMENDATION

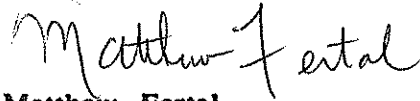
It is recommended that the City Council:

- Adopt a Resolution adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for the proposed General Plan Amendment No. GPA-1-10(A), Planned Unit Development No. PUD-126-10, and Development Agreement No. DA-183-10;
- Adopt a Resolution approving General Plan Amendment No. GPA-1-10(A);
- Introduce and conduct the first reading of the attached ordinance regarding Planned Unit Development No. PUD-126-10; and
- Introduce and conduct the first reading of the attached ordinance approving Development Agreement No. DA-183-10.



SUSAN EMERY
Community Development Director

Approved for Agenda Listing



Matthew Fertal
City Manager

By: 
Lee Marino
Senior Planner

- Attachment 1: Planning Commission Staff Reports dated September 16, 1020 and December 16, 2010
- Attachment 2: Planning Commission Resolution Nos. 5719 and 5720 with Exhibit "A" Conditions of Approval
- Attachment 3: Planning Commission Minute Excerpt of September 16, 2010 and Draft Planning Commission Minute Excerpt of December 16, 2010
- Attachment 4: Initial Study
- Attachment 5: Mitigated Negative Declaration and Mitigation Monitoring Report
- Attachment 6: Comments and Response to Comments for Water Park Hotel Mitigated Negative Declaration
- Attachment 7: Memorandum Regarding Available Sewer Capacity for Water Park Hotel Project
- Attachment 8: Proposed City Council Resolution Adopting Mitigated Negative Declaration and Mitigation Monitoring Report
- Attachment 9: Proposed City Council Resolution for General Plan Amendment GPA-1-10(A)
- Attachment 10: Proposed City Council Ordinance for Planned Unit Development No. PUD-126-10
- Attachment 11: Draft City Council Ordinance for Development Agreement No. DA-183-10

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.4.	SITE LOCATION: West side of Harbor Boulevard, between Lampson Avenue and Garden Grove Boulevard at 12581, 12591, 12681, & 12721 Harbor Boulevard and 12601 & 12602 Leda lane
HEARING DATE: September 16, 2010	GENERAL PLAN: International West Mixed Use and Low Density Residential PROPOSED GENERAL PLAN: International West Mixed Use
CASE NOS.: General Plan Amendment No. GPA-1-10(A), Planned Unit Development No. PUD-126-10, Conditional Use Permit No. CUP-303-10, Tentative Parcel Map No. PM-2010-1178, and Development Agreement No. DA-183-10	EXISTING ZONE: Planned Unit Development No. PUD-121-98 & R-1 (Single-Family Residential) PROPOSED ZONE: Planned Unit Development No. PUD-126-10
APPLICANT: Garden Grove MXD, LLC	APN: 231-441-27, 29, 39, & 40 and 231-431-02, & 03
PROPERTY OWNER: Garden Grove Agency for Community Development	CEQA DETERMINATION: Mitigated Negative Declaration

REQUEST:

A request to establish a Planned Unit Development zoning with development standards for the development of a hotel and water park on an approximately 12.1-acre site along with a General Plan Amendment to change the General Plan Land Use designations of two properties from Low Density Residential to International West Mixed Use, a Conditional Use Permit to allow for the sale of alcoholic beverages in the hotel and hotel restaurants, and a Tentative Parcel Map to reconfigure the existing six properties into three separate properties. The proposed project will include an approximately 605 room hotel, an approximately 130,000 square foot water park, approximately 18,000 square feet of retail space located within the facility, approximately 30,000 square feet of meeting space, restaurants within the hotel facility, a five-level parking structure, and an approximately 14,850 square foot restaurant pad. A Development Agreement is also proposed.

BACKGROUND/DISCUSSION:

Staff is requesting that the subject applications be continued to a date certain in order to give additional time to complete the project analysis.

Karl Hill
Planning Services Manager

Lee Marino
Senior Planner

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: West side of Harbor Boulevard, between Lampson Avenue and Garden Grove Boulevard at 12581, 12591, 12681, & 12721 Harbor Boulevard and 12601 & 12602 Leda lane
HEARING DATE: December 16, 2010	GENERAL PLAN: International West Mixed Use and Low Density Residential PROPOSED GENERAL PLAN: International West Mixed Use
CASE NOS.: General Plan Amendment No. GPA-1-10(A), Planned Unit Development No. PUD-126-10, Conditional Use Permit No. CUP-303-10, Tentative Parcel Map No. PM-2010-1178, and Development Agreement No. DA-183-10	EXISTING ZONE: Planned Unit Development No. PUD-121-98 & R-1 (Single-Family Residential) PROPOSED ZONE: Planned Unit Development No. PUD-126-10
APPLICANT: Garden Grove MXD, Inc.	APN: 231-441-27,29, 39, & 40 and 231-431-02, & 03
PROPERTY OWNER: Garden Grove Agency for Community Development	CEQA DETERMINATION: Mitigated Negative Declaration

REQUEST:

A request to establish a Planned Unit Development zoning with development standards for the development of a hotel and water park on an approximately 12.1-acre site along with a General Plan Amendment to change the General Plan Land Use designations of two properties from Low Density Residential to International West Mixed Use, a Conditional Use Permit to allow for the sale of alcoholic beverages in the hotel and hotel restaurants, and a Tentative Parcel Map to reconfigure the existing six properties into three separate properties. The proposed project will include an approximately 605 room hotel, an approximately 130,000 square foot water park, approximately 18,000 square feet of retail space located within the facility, approximately 30,000 square feet of meeting space, restaurants within the hotel facility, a 5-level parking structure, and an approximately 14,850 square foot restaurant pad. A Development Agreement is also proposed.

PROJECT STATISTICS:

	<u>Provided</u>
<u>Lot Size:</u>	12.1 acres*
<u>Parking:</u>	1050**
<u>Building Height:</u>	
Hotel:	165'-0"
Water Park Building:	70'-0"
Parking Structure:	50'-0"
<u>Building Setbacks:</u>	
North:	41'-0"
East:	15'-0"
West:	35'-0"
South:	10'-0"

* Title 9 of the Municipal Code requires commercial PUD's to be a minimum of 5-acres in size.

** Pursuant to Title 9 of the Municipal Code, the development requires a minimum of 933 parking spaces.

BACKGROUND:

The property is an approximately 12.1-acre site, comprised of six properties, and is located on the west side of Harbor Boulevard, between Lampson Avenue and Garden Grove Boulevard. The site is comprised of a vacant property, a recreational vehicle park, vacant commercial structures, and two vacant single-family homes. Four of the properties maintain a General Plan Land Use Designation of International West Mixed Use and a zoning of Planned Unit Development No. PUD-121-98. The remaining two properties maintain a General Plan Land Use Designation of Low Density Residential and a zoning of R-1 (Single-Family Residential).

The properties to the north are zoned R-1 (Single-Family Residential) and Planned Unit Development No. PUD-121-98 and are developed with single-family homes and an integrated commercial development, respectively. The properties to the east, across Harbor Boulevard, are zoned R-1 and are developed with one-story, single-family homes. The properties to the south are zoned PUD-121-98 and are developed with an integrated commercial center. The properties to the west are zoned PUD-121-98 and R-1 and are developed with an apartment complex and a church, respectively.

As part of the entitlement process, a neighborhood meeting was held on August 11, 2010 and a community meeting was held on August 25, 2010. Both meetings were held to provide information to the community and surrounding neighborhood

as well as address concerns that were raised by those attending the meetings. The main concerns that were raised and addressed included traffic, access, light and glare, and water quality.

DISCUSSION:

GENERAL PLAN AMENDMENT:

Two of the six properties that are included in the development and make up the northwesterly portion of the site, are located at the end of Leda Lane. The General Plan Land Use Designation of the two properties is Low Density Residential and they are currently developed with single-family homes. The remainder of the site maintains a General Plan Land Use Designation of International West Mixed Use.

In order for the project to move forward as proposed, the General Plan Land Use Designation of the two properties need to be changed from Low Density Residential to International West Mixed Use. The current General Plan Land Use Designation only allows the development of single-family homes. The proposed International West Mixed Use Land Use Designation encourages the development of hotels, resort, and tourist-based entertainment-related uses. Additionally, mixed-use commercial/residential developments are permitted within the area as well. The proposed use of the site is a water park resort hotel that includes a hotel, an indoor/outdoor water park, associated restaurant and retail uses within the hotel, and a free-standing restaurant pad. With the proposed General Plan Amendment, the subject project will be consistent with the goals of the City's General Plan.

PLANNED UNIT DEVELOPMENT:

The property presently maintains two zoning designations. Two of the properties that make up the northwesterly portion of the site, and are located at the end of Leda Lane, are zoned R-1 (Single-Family Residential). The remainder of the Site is zoned Planned Unit Development No. PUD-121-98. The R-1 zoning designation allows the development of the single-family residential homes. The PUD-121-98 zoning designation was originally intended for the Riverwalk development, which was a 53-acre development that included 1,000,000 square feet of a commercial and entertainment uses. The uses within the development included 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. While the project was never constructed, the Planning Unit Development zoning remained in place.

The applicant is proposing to change the zoning designation of the subject site from R-1 and PUD-121-98 to Planning Unit Development No. PUD-126-10 in order to allow the development of the subject water park hotel to move forward. The Planned Unit Development (PUD) zoning designation establishes development standards and uses specific to a particular project, and independent of the Municipal Code, provided that the quality of the project achieved through the PUD zoning is greater than could be achieved through traditional zoning.

The proposed PUD is establishing the design and use criteria for the entire development site that will facilitate the project's construction. The proposed PUD includes standards that address building height and setbacks, landscaping, use, maintenance, parking, circulation and access, signage, utilities, storage and refuse collection, submittal of development plans, environmental mitigation measures, and related conditions of approval. The subject development request proposes construction of an approximately 605 room hotel, an approximately 130,000 square foot water park, approximately 18,000 square feet of retail space located within the facility, approximately 30,000 square feet of meeting space, restaurants within the hotel facility, a 5-level parking structure, and an approximately 14,850 square foot restaurant pad. Additionally, the request includes consideration of a Conditional Use Permit to allow for the sale of alcoholic beverages in the hotel and hotel restaurants, and a Tentative Parcel Map to reconfigure the existing six properties into three separate properties. The development of the proposed water park hotel facility and associated uses is the type of development/use that is envisioned and encouraged within the International West Mixed Use zoning Land Use Designation and therefore is consistent with the City's General Plan.

Site Design and Circulation:

While the PUD for the site includes development and use standards, the envisioned build out of the site is based on a submitted concept plan and environmental document that are the basis for setting the parameters for which the water park hotel is to follow. All construction plans of the water park, hotel, and parking structure shall be consistent with the PUD standards and the associated plans, environmental documentation, and conditions of approval that are approved through the entitlement process. The development of the restaurant pad will require a separate entitlement approval.

The development will have three ingress and egress points. The main access to the site will be from a lighted intersection that will allow both left and right turns in and out of the site. The main access point will allow direct access to the project's parking structure as well as the hotel's front entrance under a decorative porte-cochere. A second egress point, that will be restricted to right turn movements, will be located south of the main entrance. The third access point will be located along the northerly property line and will be restricted to right-turns in and right-turns out of the site. This third access area will be for emergency vehicle access to the rear of the site, access to the rear loading area, and employee entrance. The parking structure for the site will be a 5-level parking structure, 50 feet in height, located toward the north and west property lines. The parking for the development totals 1,050 parking spaces, which, with the exception of seven parking spaces located between the porte-cochere and the front property line, are within the confines of the parking structure.

Surrounding the site, on the northerly, westerly, and southerly property lines will be a minimum 8-foot high decorative wall that will separate the subject site and the adjacent properties. The wall is required for screening and sound attenuation.

Landscaping will be provided within the project as well as along Harbor Boulevard. The landscaping along Harbor Boulevard will include a double row of palm trees with canopy trees, shrubs, and ground cover that will match the landscaping treatment used at the southwest corner of Harbor Boulevard and Chapman Avenue.

Building Architecture/Aesthetics:

The physical improvements for the project site will be compatible with the Community Design Guidelines as stated in the General Plan. The proposed development will comply with the goals and objective of the Community Design Element of the City's Adopted General Plan including provisions for attractive building design, landscaping, and signage. All development plans will be subject to, and be governed by, the approved PUD for the site.

While aesthetic impacts are by their nature very subjective, the intent of the project is to create a themed resort environment through enhanced architectural elements as shown on the conceptual massing and building elevation plans submitted along with the PUD request. The concept has structures that vary in height and massing. The hotel structure will be 12 stories with a height of 165 feet to top of parapet wall. The enclosed water park building, including a tower feature will be a 70 feet high. The height of the 5-level parking structure will be 50 feet to the top of parapet wall and the future free-standing restaurant, located toward Harbor Boulevard, will be 35 feet high.

The design of the water park building and hotel will reflect a themed architectural style, which includes a decorative porte-cochere with carved wolves, stucco and vertical siding, building pop-outs, varied roof lines, windows on the water park building facing Harbor Boulevard, water park ride tubing extruding from the front façade of the water park structure, and decorative lighting. The PUD requirements will require that the parking structure be decorative, utilizing materials and details that are used on the hotel building.

CONDITONAL USE PERMIT:

In conjunction with the proposed General Plan Amendment and Planned Unit Development Request, the applicant is requesting approval of a Conditional Use Permit to operate the hotel, water park, and ancillary restaurant and meeting room uses located within the hotel and water park with Type "47" (On-Sale, General-Eating Place), Duplicate "47", Type "66" (Controlled Access Cabinet Permit) and Type "68" (Portable Bar) Alcoholic Beverage Control Licenses. Conditional Use Permit approval for the alcoholic beverage sales for the free-standing restaurant is not being requested at this time. A separate request will be requested at the time when a restaurant is brought before the Planning Commission for review and approval.

The proposed water park hotel facility is located within a high-crime area and in an area with an over-concentration of on-sale Alcoholic Beverage Control licenses. A summary of the district can be found in Resolution No. 5720 for Conditional Use Permit No. CUP-303-10. The Community Development Department and the Police

Department have reviewed the request are in support of the proposal. All standard conditions of approval will apply.

TENTATIVE PARCEL MAP:

In accordance with the State Subdivision Map Act, the developer has filed a Tentative Parcel Map for the project. The subject map proposed reconfiguring the existing six lots into three separate lots. One lot will be created for the hotel and water park building, the second lot will be created for the parking structure and the third lot will be created for the restaurant pad located toward Harbor Boulevard. All three lots will maintain reciprocal access and parking with each other. The proposed Tentative Parcel Map is consistent with the City's General Plan, the City's Zoning Code, the City's Subdivision Ordinance, and the State Subdivision Map Act.

DEVELOPMENT AGREEMENT:

The applicant is required to enter into a Development Agreement with the City. The applicant will be guaranteed four years in which to construct the project and the City will receive from the developer, development related fees not to exceed \$2,635,629. The development related fees include, but are not limited to building permit fees, building permit/plan review fees, electrical, mechanical and plumbing permit fees, general plan fees, traffic impact fees, and Development Agreement payment fees. It should be noted that the Development Agreement payment fee is designed to reduce the economic costs of new projects to the public and mitigate development-related impacts on the community. The Planning Commission recommendation on the Development Agreement will be forwarded to the City Council for final action.

ENVIRONMENTAL CONSIDERATION:

Attached to this report is the Environmental Checklist with special studies under separate covers, which address the environmental determination for the subject project. Along with these two items are the concept plans used for discussion purposes and environmental consideration in evaluating the proposed General Plan Amendment, Planned Unit Development, Conditional Use Permit, and Tentative Parcel Map. At the conclusion of the study it was determined that a Mitigated Negative Declaration was required and that with the implementation of project related mitigation measures, along with project conditions of approval, the potential for a significant environmental impact to the site or surrounding properties would be insignificant.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

1. Recommend City Council adoption of the Mitigated Negative Declaration;
2. Approve Conditional Use Permit No. CUP-303-10 and Tentative Parcel Map No. PM-2010-1178, subject to the recommended Conditions of Approval; and,
3. Recommend approval of General Plan Amendment No. GPA-1-10(A)Planned Unit Development No. PUD-126-10 and Development Agreement No. DA-183-10 to the City Council.

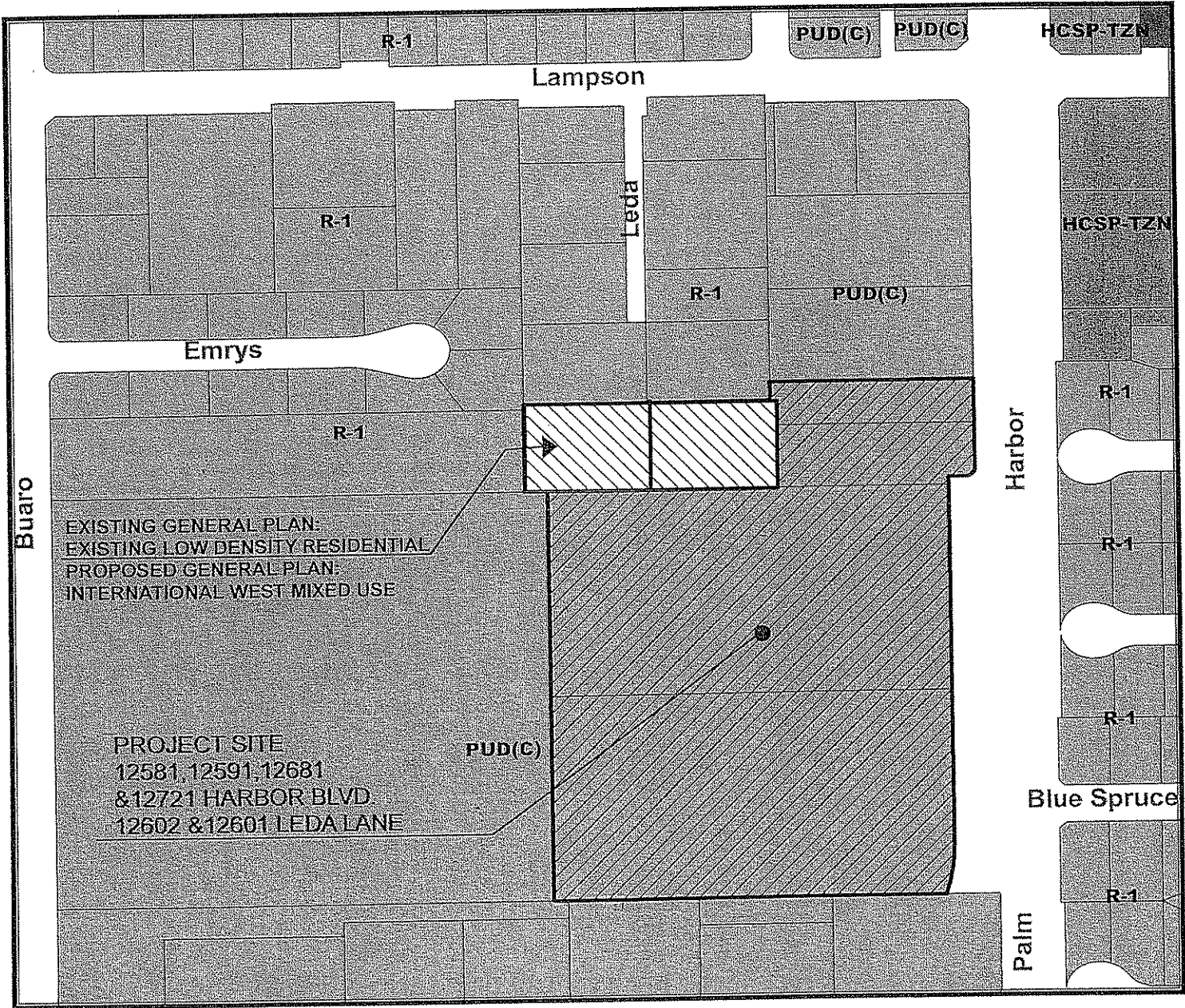
Karl Hill
Planning Services Manager

By: Lee Marino
Senior Planner


PUD-126-10SR

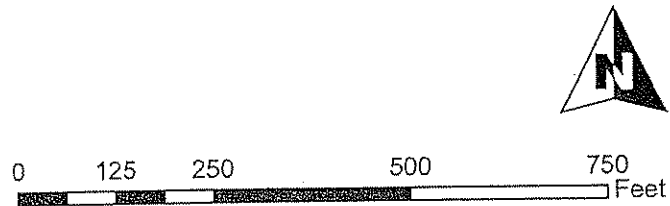


GENERAL PLAN AMENDMENT NO. GPA-1-10



LEGEND

-  PROJECT SITE
-  AREA DESIGNATED FOR GENERAL PLAN AMENDMENT



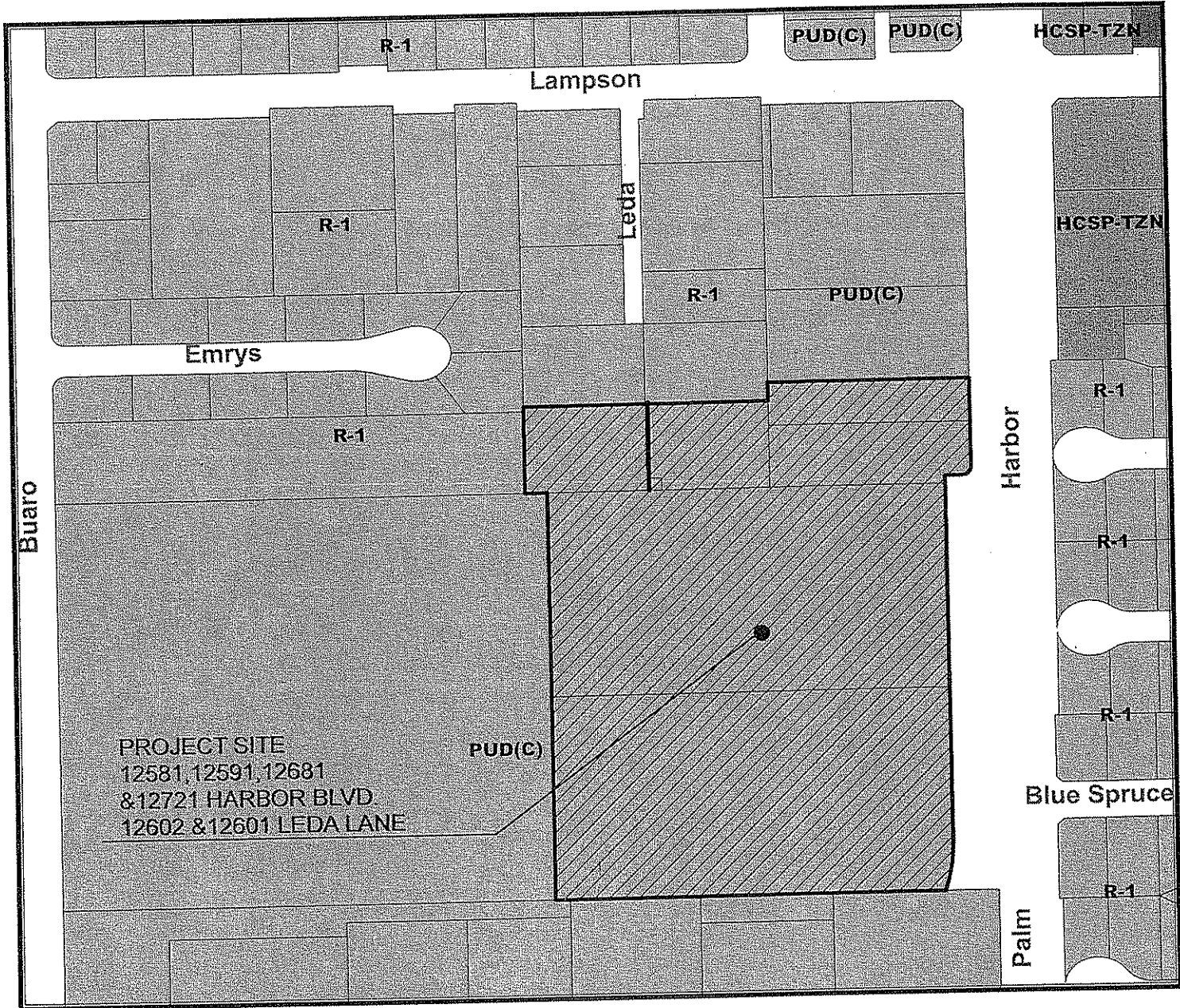
NOTES

SITE ADDRESS: 12581, 12591, 12681 & 12721 HARBOR BLVD.
12602 & 12601 LEDA LANE

CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM
SEPTEMBER 2010



PLANNED UNIT DEVELOPMENT NO. PUD-126-10



LEGEND

 PROJECT SITE

NOTES

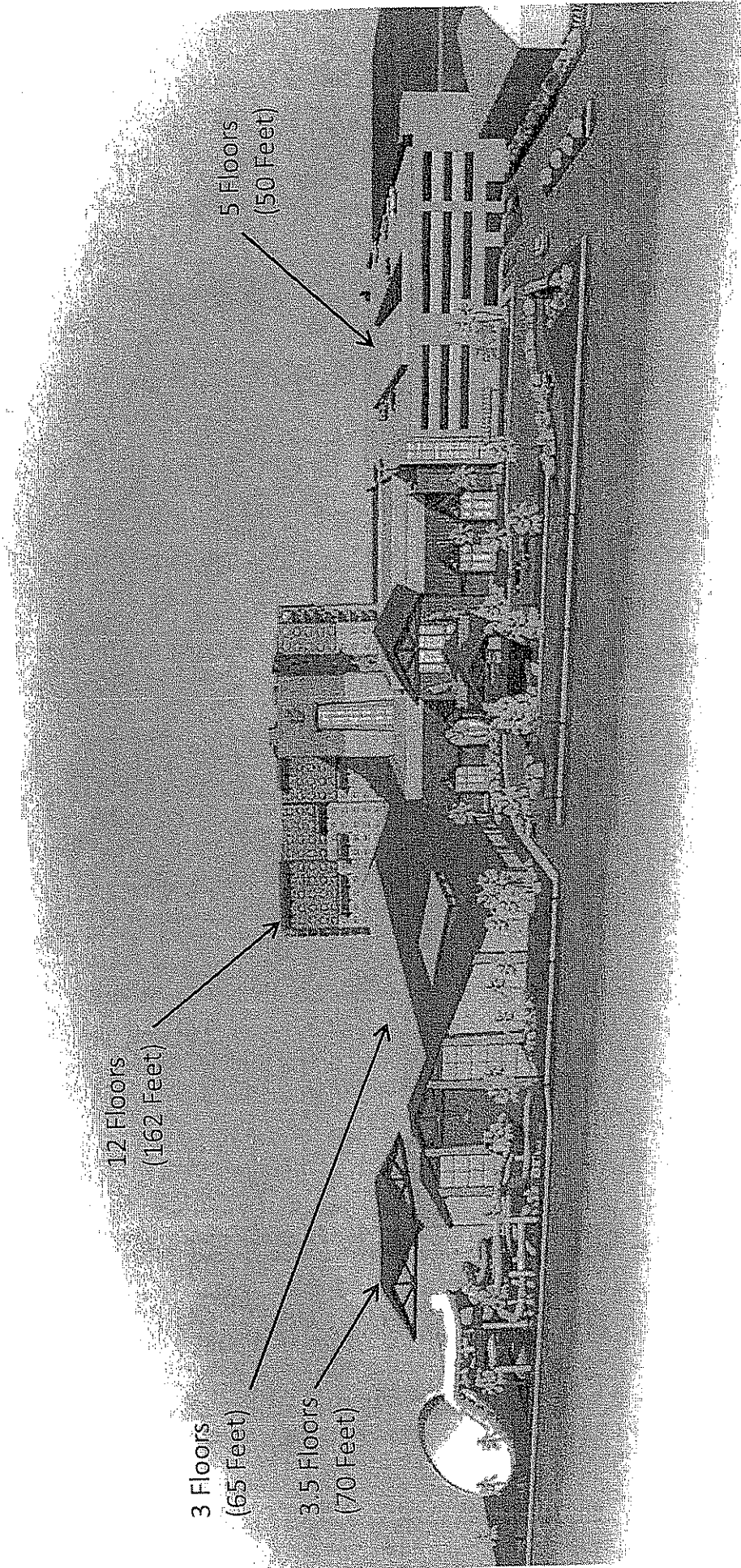
SITE ADDRESS: 12581, 12591, 12681 & 12721 HARBOR BLVD.
12602 & 12601 LEDA LANE

REZONE: FROM PUD-121-98 & R-1 (SINGLE FAMILY
RESIDENTIAL) TO PUD-126-10 (INTERNATIONAL
WEST MIXED USED & LOW DENSITY RESIDENTIAL)



CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM
SEPTEMBER 2010

Building Massing

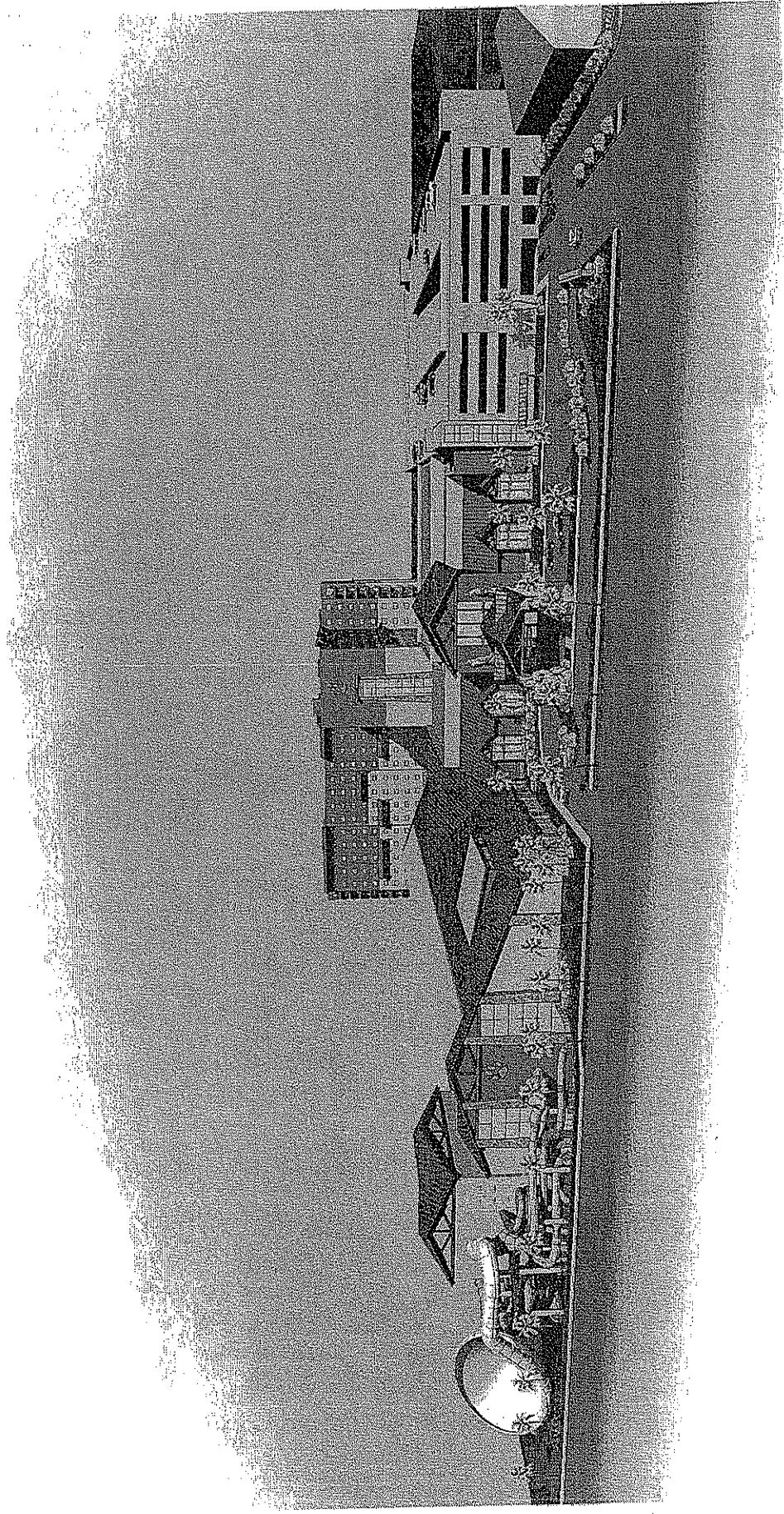


12 Floors
(162 Feet)

3 Floors
(65 Feet)

3.5 Floors
(70 Feet)

5 Floors
(50 Feet)



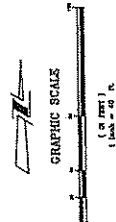
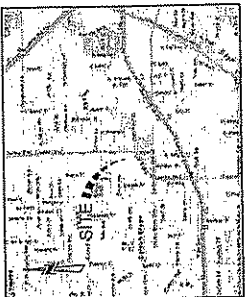
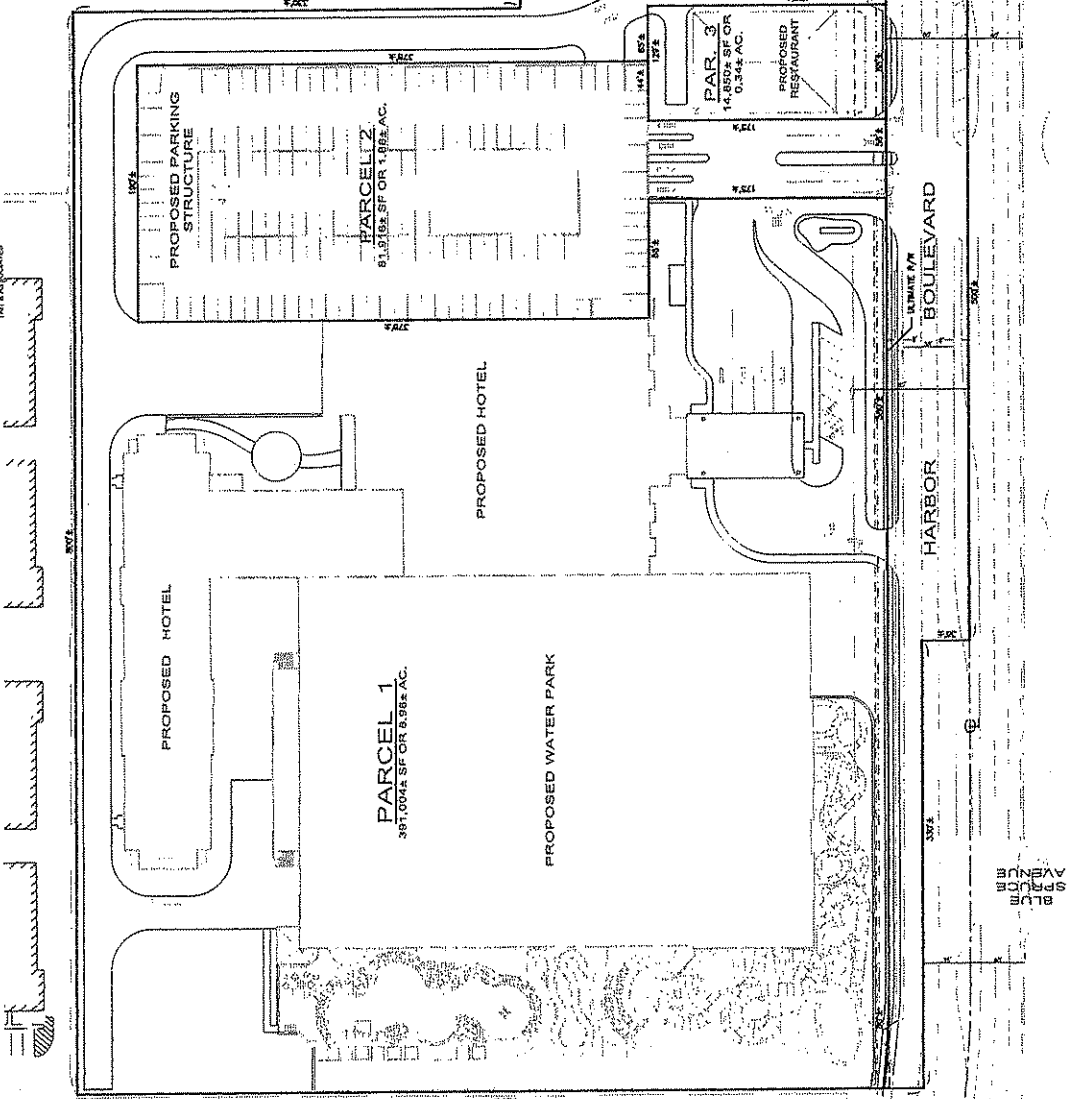
**Architectural Design
Consultants, Inc.**

Great Wolf Lodge - Garden Grove, CA
August 6, 2010

East Perspective

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PROPOSED CONDITIONS
TENTATIVE PARCEL MAP NO. 2010-1178
 BEING A CORRECTIVE PARCEL MAP AND RE-SUBDIVISION OF A PORTION OF THE NORTHEAST QUARTER
 OF THE SOUTHWEST ONE-QUARTER OF SECTION 31, TOWNSHIP 14N, RANGE 12E, DISTRICT OF COLUMBIA

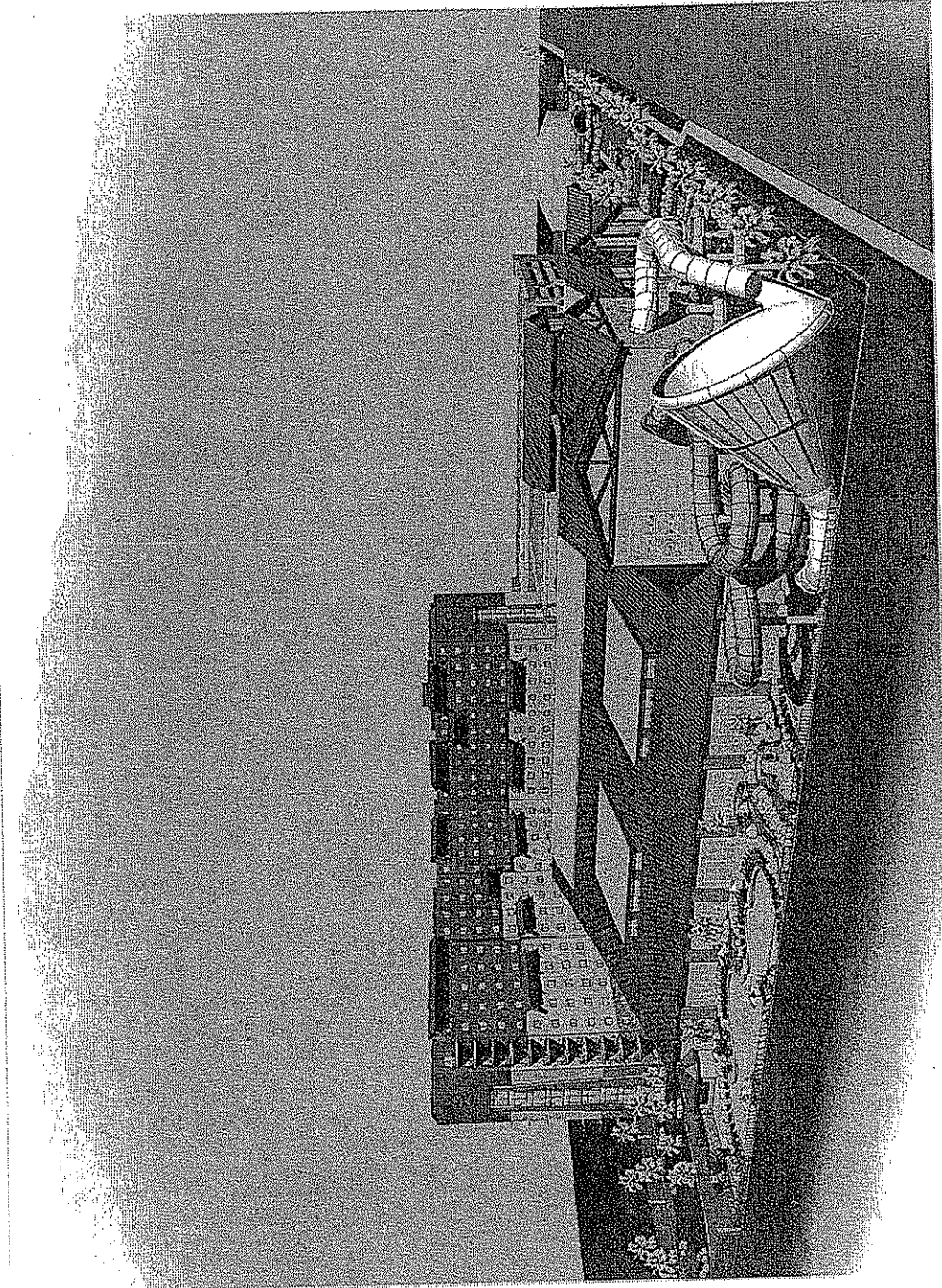


PROJECT INFORMATION:	PROJECT NO. 2010-1178	DATE: 03/11/10
PREPARED BY:	TAIT	DATE: 03/11/10
OWNER:	1. GARDEN GROVE DEVELOPMENT, LLC 2. GARDEN GROVE DEVELOPMENT, LLC 3. GARDEN GROVE DEVELOPMENT, LLC 4. GARDEN GROVE DEVELOPMENT, LLC 5. GARDEN GROVE DEVELOPMENT, LLC 6. GARDEN GROVE DEVELOPMENT, LLC 7. GARDEN GROVE DEVELOPMENT, LLC 8. GARDEN GROVE DEVELOPMENT, LLC 9. GARDEN GROVE DEVELOPMENT, LLC 10. GARDEN GROVE DEVELOPMENT, LLC	
ASSessor'S PARCEL NUMBER:	1. 1201-1178-01, 1201-1178-02, 1201-1178-03, 1201-1178-04, 1201-1178-05, 1201-1178-06, 1201-1178-07, 1201-1178-08, 1201-1178-09, 1201-1178-10, 1201-1178-11, 1201-1178-12, 1201-1178-13, 1201-1178-14, 1201-1178-15, 1201-1178-16, 1201-1178-17, 1201-1178-18, 1201-1178-19, 1201-1178-20, 1201-1178-21, 1201-1178-22, 1201-1178-23, 1201-1178-24, 1201-1178-25, 1201-1178-26, 1201-1178-27, 1201-1178-28, 1201-1178-29, 1201-1178-30, 1201-1178-31, 1201-1178-32, 1201-1178-33, 1201-1178-34, 1201-1178-35, 1201-1178-36, 1201-1178-37, 1201-1178-38, 1201-1178-39, 1201-1178-40, 1201-1178-41, 1201-1178-42, 1201-1178-43, 1201-1178-44, 1201-1178-45, 1201-1178-46, 1201-1178-47, 1201-1178-48, 1201-1178-49, 1201-1178-50, 1201-1178-51, 1201-1178-52, 1201-1178-53, 1201-1178-54, 1201-1178-55, 1201-1178-56, 1201-1178-57, 1201-1178-58, 1201-1178-59, 1201-1178-60, 1201-1178-61, 1201-1178-62, 1201-1178-63, 1201-1178-64, 1201-1178-65, 1201-1178-66, 1201-1178-67, 1201-1178-68, 1201-1178-69, 1201-1178-70, 1201-1178-71, 1201-1178-72, 1201-1178-73, 1201-1178-74, 1201-1178-75, 1201-1178-76, 1201-1178-77, 1201-1178-78, 1201-1178-79, 1201-1178-80, 1201-1178-81, 1201-1178-82, 1201-1178-83, 1201-1178-84, 1201-1178-85, 1201-1178-86, 1201-1178-87, 1201-1178-88, 1201-1178-89, 1201-1178-90, 1201-1178-91, 1201-1178-92, 1201-1178-93, 1201-1178-94, 1201-1178-95, 1201-1178-96, 1201-1178-97, 1201-1178-98, 1201-1178-99, 1201-1178-100	
PROJECT DESCRIPTION:	RE-SUBDIVISION OF A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 31, TOWNSHIP 14N, RANGE 12E, DISTRICT OF COLUMBIA	
PROJECT PURPOSE:	RE-SUBDIVISION OF A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST ONE-QUARTER OF SECTION 31, TOWNSHIP 14N, RANGE 12E, DISTRICT OF COLUMBIA	
PROJECT LOCATION:	1201-1178-01, 1201-1178-02, 1201-1178-03, 1201-1178-04, 1201-1178-05, 1201-1178-06, 1201-1178-07, 1201-1178-08, 1201-1178-09, 1201-1178-10, 1201-1178-11, 1201-1178-12, 1201-1178-13, 1201-1178-14, 1201-1178-15, 1201-1178-16, 1201-1178-17, 1201-1178-18, 1201-1178-19, 1201-1178-20, 1201-1178-21, 1201-1178-22, 1201-1178-23, 1201-1178-24, 1201-1178-25, 1201-1178-26, 1201-1178-27, 1201-1178-28, 1201-1178-29, 1201-1178-30, 1201-1178-31, 1201-1178-32, 1201-1178-33, 1201-1178-34, 1201-1178-35, 1201-1178-36, 1201-1178-37, 1201-1178-38, 1201-1178-39, 1201-1178-40, 1201-1178-41, 1201-1178-42, 1201-1178-43, 1201-1178-44, 1201-1178-45, 1201-1178-46, 1201-1178-47, 1201-1178-48, 1201-1178-49, 1201-1178-50, 1201-1178-51, 1201-1178-52, 1201-1178-53, 1201-1178-54, 1201-1178-55, 1201-1178-56, 1201-1178-57, 1201-1178-58, 1201-1178-59, 1201-1178-60, 1201-1178-61, 1201-1178-62, 1201-1178-63, 1201-1178-64, 1201-1178-65, 1201-1178-66, 1201-1178-67, 1201-1178-68, 1201-1178-69, 1201-1178-70, 1201-1178-71, 1201-1178-72, 1201-1178-73, 1201-1178-74, 1201-1178-75, 1201-1178-76, 1201-1178-77, 1201-1178-78, 1201-1178-79, 1201-1178-80, 1201-1178-81, 1201-1178-82, 1201-1178-83, 1201-1178-84, 1201-1178-85, 1201-1178-86, 1201-1178-87, 1201-1178-88, 1201-1178-89, 1201-1178-90, 1201-1178-91, 1201-1178-92, 1201-1178-93, 1201-1178-94, 1201-1178-95, 1201-1178-96, 1201-1178-97, 1201-1178-98, 1201-1178-99, 1201-1178-100	
PROJECT OWNER:	1. GARDEN GROVE DEVELOPMENT, LLC 2. GARDEN GROVE DEVELOPMENT, LLC 3. GARDEN GROVE DEVELOPMENT, LLC 4. GARDEN GROVE DEVELOPMENT, LLC 5. GARDEN GROVE DEVELOPMENT, LLC 6. GARDEN GROVE DEVELOPMENT, LLC 7. GARDEN GROVE DEVELOPMENT, LLC 8. GARDEN GROVE DEVELOPMENT, LLC 9. GARDEN GROVE DEVELOPMENT, LLC 10. GARDEN GROVE DEVELOPMENT, LLC	
PROJECT CONTACT:	1. GARDEN GROVE DEVELOPMENT, LLC 2. GARDEN GROVE DEVELOPMENT, LLC 3. GARDEN GROVE DEVELOPMENT, LLC 4. GARDEN GROVE DEVELOPMENT, LLC 5. GARDEN GROVE DEVELOPMENT, LLC 6. GARDEN GROVE DEVELOPMENT, LLC 7. GARDEN GROVE DEVELOPMENT, LLC 8. GARDEN GROVE DEVELOPMENT, LLC 9. GARDEN GROVE DEVELOPMENT, LLC 10. GARDEN GROVE DEVELOPMENT, LLC	
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PROJECT PHONE:	1. GARDEN GROVE DEVELOPMENT, LLC 2. GARDEN GROVE DEVELOPMENT, LLC 3. GARDEN GROVE DEVELOPMENT, LLC 4. GARDEN GROVE DEVELOPMENT, LLC 5. GARDEN GROVE DEVELOPMENT, LLC 6. GARDEN GROVE DEVELOPMENT, LLC 7. GARDEN GROVE DEVELOPMENT, LLC 8. GARDEN GROVE DEVELOPMENT, LLC 9. GARDEN GROVE DEVELOPMENT, LLC 10. GARDEN GROVE DEVELOPMENT, LLC	
PROJECT FAX:	1. GARDEN GROVE DEVELOPMENT, LLC 2. GARDEN GROVE DEVELOPMENT, LLC 3. GARDEN GROVE DEVELOPMENT, LLC 4. GARDEN GROVE DEVELOPMENT, LLC 5. GARDEN GROVE DEVELOPMENT, LLC 6. GARDEN GROVE DEVELOPMENT, LLC 7. GARDEN GROVE DEVELOPMENT, LLC 8. GARDEN GROVE DEVELOPMENT, LLC 9. GARDEN GROVE DEVELOPMENT, LLC 10. GARDEN GROVE DEVELOPMENT, LLC	
PROJECT E-MAIL:	1. GARDEN GROVE DEVELOPMENT, LLC 2. GARDEN GROVE DEVELOPMENT, LLC 3. GARDEN GROVE DEVELOPMENT, LLC 4. GARDEN GROVE DEVELOPMENT, LLC 5. GARDEN GROVE DEVELOPMENT, LLC 6. GARDEN GROVE DEVELOPMENT, LLC 7. GARDEN GROVE DEVELOPMENT, LLC 8. GARDEN GROVE DEVELOPMENT, LLC 9. GARDEN GROVE DEVELOPMENT, LLC 10. GARDEN GROVE DEVELOPMENT, LLC	
PROJECT WEBSITE:	1. GARDEN GROVE DEVELOPMENT, LLC 2. GARDEN GROVE DEVELOPMENT, LLC 3. GARDEN GROVE DEVELOPMENT, LLC 4. GARDEN GROVE DEVELOPMENT, LLC 5. GARDEN GROVE DEVELOPMENT, LLC 6. GARDEN GROVE DEVELOPMENT, LLC 7. GARDEN GROVE DEVELOPMENT, LLC 8. GARDEN GROVE DEVELOPMENT, LLC 9. GARDEN GROVE DEVELOPMENT, LLC 10. GARDEN GROVE DEVELOPMENT, LLC	
PROJECT NOTES:	1. GARDEN GROVE DEVELOPMENT, LLC 2. GARDEN GROVE DEVELOPMENT, LLC 3. GARDEN GROVE DEVELOPMENT, LLC 4. GARDEN GROVE DEVELOPMENT, LLC 5. GARDEN GROVE DEVELOPMENT, LLC 6. GARDEN GROVE DEVELOPMENT, LLC 7. GARDEN GROVE DEVELOPMENT, LLC 8. GARDEN GROVE DEVELOPMENT, LLC 9. GARDEN GROVE DEVELOPMENT, LLC 10. GARDEN GROVE DEVELOPMENT, LLC	

NOTE: THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL APPLICABLE ZONING, SUBDIVISION, AND PLANNING ACTS, AND ALL APPLICABLE ORDINANCES, REGULATIONS, AND REQUIREMENTS OF THE DISTRICT OF COLUMBIA, INCLUDING BUT NOT LIMITED TO, THE DISTRICT OF COLUMBIA ZONING ACT, THE DISTRICT OF COLUMBIA SUBDIVISION ACT, AND THE DISTRICT OF COLUMBIA PLANNING ACT.

TENTATIVE PARCEL MAP
 CITY OF GARDEN GROVE
 12901 S & 12602 LEDA LANE AND 12501, 12525, 12721 HARBOR BOULEVARD
 DISTRICT OF COLUMBIA
 DATE: 03/11/10
 DRAWN BY: MCD310
 CHECKED BY: MCD310
 1 OF 2

TAIT
 2014 Pennsylvania Avenue, N.W.
 Washington, D.C. 20036
 Phone: (202) 331-1100
 Fax: (202) 331-1101
 Website: www.tait.com

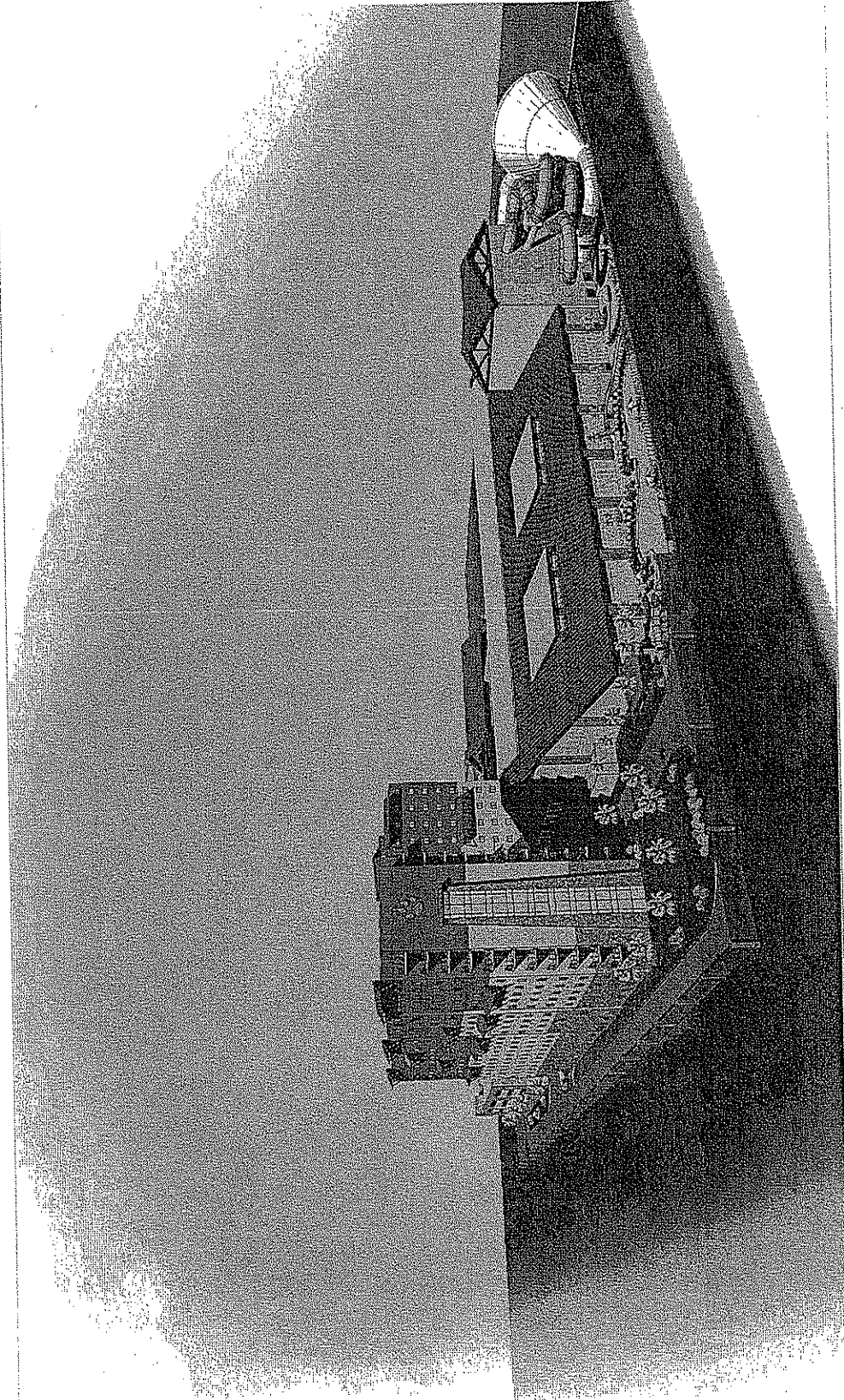


**Architectural Design
Consultants, Inc.**

Southeast Perspective

Great Wolf Lodge - Garden Grove, CA
August 6, 2010

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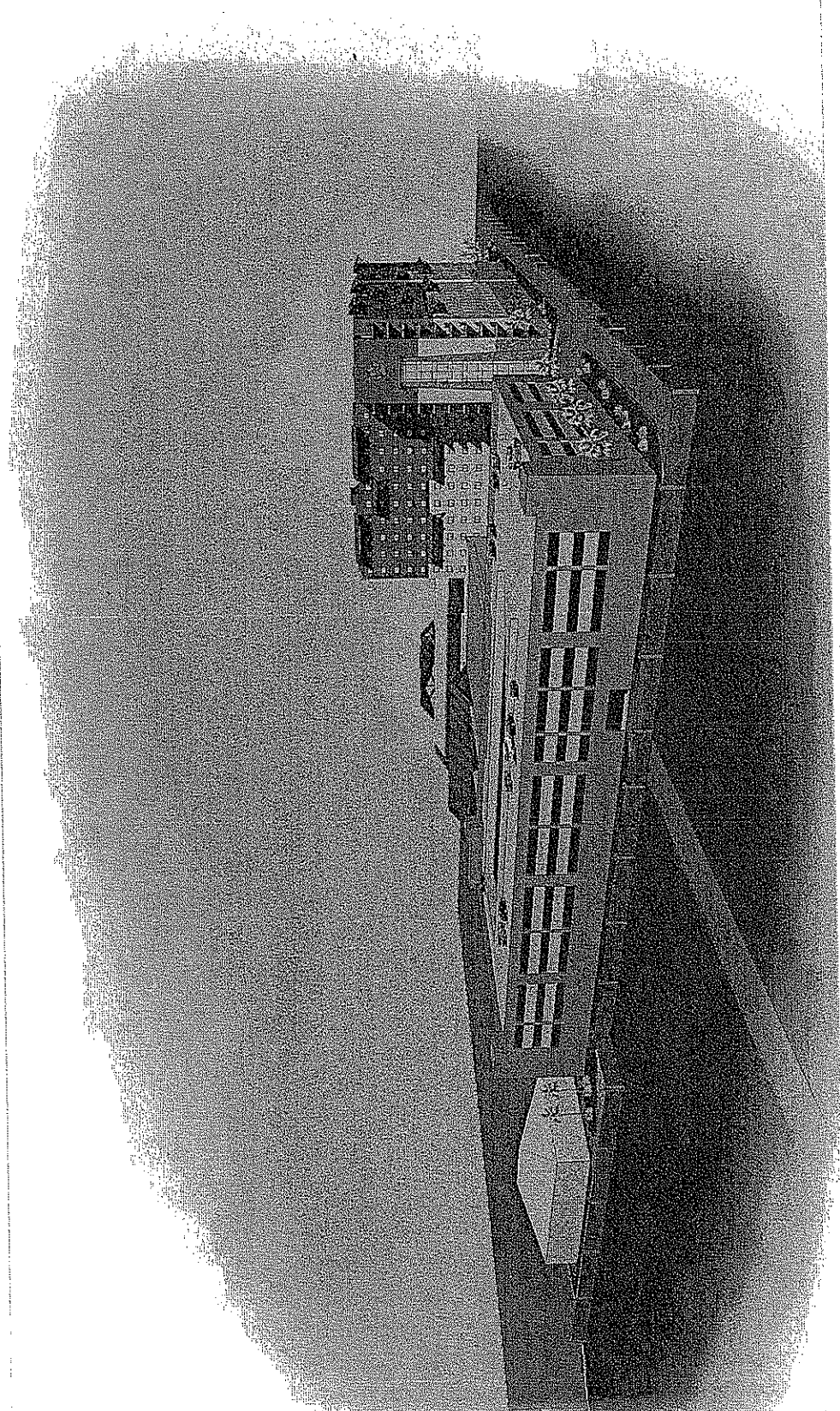


**Architectural Design
Consultants, Inc.**

Southwest Perspective

Great Wolf Lodge - Garden Grove, CA
August 6, 2010

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**Architectural Design
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Northwest Perspective

Great Wolf Lodge - Garden Grove, CA
August 6, 2010

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RESOLUTION NO. 5719

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM; APPROVE GENERAL PLAN AMENDMENT NO. GPA-1-10(A), CHANGING THE LAND USE MAP DESIGNATION FOR TWO PROPERTIES FROM LOW DENSITY RESIDENTIAL TO INTERNATIONAL WEST MIXED USE; APPROVE PLANNED UNIT DEVELOPMENT NO. PUD-126-10, ENACTING A NEW PLANNED UNIT DEVELOPMENT AND ZONING REGULATIONS FOR PROPERTY CURRENTLY ZONED PLANNED UNIT DEVELOPMENT NO. PUD-121-98 AND R-1-7 (SINGLE-FAMILY RESIDENTIAL); AND APPROVE DEVELOPMENT AGREEMENT NO. DA-183-10.

WHEREAS, the City of Garden Grove has received an application for General Plan Amendment No. GPA-1-10(A), Planned Unit Development No. PUD-126-10, and Development Agreement No. DA-183-10 for the establishment of a water park themed hotel resort with ancillary restaurant, retail and meeting space uses to be developed on approximately 12.1 acres in an urbanized area in the City of Garden Grove located on the west side of Harbor Boulevard, north of Garden Grove Boulevard and south of Lampson Avenue, with addresses: 12581, 12591, 12681, 12721 Harbor Boulevard, and 12602 and 12601 Leda Lane (Assessor Parcel Numbers: 231-441-27, 29, 39, & 40; 231 431 02 & 03)(collectively, 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 because the proposed Project with the proposed mitigation measures cannot, or will not, have a significant effect on the environment; and

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

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

WHEREAS, the Planning Commission of the City of Garden Grove held duly noticed public hearings on September 16, 2010 and December 16, 2010 and considered all oral and written testimony presented regarding the Project, the initial study, and the Mitigated Negative Declaration.

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

1. The Planning Commission has considered the proposed Mitigated Negative Declaration together with comments received during the public review process.
2. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment.
3. The Planning Commission recommends adoption of the Mitigated Negative Declaration and Mitigation Monitoring Program to City Council, subject to Public Resources Code 21083.3 and CEQA Guidelines Section 15183.
4. The record of proceedings on which the Planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on December 16, 2010, does hereby recommend that the City Council adopt the Mitigated Negative Declaration and Mitigation Monitoring Program and approve General Plan Amendment No. GPA-1-10(A), Planned Unit Development No. PUD-126-10, and Development Agreement No. DA-183-10 for land located at the west side of Harbor Boulevard between Lampson Avenue and Garden Grove Boulevard at 12581, 12591, 12681, and 12721 Harbor Boulevard and 12601 and 12602 Leda Lane (APN: 231-441-27, 29, 39, & 40; 231-431-02 & 03)(the "Project").

BE IT FURTHER RESOLVED in the matter of General Plan Amendment No. GPA-1-10(A), Planned Unit Development No. PUD-126-10, and Development Agreement No. DA-183-10, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The case was initiated by Garden Grove, MXD. Inc.
2. The applicant is requesting approval to amend the General Plan Land Use designation of two of the six subject properties that make up a 12.1-acre site from Low Density Residential to International West Mixed Use and rezone the site to Planned Unit Development No. PUD-126-10 in order to allow future development a water park hotel project that includes an approximately 605 room hotel, indoor/outdoor water park, an approximately 130,000 square foot water park, approximately 18,000 square feet of retail, approximately 30,000 square feet of meeting space, restaurants within the hotel facility that will serve alcoholic beverages, a 5-level parking structure, and an approximately 14,850 square foot restaurant pad. A Development Agreement is also proposed.
3. The Community Development Department has prepared a Mitigated Negative Declaration for the project, that (a) concludes that with the appropriate mitigation measures the proposed project can not, or will not, have a

significant adverse effect on the environment, and (b) was prepared and circulated in accordance with applicable law, including CEQA and CEQA's implementing guidelines.

4. The property has a General Plan Land Use designation of International West Mixed Use and Low Density Residential and is currently zoned Planned Unit Development No. PUD-121-98 and R-1 (Single-Family Residential). Approximately half of the subject site is vacant and unimproved and the other half is occupied with a vacant commercial building, a recreational vehicle park, and two vacant single-family homes.
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 legal notice, public hearings were held on September 16, 2010 and December 16, 2010, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of December 16, 2010; and

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

FACTS:

The property is a 12.1-acre site, comprised of six (6) properties that are located on the west side of Harbor Boulevard, between Lampson Avenue and Garden Grove Boulevard. The property is located within the City's International West area, which includes hotels located to the north, restaurants, retail, and office uses.

The purpose for the proposed General Plan Amendment, Planned Unit Development zoning, and Development Agreement is to allow the development of the 12.1-acre site to allow the construction of a water park hotel project that includes an approximately 605 room hotel, an approximately 130,000 square foot indoor/outdoor water park, approximately 18,000 square feet of retail, approximately 30,000 square feet of meeting space, restaurants within the hotel facility that will serve alcoholic beverages, a 5-level parking structure, and an approximately 14,850 square foot restaurant pad.

The developer is authorized to enter into a Development Agreement in compliance with Government Code Section 65864.

FINDINGS AND REASONS:General Plan Amendment:

1. The General Plan Amendment is internally consistent with the goals and objectives of all elements of the City's adopted General Plan. The proposed water park hotel facility is compatible with the other existing and planned land uses in the area. The International West Mixed Use Land Use designation promotes the development of hotels, resorts, amusement facilities, and restaurants along Harbor Boulevard.
2. The General Plan Amendment will promote the public interest, health, safety, and welfare by maintaining a General Plan Land Use designation and zoning, which are consistent with the proposed use of the site and with the improvements in the area.
3. The size and shape of the area is suitable for the proposed land use designation of International West Mixed Use. The proposed use is consistent with the proposed General Plan Land Use designation and zoning, which fosters development of hotels, resorts, amusement facilities, and restaurants along Harbor Boulevard.

Planned Unit Development:

1. 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 subject site is located in an area that is improved with commercial, office, and hotel developments along Harbor Boulevard that are surrounded by residential uses.

The subject 12.1-acre site has been primarily used for commercial uses, a recreational vehicle park, and two single-family homes. Currently, a portion of the site is vacant, with the other areas developed with a vacant commercial building, the recreational vehicle park, and the two vacant single-family homes. The proposed development is compatible with the existing commercial and hotel developments along Harbor Boulevard that are located with the area identified by the City's General Plan as International West.

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

The proposed zoning of the site to a Planned Unit Development to accommodate the proposed intensity and density of the site will create a stable and desirable environment by consolidating the parcels into one site; enhance the opportunity to utilize the site to its fullest intent as prescribed in the General Plan 2030 Update; create additional hotel space along with creating a

tourist destination spot; provide sufficient amount of parking to address the anticipated demand for a development; will produce a substantial amount of traffic that, with the implementation of mitigation measures would not cause undue traffic congestion on surrounding streets.

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

The project has been designed in accordance with the City Code provisions for providing an adequate amount of landscaping within the street setbacks and elsewhere on-site. Additionally, the water park portion of the site provides both indoor and outdoor recreational space for patrons of the hotel.

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

Through the conditions of approval, 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.

5. 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 designations of Planned Unit Development No. PUD-121-98 and R-1 (Single-Family Residential) would not facilitate the proposed development that is encouraged and prescribed in the City's General Plan 2030 Update. Furthermore, in order to allow the subject project to move forward, changing the zoning to Planned Unit Development No. PUD-126-10 is necessary. The new PUD zone will encompass 12.1 acres slated for the water park hotel facility. The anticipated water park hotel development, which is best facilitated through the proposed PUD zoning, will allow for increased building heights and a hotel with amenities that include an indoor/outdoor water park, restaurants, and meeting rooms. Therefore, the proposed PUD will allow for a project with a superior design than what can be achieved under the existing zoning for the property.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

In addition to the foregoing, the Planning Commission incorporates herein by this reference, the facts and findings set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The General Plan Amendment and Development Agreement possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.020 (General Plan Amendment) and

Government Code Section 65864 et. seq. provisions for Development Agreement.

2. The Planned Unit Development possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.16.03.020 (Planned Unit Development).
3. The implementation provisions for Planned Unit Development No. PUD-126-10 are as follows:

Planned Unit Development provisions and development standards

Purpose and Intent

The purpose and intent of this Planned Unit Development is to facilitate the development of the 12.1-acre project site that consists of an approximately 605 room hotel, an approximately 130,000 square foot indoor/outdoor water park, approximately 18,000 square feet of retail, approximately 30,000 square feet of meeting space, restaurants within the hotel facility, a 5-level parking structure, and an approximately 14,850 square foot restaurant pad. In the event that the restaurant pad is sold off to a separate owner, the site will be governed by Covenants, Conditions, and Restrictions (CC&R's) or similar document.

Permitted Uses

- All uses permitted in the Harbor Corridor – District Commercial (HCSP-DC) zone.
- Hotels, hotels with convention space, meeting rooms, restaurants, and ancillary uses such as gift shops, coffee and beverage dispensary, swimming pool and fitness room.
- Resort Hotels with amusement facilities. Amusement facilities may include, but is not limited to, water parks and mechanical rides that are typical of amusement parks. Any outdoor amusement area that is not a hotel pool area shall be subject to Conditional Use Permit Approval.
- Alcohol sales on-site and off-site subject to all provisions of Title 9 Zoning Code, including, but not limited to Conditional Use Permit (CUP) approval.
- Restaurants with or without alcoholic beverage sales.
- Restaurants with outside eating area. Outside eating areas shall be separated from sidewalks, landscape areas, and drive aisles by a minimum 5-foot landscape area and a minimum 5-foot high barrier that allows visibility into the outside dining area from any public area.

- Entertainment is limited to an accessory use to the hotel operation. Flyer events/parties, erotic dancers or any other special entertainment activities that are private or open to the public are not permitted.
- Outside vending such as hot dog carts, merchandise carts, and similar free standing/mobile vending carts subject to Conditional Use Permit approval.
- Athletic and health clubs, spas, and public/private gyms subject Conditional Use Permit approval.
- Any proposed use not listed is first subject to the Zoning Administrator's (ZA) review (or their designee) pursuant to Section 9.32.030 of the Municipal Code. If the Zoning Administrator or the designee determines that the proposed use should be subject to further review, the matter will be referred to the appropriate hearing body and processed as a determination of use.

Uses Not Permitted

- Auto repair and servicing.
- Tires sales and/or service.

Site Area Requirements

Minimum lot size is 3-acres. Initial development may occur in phases subject to an approved phasing plan by the City.

Due to the nature of the intended development, there is no restriction on lot coverage.

Set backs

1. Minimum building setback from face of curb along Harbor Boulevard is 15-feet. Note: within the minimum setback along Harbor Boulevard, a sidewalk width of 8-feet shall be provided along with landscape planter areas on both sides of the sidewalk, thereby allowing for palm trees on both sides of the side walks along with the required canopy trees, shrubs, and ground covers.
2. Minimum building setback along the northerly property line is 33-feet, with the exception of the parking structure, which shall maintain a minimum 41-ft setback. The minimum building setback from the westerly property line shall be 35-feet. Building elements and architectural pop-outs shall be permitted to encroach into the setback along the westerly property line a maximum of three (3) feet with the total linear feet of building pop-outs not to exceed 50 percent of the linear length of the property line. The minimum setback along the southerly property line shall be 10-feet unless a greater setback is required for emergency access or Building Code requirements.

3. Building elements such as structural components, architectural features, roof projections, and similar elements may project into any side or front setback up to 5-feet but may only reduce the street frontage setbacks by no more than 25 percent of the entire length.
4. No interior setbacks required other than that prescribed by site design and the California Building Code and Uniform Fire Code.

Maximum Building Height

Building height hotel structure may range from one to 12 stories with a maximum building height of 165-feet to top of parapet wall. The height of the water park building shall be a maximum of 70-feet. The height of the 5-level parking structure shall not exceed 50-feet to top of parapet wall, with the exception of the stairwell/elevator towers, which may extend an additional 16-feet above the top of the parapet wall. The height of the freestanding restaurant shall not exceed 35-feet. All structures are subject to any restrictions by the California Building Code and Uniform Fire Code.

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. A minimum 5-foot landscape buffer shall be provided along the northerly and westerly property lines and a minimum 15-foot landscape planter shall be provided along Harbor Boulevard.

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

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

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

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.

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.

Circulation and Access

The site shall be limited to three (3) ingress and egress points on Harbor Boulevard with an additional emergency vehicle point. The final location of the emergency access shall be determined prior to submittal of plans for building and grading permits. If emergency access is provided through an adjacent property, a recorded emergency access agreement with the adjacent property owner(s) shall be provided prior to issuance of building permits. The main access point shall be a lighted intersection that will permit two-way traffic, allowing left and right-turn movements in and out of the site. The northerly driveway, located along the north property line, shall be a two-way drive that will only allow right-turn movements in and out of the site. The most southerly driveway shall be an exit only driveway limited to right-turn vehicle movements.

Internal circulation shall allow vehicles ease of access to all parking areas, allow for convenient drop-off and pick-up areas, and meet applicable City standards.

All driveways along Harbor Boulevard shall include decorative paving that extends a minimum of 15-feet back from the property line. The emergency access point shall be gated with a Knox box and shall only be used for emergency access vehicles.

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

Parking Areas and Requirements

All retail space shall be calculated at one (1) parking space per 200 square feet of gross floor area.

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

Hotel and motel with manager's unit uses shall be calculated at a minimum of .8 space per room plus two (2) spaces for manager's unit.

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

All parking areas shall comply with parking standards as stated within Title 9 of the Municipal Code.

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

Signs and Graphic Standards

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

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

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

All signage, including a free-standing monument sign shall be architecturally compatible with on-site buildings. A freestanding sign structure shall utilize similar details and finishes that are used on the on-site buildings. Location of monument signs shall not occur in any public right-of-way or within any vision clearance area and shall not exceed a height of 5-feet or a width of 10-feet, not exceeding a sign

face area of 100 square feet. These specific signs may include tenant names of up to three tenants. Signs may be double face.

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.

Storage and Refuse Collection

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

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

Environmental Mitigation Measures

The overall development and subsequent occupancy and operation of the site shall be subject to those environmental mitigation measures as identified in the environmental analysis prepared for Planned Unit Development No. PUD-126-10, as well as any environmental mitigation measures identified in the General Plan 2030 Update Environmental Impact Report that apply to the International West Mixed Use area.

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

Prior to any portion, unit or otherwise, of the subject site becoming under separate ownership, the developer/subdivider shall record a set of Covenants, Conditions, and Restrictions (CC&Rs) or a similar legal document reviewed and approved by the City that is all inclusive of the entire development. The CC&Rs shall include, without limitation, all provisions of PUD-126-10 development standards, the mitigation measures referenced herein, operational and maintenance provisions for the entire site and those areas noted within the boundaries of the Project site, and other provisions applicable to the Project.

Absence of Provisions and Standards

Any matters pertaining to the development or occupancy or operation of the subject site that is not listed or provided 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.

Development Plans

Should the Community Development Director determine that a Developer's submittal of development plans are in substantial compliance with the provisions of this PUD and in similar shape, form and configuration with the plans that are included with this approval, such Developer may proceed to securing the appropriate building permits for constructing the development without further entitlement review. However, any entitlement not covered under this PUD, such as a Subdivision Map (Tentative Tract Map and/or Tentative Parcel Map), Conditional Use Permit, or other, shall be processed in accordance with the City's Municipal Code.

Associated Conditions of Approval

All conditions of approval as applied to Tentative Parcel Map. No. PM-2010-1178, shall apply, shall be incorporated into the final design of the development and incorporated in the development plans submitted for City review. All conditions of approval as applied to Conditional Use Permit No. CUP-303-10 for the sale of alcoholic beverages for on-site consumption shall apply to the hotel and associated amenities.

ADOPTED this 16th day of December, 2010

/s/ KRIS BEARD
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on December 16, 2010, by the following votes:

AYES:	COMMISSIONERS:	BEARD, BUI, ELLSWORTH, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BONIKOWSKI, CABRAL
VACANCY:	COMMISSIONERS:	ONE

/s/ JUDITH MOORE
SECRETARY

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

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is January 6, 2011.

RESOLUTION NO. 5720

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM AND APPROVING CONDITIONAL USE PERMIT NO. CUP-303-10 AND TENTATIVE PARCEL MAP NO. PM-2010-1178.

WHEREAS, the City of Garden Grove has received an application for Conditional Use Permit No. CUP-303-10 and Tentative Parcel Map No. PM-2010-1178, for the establishment of a water park themed hotel resort with ancillary restaurant, retail and meeting space uses to be developed on approximately 12.1 acres in an urbanized area in the City of Garden Grove located on the west side of Harbor Boulevard, north of Garden Grove Boulevard and south of Lampson Avenue, with addresses: 12581, 12591, 12681, 12721 Harbor Boulevard, and 12602 and 12601 Leda Lane (Assessor Parcel Numbers: 231-441-27, 29, 39, & 40; 231-431-02 & 03)(collectively, the "Project"); and

WHEREAS, pursuant to the California Environmental Quality Act, California Public Resources Section 21000 *et seq.* ("CEQA") and CEQA's implementing guidelines, California Code of Regulations, Title 14, Sections 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 the proposed mitigation measures cannot, or will not, have a significant effect on the environment; and

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

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

WHEREAS, the Planning Commission of the City of Garden Grove held duly noticed public hearings on September 16, 2010 and December 16, 2010 and considered all oral and written testimony presented regarding the Project, the initial study, and the Mitigated Negative Declaration.

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

1. The Planning Commission has considered the proposed Mitigated Negative Declaration together with comments received during the public review process.

2. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment.
3. The Planning Commission hereby approves and adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program for the Project.
4. The Mitigated Negative Declaration reflects the Planning Commission's independent judgment and analysis.
5. The record of proceedings on which the Planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on December 16, 2010, does hereby approve Conditional Use Permit No. CUP-303-10 and Tentative Parcel Map No. PM-2010-1178, for land located on the west side of Harbor Boulevard, south of Lampson Avenue, north of Garden Grove Boulevard at 12581, 12591, 12681, and 12721 Harbor Boulevard and 12601 and 12602 Leda lane, Parcel Nos. 231-441-27, 29, 39, & 40; 231-431-02, & 03.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-303-10 and Tentative Parcel Map No. PM-2010-1178, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Garden Grove MXD, Inc.
2. The applicant is concurrently requesting approval to amend the General Plan Land Use designation of two of the six subject properties that make up a 12.1-acre site from Low Density Residential to International West Mixed Use (General Plan Amendment No. GPA-1-10(A) and rezone the site to Planned Unit Development No. PUD-126-10 in order to allow future development of a water park hotel project that includes an approximately 605 room hotel, an approximately 130,000 square foot indoor/outdoor water park, approximately 18,000 square feet of retail, approximately 30,000 square feet of meeting space, restaurants within the hotel facility that will serve alcoholic beverages, a 5-level parking structure, and an approximately 14,850 square foot restaurant pad. A Development Agreement is also being concurrently proposed. General Plan Amendment No. GPA-1-10(A), Planned Unit Development No. PUD-126-10, and Development Agreement No. DA-183-10 require approval of the Garden Grove City Council.

3. The property has a General Plan Land Use designation of International West Mixed Use and Low Density Residential and is currently zoned Planned Unit Development No. PUD-121-98 and R-1 (Single-Family Residential). Approximately half of the subject 12.1-acre site is vacant and unimproved and the other half is occupied with a vacant commercial building, a recreational vehicle park, and two vacant single-family homes.
4. The applicant requests approval of a Conditional Use Permit to allow the water park hotel facility to operate with Alcoholic Beverage Control Licenses that will allow the sale and service of alcoholic beverages in the restaurants, pool/water park area, meeting/banquet rooms and adjacent pre-function areas, and in-room service via room service and/or mini-bars. The types of licenses include "47" (On-Sale General-Eating Place); Duplicate Type "47" (On-Sale General-Eating Place); Type "66" (Controlled Access Cabinet); and Type "68" (Portable Bar License).
5. The applicant also requests approval of a Tentative Parcel Map to reconfigure six (6) existing properties into three (3) separate properties.
6. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
7. Report submitted by City staff was reviewed.
8. Pursuant to legal notice, public hearings were held on September 16, 2010 and December 16, 2010, and all interested persons were given an opportunity to be heard.
9. The Planning Commission gave due and careful consideration to the matter during its meeting of December 16, 2010; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Sections 9.32.030 and 9.40, are as follows:

FACTS:

The property is a 12.1-acre site, comprised of six (6) properties that are located on the west side of Harbor Boulevard, between Lampson Avenue and Garden Grove Boulevard. The property is located within the City's International West area, which includes hotels located to the north, restaurants, retail, and office uses.

The site has a General Plan Land Use designation of International West Mixed Use and Low Density Residential and is currently zoned Planned Unit Development No. PUD-121-98 and R-1 (Single-Family Residential).

The applicant is requesting approval of a Conditional Use Permit to allow the water park hotel facility to operate with Alcoholic Beverage Control Licenses that will allow the sale and service of alcoholic beverages in the restaurants, pool/water park area, meeting/banquet rooms and adjacent prefunction areas, and in-room service via room service and/or mini-bars. The types of licenses include "47" (On-Sale General-Eating Place); Duplicate Type "47" (On-Sale General-Eating Place); Type "66" (Controlled Access Cabinet); and Type "68" (Portable Bar License).

The applicant is also requesting Tentative Parcel Map approval to reconfigure six (6) existing properties into three (3) separate properties.

The application for Conditional Use Permit No. CUP-303-10 and Tentative Parcel Map No. PM-2010-1178 is being processed in conjunction with General Plan Amendment No. GPA-1-10(A), Planned Unit Development No. PUD-126-10 and Development Agreement No. DA-183-10.

The General Plan Amendment and Planned Unit Development will facilitate the development of the site with the proposed water park hotel facility and associated site improvements that include restaurant uses, a parking structure, and a restaurant pad for a free-standing restaurant.

The water park hotel facility is located in a high-crime district, and in an area with an over-concentration of Alcoholic Beverage Control (ABC) Licenses. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 144.
- The crime count for the District is 286.
- Average crime count per district in the City is 94.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 204% above the Citywide average; therefore, it is considered a high-crime area.
- The subject site is located in Alcoholic Beverage Control (ABC) Census Report District No. 885.02.
- ABC Census Reporting District No. 885.02 allows for six (6) on-sale licenses within the District. Currently, there are twelve (12) on-sale licenses in the District. The approval of this CUP will increase the number of ABC Licenses in this District by one (1), and the total number of on-sale licenses in the District will be thirteen (13).

A finding for public convenience or necessity must be made in order to approve an establishment that is requesting a new original Alcoholic Beverage Control license that is located within a district with a high crime rate and/or in an area with an over-concentration of ABC licenses. Pursuant to California Business and Professions Code Sections 23958 and 23958.4, the ABC is required to deny an application for a license if issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, unless it is determined that the public convenience and necessity would be served by the issuance of the license.

FINDING OF PUBLIC CONVENIENCE OR NECESSITY

The public convenience and necessity would be served by the issuance of the proposed Alcoholic Beverage Control Licenses, which will allow the sale and service of alcoholic beverages in the restaurants, pool/water park area, meeting/banquet rooms and adjacent pre-function areas, and in-room service via room service and/or mini-bars.

Although the proposed establishment is located in a high-crime area with an over-concentration of on-sale ABC licenses, a finding for public convenience or necessity is warranted given the potential indirect and direct community benefit through the addition of alcoholic beverage licenses, which would provide an additional amenity that would enhance the experience at the proposed water park hotel facility. Additionally, the sale of alcoholic beverages is an amenity that is normal for resort type hotels, such as the subject hotel. The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The conditions of approval will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the Project, the use will be harmonious with the persons who work and live in the area.

The Community Development Department and the Police Department have reviewed the request and are supporting the proposal. All standard conditions of approval for a Type "47", duplicate "47", "66", and "68" Licenses will apply.

FINDINGS AND REASONS:

Conditional Use Permit:

1. The proposed use will be consistent with the City's adopted general plan.

This approval will allow the subject water park hotel facility to sell alcoholic beverages for on-site consumption. Upon approval of the associated General Plan Amendment and Planned Unit Development, the subject site will maintain a General Plan Land Use Designation of International West Mixed Use and zoning of

Planned Unit Development No. PUD-126-10. The International West Mixed Use Land Use designation promotes the development of hotels, resorts, amusement facilities, and restaurants along Harbor Boulevard. Alcohol sales by resort hotels and restaurants are conditionally permitted in this zone. The sale of alcoholic beverages is an amenity that is normal for resort type hotels, such as the proposed subject hotel. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

2. The proposed use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area.

This approval will allow the water park hotel facility to sell alcoholic beverages for on-site consumption. The types of alcohol sales contemplated will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The conditions of approval impose requirements designed to mitigate the secondary impacts commonly associated with alcohol sales and will minimize potential impacts to the adjoining area. Pursuant to the conditions of approval, no alcohol may be served or consumed outside of the premises. It is anticipated that most of the alcohol sales will be to guests of the water park hotel facility. Provided the conditions of approval are adhered to for the life of the project, the sale of alcohol, ancillary to the operation of the water park hotel project, will be harmonious with and have little impact on the persons who work and live in the surrounding area.

3. The proposed use will not interfere with the use, enjoyment or valuation of property of other persons located in the vicinity of the site.

The types of alcohol sales contemplated will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the Project. The Project is buffered from adjacent residential uses. In addition, the conditions of approval impose requirements designed to mitigate the secondary impacts commonly associated with alcohol sales and will minimize potential impacts to property in the vicinity of the site. Pursuant to the conditions of approval, no alcohol may be served or consumed outside of the premises. It is anticipated that most of the alcohol sales will be to guests of the water park hotel facility. Accordingly, the sale of alcohol for on-site consumption, ancillary to the operation of the water park hotel project, will be compatible with, and have little impact on, the surrounding uses.

4. The proposed use will not endanger or otherwise constitute a menace to public health, safety or general welfare.

The sale of alcohol for on-site consumption ancillary to the operation of the water park hotel Project will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. The conditions of approval impose requirements designed to mitigate the secondary impacts commonly associated with alcohol sales. Pursuant to the conditions of approval, no alcohol may be served or consumed outside of the premises. It is anticipated that most of the alcohol sales will be to guests of the water park hotel facility. The nature of the use and the conditions of approval will ensure there are no significant adverse impacts to the public health, safety, or general welfare.

Tentative Parcel Map:

1. The Tentative Parcel Map for the proposed water park hotel development is consistent with the Garden Grove General Plan, which encourages land subdivision in order to facilitate new development. The site is adequate in size and shape to accommodate the proposed future development of the site.
2. The design and improvements of the proposed parcel map are consistent with the zoning, Title 9 of the Garden Grove Municipal Code, and the General Plan provisions for location, proximity to similar uses, lot width, and overall depth required for a Commercial Planned Unit Development.
3. The site is physically suitable for the proposed development and complies with the spirit and intent of a Commercial Planned Unit Development and Title 9 of the City's Municipal Code.
4. The requirements of the California Environmental Quality Act, California Public Resources Section 21000 et seq. ("CEQA") have been satisfied. Pursuant to CEQA and CEQA's implementing guidelines, California Code of Regulations, Title 14, Sections 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 the proposed mitigation measures cannot, or will not, have a significant effect on the environment.
5. The design of the water park hotel development parcel map, and the proposed improvements, are not likely to cause public health problems. The conditions of approval for on and off-site improvements will safeguard the public health.
6. The design of the water park hotel development parcel map, and the proposed improvements, will not conflict with easements of record or easements established by court judgment acquired by the public-at-large for access through or use of property within the subdivision; if such easements exist, then alternate easements for access or for use will be provided and these will be substantially equivalent to the ones previously acquired by the public.

7. The design and improvements of the water park hotel parcel map are suitable for the existing site improvements and the project can be developed in compliance with the applicable zoning regulations.
8. The design and improvements of the proposed parcel map are suitable for the proposed commercial project and the subdivision can be developed in compliance with the applicable zoning regulations.
9. The design of the development, to the extent feasible, does have allowance for future passive or natural heating and cooling opportunities.
10. The design, density, and configuration of the subdivision strikes a balance between the effect of the subdivision on the housing needs of the region and of public service needs, and that the character of the subdivision is compatible with the design of existing structures and lot sizes in the general area.

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 Conditional Use Permit and Tentative Parcel Map do possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030 (Conditional Use Permit) and 9.40.010 (Subdivisions).
2. In order to fulfill the purpose and intent of the Municipal Code, and, thereby, promote the health, safety, and general welfare, the following conditions of approval, attached as "Exhibit A", shall apply to Conditional Use Permit No. CUP-303-10, and Tentative Parcel Map No. PM-2010-1178.
3. Approval of this Conditional Use Permit and Tentative Parcel Map shall be contingent upon the approval of General Plan Amendment No. GPA-1-10(A) and Planned Unit Development No. PUD-126-10 by the Garden Grove City Council.

ADOPTED this 16th day of December, 2010

/s/ KRIS BEARD
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on December 16, 2010, by the following votes:

AYES:	COMMISSIONERS:	BEARD, BUI, ELLSWORTH, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BONIKOWSKI, CABRAL
VACANCY:	COMMISSIONERS:	ONE

/s/ JUDITH MOORE
SECRETARY

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

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is January 6, 2011.

EXHIBIT "A"

Conditional Use Permit No. CUP-303-10, Tentative Parcel Map No. PM-2010-1178

12581, 12591, 12681, and 12721 Harbor Boulevard, and
12601 and 12602 Leda Lane

CONDITIONS OF APPROVAL

General Conditions

1. The applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required within 30 days of this approval. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission.
2. Approval of this Conditional Use Permit and Tentative Parcel Map shall be contingent upon the approval of General Plan Amendment No. GPA-1-10(A) and Planned Unit Development No. PUD-126-10 and 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 shall apply, the development standards/requirements in Planned Unit Development No. PUD-126-10, and the Harbor Corridor Specific Plan.
3. Minor modifications may be approved by the Community Development Department. If other than minor changes are made in the proposed development, the proper entitlements shall be filed which reflect the revisions made.
4. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the City's Planning Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting. Lighting in the common areas shall be directed, positioned, or shielded in such manner so as not to unreasonably illuminate the window area of nearby residences.

5. The applicant shall submit detailed plans showing the proposed location of utilities and mechanical equipment to the Community Development Department for review and approval prior to Building Division Plan Check. The project shall also be subject to the following:
 - a. All on-site and off-site utilities (off-site refers to the areas within public right-of-way to the center line of the streets adjacent to the subject property) within the perimeter of the site and to the centerline of the adjacent streets shall be installed or relocated underground.
 - b. Above-ground utility equipment (e.g., electrical, gas, telephone, cable TV) shall not be located in the street setbacks, within the common areas along Harbor Boulevard, or any parking areas and shall be screened to the satisfaction of the Community Development Department.
 - c. No roof-mounted mechanical equipment, including but not limited to dish antennas, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
 - d. All ground, roof, or wall-mounted mechanical equipment shall be screened from public view from adjacent properties and the public right-of-way and shall also be screened, to the extent feasible, from on-site areas.
 - e. All mitigation measures that are part of the Mitigated Negative Declaration that was adopted for General Plan Amendment No. GPA-1-10(A), Planned Unit Development No. PUD-126-10, Conditional Use Permit No. CUP-303-10 and Tentative Parcel Map No. PM-2010-1178 (the "Mitigated Negative Declaration") are incorporated herein by this reference and shall be implemented as conditions of approval for this project.
 - f. The Mitigation Monitoring Program adopted in conjunction with the Mitigated Negative Declaration shall be implemented during project construction through project completion. The applicant shall provide the City with a quarterly report demonstrating adherence to all mitigation measures. A person shall be designated by the developer and or hotel operator that will be responsible for any hotel or water park operational mitigation measure that extends beyond construction completion. Said person shall provide a report to the City when requested.

CONDITIONAL USE PERMIT CONDITIONS:

6. This approval shall allow for the establishment of a hotel and water park with ancillary uses that include restaurants, game arcade, and meeting rooms with alcoholic beverage sales for on-site consumptions. Due to the operational

aspects of a hotel facility, this approval shall permit the subject water park hotel facility to operate under a Type "47" (On-Sale, General-Eating Place), a Duplicate "47", a Type "66" (Controlled Access Cabinet Permit) and a Type "68" (Portable Bar), or comparable general license(s) as required by the Alcoholic Beverage Control board.

7. The trash enclosure areas shall be maintained, as indicated on the site plan, per City standard. Trash enclosure doors shall be kept closed and secured, except during trash disposal or pickup. Trash pickups and automated parking lot cleaning/sweeping, shall occur between the hours of 8:00 a.m. and 6:00 p.m. Trash pickups shall occur at a minimum of three (3) trash pickups per week.
8. No satellite dish antennas shall be installed on said premises unless and until plans have been submitted to and approved by the Community Development Department, Planning Division, which may require proper screening to hide such appurtenances from public view.
9. The service doors of all buildings shall be kept closed at all times during hours of operation except in case of emergency or to permit deliveries. Panic hardware on doors shall comply with all City Code requirements.
10. The developer/owner shall submit signed letters acknowledging receipt of the decision for General Plan Amendment No. GPA-1-10(A), Planned Development No. PUD-126-10, Conditional Use Permit No. CUP-303-10, and Tentative Tract Map No. PM-2010-1178, and their agreement with all conditions of approval.
11. Litter shall be removed daily from the project site including adjacent public sidewalks and all parking areas under the control of the developers/owners. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
12. Graffiti shall be removed from the project site and all parking lots under the control of the developer/owner within 120 hours of application/notification.
13. The floor plan of the hotel and water parks shall be reviewed and approved by the Planning Division prior to issuance of permits and release of the Alcoholic Beverage Control Licenses.
14. Any adult merchandise (books, magazines, videos, etc.) shall be kept under the control of the management behind cashiers' counters and shall be segregated and screened from minors.
15. The owner/operator, at his/her expense shall provide a uniformed security guard(s) on the premises during the operation of the establishment, in the event security problems occur, at the request of the Police Department.

16. There shall be no gaming tables or gaming machines as outlined in Garden Grove Municipal Code Section 9.16.020.070, with the exception of the game machines located within the game arcade located within the hotel.
17. There shall be no uses or activities permitted of an adult-oriented nature as outlined in Garden Grove Municipal Code Section 9.16.020.070.
18. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THESE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The size, format, form, placement, and languages of the sign shall be determined by the Department of Alcoholic Beverage Control.
19. Entertainment may be permitted in the establishment. However, at no time shall the establishment allow flyer events/parties, erotic dancers or any other special entertainment activities that are private or open to the public.
20. The operation of the water park hotel facilities shall be subject to the requirements and conditions of approval of Conditional Use Permit No. CUP-303-10 and Tentative Parcel Map No. PM-2010-1178, the standards within Planned Unit Development No. PUD-126-10, and the mitigation measures outlined within the Mitigated Negative Declaration adopted for this project. This includes complying with all provisions of Alcoholic Beverage Control Act, subject to Condition No. 6, above. In addition, this provision also governs the meeting rooms, restaurants, and the indoor/outdoor water park area. In regard to specific activities within the meeting rooms and recreation areas, regardless of the type of event conducted, no event or activity shall at any time be or become a nuisance, disturbance or cause complaints for hotel guests or occupants of the surrounding area/properties, or in any way, endanger the public health, safety, or welfare.
21. No alcohol shall be served/consumed outside of any areas of the property that are licensed and approved for alcohol sales.
22. The business, prior to opening, shall show proof to the Police Department that all members of the business staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through Alcoholic Beverage Control (ABC) or an ABC approved "Responsible Beverage Service (RBS) Training" program.

TENTATIVE PARCEL MAP CONDITIONS:

Public Work's Engineering Division

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

23. Prior to the issuance of any building permits, the applicant shall prepare a Parcel Map for the consolidation of the six separate parcels. A field survey shall be required.
24. Ties to horizontal control: Prior to recordation of a Final Map, the surveyor/engineer preparing the map shall tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub article 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.
25. Digital map submission: Prior to recordation of a Final Map, the surveyor/engineer preparing the map shall submit to the County Surveyor a digital graphics file of said map in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub article 18. The surveyor/engineer shall submit record information to the City on Auto Cad DWG format.
26. A geotechnical study prepared by a registered geotechnical engineer is required. The report shall analyze the liquefaction and contamination 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, basement and septic facilities. Should contaminants be found, the site will require Environmental Clearance that will usually involve site remediation. The report shall make recommendations for pavement design based on a Traffic Index to be supplied by the City Traffic Engineer. The report shall also contain tests and analysis of soil conditions for LID (Low Impact Development) principles and make recommendations for implementation of such LID principles, including, but not limited to, soil compaction, saturation, permeability and groundwater levels. The recommendations of the geotechnical study, as approved by the City Engineer, shall be implemented.
27. Grading plans prepared by a registered Civil Engineer are required. The grading plan shall be based on a current survey of the site, including adjacent properties, and designed to preclude cross-lot drainage. Minimum grades shall be 0.50% for concrete flow lines, 1.25% for asphalt surfaces and 2.0% for landscaped areas. Grading modifications will be allowed if approved by the City Engineer. The grading plan shall also include demolition, water, sewer and LID improvements.
28. The trash enclosure/facilities shall be located to allow pick-up and maneuvering, including turnarounds, in the area of the enclosure/facilities.
29. Street improvement plans prepared by a registered Civil Engineer are required. Harbor Boulevard shall be designed to the City's proposed Smart Street

Standards, and specifically, the existing raised median on Harbor Boulevard shall be modified per the City Traffic Engineer recommendations stated herein.

30. A separate street permit is required for work performed within the public right-of-way.
31. The cul-de-sac located at the southerly end of Leda Lane shall be maintained.
32. Prior to the issuance of any grading or building permits or prior to recordation upon subdivision of land if determined applicable by the City Building Official, the applicant shall submit to the City for review and approval a Water Quality Management Plan that:
 - a. Addresses Site Design Best Management Practices ("BMPs"), as applicable, such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas;
 - b. Incorporates the applicable Routine Source Control BMPs as defined in the DAMP and provides a detailed description of their implementation;
 - c. Incorporates Treatment Control BMPs as defined in the DAMP;
 - d. Implements Low Impact Development (LID) BMPs to reduce run-off to the maximum extent practicable;
 - e. Includes an Operations and Maintenance (O&M) Plan that (1) generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs; (2) identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs; and (3) describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
33. Prior to grading or building permit closeout and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:
 - a. Demonstrate that all structural best management practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications;
 - b. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP;
 - c. Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site; and,

- d. Demonstrate that the applicant has agreed to and recorded CC&Rs, an agreement, or another legal instrument approved by the City Attorney that shall require the property owner, successors, tenants (if applicable), and assignees to operate and maintain in perpetuity the post-construction BMPs described in the Project WQMP.
34. Prior to issuance of grading permits, the applicant shall submit a copy of the Notice of Intent (NOI) indicating that coverage has been obtained under the National Pollutant Discharge Elimination System (NPDES) State General Permit for Storm Water Discharges Associated with Construction Activity from the State Water Resources Control Board. Evidence that the NOI has been obtained shall be submitted to the Building Official. 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. In addition, the applicant shall include notes on the grading plans indicating that the project will be implemented in compliance with the Statewide Permit for General Construction Activities.
 35. All required vacations and/or acquisitions shall be completed prior to recordation of the final map.
 36. Any new or required block walls and/or retaining walls and trash enclosures shall be shown on the grading plans. Block walls shall be developed to City Standards or designed by a professional registered engineer. In addition, the developer shall provide the following:
 - 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.
 37. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer.
 38. Provide hydrology with scaled map and calculations and hydraulic calculations to size storm drains per the County of Orange standards. Additionally, the project is located in a mapped FEMA flood zone. The project shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or together with attendant utility and sanitary facilities, shall:
 - a. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. The City engineer shall approve such certifications.
 - d. Nonresidential structures that are elevated, not flood proofed, shall meet the same standards for space below the lowest floor as described in "a", above.
 - e. Applicants flood proofing nonresidential buildings are hereby notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building flood proofed to the base flood level will be rated as 1-foot below).
39. Wheelchair ramps shall be provided as required by State and Federal law. The curb radius for drive entrances/approaches shall be 20-feet minimum unless otherwise approved by the City Engineer.
40. Prior to issuance of building permits, all applicable traffic mitigation fees shall be paid in full.
41. Prior to issuance of certificates of use and occupancy, a traffic signal shall be designed and constructed at the intersection of Harbor Boulevard and the Project Entrance in a manner meeting the approval of the City Traffic Engineer.
42. Prior to the issuance of certificates of use and occupancy, raised median improvements shall be designed and constructed on Harbor Boulevard to facilitate ingress and egress at the Project Entrance in a manner meeting the approval of the City Traffic Engineer. Said improvements shall include a 150-foot northbound turn pocket with a 90-foot taper and removal/reconstruction of the median island north of the intersection.
43. The three driveway approaches to the site shall be constructed in accordance with Garden Grove Standard Plan B-120 or B-120a.

Garden Grove Fire Department

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

44. Buildings shall be required to meet High-Rise Standards that include, but are not limited to, the following:
- a. Including Fire Control Room.

- b. Diesel powered fire pump.
 - c. Installation of water pump as a secondary water source.
 - d. Fire Department standpipes shall be in vestibules and not stairwells.
 - e. Fire Department connection will be within 40-feet of a City hydrant.
 - f. Knox-Box key systems shall be installed at the Fire Control Room and emergency gates and where deemed necessary.
45. All buildings shall be required to meet all adopted local changes to the California Building Code (CBC) and California Fire Code (CFC) in Title 18 of the Garden Grove Municipal Code.
46. Not later than Applicant's submittal of project construction plans to the City for plan check, Applicant shall submit to City: (1) documentation, satisfactory to the Fire Chief, providing for public safety emergency vehicle access to the rear of the property; or (2) such other alternative plans for public safety emergency vehicle access to the project site as may be acceptable to the Fire Chief.
47. All vehicle access shall meet the standards provided for in the CFC for widths, turning radius, and hammerhead turnarounds. The fire access area shall be paved. Any fencing that crosses the subject fire emergency access shall be provided with a knox box. An emergency access plan shall be submitted to the Fire Department for review and approval prior to installation of the fire access.
48. A Bi-Directional Amplifier (BDA) system for emergency radios shall be installed for use in all areas.
49. Water supply and hydrants shall be installed before the start of construction.
50. All interior decorations shall meet the State Fire Marshal flame retardant test.
51. The development shall meet the City's hazardous materials disclosure plan for any storage or use of hazardous materials.
52. The development is subject to a third party inspector, at the owner's expense to certify the alarm systems, sprinkler systems, and smoke removal systems.
53. All plans submitted are subject to review and corrections, as needed per CBC and CFC conditions.
54. Fire hydrants shall be provided on-site. The fire hydrants shall be on a loop system approved by the Fire Department and on their own water line. The fire hydrants shall be within 40-feet of the Fire Department Connection (FDC). All sprinklers shall be on their own dedicated lines. The fire hydrants shall be

installed and fully operational prior to any combustible material being delivered to the site. Prior to and during construction, a temporary roadway shall be constructed and maintained to the satisfaction of the Fire Department for access to each of these fire hydrants. The Fire lanes serving the site shall be constructed to support the weight load of Fire truck(s) per Fire Department requirements.

55. All Fire related aspects of the proposed project shall comply with California Fire Codes and the California Building Codes (2010 Edition).
56. An all-weather fire access road shall be in place before combustible materials are placed on-site. Required water supply for fire protection shall be in place before building with combustible materials commences.
57. All buildings shall be sprinklered according to NFPA 13 standards and shall have fire alarms according to NFPA 72 under the current year adopted by the Garden Grove Fire Department.
58. All Fire Department connections shall have a 3-foot clearance and shall be clear of all obstructions and vegetation.

Building Services Division

59. The buildings shall be designed to comply with all provisions of the California Building Codes and City adopted amendments.

Public Works Water Services Division

The following provisions of the Garden Grove Public Work's Water Services Division shall be met:

60. The existing 12-inch water main is presently located in the existing Harbor frontage road. In the proposed hotel improvements the existing water main will be under the proposed planter/sidewalk area. The existing 12-inch water main shall be relocated and resized to a 16-inch PVC water main. The new 16-inch water main is to be placed in Harbor Boulevard, east of/and parallel to the existing 12-inch main, and a minimum of 10-feet west of the existing 18-inch sewer main in Harbor Boulevard. The existing 8-inch A. C. water main shall be abandoned.
61. New Water service installations 2-inch and smaller shall be installed per City Standards. 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 per City Standards.
62. 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 a Class A or C-34 license per City water standards and inspected and approved by a Public Works inspection.

63. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have a 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. A Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have the RPPD device tested once a year thereafter by a certified backflow device tester and the test results shall be submitted to the City's Public Works Water Services Division. Property owner must open a water account upon installation of RPPD device.
64. Any existing private water well(s) shall be abandoned per Orange County Health Department requirements. Abandonment(s) shall be inspected by an Orange County Health Department inspector after permits have been obtained.
65. A composite utility site plan shall be part of the water plan approval.
66. Water system improvements within private streets shall be constructed per City Standards by developer and dedicated to the City. Bonding will be required.
67. Owner shall dedicate all rights to underground water, without the right to surface entry, to the City.
68. Any new or existing water valve located, or to be located, within a new concrete driveway or sidewalk shall be reconstructed per City Standard B-753.
69. City shall determine if existing water service(s) is/are usable and meet(s) current City Standards. Any existing meter and service located within a new driveway(s) shall be relocated.
70. No permanent structures, trees or deep-rooted plants shall be placed over sewer main, water main, or the fire service main.
71. Location and number of fire hydrants shall be as required by the Water Services Division and the Fire Department.
72. If required, fire service shall have an above ground backflow device with a double check valve assembly. The fire service line shall be looped. The 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. The 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.

73. 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. The grease interceptor shall be located outside of the building and shall be 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.
74. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations.
75. Owner shall install new sewer lateral with clean out at right-of-way line. Lateral in public right-of-way shall be 6-inch minimum diameter, extra strength VCP with wedgelock joints.
76. Contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete.

Planning Services Division

77. All landscaping shall be consistent with the landscape requirements within the development standards in Planned Unit Development No. PUD-126-10. The developer shall submit a complete landscape plan governing the entire development. The landscape irrigation plans shall include type, size, location and quantity of all plant material. The landscape plan shall include irrigation plans and staking and planting specifications. All landscape irrigation shall comply with the City's Landscape Ordinance and associated Water Efficiency Guidelines. The landscape plan is also subject to the following:
 - a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaping areas shown on the plan. The sprinklers shall be low flow/precipitation sprinkler heads for water conservation.
 - b. The plan shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent (60%) of the trees at 15-gallon. The remaining five percent (5%) may be of any size. These trees shall be incorporated into the landscaped frontages of all streets. Where clinging vines are considered for covering walls, drought tolerant vines shall be used.
 - c. Trees planted within 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.

- d. Landscaping along Harbor Boulevard, including within the public right-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.
 - e. All landscape areas, including the areas located within the public right-of-way along Harbor Boulevard that abuts the subject property, are the responsibility of the developer/operator of the water park hotel.
 - f. The landscape plan shall incorporate and maintain for the life of the project those means and methods to address water run-off also identified as Low Impact Development provisions, which address water run-off. This is also to be inclusive of any applicable Water Quality Management Plan (WQMP), the Orange County Drainage Area Management Plan (DAMP), and/or other water conservation measures applicable to this type of development.
78. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Section 8.47.010 referred to as the County Noise Ordinance as adopted:
- a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
 - b. Sunday and Federal Holidays - may work same hours but subject to noise restrictions as established in section 8.47.010 of the Municipal Code.
79. The approvals are subject to a Development Agreement with the City of Garden Grove. This includes the payment of a Development Payment in accordance with the Ordinance approving Development Agreement No. DA-183-10.
80. After the installation of the Tornado waterslide lighting, but prior to final issuance of building permits for the project, the light output of the light show shall be adjusted to a level that is satisfactory to the City, that will minimize light spillage, and that will not produce light above what is allowed by Code.
81. The developer/owner shall prepare Covenants, Conditions, and Restrictions, or another appropriate recordable document or agreement acceptable to the City that runs with the land and binds future owners (collectively, "CC&Rs") for review and approval by the City Attorney's office and Community Development Department prior to the issuance of building permits. The approved CC&Rs shall be recorded at the same time that the subdivision map is recorded and two copies of the recorded CC&Rs shall be provided to the Planning Division. The CC&Rs shall include the following:

- a. Provisions for common maintenance of all landscape areas, including landscaping and landscape lighting within the public right-of-way, driveways, and parking areas.
- b. Provisions for reciprocal access and parking between properties. Parking provisions shall also include provisions for future Valet Parking.
- c. Best Management Practices shall be incorporated to detour and/or abate any graffiti vandalism throughout the project and the life of the project.
- d. The CC&Rs shall provide provisions for the tenant/property owner(s) a means of contacting persons responsible for site maintenance, repairs, trash pick-up, and other related matters for a development of this type. This also includes ensuring tree overhangs do not block or hinder any vehicles such street sweepers, trash trucks, fire trucks, etc. from maneuvering on the streets within the project.
- e. The preceding provisions shall not be modified without the approval of the City of Garden Grove. The CC&Rs shall contain a provision that indicates that the CC&Rs may not be terminated or substantially amended without the consent of the City.
- f. The CC&Rs shall include provisions identifying a property owner's association or other entity responsible for ongoing implementation and funding of the Operations and Maintenance (O&M) Plan associated with the WQMP for the Project and compliance with the City's Stormwater Quality Ordinance (Garden Grove Municipal Code Title 6, Chapter 40) and other applicable National Pollutant Discharge Elimination System (NPDES) regulations.
- g. The following provisions shall be included within the CC&Rs:
 - i. Enforcement: The City is hereby made a party to these Declarations solely for purposes of enforcing its provisions and the Conditions of Approval of General Plan Amendment No. GPA-1-10(A), Planned Unit Development No. PUD-126-10, Conditional Use Permit No. CUP-303-10, and Tentative Parcel Map No. PM-2010-1178. The City, its agents, departments and employees shall have the unrestricted right and authority, but not the obligation, to enforce the provisions of these Declarations and the Conditions of Approval of General Plan Amendment No. GPA-1-10(A), Planned Unit Development No. PUD-126-10, Conditional Use Permit No. CUP-303-10, and Tentative Parcel Map No. PM-2010-1178. The City, its agents, departments and employees may further refuse to issue any building, electrical or plumbing permit that may be in violation of these Declarations or General Plan Amendment No. GPA-1-10(A), Planned Unit Development

No. PUD-126-10, Conditional Use Permit No. CUP-303-10, and Tentative Parcel Map No. PM-2010-1178 approvals. However, the City shall not be liable for failing or refusing to enforce the provisions of these Declarations or the Conditions of Approval of General Plan Amendment No. GPA-1-10(A), Planned Unit Development No. PUD-126-10, Conditional Use Permit No. CUP-303-10, and Tentative Parcel Map No. PM-2010-1178.

- ii. Assessments: The City may levy special assessments against the properties in connection with its actions to enforce the conditions of these Declarations or General Plan Amendment No. GPA-1-10(A), Planned Unit Development No. PUD-126-10, Conditional Use Permit No. CUP-303-10, and Tentative Parcel Map No. PM-2010-1178 approvals, or to abate the violation thereof. The City shall have the same power as the Association [*or other appropriate entity*] to levy special assessments pursuant to the provisions of [SECTION] of these Declarations in the event that it incurs expenses in the enforcement of the conditions of these Declarations or General Plan Amendment No. GPA-1-10(A), Planned Unit Development No. PUD-126-10, Conditional Use Permit No. CUP-303-10, and Tentative Parcel Map No. PM-2010-1178 approvals. Notice of intention to make such assessment shall be mailed by the City to the Owner of each affected [LOT/UNIT] affording the Owner thirty (30) days' notice to satisfy or reimburse the City's expenditure. In the event of the failure of any Owner of any affected [LOT/UNIT] to reimburse the City within thirty (30) days, notice of such assessment shall be mailed by the City to said Owner, and said assessment shall thereafter be due as a separate debt to the City within thirty (30) days following the mailing of such notice. Any such delinquent assessment may be and may become a lien upon the interest of the defaulting Owner in the Lot upon the execution by the City and the recording in the Orange County Recorder's office of a notice of delinquent assessment under the same conditions that the Association could record the same pursuant to the provisions of [SECTION]. The City may foreclose on such notice of delinquent assessment in the same manner and with the same power as the Association could foreclose on such notice pursuant to the provisions of [SECTION]. It is the intent of Declarant, which intent shall be binding upon all of Declarant's successors in interest in the Properties, that the City shall be deemed an interest holder pursuant to the provisions of these Declarations in order to enforce the rights which have been given to the City generally in these Declarations and specifically pursuant to this Section.
- iii. Attorneys' Fees: The City shall be entitled to recover its attorneys' fees incurred in connection with its actions to enforce the conditions of these Declarations or General Plan Amendment No. GPA-1-10(A), Planned Unit Development No. PUD-126-10, Conditional Use Permit

No. CUP-303-10, and Tentative Parcel Map No. PM-2010-1178 approvals, or to abate the violation thereof.

- iv. Public Safety Access: The Police and Fire Department personnel may enter upon any part of the common area and/or portion of the property generally held open to the public for the purpose of enforcing State and Local laws.

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

- a. The facades of the hotel, water park, and future free-standing restaurant structures shall be designed with sound attenuation features including the use of dual pane windows and limiting, when possible, the use of windows and vents. These features shall be approved by the Community Development Department prior to the issuance of building permits.
- b. Prior to the finalization of working drawings for Planning Division, Engineering Division, and Building Division Plan Check, the developer shall submit to the Community Development Department detailed and dimensioned plot plans, floor plans, exterior elevations, and landscape plans which reflect the above conditions of approval. The plans shall indicate cross sections of all streets within the development, landscape materials, wall materials, and building materials proposed for the project. Each unit shall have phone jacks and cable-TV outlets in all hotel rooms. Mechanical equipment, including air conditioning units, pool equipment, sump pump, etc., shall not be located closer than 5-feet of any side or rear property line and shall not be located in the front landscape setback. Air conditioning units and all other mechanical shall be completely screened from public view from the street and/or common open space area.
- c. Should the developer elect to build the project in more than one phase, then a phasing plan shall be submitted to the Community Development Department prior to issuance of building permits. The phasing plan shall include, but not limited to, a site plan showing the phasing areas, protection of finished units, and protection for related safety issues concerning pedestrians and non-construction vehicles. The perimeter improvements including landscaping, walls, street improvements, and underground utilities shall be completed in the first phase. The phasing plan shall be approved by the Community Development, Fire, and Public Works Departments prior to issuance of building permits.

83. 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. Decorative masonry walls are required along the entire northerly, southerly, and westerly property lines and shall be constructed to a maximum height of 8-feet, as measured from highest point of finished grade on the project's side. A higher wall may be constructed if needed for additional sound attenuation. These walls shall use slumpstone or split-face block with decorative caps, subject to Community Development Department's approval.
 - b. The applicant shall work with the existing property owner(s) along the northerly, southerly, and westerly property lines in designing and constructing the required block wall. This requirement is to avoid having double walls and minimize any impact that it might cause to the existing landscaping on the neighbor's side as much as possible. The perimeter block wall shall be constructed and situated entirely within the subject property. In the event that the applicant cannot obtain approval from the property owners, the applicant shall construct the new wall with a decorative cap to be placed between the new and existing walls. In the event the location of a new wall adjacent to an existing wall or fence has the potential to affect the landscape planter, then the Developer shall work with City Staff to address this situation.
84. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, the use of solar or low-emission water heaters, low-sodium parking lot lights, and compliance with Title 24 of the Building Code are required.
85. Building color and material samples shall be submitted to the Planning Division for review and approval prior to issuance of building permits. The buildings shall have decorative features that include multi-toned stuccoed exterior; siding or equal material; building pop-outs; varied roof lines; decorative lighting; windows on the water park building, facing Harbor Boulevard; and a decorative porte-cochere. The parking structures shall be designed to be architecturally compatible with on-site buildings, utilizing similar design features, details and materials. All sides of a parking structure that are in view from adjacent properties and public-rights-of-way shall be architecturally enhanced. Parking structures shall be well illuminated, including having the interior of the parking garage painted a light color, and designed to meet City parking standards for aisle width, stall sizes, and height clearances.
86. The driveways from Harbor Boulevard Street shall have enhanced concrete treatment. All details of the decorative entry shall be submitted on the required landscape plans for review and approval of the Community Development Department.

87. Prior to obtaining any building permits, if any structure or portion there of, is to be removed, demolished, or relocated on the subject site, a written report shall be provided verifying whether any hazardous materials exists (e.g., asbestos, lead based paint, termites or other) or do not exist to the City Building Division and the report shall declare how such hazardous material will be properly removed and properly discarded. This includes, but is not limited to, obtaining permits from Air Quality Management District, Environmental Protection Agency and any other affected Agency by such action, which can include tenting for termites or rodents/vermin; and/or any other action to remedy the situation of hazardous type materials, termites or pests. All of which is to be done to the satisfaction of affected agencies.
88. If suspected hazardous materials are discovered, the appropriate agencies will be notified immediately. Upon notification and coordination with the appropriate agencies, suspected hazardous materials will be sampled and submitted for analytical testing to a State-certified laboratory. Should such testing confirm the hazardous nature of excavated materials, they will be disposed of in accordance with State and Federal hazardous waste laws.
89. In the event any legal action or proceeding is filed against the City of Garden Grove and/or applicant or its successors or assigns, seeking to attack, set aside, void or annul any approval or condition of approval of the City of Garden Grove concerning the Project, including, but not limited to, the Mitigated Negative Declaration, Conditional Use Permit No. CUP-303-10, Tentative Parcel Map No. PM-2010-1178, General Plan Amendment No. GPA-1-10(A), Planned Unit Development No. PUD-126-10, or Development Agreement No. DA-183-10, the applicant or its successors and assigns shall have the right and obligation to either: (1) defend (with legal counsel mutually selected by the applicant and the office of the City Attorney), indemnify, and hold harmless the City, its officers, agents, and employees from and against any such legal action or proceeding; or (2) request that the City rescind the entitlement approvals, in which case the applicant would have no obligation to defend or indemnify the City; however, the applicant shall reimburse the City for any costs incurred or assessed against the City as a result of the filing of such legal action or proceeding, provided the City acts promptly to rescind the entitlements.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: MITIGATED NEGATIVE DECLARATION
GENERAL PLAN AMENDMENT NO. GPA-1-10(A)
PLANNED UNIT DEVELOPMENT NO. PUD-126-10
TENTATIVE PARCEL MAP NO. PM-2010-1178
CONDITIONAL USE PERMIT NO. CUP-303-10
DEVELOPMENT AGREEMENT NO. DA-183-10

APPLICANT: MCWHINNEY

LOCATION: WEST SIDE OF HARBOR BOULEVARD, SOUTH OF LAMPSON AVENUE, NORTH OF GARDEN GROVE BOULEVARD AT 12581, 12591, 12681, 12721 HARBOR BOULEVARD, AND 12602 AND 12601 LEDA LANE

DATE: SEPTEMBER 16, 2010

REQUEST: To establish a Planned Unit Development zoning with development standards for the development of a water park hotel on an approximately 12.1-acre site along with a General Plan Amendment to change the General Plan Land Use designations of two properties from Low Density Residential to International West Mixed Use, a Conditional Use Permit to allow for the sale of alcoholic beverages in the hotel and hotel restaurants, and a Tentative Parcel Map to reconfigure the existing six properties into three separate properties. The proposed water park hotel project will include the water park hotel that consists of an approximately 639 room hotel, an approximately 130,000 square foot water park, approximately 18,000 square feet of retail, approximately 30,000 square feet of meeting space, restaurants within the hotel facility, a parking structure, and an approximately 14,850 square foot restaurant pad. A Development Agreement is also included.

Staff requested that this case be continued to a date uncertain in order to finalize environmental work, however, public testimony could be taken at this meeting and the project would be re-advertised for a later date.

Chair Beard opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Charles Dang, 12581 Leda Lane, approached the Commission and expressed his concerns regarding Leda Lane, a dead-end road, being used as an emergency fire access road; that the residents were not notified of the proposed new use of the road; that City Council response was that another location may be chosen, however, this was not a written statement and the residents need a definitive answer on this matter.

Staff responded that an answer was not available yet due to additional project analysis that is needed, however, the residents would receive notices

with the opportunity to respond at a future Planning Commission public hearing.

Mr. Dang asked for clarification on the public hearing process. Staff replied that this case would come before the Planning Commission at a future date prior to being recommended to the City Council for further consideration.

Mr. Keith Pusavat, a deacon at Orange County Young Nak Church, approached the Commission and stated that the church is adjacent to the proposed development. He asked staff when reports would be available for public review. Staff replied that the Environmental analysis would be available 30 days prior to the meeting, and the staff report and resolutions would be available one week before the meeting.

Mr. Dang asked if the Commission addresses economic matters concerning the proposed development as community members would like to know the economic impact to the City. Staff responded that the Commission only addresses land use issues and that the Garden Grove Agency for Community Development addresses economic matters.

There being no further comments, the public portion of the hearing was closed.

Commissioner Bonikowski moved to continue the case to a date uncertain, seconded by Commissioner Ellsworth. The motion carried with the following vote:

AYES:	COMMISSIONERS: BEARD, BONIKOWSKI, BUI, CABRAL, ELLSWORTH
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: PAK
VACANCY:	COMMISSIONERS: ONE

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: MITIGATED NEGATIVE DECLARATION
GENERAL PLAN AMENDMENT NO. GPA-1-10(A)
PLANNED UNIT DEVELOPMENT NO. PUD-126-10
TENTATIVE PARCEL MAP NO. PM-2010-1178
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APPLICANT: MCWHINNEY

LOCATION: WEST SIDE OF HARBOR BOULEVARD, SOUTH OF LAMPSON AVENUE, NORTH
OF GARDEN GROVE BOULEVARD AT 12581, 12591, 12681, 12721 HARBOR
BOULEVARD, AND 12602 AND 12601 LEDA LANE

DATE: SEPTEMBER 16, 2010

REQUEST: To establish a Planned Unit Development zoning with development standards for the development of a water park hotel on an approximately 12.1-acre site along with a General Plan Amendment to change the General Plan Land Use designations of two properties from Low Density Residential to International West Mixed Use, a Conditional Use Permit to allow for the sale of alcoholic beverages in the hotel and hotel restaurants, and a Tentative Parcel Map to reconfigure the existing six properties into three separate properties. The proposed water park hotel project will include the water park hotel that consists of an approximately 639 room hotel, an approximately 130,000 square foot water park, approximately 18,000 square feet of retail, approximately 30,000 square feet of meeting space, restaurants within the hotel facility, a parking structure, and an approximately 14,850 square foot restaurant pad. A Development Agreement is also included.

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There being no further comments, the public portion of the hearing was closed.

Commissioner Bonikowski moved to continue the case to a date uncertain, seconded by Commissioner Ellsworth. The motion carried with the following vote:

AYES:	COMMISSIONERS: BEARD, BONIKOWSKI, BUI, CABRAL, ELLSWORTH
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: PAK
VACANCY:	COMMISSIONERS: ONE

DRAFT MINUTE EXCERPT
GARDEN GROVE PLANNING COMMISSION

CONTINUED
PUBLIC HEARING: MITIGATED NEGATIVE DECLARATION
GENERAL PLAN AMENDMENT NO. GPA-1-10(A)
PLANNED UNIT DEVELOPMENT NO. PUD-126-10
TENTATIVE PARCEL MAP NO. PM-2010-1178
CONDITIONAL USE PERMIT NO. CUP-303-10
DEVELOPMENT AGREEMENT NO. DA-183-10

APPLICANT: MCWHINNEY
LOCATION: WEST SIDE OF HARBOR BOULEVARD, SOUTH OF LAMPSON AVENUE, NORTH OF
GARDEN GROVE BOULEVARD AT 12581, 12591, 12681, 12721 HARBOR BOULEVARD,
AND 12062 AND 12601 LEDA LANE
DATE: DECEMBER 16, 2010

REQUEST: To establish a Planned Unit Development zoning with development standards for the development of a water park hotel on an approximately 12.1-acre site along with a General Plan Amendment to change the General Plan Land Use designations of two properties from Low Density Residential to International West Mixed Use, a Conditional Use Permit to allow for the on-site sale of alcoholic beverages in the hotel and hotel restaurants, and a Tentative Parcel Map to reconfigure the existing six properties into three separate properties. The proposed water park hotel project will include the water park hotel that consists of an approximately 605 room hotel, an approximately 130,000 square foot water park, approximately 18,000 square feet of retail, approximately 30,000 square feet of meeting space, restaurants within the hotel facility, a five-level parking structure, and an approximately 9,500 square foot restaurant space on a detached, approximately 14,850 square foot restaurant pad. A Development Agreement is also included. The site is in the Planned Unit Development No. PUD-121-98 and R-1 (Single-Family Residential) zones.

Staff report was read and recommended approval along with the review of the Response to Comments for the Water Park Hotel Mitigated Negative Declaration.

Commissioner Pak asked staff if any of the 1050 parking spaces are designated for recreational vehicle (RV) parking. Staff responded no, that typically, the visitors to hotels are not using RVs.

Commissioner Ellsworth asked staff to clarify the wall height on the north side of the property. Staff replied the wall along the north, west, and south sides of the project would be eight foot high; that there is a setback for the parking structure; and that landscaping along Harbor Boulevard would match the existing resort area hotels.

Chair Beard asked if the parking would be exclusive to hotel guests. Staff replied that the parking serves the hotel and restaurant pad; that typically the hotel shops are for hotel guests only, however, the shops would be open to the public.

Chair Beard asked for the number of jobs projected for the resort. Staff answered that the range of construction and resort jobs would be between 560 to 1,000.

Chair Beard asked staff to clarify the Mitigated Monitoring Program. Staff responded that the program relates to the Mitigated Negative Declaration or full Environmental Impact Report; that any environmental impact requires a Mitigation Monitoring Report and that the monitoring begins at the start of the project until completion.

Commissioner Ellsworth asked if the noise from the Tornado Ride along Harbor Boulevard would impact the area. Staff responded that the ride is lit and has exterior music, and that prior to operation, any noise from the ride must be below the City's noise ordinance.

Commissioner Pak asked staff if the Development Agreement's four-year guarantee is to start or complete the project. Staff responded that the developer has four years in which to begin the development; that this project has a two-year construction schedule; and that if no construction has begun after four years, the Development Agreement would need to be amended at a public hearing and be approved by City Council, to extend the entitlements another four years.

Commissioner Pak asked for the length of the property along Harbor Boulevard. Staff responded approximately 800 feet.

Commissioner Ellsworth asked if additional fire services or medical aid services would be required, especially with the hotel at full capacity. Staff stated that any new building would increase the response, but not significantly; that a station is in the hotel district already; that the larger issue is man-power for protection, however, the City is adequately prepared for the proposed building.

Commissioner Pak questioned whether the grading would cause floodwater run-off in residential area during the rain season. Staff responded that some run-off could occur during construction, however, this project's water flow is from the east to the southwest and that existing drainage going to a southerly shopping center would be removed.

Vice Chair Pak questioned if an increase in pedestrians would warrant crosswalks for visitors to patronize other businesses nearby. Staff replied that a new traffic signal at the entrance would have a crosswalk.

Commissioner Pak asked staff if Condition No. 56 could include 'all buildings and all rooms' be fire sprinkled. Staff replied that Condition No. 56 is a standard for all sprinkle requirements and that fire staff does train in high-rise hotels.

Commissioner Pak asked staff to clarify Condition No. 66. Staff responded that 'without right to surface entry' means that the owner cannot drill a well.

Chair Beard asked if the project is not successful, could another entertainment venue come in? Staff replied that the land use approval and some environmental would need to be amended.

Chair Beard asked if the hotel could have live entertainment. Staff responded yes, that for banquet rooms, an example would be a disc-jockey (DJ) brought in for a wedding.

Chair Beard asked if any contaminants were found, would they be cleared up prior to construction. Staff replied yes.

Chair Beard asked if lights and glare would face away from houses. Staff replied yes, at both the east and west sides.

Chair Beard asked if construction would be a seven-day work schedule. Staff replied yes, with limitations so as not to impact the residents.

Chair Beard asked if other Great Wolf hotels have been researched. Staff replied yes, that staff visited the Grapevine, Texas project and found the venue to be a great concept with a kid-friendly, family hotel.

Chair Beard asked staff to clarify the water resources. Staff responded that the net additional water demand would be 139 acre feet per year, with an acre-foot being approximately the surface area of a football field at one-foot deep; that water resources are imported water from the Metropolitan Water District and the Colorado River Aqueduct with the other 62 percent pumped from ground water; that there is a reliable source of water, and that in addition to local reservoirs, the larger storage basin is the Orange County Water Basin.

Commissioner Ellsworth asked if there were complaints relating to other high-rise hotels in the area regarding shade and shadow. Staff replied no, that the other hotels are not as close to residential areas as this project.

Chair Beard asked if there would be a traffic impact. Staff stated that the main mitigation measure would be the new traffic signal serving the main access point; and that the peak hours would be in the evening.

Commissioner Ellsworth asked staff to describe the traffic impact at Harbor Boulevard and Trask Avenue. Staff replied that the heavy traffic is due to the ingress and egress of the freeway traffic; that the City is working with OCTA to re-time traffic signals on Harbor Boulevard so that timing is improved prior to the project's start; that some side streets may be delayed; and that because more development will occur on Harbor Boulevard, now would be the time to improve traffic for future development.

Staff pointed out a discrepancy in the staff report, as noted by Commissioner Pak. The correct length of the Development Agreement is five years.

Chair Beard opened the public hearing to receive testimony in favor of or in opposition to the request.

Ms. Kim Perry, the applicant's representative from McWhinney, approached the Commission.

Chair Beard asked Ms. Perry if she had read and agreed with the conditions of approval. Ms. Perry replied yes.

Mr. Rodney Jones, the senior director of design of Great Wolf approached the Commission and stated that the first indoor water park was built in 1997; that they are the leaders in the industry and have learned how to operate and save energy at their twelve resorts; and that the resorts are spreading across the country.

Ms. Perry described the project adding that a shuttle would be instituted to move people back and forth to other businesses; that the parking structure is pushed back

to create a better visual; that the water park facility and outdoor portion are sunk down; and that the eight-foot wall would be all around.

Commissioner Ellsworth asked Mr. Jones for a comparison to one of their other hotels. Mr. Jones cited the Grapevine Texas hotel with approximately 600 rooms is the most similar, however, this water park would be larger with other hotel amenities the same size.

Commissioner Ellsworth questioned if job hiring would be within the local community. Mr. Jones replied yes; that the operation team would do an advertised hiring clinic to hire 300 to 400 people who would work different shifts.

Commissioner Pak asked for the estimated annual number of tourists.

Mr. Trae Rigby from McWhinney responded that there would be 605 rooms with approximately three to four people per room.

Commissioner Pak asked if earthquake activity was addressed. Mr. Jones responded that swimming pools had a built-in mesh to hold water to float and move as a vessel even if cracked.

Chair Beard asked if the Great Wolf resorts are close to other theme parks. Mr. Jones replied typically, yes, and that the Grapevine resort, similar to the proposed Garden Grove Water Park Hotel, has not had complaints and is doing well.

Vice Chair Bui asked for a project time line. Mr. Rigby responded that after the approval process, with the partnership in place, the next step would be financing, with the project cost at about \$275 million dollars; and that construction would only commence with a loan commitment, with fixed costs, for the entire project.

Mr. Sorin Boer, from RK Engineering Group and who is responsible for the Traffic Impact Study, stated that the study evaluated how people would get to the project safely; that the intersection at Trask Avenue and Harbor Boulevard, the northbound left turn is the critical movement and they worked to mitigate the worst case scenario.

Mr. Jones noted that regarding water conservation, the hotel has three parts – the hotel, the laundry, and the water park; the water park would lose approximately 7,000 gallons per day by evaporation, the laundry facility has reclaimed water, and the hotel has water saving urinals, faucets, showerheads, and baths.

Mr. Charles Dang, a resident of Leda Lane, approached the Commission and expressed his, and his neighbor's concern, regarding the potential loss of the cul-de-sac due to the encroachment of the hotel water park; the proposed use of Leda Lane as a fire access road for the hotel; and the duration of the construction.

Mr. Curt Moore a neighboring resident, approached the Commission and expressed that the Water Park Hotel would be an improvement, however, he was concerned with the hotel's capacity and the potential of increased traffic on Buaro Street and Palm Street, as the new signal at Harbor Boulevard may divert traffic down Buaro Street.

Ms. Perry clarified that the construction period would be 22 months; that construction permits would not be issued until the fire access issues are determined

and accepted; that the site plan could function with the cul-de-sac remaining in place; and that the number of guests would be similar to the Grapevine hotel with 605 rooms.

Mr. Jones added that a full night of guests would not exceed what would be allowed by code.

Vice Chair Bui asked for the number of hotel guests that would use the water park. Mr. Jones replied that only guests could use the facility amenities; that they do have a community day once a year upon opening; and that there may be additional incentives for locals such as an open house.

Ms. Perry clarified that the emergency and fire access does not include Leda Lane; and that a follow up traffic study indicated that there would not be a significant impact at the Buaro Street and Palm Street intersection.

Commissioner Ellsworth asked Mr. Dang why the residents were opposed to the fire access road on Leda Lane. Mr. Dang replied that Leda Lane is a private, narrow, dead end road and that conversion of the road to a through-street would be a violation of property.

Staff added that the primary access would be the main driveway; that the emergency access would only be used if the main driveway was blocked, or if the fire was large enough to need additional units; that three other sites for fire access have been identified; that if a gate was placed at the end of the street, the fire trucks would have the Knox Box key, and not the Police Department.

Ms. Perry assured everyone that there were alternate fire access areas and the cul-de-sac could remain. Staff agreed and stated that the language could be included in the conditions of approval.

There being no further comments, the public portion of the hearing was closed.

Commissioner Pak asked if the sewer capacity would be sufficient. Staff replied that for International West and future development, a dedicated sewer line is in place that heads down Harbor Boulevard to Garden Grove Boulevard to an OC Sanitation District trunk line.

Chair Beard questioned the five-year construction timeline. Staff responded that the five years was to commence construction.

Commissioner Pak asked if the site was part of an Indian burial site. Staff replied no.

Commissioner Pak referred to Resolution No. 5720, Page 5, second paragraph under Finding of Public Convenience or Necessity, and stated that the booked hotel guests benefited directly and that the community benefited indirectly; that the five-level parking structure was good; that everyone involved should be mindful of the residents; and that the project would be a wonderful addition to Garden Grove as a destination.

Commissioner Ellsworth stated that the project is a good thing and long overdue, especially as the area is blighted with high crime; and that revenue would be generated for the City and community.

Vice Chair Bui agreed, commended staff, and thanked the Leda Lane neighbors, encouraging neighbors to communicate more.

Chair Beard also agreed stating that major issues have been addressed and that a blighted condition would be improved.

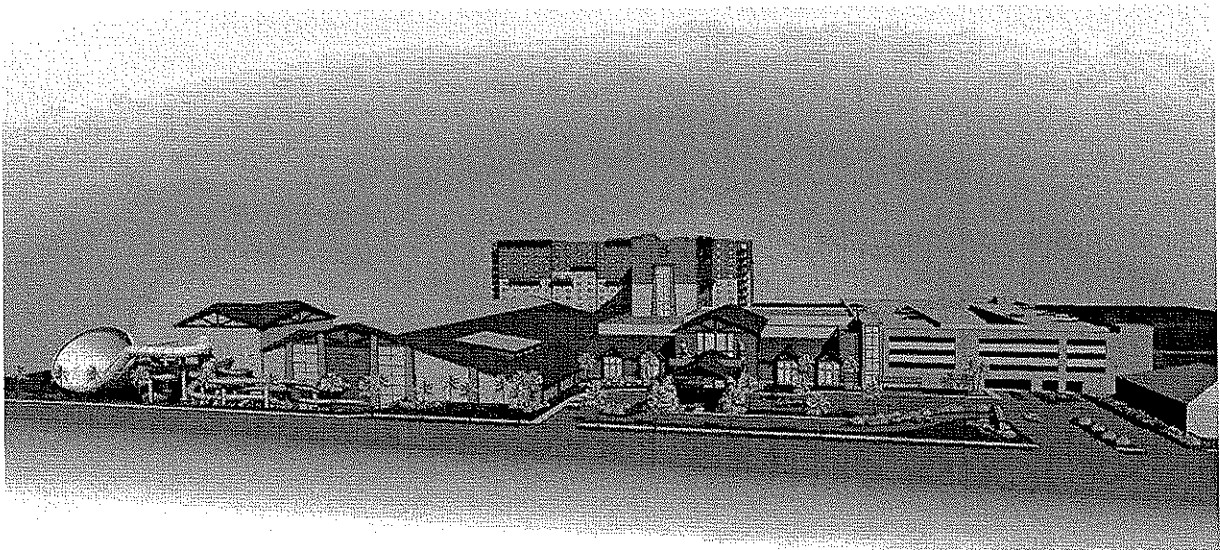
Chair Beard moved to recommend adoption of the Mitigated Negative Declaration and approval of General Plan Amendment No. GPA-1-10(A), Planned Unit Development No. PUD-126-10, and Development Agreement No. DA-183-10 to City Council, and to adopt the Mitigated Negative Declaration and approve Tentative Parcel Map No. PM-2010-1178 and Conditional Use Permit No. CUP-303-10, with amendments, seconded by Commissioner Pak, pursuant to the facts and reasons contained in Resolution Nos. 5719 (GPA/PUD/DA) and 5720 (PM/CUP). The motion carried with the following vote:

AYES:	COMMISSIONERS:	BEARD, BUI, ELLSWORTH, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BONIKOWSKI, CABRAL
VACANCY:	COMMISSIONERS:	ONE

City of Garden Grove

Water Park Hotel

Mitigated Negative Declaration Initial Study



**Prepared by the City of Garden Grove
October 2010**

ENVIRONMENTAL CHECKLIST FORM

1. **PROJECT TITLE:**

General Plan Amendment No. GPA-1-10(A), Planned Unit Development No. PUD-126-10, Conditional Use Permit No. CUP-303-10, Tentative Parcel Map No. PM-2010-1178, and Development Agreement No. DA-183-10

2. **LEAD AGENCY:**

City of Garden Grove
11222 Acacia Parkway
P.O. Box 3070
Garden Grove, CA 92840

3. **CONTACT PERSON:**

Lee Marino, Senior Planner, City of Garden Grove
714-741-5312

4. **PROJECT LOCATION:**

The proposed project is located on the west side of Harbor Boulevard, south of Lampson Avenue, north of Garden Grove Boulevard at 12581, 12591, 12681, 12721 Harbor Boulevard, and 12602 and 12601 Leda Lane (APN: 231-441-27, 29, 39, & 40; 231-431-02 & 03) in the City of Garden Grove.

5. **PROJECT SPONSOR:**

Garden Grove MXD, Inc.
2725 Rocky Mountain Avenue, Ste. 200
Loveland, CO 80538

6. **ENVIRONMENTAL SETTING:**

The project site is approximately 12.1 acres in size and encompasses six properties. Currently, the site is developed with two commercial buildings, a recreational vehicle park, and two single-family homes. The site also includes an unimproved lot. Four of the properties have a General Plan Land Use designation of International West Mixed Use and a zoning of Planned Unit Development No. PUD-121-98. The other two properties have a Low Density Residential Land Use designation and a zoning of R-1 (Single-Family Residential). The properties to the north of the site are zoned PUD-121-98 and R-1 and are developed with commercial uses and with single-family homes, respectively. The properties to the south of the site are zoned PUD-121-98 and are developed with an integrated commercial center. The properties to the east of the site, across Harbor Boulevard, are zoned R-1 and are developed with single-family homes. The properties to the west of the site are zoned PUD-121-98 and R-1 and are developed with an apartment complex and a church, respectively.

7. **GENERAL PLAN DESIGNATION:**

International West Mixed Use and Low Density Residential

8. **ZONING:**

Planned Unit Development PUD-121-98 and R-1 (Single-Family Residential)

9. **DESCRIPTION OF PROJECT:**

The development of a hotel and water park on an approximately 12.1 acre site in the City of Garden Grove. The water park will be for hotel guests only. The proposed project will include an approximately 605 room hotel, an approximately 130,000 square foot water park, approximately 9,500 square feet of restaurant space on a detached approximately 14,850 foot restaurant pad and a 5-level parking structure. Hotel ancillary uses will include meeting space, retail, and restaurant uses inside the hotel facility. Project approval includes: a General Plan Amendment to change the General Plan Land Use designations of two properties from Low Density Residential to International West Mixed Use; establishing a Planned Unit Development zoning with development standards; a Conditional Use Permit to allow for the sale of alcoholic beverages in the hotel and hotel restaurants; and a Tentative Parcel Map to reconfigure the existing six properties into three separate properties. A development agreement is also proposed.

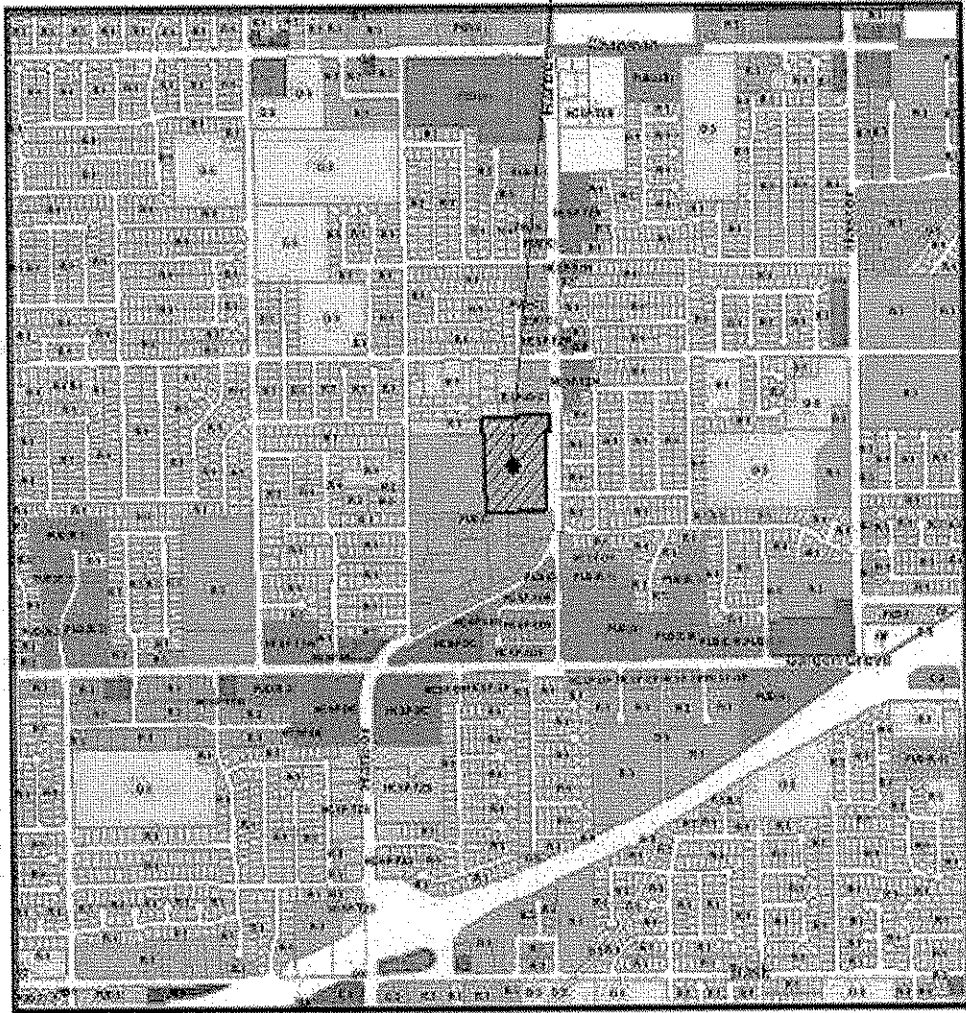
10. **OTHER AGENCIES WHOSE APPROVAL (AND PERMITS) IS REQUIRED:**

City of Garden Grove Planning Commission.
City of Garden Grove City Council.




VICINITY MAP

PROJECT SITE
12501, 12501, 12501 & 12721 HARBOR BLVD
12302 & 12601 LEGA LANE



LEGEND

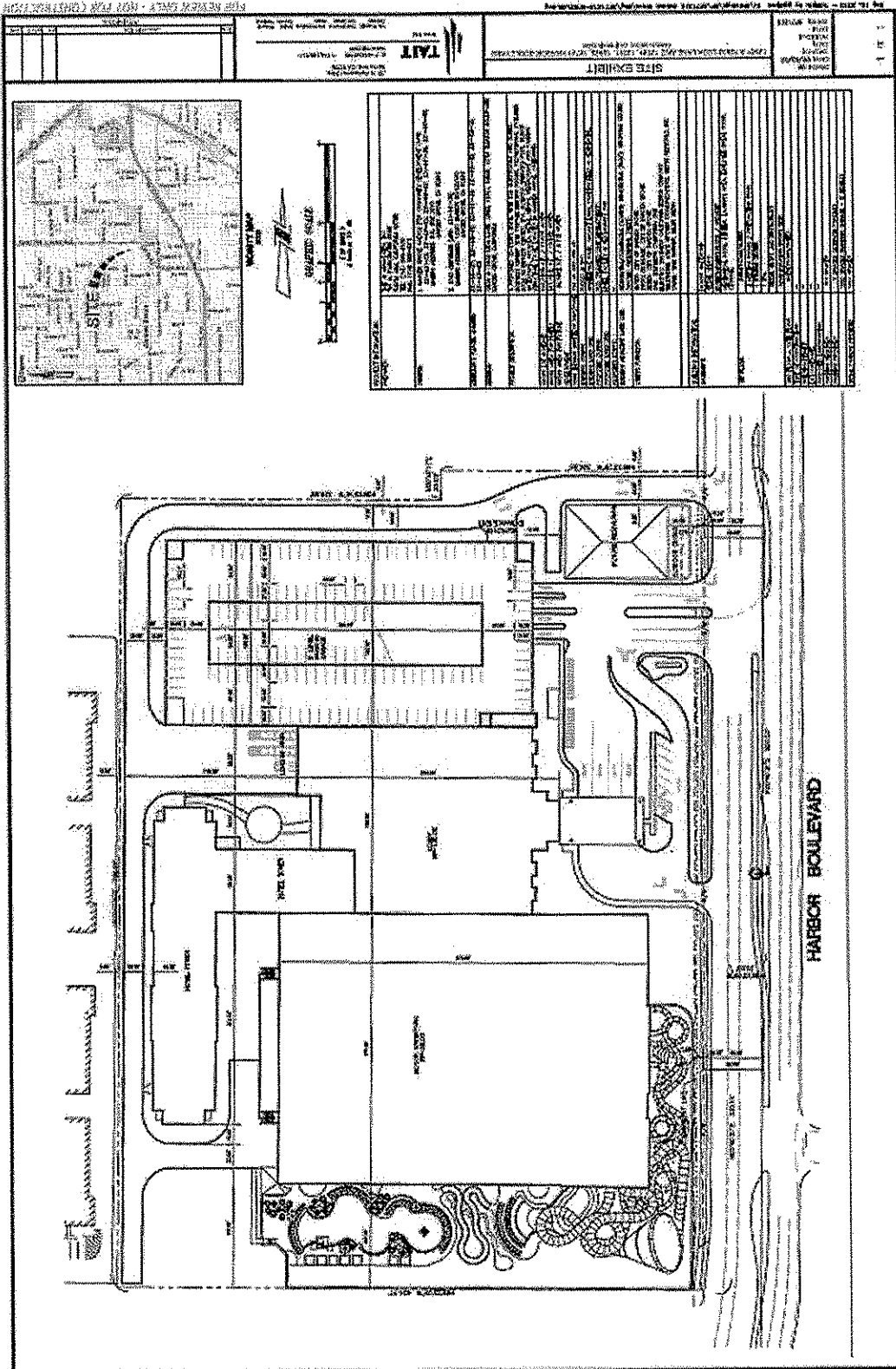
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12501, 12501, 12501
& 12721 HARBOR BLVD
12302 & 12601 LEGA LANE



0 375 750 1500
Feet

CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM
OCTOBER 2010

Project Site Plan



ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

<input type="checkbox"/> Land Use/Planning	<input type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Public Services/Service Systems
<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Utilities and Services
<input type="checkbox"/> Geology/Soils	<input type="checkbox"/> Recreation	<input type="checkbox"/> Aesthetics
<input type="checkbox"/> Hydrology/Water Quality	<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Cultural Resources
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Greenhouse Gas Emissions
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Mandatory Findings of Significance	<input type="checkbox"/> Agricultural and Forestry Resources

DETERMINATION:

On 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.
- 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 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 earlier 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.

Signature

November 1, 2010

Date

Printed Name

For:

City of Garden Grove

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 cited 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 into 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

Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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I. AESTHETICS*

- a. Have a substantial effect on a scenic vista or scenic highway?
- b. Substantially damage scenic resources, including but not limited to trees, rock, outcroppings, and historic buildings within a state scenic highway?

Response: (a-b)The project area is not adjacent to any scenic vistas or scenic highways. The physical improvements for this site will be compatible with the applicable Community Design Guidelines as stated in the General Plan and with other improvements and developments in the area. Therefore, no impacts are anticipated as they relate to scenic vistas or scenic highways.

- c. Substantially degrade the existing visual character or quality of the site and its surroundings?

Response: The immediate area surrounding the proposed project is a mix of different architectural styles, with no specific theme or consistency between developments. However, north of the project area, there are larger hotels and restaurants that, through the use of street landscaping, are consistent in character and are consistent with the overall vision that is encouraged by the goals and objectives of the General Plan for the International West Mixed Use area. The subject development, as proposed, along with the incorporation of recommended conditions of approval and project related implementation measures, will be compatible with the goals and objectives of the Community Design Guidelines contained in the City's adopted General Plan. Additionally, the project will be in harmony with the existing improvements and hotel developments in the area and will assist in improving the visual character of the site. Therefore, there will be no degradation of the existing visual character or quality of the site and the surrounding area.

- d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Response: The proposed Tornado waterslide that is located on the exterior of the water park building, facing Harbor Boulevard maintains a metal space frame structure that is lit up with decorative LED lights that will produce a color changing light show on the outside of the waterslide. The light show is intended to run from sunset until 12:00 midnight. The structure is a three dimensional cone resting on its side with an overall height of 65 feet. The ride is mounted approximately 12 feet below the finished pavement level of Harbor Boulevard and is located approximately 25 ft. from the site's easterly property line, along Harbor Boulevard. A technical study (under separate cover) was prepared to analyze the impacts the ride might have on light and glare. To analyze the light, a model of the ride and elevated street level was constructed in a photometric software tool. Existing streetlights were inserted in the model to establish the existing light levels at the site. The proposed LED lights were attached to the model using the maximum light output of each floodlight (all colors of LEDs operating at maximum capacity) to establish the projected lighting levels after the installation of the ride.

The final conclusion of the study determined that the ride's lighting will not produce what is commonly known as disability glare or discomfort glare due to the positioning of the lighting and waterslide, but it will produce a minimal amount of nuisance or annoyance glare to the surrounding residences. Furthermore, the proposed lights will add a negligible amount of light to the pavement surface of Harbor Boulevard. However, since the lighting system is DMX controlled LEDs, the lights can be dynamically dimmed through the software that is controlling the light show. Furthermore, after the installation of the lights, the light output of the light

show shall be adjusted to minimize light spillage to a level that is below the limitations imposed by City Code. Therefore, based on the lighting study, the proposed mitigation measure and conditions of approval for the project, no significant negative light and glare impacts are anticipated.

In addition to the light and glare study, a shade and shadow study (under separate cover) was conducted. The study analyzes the potential shade and shadow impacts of the hotel and conference center (up to 12 floors, 162 feet in height), water park (three floors, 70 feet in height), restaurant (one floor), parking structure (5 floors, 50 feet in height) and free-standing restaurant (35 feet in height) on adjacent properties. Shading refers to the effect of shadows cast upon adjacent areas by proposed structures. Consequences of shadows upon land use may be positive, including cooling effects during warm weather, or negative, such as the loss of natural light necessary for solar energy purposes or the loss of warming influences during cool weather. Shadow effects are dependent upon several factors, including the local topography, the height and bulk of the project's structural elements, sensitivity of adjacent land uses, season, and duration of shadow projection. Facilities and operations sensitive to the effects of shading include routinely usable outdoor spaces associated with residential, recreational, or institutional uses, commercial uses such as pedestrian-oriented outdoor spaces or restaurants with outdoor areas, nurseries, and existing solar collectors. These uses are considered sensitive because sunlight is important to function, physical comforts, or commerce.

In analyzing the project's potential impacts, existing and project-generated morning, noon, afternoon, and evening shade patterns were compared for each of the four seasons. The four dates used for analysis are the winter and summer solstices (December 21 and June 21), when the sun is at its lowest and highest point, respectively, and the spring and fall equinoxes (March 21 and September 21), when day and night are approximately equal length. The longest shadows are cast during the winter months and the shortest shadows are cast during the summer months.

Based on the study, the project would result in new shadows cast onto surrounding residential, commercial, and institutional uses, as well as onto adjacent roadways and sidewalks. The proposed project would not result in shadow impacts to off-site areas for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. during spring, or for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. during summer and fall, compared to existing conditions. Therefore during three-quarters of the year, surrounding uses would not experience shadow impacts as a result of the proposed project. However, the project would cast shadows onto two residential properties adjacent to the project site to the north for more than three-hours between the hours of 9:00 a.m. and 3:00 p.m. during the winter months. One residence is located to the northwest of the project. The other residence is located to the northeast of the project. The areas of the northwest residence that would experience shade for more than three hours include the side and front yards. These areas are not considered to be shadow sensitive areas because these areas are not traditionally used for recreational, outdoor functions like a rear yard would be used. Therefore, impacts would be less than significant with regard to the northwest residence.

The portion of the northeast residence affected by project-related shadows for more than three hours include the side and front yard areas (areas not sensitive to shadows), and rear yard area (a potentially shadow-sensitive area). However, the area of the rear yard affected by shadows for more than three hours is occupied by mature trees, which currently cast shadows at this portion of the residence. Thus, the portion of the residence that would be shaded by the project for three hours or more in the winter months is not considered to be shadow sensitive. Also, a portion of the rear yard currently experiences shade from an adjacent residence during the 3:00 p.m. hour. Thus, shadow-sensitive areas of the rear yard at the northeast residence would not be shaded for more than three hours between 9:00 a.m. and 3:00 p.m. A less than significant impact would occur in this regard. Therefore, as no significant impacts would result

upon project implementation as they relate to shade and shadow, no mitigation measures are required.

II. AGRICULTURE AND FOREST 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.

- 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 California Resources Agency, to non-agricultural use?
- b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?
- c. Conflict with existing zoning for, or cause rezoning of, Forestland (as defined in Public Resources Code Section 12220(g)), timber land (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as Defined by Government Code Section 51104(g))?
- d. Result in the loss of forestland or conversion of forest land to non-forest use?
- 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?

Response: (a-e) The project is not zoned for farmland or forestland and is not located within an area that is used or zoned for farming or forest uses. Nor will the project conflict with the existing zoning of the site or a Williamson Act contract since the project will conform to the site's zoning and the site and existing on-site structures are not subject to a Williamson Act contract. The site maintains an existing General Plan Land Use Designation of Low Density Residential and International West Mixed Use and a zoning of R-1 (Single-Family Residential) and Planned Unit Development No. PUD-121-98. The existing zoning of the site, which allows for single-family homes, hotels, entertainment uses, and commercial uses will be changed to allow for the development of the proposed water park hotel. Therefore, since the project is located in an urbanized area that includes commercial and residential uses, no impact is anticipated to agricultural or forest resources.

III. AIR QUALITY*

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

- a. Conflict with or obstruct implementation of the applicable air quality plan?
- b. Violate any air quality standard or contribute substantially

to an existing or projected air quality violation?

- c. 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 (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?
- d. Expose sensitive receptors to substantial pollutant concentrations?

Response: (a - d) The California Air Resources Board (CARB) has divided the state into air basins that share similar meteorological and topographical features. The project site is within the South Coast Air Basin, and thus, within the South Coast Air Quality Management District (SCAQMD). SCAQMD has adopted both regional and localized air quality significance thresholds. A project's air quality impacts can be separated into short-term impacts from construction and long-term permanent impacts from project operations. An Air Quality Study (under separate cover) was prepared to analyze the project's potential short-term and long-term air quality impacts.

Short-term impacts generally include fugitive dust from construction activities (i.e., demolition, grading, and dirt-hauling) and gaseous emissions from the use of heavy equipment in addition to the use of solvents and paint at the project site. These impacts may occur on a regional and local scale. The project is expected to begin construction in late 2010 and be completed by 2013. Project construction will include demolition of existing uses, grading, construction of project facilities, painting/architectural coating, and site paving. The project's potential short-term impacts were calculated and compared to SCAQMD significance thresholds. The project's unmitigated daily emissions during construction do not exceed any SCAQMD regional significance thresholds. The project's unmitigated construction emissions, however, exceed SCAQMD localized significance thresholds for particulate matter, PM₁₀. According to SCAQMD criteria, the maximum amount of PM₁₀ that may be released in a 24-hour period is 55 pounds per day. It is anticipated that, without imposing any mitigation measures, the maximum PM₁₀ that would be released during project construction would be 62.5 pounds per day. Therefore, mitigation measures are required in order to reduce the project's potential short-term air quality impacts. After implementation of the air quality mitigation measures identified in Section XXI, all construction emissions will be reduced to a level considered less than significant.

Long-term operational impacts typically include vehicles traveling in and out of the project site and land use emissions. Based on the study, no potential long-term impacts will exceed the SCAQMD significance thresholds. Therefore, operational emissions are not significant and require no mitigation.

- e. Create objectionable odors affecting a substantial number of people?

Response: While paint, coatings, solvents, and gas powered vehicles and equipment will be used, no significant objectionable odors would be created during construction or operation of the proposed development. According to the Air Quality Study, the project will not exceed any objectionable odor threshold and no mitigation measures are required.

IV. BIOLOGICAL RESOURCES*

- 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 Game or U.S. Fish and Wildlife Service?

- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- 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?
- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f. Conflict with the provisions of an adopted Habitat Conservation Plan, or other approved local, regional or state habitat conservation plan?

Response: (a–f) The project is located within a highly urbanized area and is devoid of any native vegetation. There are no identified species or habitats on the site. The site has been used for recreational vehicle park, commercial/retail uses, and two single-family homes for many years with a portion of the site remaining vacant and unimproved. The now-vacant portion of the site had previously been developed with a motel. There are no areas where any type of favorable habitat has existed on the site for at least the past 30 years, and, therefore, the site does not support any significant biological resources. Endangered species are not expected to occur in the area due to the lack of suitable habitat.

The project site does not contain any standing surface water. Therefore, there would be no potential impact on riparian habitats or other sensitive riparian natural communities. Additionally, there would not be any potential impacts on federally protected wetlands, marsh, or vernal pools.

The project does not conflict with any local policies or ordinances protecting biological resources. Additionally, as indicated in the Environmental Impact Report for the City of Garden Grove's General Plan Update, the projected development intensity for the International West Mixed Use area would not conflict with any local, regional or state habitat conservation plan. No biological resource impacts are anticipated.

V. CULTURAL RESOURCES*

- a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?
- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?
- c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
- d. Disturb any human remains, including those interred outside of formal cemeteries?

Response: (a-d) The site is located in an urbanized area, and, according to the Environmental Impact Report that was prepared for the City of Garden Grove's General Plan 2030 Update, no significant historical, archeological, paleontological, or geological resources were identified within the International West Mixed Use area, nor are there any known burial sites within the project site area. In addition, the Native American Heritage Commission was consulted, and no Native American resources were found within one-half mile of the site. However, the project includes earthmoving and the excavation of soils. Further, a large percentage of the site has already been altered by previous development on the site. If unanticipated archeological resources, paleontological resources, or human remains are discovered during construction, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with CEQA Section 21083.2. No cultural resources impacts are anticipated.

VI. GEOLOGY AND SOILS*

- a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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- 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 fault? Refer to Division of Mines and Geology Special Publication 42.

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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- ii. Strong seismic ground shaking?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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- iii. Seismic-related ground failure, including liquefaction?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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- iv. Landslide?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Response: (a) According to the Environmental Impact Report prepared for the City of Garden Grove General Plan 2030 Update, the nearest major active fault along which a rupture or a major seismic event could occur is the Newport-Inglewood Fault. This fault is located just west of Dana Point Harbor and continues north through Newport Beach into south Los Angeles County. The seismic parameters of the site are similar to those of other areas in Orange County during the maximum credible event along the Newport-Inglewood Fault Zone that is estimated to be of 7.5 magnitude. No fault rupture is expected in the immediate vicinity of the project. Liquefaction could potentially occur during a maximum intensity event along the Newport-Inglewood fault due to the possibly saturated nature of the sandy soils in the area.

Some exposure to seismic-related hazards, therefore, is expected. All construction, however, shall comply with applicable building codes including, but not limited to, the California Building Code, Fire Code, and other related City requirements. In general, seismic issues are common for most of South California, and adherence to project design features, the California Building Code, Fire Code, and City requirements would ensure that the impacts due to seismic ground shaking or failure would be less than significant. As a result, the risk of loss, injury, or death involving seismic rupture or shaking would be considered less than significant and no mitigation measures would be necessary.

Additionally, the project area is relatively flat and therefore would not normally be subject to landslides or mudslides. The construction of the proposed project will likely involve excavations and such excavation work will be required to be made in accordance with all applicable codes and standards to minimize the threat of a landslide or mudslide. No impacts are anticipated.

- b. Result in substantial soil erosion or the loss of topsoil?

Response: The Environmental Impact Report for the City of Garden Grove's General Plan 2030 Update states that "The city of Garden Grove is characterized as gentle slopes ranging from 0 to 2 percent. Alluvial sediments, deposited by ancestral Santa Ana River, underlie the City. Alluvium sediments are typically comprised of a variety of materials including fine particles of silt and clay and larger particles of sand and gravel. The City is 99 percent built out as an urbanized city. The proposed General Plan Update focuses on preserving existing residential neighborhoods, guiding the remaining development and redevelopment opportunities and encouraging revitalization of selected areas. Much of the area available for new development or redevelopment would be on infill sites covered by primarily disturbed vegetation or impermeable surfaces. This would result in minimal soil erosion or loss of top soil." The project will require excavation and grading of the site in order to accommodate the proposed project, which will require preparation of a grading plan. Site drainage will be required to meet Engineering Services Division standards requiring storm water drainage to flow off the site. This storm water drainage, however, must also comply with applicable Water Quality Management Plan ("WQMP") provisions. This will allow the overall drainage pattern to flow to the adjoining streets or storm drains in and around the subject site depending on the magnitude of the project's intensity and density. Drainage easements may be required for storm drain purposes. The location of the easement(s) and the size of storm drains will be determined before site preparation begins. In order to mitigate potential site drainage issues, all construction involving excavation and/or grading is required to adhere to the requirements of the Engineering Services Division. All improvements are required to adhere to applicable codes including the California Building Code, and State and Federal Occupational Safety requirements and project impacts are considered to 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?

Response: Vertical displacement or subsidence of the land surface can be caused by several factors, including the withdrawal of oil, gas, or water from underlying formations, decomposition of buried organic material, and construction of heavy manmade structures above underlying poorly consolidated materials. None of these or any other conditions typically contributing to subsidence are expected in the project area. All new construction is required to adhere to the requirements of the Engineering Services Division to address any subsidence of the land. All improvements are required to adhere to applicable codes including the California Building Code, and State and Federal Occupational Safety requirements. Project impacts are considered less than significant.

- d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building code (1994), creating substantial risks of life or property?

Response: All improvements are required to adhere to applicable codes including the California Building Code, and California Occupational Safety requirements. No impacts are anticipated.

- e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Response: The subject site and project will be served by the City's sewers system and therefore no alternative wastewater disposal system is needed to support the project. No impacts are anticipated.

VII. GREEN HOUSE GAS EMISSIONS*

- a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

- b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Response: (a and b) Since the adoption of AB 32, there has been little regulatory guidance regarding quantification of potential greenhouse gas (GHG) impacts. Given the complexity of the overall interactions between various global and regional scale air emissions, it is difficult to determine whether any proposed project would alter any existing conditions. No statewide significance threshold has been adopted. The recent amendments to the CEQA guidelines regarding GHG impacts do not identify a threshold of significance, nor do they specify an assessment methodology or specific mitigation measures. In the absence of a statewide significance threshold, SCAQMD is in the process of devising an acceptable methodology to properly analyze GHG emissions. Specifically, SCAQMD has recently adopted an interim GHG significance threshold of 10,000 metric tons per year (mtpy) CO₂ equivalent for projects in which SCAQMD is the lead agency.

The Harbor Boulevard Hotel and Water Park Air Quality Impact Study (under separate cover) analyzed the project's potential GHG impacts. The project GHG's emissions are generated by mobile sources, electrical use, and combustion of natural gas. These emissions include CO₂, in addition to N₂O and CH₄ that can be converted to CO₂ equivalents for study purposes. As indicated in the Air Quality Impact Study, the URBEMIS 2007 computer program can quantify the amount of CO₂ generated by vehicles from identified area sources, however, the model does not take into account the CO₂ generated by electrical use or generation. The SCAQMD, however, has established the typical electrical usage of certain land uses based on square footage.

Using the URBEMIS 2007 model and SCAQMD figures, the Air Quality Impact Study calculated the following project emissions. Because the project project's land use has an existing carbon footprint, the existing estimated GHG emissions were calculated. As indicated in Table 12 of the Air Quality Study, the existing land uses are generating 2,799.1 mtpy CO₂eq. The project is projected to generate 9,648.3 mtpy CO₂eq per year. The project's net GHG emissions therefore are 6,849.2, well-below the 10,000 mtpy CO₂ eq threshold adopted by SCAQMD.

Further, in accordance with the 2007 AQMP, the emission levels in California are estimated to be approximately 600 million metric tons of CO₂ equivalents (Eq.) for 2010. At approximately 6,849 tons per year, or 0.00685 Tg CO₂ per year, the project represents less than 0.00014 percent of California's annual 2010 emissions budget.

Finally, the project would not conflict with any applicable plan, policy or regulation adopted for the purposes of reducing GHG emissions. Less than significant impacts are anticipated.

VIII. HAZARDS AND HAZARDOUS MATERIALS*

- 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?
- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Response: (a-c) Similar to other large developments that include commercial/retail uses, hazardous materials, including paints, solvents, and other materials, may be stored on-site and

utilized in daily operations or maintenance of the property. All proposed uses within the project, however, must comply with applicable Federal, State, and local regulations pertaining to the transport, storage, use and/or disposal of hazardous materials on the site. There will be no health hazards or potential for health hazards created by the proposed development or uses. The development will not create any health hazards or increase the potential of exposure to existing hazards through the day-to-day operations of the project or through any transport of hazardous materials. The project will not increase the risk of accidental explosion or release of hazardous substances or waste within one-quarter mile of a school.

- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard for people residing or working in the project area?

Response: The 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. Since the site is not located on a hazardous materials site, no impact is anticipated.

- 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 for people residing or working in the project area?

- f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

Response: (e-f). The project site is not located within an airport land use plan, within two-miles of a public airport or public use airport, or within the vicinity of private airstrip. Therefore, the project would not result in a safety hazard for people residing or working in the project area. No impacts are anticipated.

- g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Response: The project would not physically interfere with an adopted emergency response plan or emergency evacuation plan.

- h. Expose people or structures to a significant risk of loss, injury or death involving wildland fire, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Response: The project is within a highly urbanized area and is not located adjacent to any wildlands or an area where residences are intermixed with wildlands. Therefore, based on the location of the project, no exposure of people or structures to a risk of loss, injury, or death involving a wildfire is anticipated.

IX. HYDROLOGY AND WATER QUALITY*

- a. Violate any water quality standards or waste discharge requirements?

- b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted?)

- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?
- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site?
- e. Create or contribute run-off water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted water?
- f. Otherwise substantially degrade water quality?
- Response:** (a-f)

The federal Clean Water Act establishes a framework for regulating potential water quality impacts from construction activities through the National Pollutant Discharge Elimination System (NPDES) program. Construction activities that involve more than five acres are required to obtain coverage under the NPDES Permit for storm water discharges. The proposed project is required to comply with State regional, and local water quality standards, including the requirements of the California Regional Water Quality Board implementing the NPDES program and the requirements of the Garden Grove Sanitation District and the Garden Grove Public Works Water Services Division.

A Water Quality Impact Report (under separate cover) was conducted for the project that addressed water quality and run-off issues that may arise due to the construction and operation of the proposed project. The project site is located within an urbanized area with existing residential, and commercial uses. The area surrounding the site is almost entirely covered with impermeable surfaces. The site has been designed to minimize the drainage slopes across the site, thereby decreasing storm water velocities. The decreased velocity will minimize the amount of pollutants transported from the site. Also, the parking stalls, land widths, and other impermeable areas have been set at the minimum in order to maximize landscaped area. Impermeable areas are separated to the maximum extent practicable, and therefore minimize directly connected impervious areas. The project design also includes the installation of on-site catch basins and hydrodynamic separators that will treat water before entering the public storm drain system. The project will receive its water from municipal supply, not onsite groundwater resources. Construction of the proposed project would not substantially alter the existing drainage pattern or increase offsite storm water flows. The project is not expected to result in storm water flows which could exceed capacity or existing or planned storm water drainage systems. The project is not anticipated to substantially deplete groundwater supplies or to interfere with the recharge capability of any aquifers. When the applicable NPDES provisions are implemented, the project will not result in violations of any water quality standards or waste discharge requirements. With application of the mitigation measures in Section XXI, the proposed project would not result in significant impacts to hydrology and water quality.

- g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

- i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Response: (g-i) The project area is located within 100-year flood zone (Flood Zone Map, Flood Zone "A" 060220-0143-H, December 3, 2009). The western portion of the City is located within the dam inundation areas of the Prado Dam and Carbon Canyon Dam. Prado dam is located approximately 24 miles northeast of Garden Grove, on the Santa Ana River, west of the City of Corona. The Prado dam provides flood control and water conservation storage for Orange County. The Carbon Canyon Dam is located approximately 14.1 miles northeast of the City, and along with the Brea and Fullerton dams, provides flood protection for the coastal plains of Orange County.

Titles 6, 9, and 14 of the City's Municipal Code provide regulations to minimize flooding, and losses resulting from flooding. In particular, Title 9, Chapter 12 establishes a Flood Hazard Overlay Zone which includes the City's floodplain management regulations. The risk of flood is also addressed in the City's Emergency Management Plan. In addition, grading improvement plans will be required to address potential flooding in designing the placement of the buildings, the height of the building pads, and related improvements to ensure the development meets the Federal Emergency Management Agency ("FEMA") requirements. Compliance with the City's Municipal Code, the City's Emergency Management Plan and grading improvement plan restrictions reduce potential flood impacts a level of less than significant.

- j. Inundation by seiche, tsunami, or mudflow?

Response: Seiches, tsunamis, and mudflows are not anticipated to occur in the vicinity of this project due to its distance from the coast, absence of large bodies of water, or hilly or mountainous areas that potentially could cause mudflows.

X. LAND USE AND PLANNING*

- a. Physically divide an established community?

Response: The project site area has approximately half of the site vacant and unimproved and the other half occupied with two vacant commercial buildings, a recreational vehicle park, and two single-family homes that will be completely removed upon improvement of the site with the intended development. The proposed Planned Unit Development zoning designation and subsequent intended development of the site is compatible with the surrounding area in intensity and density, and will not disrupt the physical arrangement of any existing residential, or commercial, or office development in the area. During construction there may be disruptions in traffic patterns or an increase in noise. These impacts are considered to be less than significant as these disruptions are temporary in nature and were addressed in the Environmental Impact Report for the City's General Plan 2030 Update.

- b. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

Response: The subject site is comprised of six properties with a combined land area of 12.1 acres. Four of the properties maintain a General Plan Land Use Designation of International West Mixed Use and a zoning of PUD-121-98 with the other two maintaining a Low Density Residential Land Use designation and a zoning of R-1 (Single-Family Residential). The International West Mixed Use Land Use designation and Zoning allow for resort, entertainment, retail, hotels and higher density residential that are appropriate for a major entertainment and tourism destination. The Low Density Residential designation and R-1 zoning allows for the development of single-family residential homes. The project entitlements include changing the General Plan Land Use Designation of the two residential properties from Low Density Residential to International West Mixed Use and changing their zoning from R-1

to PUD. In addition, the other properties' zoning will be changed from PUD-121-98 to PUD. Conditional Use Permit and Tentative Parcel Map applications are also included as part of the entitlement submittal. The proposed-project will include an approximately 605 room hotel, an approximately 130,000 square foot water park, approximately 18,000 square feet of retail, approximately 30,000 square feet of meeting space and restaurants within the hotel facility, a 5-level parking structure, and an approximately 14,850 square foot restaurant pad. The Conditional Use Permit application will allow for the sale of alcoholic beverages in the hotel and hotel restaurants, and the Tentative Parcel Map will allow the applicant to reconfigure the existing six properties into three separate properties. With the changing of the two residential properties' General Plan Land Use designation and zoning, the project will be consistent with the General Plan Land Use designation and zoning of the property. Therefore, no conflict with the General Plan Land Use designation or the property's zoning is anticipated, since the project is a resort hotel with a water park component, which is the intended land use for properties within the International West Mixed Use area.

- c. Conflict with any applicable habitat conservation plan or natural community conservation plan?

Response: The proposed project is located within a highly urbanized area of Orange County and is in conformance with applicable federal, state and City of Garden Grove environmental requirements and plans. The project is not located within an area that is subject to any habitat conservation plan or natural community conservation plan. The Final Environmental Impact Report prepared and certified, in August 2008, as a part of the General Plan Update (State Clearinghouse No. 2008041079, the General Plan EIR), analyzed intense commercial development for this area, including hotels, restaurants, and entertainment venues, such as the proposed water park, and associated potential impacts such as increased traffic in the area, water and sewer concerns, and design issues. Projects that are proposed within this area require additional site-specific environmental studies. For the proposed project, additional studies were prepared that address traffic, air quality, water quality, noise, shade and shadow, and light and glare, and water supply (the studies have been included as attachments). The studies, along with the review of the project, indicate that the project with the implementation of the mitigation measures does not have the potential to conflict with environmental plans adopted by agencies with jurisdiction over the project.

XI. MINERAL RESOURCES*

- 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?

Response: (a – b) The City's General Plan and the Harbor Boulevard Specific Plan identify known areas with mineral resources. The project is not located in any known area with mineral resources identified in the City's General Plan or the Harbor Boulevard Specific Plan. No impacts are anticipated.

XII. NOISE*

- a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?
- c. A substantial permanent increase in ambient noise levels

in the project vicinity above levels existing without the project?

- d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Response: (a - d) An Acoustical Study (under separate cover) was prepared for the project that analyzed noise generated from the additional traffic the project would create (roadway noise), exterior noise generated from the water park, the loading/unloading area, the trash compactor, the parking structure, noise generated during construction of the project, and interior noise levels. Three sensitive noise areas (residential houses and apartments) are located directly north, west, and east of the project. The acceptable exterior noise level standard for residential and commercial land uses within the City is 65 dBA CNEL.

In the Acoustical Study, the RK Engineering, Group, Inc. utilized the project's Traffic Study and short-term noise measurements to calculate roadway noise projected to 2013. The results of the analysis indicated that the roadway network currently experiences noise levels of 59.4 to 68.0 dBA CNEL at a distance of 100 feet from the centerline of Harbor Boulevard. The 2013 noise levels will range from 59.5 to 68.2 dBA CNEL without the project. With the project, the 2013 noise levels will range from 59.6 to 68.3 dBA CNEL. Based on the minimal projected increase, the project's contribution to the adjacent roadway noise environment is considered insignificant.

Stationary noise impacts associated with the project include trash compactor noise, loading/unloading area noise, parking structure noise, outdoor pool equipment/outdoor pool area noise, and noise from the large water tube slide ride/music equipment. The ride is identified as the Tornado waterslide that is a large cone shaped ride that is partially exposed on the exterior of the water park building facing Harbor Boulevard. According the Acoustical Study, noise emanating from parking structure, outdoor pool equipment, and outdoor pool area will not exceed the City's noise criteria. Data from the Tornado ride was not included within the study, since the actual readings from a similar ride were unavailable. However, conditions of approval for the project will require an acoustical study to be submitted to the City along with the plans submitted for building permits demonstrating that the ride will not exceed the City's Noise Ordinance criteria. The noise created by the trash compactor and loading/unloading activities require construction of a minimum 8 foot high sound wall along the north and westerly property lines to reduce any potential noise impacts to adjacent residential uses.

Noise created by construction activity is a short-term impact. The intensity of construction activity may vary for different areas of the project site; as a result, noise levels associated with construction will vary. The peak noise level for most of the equipment that will be utilized will be approximately 70 to 90 dBA at a distance of 50 feet from the noise source. The analysis assumes a worst-case scenario. The noise levels at the property lines will fluctuate depending on the distance and number of equipment operating at the same time. According to the noise study, the noise level will range from 74.0 to 79.4 dBA equivalent noise level (Leq) during the different phases of construction. The City has adopted Noise Performance Standards from the City's Noise Ordinance and construction must follow the Noise Ordinance regulations. Mitigation measures have been recommended that would reduce potential construction noise impacts to a less than significant level. Furthermore, in order to ensure that any noise generated by the project, whether it is from a stationary, interior, or roadway source, is reduced to a level of insignificance, additional mitigation measures have been recommended. Therefore, with the implementation of the recommended mitigation measures and conditions of approval for the project, noise generated by the project is considered less than significant.

- 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 expose people residing or working in the project area to excessive noise levels?

- f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Response: (e-f). The project site is not located within an airport land use plan, within two-miles of a public airport or public use airport, or within the vicinity of private airstrip. No impacts are anticipated.

XIII. POPULATION AND HOUSING*

- a. Induce substantial population growth in an area, either directly (for example, by proposing new homes or businesses) or indirectly (for example, through extension of roads or other infrastructure)?

- b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

- c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Response: (a - c) There are two single-family residential units existing on the site that will be displaced as a result of the proposed development. These residential units are not designated as affordable housing. This minimal displacement will not necessitate the construction of replacement housing elsewhere. The proposed development will not increase population and housing in the immediate area, other than temporary transient occupancy due to the nature of the proposed development. In addition, the proposed project is located in a highly urbanized area and all infrastructure is already in place. The proposed development is in conformance with the development standards for the proposed zoning designation of hotel development as well as within the existing Planned Unit Development No. PUD-121-98 zoning. Additionally, the project is within the density limits permitted under the current General Plan land use designation of International West Mixed Use. The development of the project is within the thresholds that were considered and addressed within the EIR for the City's current General Plan.

XIV. 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?

Response: The City of Garden Grove Fire Department provides emergency response service to the project area. The project is not likely to induce significant growth and will not result in a substantial new demand for fire protection services. New construction, however, will occur, and due to the nature of the uses, there will be a slight increase in need for fire protection services. In order to mitigate any potential impacts associated with this development, the development shall comply with the conditions of approval of the Fire Department including but not limited to providing a fire sprinkler system, ensuring clearly unobstructed emergency paths of travel, providing and maintaining a water storage system for fire fighting purposes, and providing other regulations per the Fire Department's specifications that address this type of development.

- Police protection?

Response: The Garden Grove Police Department provides police protection in the area. The project is not likely to induce growth beyond that planned for the site and will not result in substantial new demand for police protection services. There are no anticipated physical changes within the area that would significantly affect police protection. However, due to the nature of the proposed use, it is likely that there will be minimal increased demand for police protection. In order to mitigate the anticipated impacts associated with the project, such as an increase in calls for service, the development shall comply with the conditions of approval of the Police Department.

Schools?

Response: The proposed development is a transient use that will not increase the number of children within the Garden Grove Unified School District. This development is subject to the applied mitigation school fees currently applied to new development in the City by the Garden Grove Unified School District. The Developer shall provide the Community Development Department 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 the provisions of state law.

Parks?

Response: The proposed development is not located on a site that was previously developed as a park or is a site that is designated for park land. The proposed project includes an indoor water park facility that will provided recreation for persons staying at the hotel. The project will not require the creation of additional parkland. The proposed project would not result in population growth which could otherwise increase the burden on parks and/or other recreational facilities.

Other public facilities?

Response: It is not anticipated that the project will increase demands on other governmental services other than those addressed in this analysis.

XV. RECREATION*

a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that the substantial physical deterioration of the facility would occur or be accelerated?

Response: The proposed project is for a hotel with a large water park amenity for guests staying at the hotel. Based on the commercial/resort orientation of the project, no increase in use of the existing parks within the immediate area is anticipated that could substantially cause the deterioration of an existing park.

b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?

Response: The project itself involves the construction of recreational and community facilities for which this initial study analyzes the impacts of construction. The project is not creating 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 impacts are anticipated.

XVI. TRANSPORTATION*

a. Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit, and non-motorized travel and relevant components of the circulation system, including, but not limited to, intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?

- b. Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?
- c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?
- d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Response: (a-d) A Traffic Study (under separate cover) was prepared for the subject project. The Traffic Study analyzes existing traffic conditions as well as the projected traffic that the subject project would generate and has recommended mitigation measures to reduce any potential impacts. The Study concluded that the project is expected to generate approximately 2,981 trips per day with 190 net vehicles per hour during the AM peak hour and 284 vehicles per hour during the PM peak hour. The study analyzed the Level of Service (LOS) of intersections within the area of the site that would be directly impacted by the proposed project. According to the City's updated General Plan, the acceptable Level of Service (LOS) for intersections within the City is D or better. For project build out (year 2013) without project traffic conditions, all intersections that were studied are projected to operate at an acceptable level with the exception of two intersections: Harbor Boulevard/Blue Spruce Avenue and Harbor Boulevard/Trask Avenue. For Project build out (year 2013) with project traffic conditions, all intersections that were studied are projected to operate at acceptable levels of service during peak hours, except for the two intersections at Harbor Boulevard/Trask Avenue and Harbor Boulevard/Blue Spruce Avenue.

However, it should be noted that an impact to an intersection is also considered significant if the Intersection Capacity Utilization (ICU) value at a lighted intersection is increased by more than 1%. The Harbor Boulevard/Trask Avenue is a lighted intersection that currently maintains an LOS of D in the AM peak hours and E in PM peak hours. With project conditions, the intersection will operate at the same level of service. With project conditions, however, the ICU value at this intersection will increase by 1% or greater. Therefore, it is recommended that northbound right turn overlap phasing be installed. While this will not alter the level of service at this intersection, it will reduce the ICU value, thereby reducing the impact to the intersection to a level of less than significance. The Harbor Boulevard/Blue Spruce intersection is not a lighted intersection and the LOS has not changed.

Finally, during construction, increased vehicle trips or traffic congestion may occur, but would be temporary in nature and would not create a significant impact. All projects involving construction in the public right-of-way will be required to submit a traffic safety plan to minimize traffic congestion. Therefore, with the appropriate mitigation measures, any potential impacts to the area can be mitigated to a level of less than significance.

- e. Result in inadequate emergency access?

Response: Emergency access to the proposed development and surrounding area will not be impacted. The project has been reviewed by emergency personnel and it has been determined that there is adequate emergency access. Police and Fire services in the area are adequate to accommodate the development provided the project complies with the conditions of approval.

- f. Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Response: The proposed development would not impact existing or proposed policies pertaining to public transportation, bicycle, or pedestrian facilities, and alternative transportation. It should be noted that mass transit stops are in close proximity to the development and will not change with the development of the proposed project.

XVI. UTILITIES AND SERVICE SYSTEMS*

- a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

Response: As explained above, the project is required to implement the requirements of the Regional Water Quality Control Board. As a result, the proposed project would not exceed treatment requirements of the Regional Water Quality Control Board.

- b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

Response: See (e) below.

- c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effect?

Response: The project area is a highly urbanized area and storm water drainage facilities are in place and adequate to meet the needs for this area including those generated by this project.

- d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Response: Because the proposed project met the thresholds established by Senate Bill 610, a Water Supply Assessment Study (WSA)(under separate cover) was prepared to assess the availability of water to serve the project over a 20 year period, which reached the following conclusion:

In 2009/10, the City's water demand was approximately 25,820 AFY which was actually 3,480 AFY less than what was projected in the 2005 Urban Water Management Plan and 3,972 less than what was projected in the 2008 Water Master Plan. These water demands include unaccounted for water. This means that City businesses and residents are using less water than was originally forecast, which is likely due to a number of factors including:

1. The 2005 UWMP and 2008 Water Master Plan conservatively over-estimated water demand;
2. Water demand is being reduced due to effective conservation efforts being undertaken by the City and its constituents and increased water efficiencies resulting from more stringent building codes and more efficient fixtures/appliances (e.g., high-efficiency clothes washing machines, low- and ultra low-flow toilets, waterless urinals, etc.);
3. 2009/10 was the first year the Metropolitan Water District ("Metropolitan") enacted its Water Allocation Plan;
4. The City adopted substantial water rate increases over the past few years;
5. The overall economic downturn has had an impact on water demands; and
6. Precipitation was above average for 2009/10.

Given all of these factors it would not be prudent to use last year's actual water demand as a normal year demand for the purposes of projecting demands into the future. However, it is recognized that some of the reduction in demand over the past few years is, and will continue to be, permanent. Therefore, it is recommended that the projections included in the 2008

Water Master Plan, which included a detailed review of land use development projections and the corresponding additional water demand growth, be adjusted downward slightly at the initial (2010) period and then followed from 2010 into the future for purposes of additional water demand growth. At the end of the 20-year planning period, City water demand for 2029/30 is projected to be approximately 30,472 AFY, including the proposed project.

Since the proposed project was a part of the Harbor Boulevard Development Area, which was included in the land use and water demand projections of the 2008 Water Master Plan, it can be considered included in these projections. The proposed project's estimated net additional demand of 139 AFY can then be subtracted from the 30,472 AFY, generating a total 2030 demand without the proposed project of 30,333 AFY. It should be noted that the additional net demand for the proposed project is less than 0.5 percent of the total projected Citywide demand at the end of the 20-year planning period.

Analysis of water supply projections for the City demonstrates that projected supplies will meet demands through fiscal year 2029/30. These projections consider water development programs and projects, as well as water conservation, as described in the City's 2005 UWMP (Urban Water Management Plan) and Metropolitan's Draft 2010 Regional Urban Water Management Plan (RUWMP), August 2010. Metropolitan's 2010 RUWMP projects significant surplus supply conditions in all normal, single dry, and multiple dry-year scenarios. Since the City's original demand projections that were provided to the Municipal Water District of Orange County (MWDOC), and in turn Metropolitan, were higher than the revised projections, Metropolitan's demand projections should be overstated and also include the proposed project's demands. The City's groundwater and imported water supplies are anticipated to remain stable based on Orange County Water District (Orange County Water District) and Metropolitan studies and reports.

The City's water supply projection is based on utilizing up to 62 percent groundwater (normal, single dry and multiple dry years) based on an expected average long-term BPP (Basin Production Percentage), and its share of imported water is confirmed as reliable by Metropolitan. Analysis of normal, single dry, and multiple dry year scenarios also demonstrate the City's ability to meet demand during the 20-year planning period.

Additionally, if required by extraordinary circumstances, the City can meet its water demand by (1) increasing production of groundwater beyond the BPP up to the basin safe yield; (2) increasing imported water purchases; and/or (3) decreasing demand through water conservation measures, which has proven to be extremely effective over the past year and under Metropolitan's Water Allocation Plan.

Reliability of future water supplies to the region will 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. These agencies include all water wholesalers and retailers, the Orange County Sanitation District, the Santa Ana Regional Water Quality Control Board, and the Santa Ana Watershed Project Authority.

Collectively, the information included in the WSA identifies a sufficient and reliable water supply for the City, now and into the future, including a sufficient water supply for the proposed project.

- e. Result in determination by the wastewater treatment provider, which serves or may service the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Response: (b, e) The Garden Grove Sanitary District provides sewer service to the City of Garden Grove. The Garden Grove Sanitary District and the Orange County Sanitation District charge fees for sewerage connection. These fees are required to construct new sewer

infrastructure and/or incremental expansions to the existing sewerage system to accommodate individual development. New developments are not permitted to connect to sewer systems unless there is sufficient capacity to accommodate the new development. Therefore, new development is not permitted to exceed the available capacity of wastewater conveyance systems or treatment facilities. The Garden Grove Sanitary District has concluded that the existing infrastructure and wastewater treatment capacity is sufficient to meet projected increased sewage flows from the proposed project. No new or expanded wastewater treatment facilities would be required.

- f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g. Comply with federal, state, and local statutes and regulations related to solid waste?

Response: (f–g) Solid waste disposal services are administered by the Garden Grove Sanitary District. Collection services are provided via a contract with a private trash collection contractor. According to the Garden Grove Sanitary District, there is sufficient capacity to accommodate the solid waste generated by the project. As part of the development of this site, the overall solid waste disposal system will be coordinated with the Garden Grove Sanitary District and their contractor for specific matters such as trash pick-up times, number and types of trash receptacles, and the locations of such trash receptacles.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

- a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population below self-sustaining levels, threaten to eliminate a plant or animal community, 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?
- 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)?
- c. Does the project have environmental effects on human beings, either directly or indirectly?

Response: The project would have no significant impacts to fish or wildlife species or populations, rare or endangered species, or examples of California history or pre-history. There are no known adverse environmental impacts resulting from the proposed project, or projects in the surrounding area, that would create significant cumulative impacts. Additionally, the project would not result in environmental effects that would cause substantial adverse effects to human beings. No mitigation measures would be required.

XVIII. EARLIER ANALYSIS

Earlier analyses may have been used where pursuant to tiering, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). The following earlier analyses were used here:

1. The City of Garden Grove General Plan 2030 Update.
2. The City of Garden Grove Existing Conditions Report.

3. The City of Garden Grove Final Environmental Impact Report for the General Plan 2030 Update, State Clearinghouse No. 200804107.
4. Title 9 of the Garden Grove Municipal Code.

XIX. TECHNICAL STUDIES (attached):

1. Water Quality Impact Report, (Revised) September 14, 2010
2. Harbor Boulevard Hotel and Water Park Air Quality Impact Study (Revised) September 14, 2010
3. Harbor Boulevard Hotel and Water Park Acoustical Study (Revised) September 14, 2010
4. The Garden Grove Water Park Hotel Traffic Impact Study (Revised) September 14, 2010
5. Shade and Shadow Study September, 2010
6. Garden Grove Lighting Study dated August 4, 2010/Exhibits dated August 2, 2010
7. Water Supply Assessment dated October 2010

XX. IMPACTS ADEQUATELY ADDRESSED:

1. Land Use
2. Population and Housing
3. Geophysical
4. Water
5. Air Quality
6. Transportation
7. Noise
8. Public Services
9. Aesthetics
10. Recreation
11. Water Supply

XXI. MITIGATION MEASURES:

All guidelines, development standards, and conditions of approval for the subject project shall be adhered to in order to mitigate negative impacts on the property or surrounding area. In addition, the following mitigation measures are also deemed to be part of the conditions of approval.

Water Quality

1. On-site catch basins and hydrodynamic separator(s) shall be installed to treat storm water run-off.
2. All required NPDES provisions shall be implemented in order to ensure that there is no impact on water quality.
3. All discharge requirements of the Regional Water Quality Control Board, the Garden Grove Sanitation District, and the Garden Grove Public Work's Water Services Division shall be implemented.

Air Quality

1. All construction contractors shall comply with applicable SCAQMD regulations.
2. Construction equipment shall be maintained in proper tune.
3. Gasoline or electric powered equipment shall be utilized instead of diesel equipment whenever possible.
4. The use of heavy construction equipment shall be suspended during first stage smog alerts.
5. All construction vehicles shall be prohibited from idling more than five minutes.
6. Encourage use of "clean diesel" equipment if modified engines (catalyst equipped or newer Moyer Program retrofit) are available.

Fugitive Dust Emissions and Control:

1. Water all active construction areas three times daily.
2. Cover all haul trucks or maintain at least 2 feet of freeboard capacity on all trucks hauling dirt.
3. Pave or apply water three times daily to all unpaved parking or staging areas.
4. Reduce speed on unpaved roads to less than 15 mph.

5. Sweep or wash any site access points within 30 minutes of any visible dirt deposition on any public roadway.
6. Cover or water twice daily any on-site stockpiles of debris, dirt or other dusty material.
7. Suspend all operations on any unpaved surface if winds exceed 25 mph.
8. Limit the daily disturbance area to 5-acres or less.

Off-site Impacts:

1. Encourage car-pooling for construction workers.
2. Limit lane closures to off-peak travel periods.
3. Park construction vehicles off traveled roadways.
4. Wet down or cover dirt hauled off-site.
5. Wash or sweep access points daily.
6. Encourage receipt of materials during non-peak traffic hours.
7. Sandbag construction sites for erosion control.

Operational Emissions Reduction Measures:

1. Encourage the building design to exceed the minimum statewide energy requirements of Title 24: this may include but is not limited to:
 - a. Use of low emission water heaters.
 - b. Use of central air/heating systems.
 - c. Use of energy efficient appliances.
 - d. Use of increased insulation.
 - e. Use of energy efficient parking lot lights.
 - f. Use of lighting controls and energy efficient lighting.

Transportation Management Techniques to Reduce Vehicle Emissions:

1. Encourage use of shuttle service, public transit, and carpooling.
2. Participate in City's existing TDM (Transportation Demand Management) programs.
3. Encourage a mix of uses on the site (i.e. hotel, restaurant, recreation, and retail) to minimize off-site travel.

Transportation

Onsite:

1. Construct the on-site circulation system per the detailed site plan.
2. Provide the following project access points on Harbor Boulevard.
 - a. Project Access 1 - right in/out only access.
 - b. Project Access 2 – full access, signalized.
 - c. Project Access 3 – right out only access.
3. Install stop signs, stop bars and stop legends at Project Access 1 and Project Access 3.

Area-wide:

1. Complete any remaining street half-section improvement on Harbor Boulevard, directly adjacent to the project boundaries.
2. The project should participate in the installation of the following off-site improvements:
 - a. Harbor Boulevard (NS) at Project Access 1 (EW): It should be noted that an SB exclusive right turn only lane is not necessary at this intersection due to the low volumes of right turning vehicles during the peak hours.
 - b. Harbor Boulevard (NS) at Project Access 2 (EW):
 1. Install traffic signal.
 2. Install NB left turn pocket with 150 feet of storage. Refer to Section 6.0 of the Traffic Study (under separate cover) for the minimum queuing capacity required for this lane.
 3. The project site plan utilized in the Traffic Study shows a southbound exclusive right-turn lane at this intersection. Given the results of the queue analysis shown in Section 6.0 of the Study, it is concluded that an exclusive right-turn lane is not required at this intersection. An extra set of the Traffic analysis ICU worksheets for this intersection, analyzed without an exclusive southbound right-turn lane, is available in Appendix B of the Traffic Study.
 - c. Harbor Boulevard (NS) at Trask Avenue (EW): Install NB right turn overlap traffic signal phase.
3. Traffic signing/stripping should be implemented in conjunction with detailed construction plans for the project site.

Noise

Roadway Noise Reduction Measures:

1. Provide a 5-foot high shielding wall along the exterior patio of the future restaurant pad.

Stationary Noise Reduction Measures:

1. Provide an 8-foot high shielding wall along the north, south, and west property lines.
2. Delivery truck operations and loading and unloading activities shall be limited to daytime hours between the hours of 7:00 a.m. to 10:00 p.m.
3. Idling trucks shall be limited to five minutes in length.
4. Any trash compactor/pool equipment shall be shielded by a parapet wall, or fully enclosed. The mechanical equipment shall be placed at a distance furthest from the nearest residential dwelling units. The height of the walls shall be at least as high or higher than the mechanical equipment.
5. The parking structure shall have 4 foot high shielding walls for each floor that faces the northerly and westerly residential units.
6. All water park mechanical equipment shall be fully enclosed or inside the indoor water park.
7. Noise levels of the speakers located along the sidewalk shall not exceed approximately 70.0 dB at a distance of two feet away from the source. In any case the noise levels shall not exceed the noise levels that are permitted by the City of Garden Grove's Noise Ordinance.
8. Once the project is in operation, noise monitoring shall occur to ensure that the project site is operating within the City's Noise Ordinance criteria.

Construction Noise Reduction Measures:

1. All construction operation shall follow the City's General Plan and Noise Ordinance criteria.
2. Construction operation shall not occur during the hours of 10:00 p.m. – 7:00 a.m.
3. During construction, the contractor shall ensure all construction equipment is equipped with appropriate noise attenuating devices.
4. Idling equipment shall be turned off when not in use.
5. Equipment shall be maintained so that parts of vehicles and their loads are secured from rattling and banging.

Aesthetics

Light or Glare

1. The project shall comply with the City's Code regarding lighting and shall not produce light and glare above levels permitted by the City Code. After the installation of the waterslide lighting, but prior to final issuance of building permits for the project, the light output of the light show shall be adjusted to a level that is satisfactory to the City, that will minimize light spillage, and will not produce a light that is above what is allowed by City Code.