

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew J. Fertal From: William E. Murray, P.E.  
Dept: City Manager Dept: Public Works  
Subject: ADOPTION OF RESOLUTION APPROVING FINAL PARCEL MAP NO. 2010-118 (PURSUANT TO APPROVED TENTATIVE PARCEL MAP NO. PM-2010-1178) FOR PROPERTY LOCATED ON THE WEST SIDE OF HARBOR BOULEVARD, NORTH OF GARDEN GROVE BOULEVARD, AND SOUTH OF LAMPSON AVENUE, GARDEN GROVE Date: November 12, 2013

OBJECTIVE

To receive City Council approval of Final Parcel Map No. 2010-118.

BACKGROUND

On December 16, 2010, the Planning Commission approved Conditional Use Permit No. CUP-303-10 and Tentative Parcel Map No. PM-2010-1178, along with an associated Mitigated Negative Declaration and Mitigated Monitoring Program. A copy of Planning Resolution No. 5720 is attached.

DISCUSSION

The subject subdivision is located on the west side of Harbor Boulevard, north of Garden Grove Boulevard and south of Lampson Avenue, Garden Grove. The property is currently owned by the City of Garden Grove as Successor Agency to the Garden Grove Agency for Community Development ("Successor Agency") and will be conveyed to Garden Grove MXD, Inc., the applicant and developer, pursuant to that certain First Amended Disposition and Development Agreement between the Successor Agency and the developer. The Planning Commission granted approval to subdivide the 12.1-acre site reconfiguring six existing lots into three lots. The site allows for future development of a water park hotel project that includes an approximately 605-room hotel, and 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.

No subdivision agreement is required. Required off-site improvements will be constructed prior to occupancy per previously executed Development Agreement No. DA-183-10.

FINANCIAL IMPACT

There is no financial impact to the City by this action.

RECOMMENDATION

It is recommended that City Council:

- Adopt the proposed Resolution approving Final Parcel Map No. 2010-118 for the subdivision of the property located on the west side of Harbor Boulevard, north of Garden Grove Boulevard, and south of Lampson Avenue, Garden Grove.

  
WILLIAM E. MURRAY, P.E.  
Public Works Director

  
By: DAN CANDELARIA, P.E., T.E.  
Traffic Engineer/Interim City Engineer

Attachment 1: Planning Commission Resolution No. 5720  
Attachment 2: Parcel Map No. PM-2010- 118  
Attachment 3: Proposed Resolution

**Recommended for Approval**

  
**Matthew Ferial**  
City Manager

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.



**Attachment 2**  
**Pending**



GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
APPROVING FINAL PARCEL MAP NO. 2010-118 (PURSUANT TO APPROVED  
TENTATIVE PARCEL MAP NO. PM-2010-1178)

WHEREAS, on December 16, 2010, the Planning Commission adopted Resolution No. 5720 approving Conditional Use Permit No. CUP-303-10 and Tentative Parcel Map No. PM-2010-1178, along with an associated Mitigated Negative Declaration and Mitigated Monitoring Program, for a proposed subdivision located on the west side of Harbor Boulevard, north of Garden Grove Boulevard and south of Lampson Avenue, within boundaries of the City of Garden Grove;

WHEREAS, the property within the proposed subdivision is currently owned by the City of Garden Grove as Successor Agency to the Garden Grove Agency for Community Development ("Successor Agency") and will be conveyed to Garden Grove MXD, Inc., the applicant and developer, pursuant to that certain First Amended Disposition and Development Agreement between the Successor Agency and the developer;

WHEREAS, the applicant and property owner have offered for approval a Final Parcel Map designated as Parcel Map No. 2010-118, pursuant to approved Tentative Parcel Map No. PM-2010-1178;

WHEREAS, pursuant to Parcel Map No. 2010-118, easements for vehicular and pedestrian ingress and egress over Parcels 1 and 3 in favor of Parcel 2 will be reserved;

WHEREAS, Condition of Approval No. 81 to Resolution No. 5720 initially provided for Covenants, Conditions and Restrictions ("CC&Rs") approved by the City to be recorded by the developer at the same time as the subdivision map is recorded;

WHEREAS, subsequent to the adoption of Resolution No. 5720, it was determined that the Final Parcel Map may be recorded prior conveyance of the property to the developer;

WHEREAS, pursuant to Condition of Approval No. 3 to Resolution No. 5720, minor modifications to the Conditions of Approval may be approved by the Community Development Department;

WHEREAS, pursuant to Condition of Approval No. 3, the Community Development Director has approved a minor modification of Condition of Approval No. 81 to permit the approved CC&Rs, which shall include an easement for vehicular and pedestrian ingress and egress to Parcel 2, to be recorded concurrently with the deed(s) initially conveying any or all of Parcels 1, 2 and/or 3;

WHEREAS, Parcel Map No. 2010-118 conforms to all of the requirements of the Subdivision Map Act of the State of California, City ordinances, resolutions, and standards, and the Conditions of Approval to Resolution No. 5720, as modified; and

WHEREASE, the City Council finds that the proposed subdivision, together with the provisions for its design and improvement, is consistent with all applicable general and specific plan of the City.

NOW, THEREFORE, BE IT RESOLVED, FOUND, AND DETERMINED by the City Council of the City of Garden Grove as follows:

1. Final Parcel Map No. 2010-118 for the subdivision of the property located on the west side of Harbor Boulevard, north of Garden Grove Boulevard, and south of Lampson Avenue, Garden Grove is hereby approved.

2. The Community Development Director's approval of a minor modification of Condition of Approval No. 81 to permit the approved CC&Rs, which shall include an easement for vehicular and pedestrian ingress and egress to Parcel 2, to be recorded concurrently with the deed(s) initially conveying any or all of Parcels 1, 2 and/or 3, is hereby ratified.