

August 24, 2022

**VIA E-MAIL & ONLINE PORTAL:** [https://ggcity.org/records\\_request/requests/new](https://ggcity.org/records_request/requests/new)

City Clerk's Office, City of Garden Grove  
c/o Teresa Pomeroy, (cityclerk@ggcity.org)  
Andrea Vital, City Clerk's Office (andreav@ggcity.org)  
Liz Vasquez, MPA (lizv@ggcity.org)

**RE: CPRA REQUEST SITE B2 HOTEL PROJECT/NICKELODEON HOTEL RESORT SITE**

Dear City Clerk's Office:

On behalf of UNITE HERE Local 11 and City-resident Marlene Perez ("**Requester**"), this office respectfully requests from the City of Garden Grove ("**City**") records pursuant to the California Public Records Act ("**CPRA**") involving the proposed Site B2/Nickelodeon Hotel Resort ("**Project**") located on a 3.72-acre development site ("**Site**") that includes thirteen (13) parcels zoned PUD-141-01 ("**PUD Parcels**") and six (6) parcels zoned R-1 ("**Residential Parcels**").<sup>1</sup> The below figure was prepared by the City and delineates the Project Site (outlined in black), including the PUD Parcels (shaded in orange) and Residential Parcels (shaded in yellow).<sup>2</sup>



<sup>1</sup> See City Inter-Department Memorandum (8/23/22) Agenda Item - 4.a., (*Exhibit A* attached hereto), <https://gardengrove.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=4202&MeetingID=784>.

<sup>2</sup> City Community and Economic Development Department (7/7/22) Planning Staff Report RE C.2, p. 2 (excerpts attached hereto as *Exhibit B*), <https://gardengrove.novusagenda.com/AgendaPublic/AttachmentViewer.ashx?AttachmentID=6311&ItemID=4202>.

Under the CPRA, we request the following documents and public records referenced in recent City documents (see Exhibit A,<sup>1</sup> pp. 1-2 and Exhibit B,<sup>2</sup> pp. 3-4) (attached hereto and highlighted for your convenience); specifically:

1. The City's 2002 Development Agreement involving the former two-hotel, 483-room development involving the PUD Parcels.
2. The staff reports, memos, minutes, and/or other public reports associated with the former Garden Grove Redevelopment Agency and the City of Garden Grove's acquisition of additional properties, including the Residential Parcels, on or around the time of the abovementioned approval of the 2002 Development Agreement.
3. All documentation associated with or that shows the City's compliance with Surplus Land Act (Cal. Gov. Code § 55420 et seq.) involving the Site, PUD Parcels, Residential Parcels, and current negotiations for the City to convey the entire Project Site—including the public alley associated with vacation and disposition Resolution No. 6046-22—to the proposed developer.

Under the CPRA, please respond to this request within ten (10) days. Under Gov. Code § 6253.1, please identify the information technology needs to produce the records and physical location of the records, and any suggestion to overcome any practical basis for denying access to the records. Alternatively, emailing electronic copies of said records would equally suffice. So too, if you withhold records, please comply with Gov. Code § 6255, including identification in writing of the alleged basis for withholding documents. Also, to the extent the requested documents are readily available, we request rolling production of records as they become available. Pursuant to the CPRA, local governments must make a reasonable effort to "promptly" search, locate, and provide requested records. (Gov. Code § 6252(e), emphasis added.)<sup>3</sup>

Thank you in advance for your attention to this matter. Please call or email me if you have any questions or if I can provide further clarity on the above request.

Sincerely,



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Jordan R. Sisson, Esq.  
Attorney for Requester

Attachments:

Exhibit A: City Inter-Department Memorandum (8/23/22)  
Exhibit B: Excerpts from Planning Staff Report (7/7/22)

<sup>3</sup> See also 89 Ops.Cal.Atty.Gen. 39, 3 (2006); 88 Ops.Cal.Atty.Gen. 153, 1-2, 12-13 (2005); *Community Youth Athletic Ctr. v. City of National City* (2013) 220 Cal.App.4th 1385; Gov. Code § 6253(d) (the CPRA states that nothing therein "shall be construed to permit an agency to delay or obstruct the inspection or copying of public records." Emphasis added).

**EXHIBIT A**

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

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

OBJECTIVE

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

BACKGROUND

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

The properties have a General Plan Land Use designation of International West Mixed Use. Thirteen of the existing parcels within the Project site are currently zoned PUD-141-01, which was adopted in 2002 to facilitate the development of two hotels. Six of the existing vacant parcels are still technically designated as zoned R-1; however, this zoning is inconsistent with the International West Mixed Use Land Use Designation, and single-family residential uses could not legally be established on these parcels. The Project site abuts the Sheraton Hotel to the north; residential apartments to the northwest; single-family homes to the west; single-family homes and a commercial building across Twintree Avenue to the south; and vacant parcels entitled for the Site C hotel resort across Harbor Boulevard to the east. The Project site is vacant and secured with a perimeter chain-link fence. The properties were previously developed with single-family and commercial structures that were demolished between 2004 and 2013.

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

International West Mixed Use. The International West Mixed Use Land Use designation is intended to provide for a mix of uses, including resort, entertainment, retail, hotel, and some higher density residential that are appropriate for a major entertainment and tourism destination.

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

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

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

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

## DISCUSSION

### PLANNED UNIT DEVELOPMENT AMENDMENT

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

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

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

### SITE PLAN

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

- The Project site will be accessed from a main entrance located on Harbor Boulevard, and a secondary entrance located on Twintree Avenue. The Harbor Boulevard entrance will provide access for all guests, visitors, hotel employees, and tourist and shuttle buses. The Twintree Avenue will serve as a service entrance limited for the use of emergency vehicles, maintenance vehicles, and trash and delivery trucks only. Vehicles entering and exiting the site from Twintree Avenue will be limited to left turn-out and right turn-in to minimize traffic impacts to the adjacent residential neighborhood.
- The Project site's internal drive-aisles are designed to circulate throughout the site and provide access to the guest drop-off area located in front of the hotel, the parking structure, and the service corridor.
- The Project will provide a total of 528 parking spaces within a five-level parking structure (four levels above-grade and one level below-grade). A Shared Parking Study was prepared to estimate the peak parking demand for the project to ensure that sufficient on-site parking spaces are provided at all times to accommodate the hotel's uses. The Shared Parking Study concluded that the project must provide a minimum of 480 parking spaces. The proposed Project will provide a total of 528 parking spaces, which is sufficient to accommodate the proposed peak parking demand of 480 parking spaces.
- The proposed hotel is a resort destination with amenities and programming themed to the Nickelodeon brand. The proposed hotel will include specific entertainment amenities unique to Nickelodeon Hotel Resort, including a Nick Studio, a Studio Hall, Kid's Lounge, and a fine dining restaurant called The Odeon. The project will include a pool deck area that will be themed to the Nickelodeon SpongeBob SquarePants animation cartoon, and will feature a pool, a lazy river that transverses along the pool deck, and a pool slide.
- The proposed hotel includes a total of 23 stories with the main hotel tower at a height of 335 feet. The lower building structure, as measured from grade to the pool deck, will have a height of approximately 61 feet. The hotel tower will feature a unique serpentine shape with a transparent glass façade.

#### FUTURE ENTITLEMENTS

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

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

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

#### ENVIRONMENTAL REVIEW

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

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

**APPEAL**

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

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

**FINANCIAL IMPACT**

None.

**RECOMMENDATION**

It is recommended that the City Council:

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

By: Maria Parra  
Senior Planner

**ATTACHMENTS:**

<b>Description</b>	<b>Upload Date</b>	<b>Type</b>	<b>File Name</b>
<a href="#">Draft Resolution Denying the Site B2 Project Appeal</a>	8/10/2022	Resolution	Draft_City_Council_Resolution__Denying_Site_B2_Project_Appeal.DOCX
<a href="#">Draft Initial Study/Mitigated Negative Declaration</a>	8/10/2022	Resolution	Draft_Site_B2__Resolution_Adopting_MND.DOCX
<a href="#">Draft PUD-141-01(A) Ordinance</a>	8/10/2022	Ordinance	Draft_PUD-141-01(A)_Ordinance.docx
<a href="#">Draft Resolution Approving Site Plan No. SP-107-2022</a>	8/10/2022	Resolution	Draft_Resolution__Approving_SP-107-2022.DOCX
<a href="#">Planning</a>	8/5/2022	Backup Material	Planning_Commission_Staff_Report__Resolutions__and_Minute_Excerpt_dated_July_7__2022.pdf

[Commission Staff Report, Resolutions, Minute Excerpt dated July 7, 2022](#)

[Site B2 Initial Study/Mitigated Negative Declaration](#) 8/5/2022 Backup Material Site\_B2\_Hotel\_Project\_Draft\_Initial\_Study\_Mitigated\_Negative\_Declaration.pdf

[Site B2 Final Initial/Mitigated Negative Declaration with Response to Comments, Errata, and Mitigation Monitoring and Reporting Program](#) 8/17/2022 Backup Material 8-23-22\_Site\_B2\_Final\_IS\_MND\_with\_Response\_to\_Comments.pdf

[Site B2 Hotel Project Plans](#) 8/5/2022 Backup Material Plans\_Site\_B2\_Hotel.pdf

[Appeal Form](#) 8/22/2022 Backup Material DOC-20220822-12\_15\_33.pdf



**EXHIBIT B**

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

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

**REQUEST:**

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

**BACKGROUND:**

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

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

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

**FIGURE 1: PROPOSED PROJECT SITE**



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

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

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

#### History of Entitlements

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

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

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

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

On August 26, 2008, the City Council adopted Resolution No. 8851-08 implementing a comprehensive General Plan update that included changing the General Plan Land Use designation of all of the parcels comprising the proposed project site to International West Mixed Use. The International West Mixed Use Land Use designation is intended to provide for a mix of uses, including resort, entertainment, retail, hotel, and some higher density residential that are appropriate for a major entertainment and tourism destination.

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

#### Neighborhood Meeting:

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