

SECOND READING OF ORDINANCE NO. 2789 AND ORDINANCE NO. 2790  
(F: 116.PUD-126-10) (XR: 106.DA-183-10) (XR: 20.GPA-1-10(A))

Planned Unit Development zoning with development standards for a water park hotel at 12581, 12591, 12681, and 12721 Harbor Boulevard, and 12602 and 12601 Leda Lane, Garden Grove.

It was moved by Council Member Do, seconded by Council Member Nguyen, and carried by unanimous vote that full reading of all Ordinances listed for consideration of adoption be waived.

ORDINANCE NO. 2789 was presented for second reading and adoption and the title read in full, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING 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)

Following the reading of the Ordinance title, it was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that Ordinance No. 2789 be and hereby is declared adopted.

ORDINANCE NO. 2790 was presented for second reading and adoption and the title read in full, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE ADOPTING DEVELOPMENT AGREEMENT NO. DA-183-10 BETWEEN THE CITY OF GARDEN GROVE AND GARDEN GROVE MXD, INC.

Following the reading of the Ordinance title, it was moved by Council Member Jones, seconded by Council Member Do, and carried by unanimous vote that Ordinance No. 2790 be and hereby is declared adopted.

ORDINANCE NO. 2789

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
APPROVING 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)

City Attorney Summary

This ordinance establishes planned unit development and zoning regulations for the site of the water park hotel resort proposed to be located generally on the west side of Harbor Boulevard between Lampson Avenue and Garden Grove Boulevard in the City of Garden Grove. The development and zoning regulations will authorize the establishment of a water park themed hotel resort with ancillary restaurant, retail and meeting space on the approximately 12.2 acre site.

WHEREAS, the City of Garden Grove has received an application from Garden Grove MXD, Inc., for 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), 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, and 12721 Harbor Boulevard, 12602 and 12601 Leda Lane (Assessor Parcel Numbers: 231-441-27, 29, 39, and 40; 231-431-02 and 03)(collectively, the Project);

WHEREAS, the Planning Commission, at a duly noticed Public Hearing held on December 16, 2010, recommended approval of Planned Unit Development No. PUD-126-10;

WHEREAS, a duly noticed Public Hearing was held by the City Council on January 25, 2011, and all interested persons were given an opportunity to be heard;

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of January 25, 2011;

WHEREAS, the change from Planned Unit Development No. PUD-121-98 and R-1-7 to Planned Unit Development No. PUD-126-10 is consistent with the objectives policies, general land uses, and programs specified in the General Plan which collectively promote the development of hotels, resorts, amusement facilities, and restaurants along Harbor Boulevard within the International West Mixed Use area;

WHEREAS, the change from Planned Unit Development No. PUD-121-98 and R-1-7 to Planned Unit Development No. PUD-126-10 will insure a degree of compatibility with surrounding properties and uses by permitting development consistent with the existing land uses within the International West area including hotels, restaurants, retail, and office uses; and

WHEREAS, the City Council approved Resolution No. 9028-11 during its meeting on January 25, 2011, adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for the Project 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.

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

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

Section 2. Environmental Review. City Council Resolution No. 9028-11 adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for the Project is incorporated herein by reference with the same force and effect as if set forth in full.

Section 3. Approval. Planned Unit Development No. PUD-126-10 is hereby approved, pursuant to the facts and reasons stated in Planning Commission Resolution No. 5719, a copy of which is attached to this Ordinance and incorporated herein by reference with the same force and effect as if set forth in full.

Section 4. Rezoning. The property shown on the map attached hereto is rezoned to the Planned Unit Development No. PUD-126-10 zone as shown thereon. Zone Map part R-11 is amended accordingly.

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each other section, subsection, subdivision, sentence, clause, phrase, word or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

Section 6. Effective Date. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the 8th day of February 2011.

ATTEST:

/s/ WILLIAM J. DALTON

MAYOR

/s/ KATHLEEN BAILOR, CMC

CITY CLERK

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

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on January 25, 2011, with a vote as follows:

AYES: COUNCIL MEMBERS: (5) BROADWATER, DO, JONES, NGUYEN, DALTON  
NOES: COUNCIL MEMBERS: (0) NONE  
ABSENT: COUNCIL MEMBERS: (0) NONE

and was passed on February 8, 2011, by the following vote:

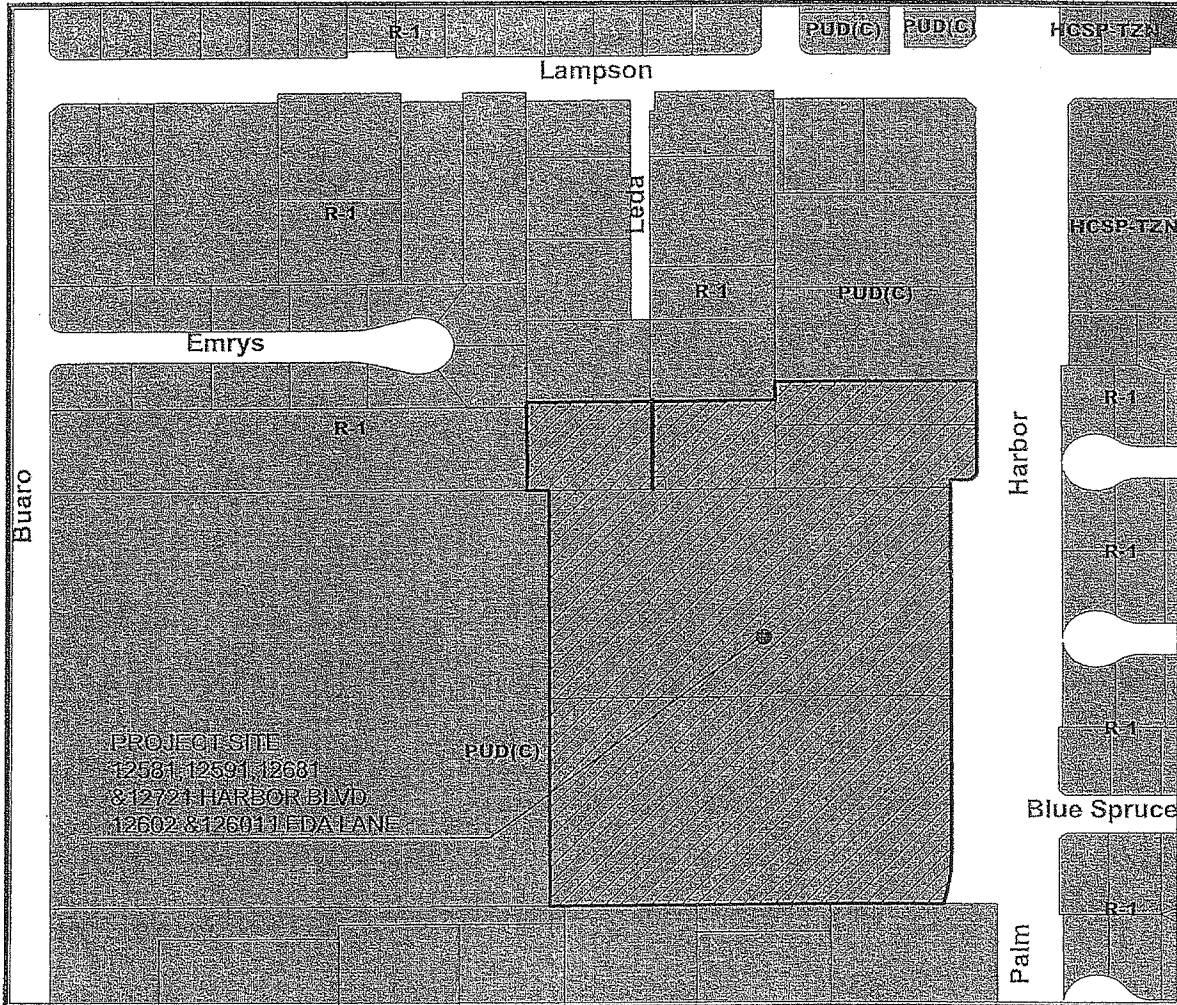
AYES: COUNCIL MEMBERS: (5) BROADWATER, DO, JONES, NGUYEN, DALTON  
NOES: COUNCIL MEMBERS: (0) NONE  
ABSENT: COUNCIL MEMBERS: (0) NONE

/s/ KATHLEEN BAILOR, CMC


CITY CLERK



# 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

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, e 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 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.

ORDINANCE NO. 2790

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE  
ADOPTING DEVELOPMENT AGREEMENT NO. DA-183-10 BETWEEN THE CITY OF  
GARDEN GROVE AND GARDEN GROVE MXD, INC.

City Attorney Summary

This ordinance approves a development agreement between the City of Garden Grove and Garden Grove MXD, Inc., the developer of the water park hotel proposed to be located generally on the west side of Harbor Boulevard between Lampson Avenue and Garden Grove Boulevard. The agreement provides that the developer will be entitled to build the project in accordance with the existing land use entitlements for a period of 5 years. The agreement further provides for a development agreement payment, along with the payment of development fees, to the City of Garden Grove in an amount not to exceed \$2,635,629.

WHEREAS, the City of Garden Grove has received an application from Garden Grove MXD, Inc., for 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, and 12721 Harbor Boulevard, and 12602 and 12601 Leda Lane (Assessor Parcel Numbers: 231-441-27, 29, 39, and 40; 231-431-02 and 03)(the Project);

WHEREAS, pursuant to Resolution No. 5719, the Planning Commission at a duly noticed Public Hearing held on December 16, 2010, recommended approval of Development Agreement No. DA-183-10;

WHEREAS, a duly noticed Public Hearing was held by the City Council on January 25, 2011, and all interested persons were given an opportunity to be heard;

WHEREAS, Development Agreement No. DA-183-10 is consistent with the General Plan, as amended, and Planned Unit Development No. PUD-126-10, including the goals and policies of the Garden Grove General Plan; and

WHEREAS, the City Council approved Resolution No. 9028-11 during its meeting on January 25, 2011, adopting a Mitigated Negative Declaration and Mitigation Monitoring Program for the Project 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.

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

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

Section 2. Environmental Review. Pursuant to CEQA, the City Council adopted a Mitigated Negative Declaration and Mitigation Monitoring Program for the Project in City Council Resolution No. 9028-11 which incorporated by reference as if set forth fully herein.

Section 3. Approval. Development Agreement No. DA-183-10 is hereby adopted for property located on 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, Parcel Nos. 231-441-27, 29, 39, and 40 and 231-431-02, and 03. A copy of Development Agreement No. DA-183-10 is attached and on file in the City Clerk's Office.

Section 4. Recording. Pursuant to California Government Code Section 65868.5, the City Clerk shall record a copy of the Development Agreement with the County Recorder for the County of Orange within 10 days after the Development Agreement is executed.

Section 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, word, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words, or portions thereof be declared invalid or unconstitutional.

Section 6. Effective Date. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the 8th day of February 2011.

ATTEST:

/s/ WILLIAM J. DALTON  
MAYOR

/s/ KATHLEEN BAILOR, CMC  
CITY CLERK

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

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on January 25, 2011, with a vote as follows:

AYES:     COUNCIL MEMBERS:     (5) BROADWATER, DO, JONES, NGUYEN, DALTON  
NOES:     COUNCIL MEMBERS:     (0) NONE  
ABSENT:   COUNCIL MEMBERS:     (0) NONE

and was passed on February 8, 2011, by the following vote:

AYES:     COUNCIL MEMBERS:     (5) BROADWATER, DO, JONES, NGUYEN, DALTON  
NOES:     COUNCIL MEMBERS:     (0) NONE  
ABSENT:   COUNCIL MEMBERS:     (0) NONE

/s/ KATHLEEN BAILOR, CMC  
CITY CLERK

ORDINANCE NO. 2790

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The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the 8th day of February 2011.

ATTEST:

/s/ WILLIAM J. DALTON  
MAYOR

/s/ KATHLEEN BAILOR, CMC  
CITY CLERK

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

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on January 25, 2011, with a vote as follows:

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NOES: COUNCIL MEMBERS: (0) NONE  
ABSENT: COUNCIL MEMBERS: (0) NONE

and was passed on February 8, 2011, by the following vote:

AYES: COUNCIL MEMBERS: (5) BROADWATER, DO, JONES, NGUYEN, DALTON  
NOES: COUNCIL MEMBERS: (0) NONE  
ABSENT: COUNCIL MEMBERS: (0) NONE

/s/ KATHLEEN BAILOR, CMC  
CITY CLERK