

V-115-67

CASE NO V-115-67

Name of Applicant WILLIAM R. FREY JR.

Address 90 LA PIZZA GROTTA 13008 CHAPMAN AVE.
G.G. Phone 638-7560

Name of Applicant's Representative _____

Address _____
Phone _____

Applicant Interviewed By LBW Application By LBW

Date Filed 5-17-67 Hearing Date PC JUNE 8, 1967

PERTINENT FACTS:

PLANNING COMMISSION ACTION

Approved Hearing Date 6/8/67

Denied _____

DWP _____ RES. NO. 2127

FWR _____

Date Appealed _____

CITY COUNCIL ACTION

Approved _____ Hearing Date _____

Denied _____

DWP _____ RES. NO. _____

FWR _____

Returned to P. C. _____ Ord. No. _____

PLANNING COMMISSION RECONSIDERATION

Approved _____ Hearing Date _____

Denied _____

DWP _____ RES. NO. _____

FWR _____

CITY COUNCIL FINAL ACTION

Approved _____ Hearing Date _____

Denied _____

DWP _____ RES. NO. _____

FWR _____

Ord. No. _____

ZONING ADMINISTRATOR ACTION

Approved _____ Hearing Date _____

Denied _____ DEC. NO. _____

Date Appealed _____

ADMINISTRATIVE ACTION

Approved _____ Hearing Date _____

Denied _____

LATER ACTION:

June 26, 1967

Mr. William R. Frey, Jr.
c/o LaPizza Grotto
13008 Chapman Avenue
Garden Grove, California

Variance No. V-115-67

June 8, 1967

June 18, 1967

RESOLUTION NO. 2127

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF GARDEN GROVE APPROVING
V-115-67.

WHEREAS, in the matter of V-115-67, the Planning Commission of the City of Garden Grove does report as follows:

1. The subject case was initiated by William R. Frey, Jr., as applicant.
2. The applicant requests a variance from Section 9208(v) of the Municipal Code which pertains to the exclusion of dancing and entertainment in the C-1 zone. Subject variance pertains to property located at the southeast corner of Chapman Avenue and Haster Street.
3. The subject property is improved with a commercial complex.
4. Existing land use and zoning of property in the vicinity of the subject property have been reviewed.
5. Past cases affecting the subject property were considered and the Staff Report submitted by the City's Staff was reviewed.
6. Public testimony was heard.

WHEREAS, the Planning Commission findings are as follows:

1. Subject variance possesses characteristics that would indicate justification of the request for adoption.
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the public health, safety, and general welfare, the following conditions of approval shall apply to the subject case:
 - a. Approval of this variance shall not be construed to mean any waiver of the applicable and appropriate zoning and other regulations, except Section 9208(v).
 - b. Minor changes in the variance may be approved by the Planning Director. If other than minor changes are made in the proposed development, a new variance application shall be filed which reflects the revisions made.
 - c. Entertainment shall be limited to adult music ensembles.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Garden Grove does hereby approve Variance No. V-115-67, subject to the conditions stated above.

ADOPTED AND APPROVED this 8th day of June, 1967.

/s/ C. C. WOOLLEY
CHAIRMAN

I HEREBY CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the Planning Commission of the City of Garden Grove which was held on June 8, 1967, and carried by the following vote, to wit:

AYES: COMMISSIONERS: BERNSTON, HASTY, LUDLOW, MC CLEARY, WOOLLEY
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: BURTON, MOVIUS

/s/ CLINE F. MARTIN
SECRETARY

PUBLIC HEARING:
INITIATED BY:
REQUEST:

VARIANCE NO. V-115-67
WILLIAM P. FREY, JR.
A VARIANCE FROM SECTION 9208(v) OF THE
MUNICIPAL CODE WHICH PERTAINS TO THE
EXCLUSION OF DANCING AND ENTERTAINMENT
IN THE C-1 ZONE.
SOUTHEAST CORNER OF CHAPMAN AVENUE
AND HASTER STREET.
JUNE 8, 1967

LOCATION:

DATE:

Upon confirmation that proper public notice had been given, Chairman Woolley requested the reading of correspondence relative to the subject case. Mr. Hilton stated no correspondence had been received. At the request of the Commission for Staff comment, Mr. Hilton described the existing zoning, land use and General Plan designations for the subject property as indicated on the display maps.

Chairman Woolley declared the public hearing open.

Mr. William R. Frey, Jr., 4403 W. Tiller Avenue, Orange, appeared before the Commission as applicant. He stated that during the time this building was constructed, both of the walls directly behind the piano were insulated, as is the ceiling. This was done so that they would not have a sound problem. Until the Entertainment Ordinance was passed, they have had some entertainment and have never had any problems or complaints.

In response to questions by Chairman Woolley, Mr. Frey stated that the entertainment he provides is strictly a piano. At some future date it might be to his advantage to bring in a guitar or banjo. It is not his intention to allow dancing at any time, nor does he cater to teen agers and never intends to hire a teen-aged rock and roll band.

There being no further response from the audience, either in favor or opposition to the subject case, the public hearing was closed.

Commissioner Hasty stated he would be in favor of this variance for the reasons that the applicant proposes.

Commissioner McCleary stated that the primary concern of the Planning Commission and City Council was some of the undesirable entertainment that is in the City, but she does not believe this would be a problem in this case. She would be in favor of granting this variance.

Commissioner Bernston stated that it should be indicated that this is for adult music ensembles only.

It was moved by Commissioner Hasty, seconded by Commissioner Ludlow, that a resolution be adopted approving V-115-67 for adult music ensembles only.

Said motion was carried by the following vote:

AYES:
NOES:
ABSENT:

COMMISSIONERS: BERNSTON, HASTY, LUDLOW, MC CLEARY, WOOLLEY
COMMISSIONERS: NONE
COMMISSIONERS: BURTON, MOVIUS

Chairman Woolley instructed the Staff to prepare the proper resolution for the approval of V-115-67. (RESOLUTION NO. 2127).

Mr. Casper stated he is not sure what reasoning the Commission was applying to the granting of this variance. If it is felt that this applicant has a unique circumstance at this location, so be it. But if it is felt that the Zoning Ordinance is incorrect, the Staff should be directed to amend the Code to permit entertainment in the C-1 zone.

After discussion, it was the consensus of the Commission that there were special circumstances involved in this case and the Zoning Ordinance should remain as it is.

PUBLIC HEARING

VARIANCE NO. V-115-67

INITIATED BY:

WILLIAM R. FREY, JR.
c/o LA PIZZA GROTTA
13008 CHAPMAN AVENUE
GARDEN GROVE

REQUEST:

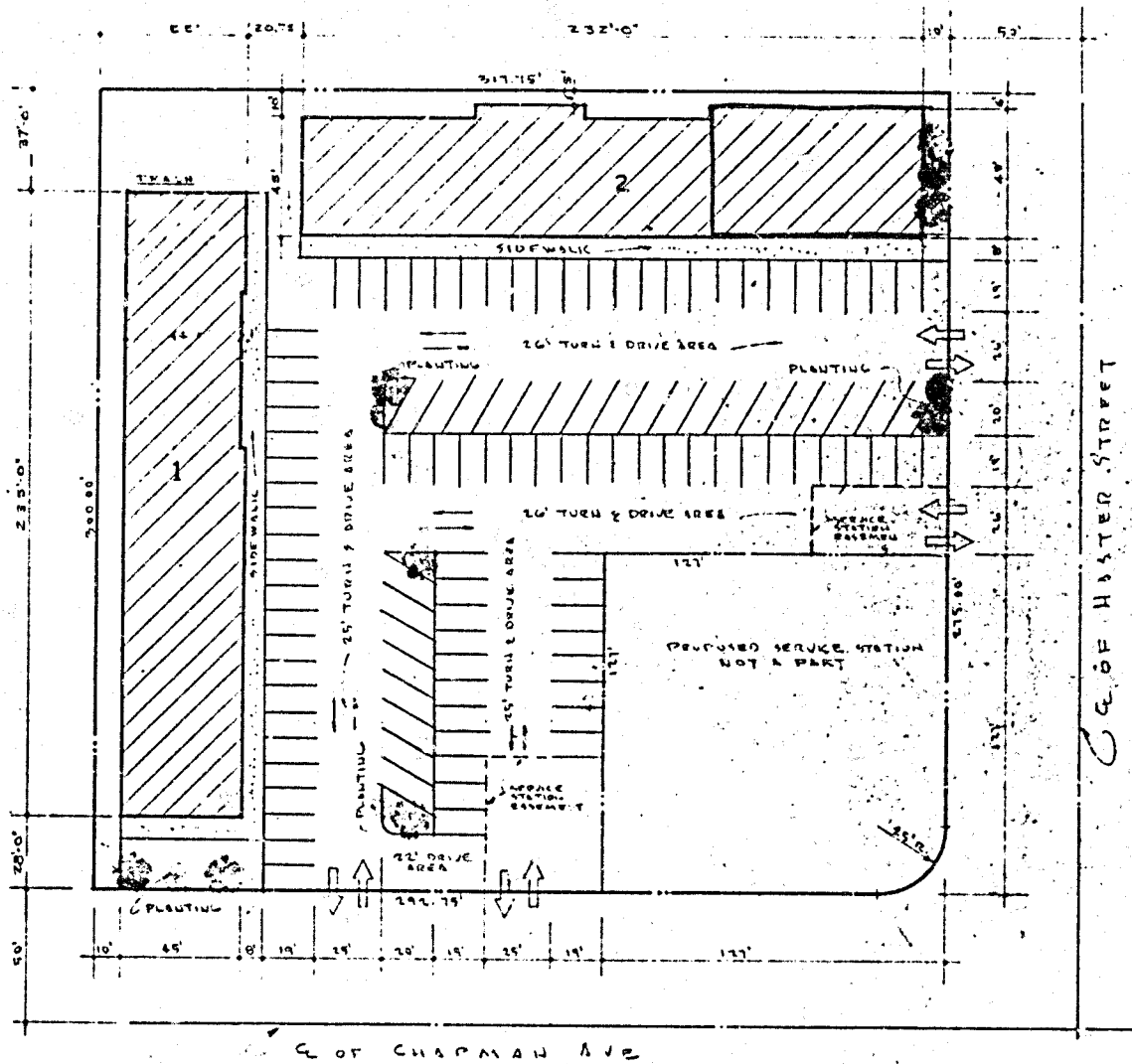
A VARIANCE FROM SECTION 9208(v) OF
THE MUNICIPAL CODE WHICH PERTAINS TO
THE EXCLUSION OF DANCING AND ENTERTAINMENT
IN THE C-1 ZONE.

LOCATION:

SOUTHEAST CORNER OF CHAPMAN AVENUE
AND HASTER STREET.

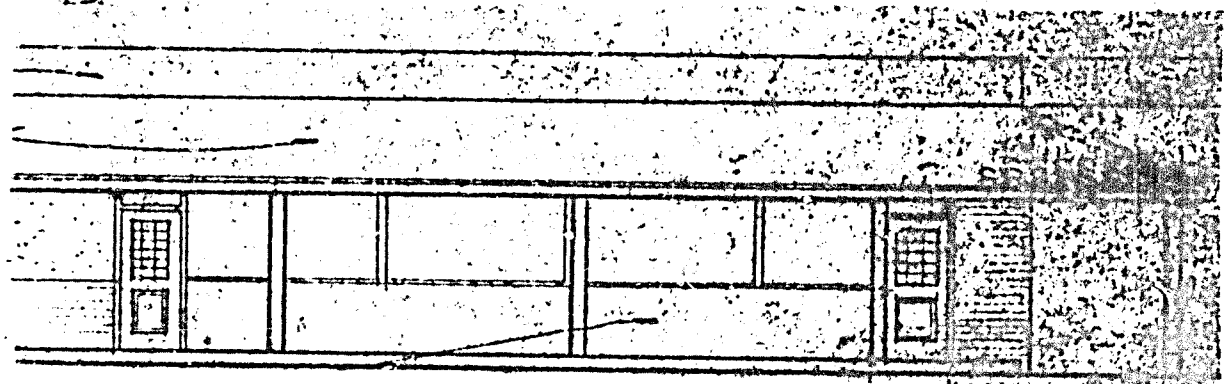
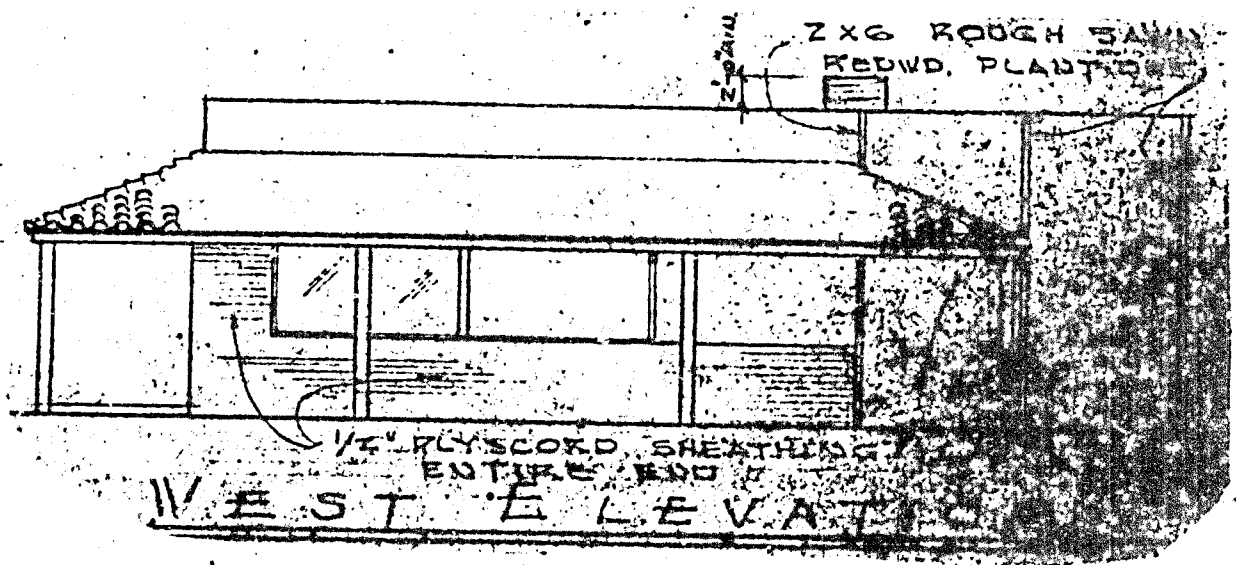
DATE:

JUNE 8, 1967



V-715-07

P L O T P L A N
 PROJECT LOCATION GARDEN GROVE, CALIF.



V-115-67

VARIANCE NO. V-115-67

STAFF REPORT
JUNE 8, 1967

I. GENERAL OBSERVATIONS:

1. Subject case was initiated by William Frey, Jr., as applicant.
2. The applicant requests a variance from Section 9208(v) of the Municipal Code which pertains to the exclusion of dancing and entertainment in the C-1 zone. Subject variance pertains to property located at the southeast corner of Chapman Avenue and Haster Street.
3. The subject property is presently zoned C-1 and is improved with a small commercial shopping center.
4. Existing land use and zoning of property in the vicinity of the subject property is as follows:
 - a. North: Zoned C-1 (across Chapman) and is improved with a service station and other commercial stores.
 - b. South: Zoned R-3 and is improved with multiple-family dwellings.
 - c. East: Zoned O-P and R-3 and is improved with an office building and multiple-family dwellings.
 - d. West: Zoned R-1 (across Haster) and is improved with single-family dwellings.
5. Past cases affecting the subject property include:
 - a. A-163-60 and A-185-60, which rezoned subject property and the adjoining easterly property from R-1 to O-P, was approved by City Council in 1960.
 - b. SPA-129-64, a proposal to develop a small shopping center on subject property and rezone said property from O-P to C-1 was approved by the Planning Commission and City Council in 1964.
 - c. CUP-101-65, a request to permit the service of beer and wine

on subject premises was approved in 1965.

6. On March 28, 1967, City Council passed Ordinance No. 941 which requires establishments offering entertainment to obtain licenses for said entertainers. As a result of this requirement, such establishments, including the subject establishment, submitted their license requests to City Council.

7. On April 18, 1967, the City Council denied the application of the subject establishment because entertainment is not permitted in the C-1 zone.

8. Therefore, the applicant is requesting a variance to permit "live entertainment - namely piano or piano and banjo with possibility in future some other additional piece."

9. In reference to the subject request possessing exceptional circumstances and its necessity for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone, the applicant states as follows: "none, except other similar type pizza parlors have established a format which the public has come to expect." Further, in response to the questions as to whether subject entertainment will be detrimental to the public welfare or adversely affect the General Plan, the applicant states, "has not in past."

II. IMPLICATIONS OF THIS PROPOSAL ON THE GENERAL PLAN:

The Preliminary Land Use Element of the General Plan suggests low density residential use in this general area. It is obvious that existing land use at this location is not in conformance with the General Plan, and implies an amendment to the General Plan. The existing General Plan, therefore, cannot be used either in support of or in opposition to the subject variance.

May 26, 1967

Mr. William R. Frey, Jr.
c/o La Pizza Grotto
13008 Chapman Avenue
Garden Grove, California

Variance No. V-115-67

Dear Sir:

June 8, 1967.

applicant notified

LEGAL NOTICE

NOTICE OF PUBLIC HEARING CONCERNING

VARIANCE NO. V-115-67

NOTICE IS HEREBY GIVEN THAT THE GARDEN GROVE CITY PLANNING COMMISSION will hold a PUBLIC HEARING in the COUNCIL CHAMBERS of the CITY HALL, 11391 ACACIA STREET, GARDEN GROVE, CALIFORNIA, on the date indicated * to receive and consider all evidence and reports relative to the application described below.

*JUNE 8, 1967
1:30 O'CLOCK P.M.

VARIANCE NO.
V-115-67

Proceedings initiated by William R. Frey, Jr., as applicant, requesting a variance from Section 9208(v) of the Municipal Code which pertains to the exclusion of dancing and entertainment in the C-1 zone. Subject variance pertains to property located at the southeast corner of Chapman Avenue and Haster Street.

DATE: MAY 25, 1967

ALL INTERESTED PARTIES are invited to attend said HEARINGS and express opinions or submit evidence for or against the proposal as outlined above.

FURTHER INFORMATION which may include site plans, building elevations, and floor plans on the above application may be obtained or viewed at the Planning Department in City Hall or by telephone: 537-4200, extension 41.

GARDEN GROVE CITY PLANNING COMMISSION

MAILING LIST MEETING OF
JUNE 8, 1967

V-115-67

SUBJECT PROPERTY OWNERS:

PROPERTY OWNERS WITHIN
300' RADIUS:

Leopold Fellner
P. O. Box 2112
Laguna Hills, Calif. 92652
V 115-67

John Gibson
13012 Binnacle Ave
Orange, Calif. 92668
V 115-67

James Stockton
12022 Firebrand St
City 92640
V 115-67

Robert Davine
12052 Firebrand St
City 92640
V 115-67

Donald Gregory
12081 Haster
City 92640
V 115-67

Abraham Farb
12041 Haster St
City 92640
V 115-67

Jack Swrngrln
12102 Firebrand St
City 92640
V 115-67

Marie Haase
Richard Boucher
P. O. Box 95
Tustin 92680

Peter Saroff
9532 Royal Palm Drive
City 92641
V 115-67

Adrian Herrera
13052 Binnacle
Orange, Calif. 92668
V 115-67

Oscar Milbrat
421 E. Hacienda Dr
Corona, Calif. 91720
V 115-67

George Ramage
12032 Firebrand St
City 92640
V 115-67

Andres Perez
12072 Firebrand St
City 92640
V 115-67

Arline Dunford
12071 Haster St
City 92640
V 115-67

Elvin Milbrat
12021 Haster St
City 92640
V 115-67

Parnell Thingelstad
12101 Haster St
City 92640
V 115-67

Grwin + Padelford
Developmt. Co., Inc
P. O. Box 7457
Long Beach 90807

Edwin Evans
13352 Heather Cir
City 92640
V 115-67

Karl Grubert
13022 Binnacle Ave
Orange, Calif. 92668
V 115-67

Milton Williams
12002 Firebrand St
City 92640
V 115-67

George Winterbottom
12042 Firebrand St
City 92640
V 115-67

Robert Kochenderfer
12082 Firebrand St
City 92640
V 115-67

Edward Wallace
Administrator of Veterans
Affairs-Loan Guar PM 665641
1300 S. Sepulveda Blvd.
Los Angeles, Calif. 90073

Julius A. Milbrat, Jr.
13192 Simmons St.
Orange, Calif. 92668
V 115-67

Marie Haase
% Standard Oil Co.
Property Tax Division
225 Bush St.
San Francisco 94120

MAILING LIST

June 5, 1967

V-115-67

SUBJECT PROPERTY

91-821-36 NO LISTING

91-821-05 ✓

06 ✓ S

07 ✓ S

08 ✓ S

09 ✓ S

20 ✓ S

25 ✓ S

26 ✓ S

27 ✓ S

28 ✓ S

29 ✓ S

34

35 NO LISTING

138-331-25 ✓

26 ✓

27 ✓

28 ✓

29 ✓

30 ✓

31 ✓

32 ✓

33 ✓

34 ✓

35 ✓

36 addresses unknown ^{3/67}

37 ✓

38 ✓

137-241-08 ~~NO LISTING~~

09 ~~NO LISTING~~

←
same as

138-330-01 ✓

10 ✓

137-374-01 ✓

02 ✓ S

03 ✓

04 ✓ S

05 ✓

06 ✓

07 ✓

08 ~~NO LISTING~~ same

09 ~~NO LISTING~~ same

10 NO LISTING ✓

11 NO LISTING ✓

MAY 17-67 11 066-M ***40.00

APPLICATION FOR VARIANCE

FEE: \$40.00

Application No. V- 115-67

Date: _____

Application is hereby made to the Garden Grove Planning Commission for a Variance from the official Zoning Ordinance of the City of Garden Grove, California.

Name of Applicant La Pizza Grotto Telephone 638-7560

Mailing Address 13008 Chapman Ave GG

William R. Frey Jr
4403 Tiller Ave
Orange, Calif
530-2131

- The recorded owner of the property.
- Purchasing under contract.
- The lessee.
- The authorized agent of any of the foregoing.

If the applicant is not the property owner, he must be authorized to act on behalf of the recorded owner, for which a form is attached to this application.

Name and address of the recorded owner R.C. Boucher
1171 La Colina Dr Tustin, Calif.

Property in question:

Street address of property 13008 Chapman Ave GG

Property is situated on the _____ side of said street between _____ street and _____ street. N.E. Corner Chapman + Haster S.E.

Date of acquisition of property _____

Present use of property Shopping Center C-1

Present zone classification of property C-1

Outline in precise wording the proposed use requested for the subject property.

Request permission to have Live Entertainment - namely Piano or Piano + Banjo with possibility in future some other additional piece.

(For additional space, use reverse side)

NOTE: The City Planning Commission is required by law to make written findings of facts, that beyond a reasonable doubt the BELOW ENUMERATED CONDITIONS APPLY. Answers to these questions must be complete and full.

Explain in detail wherein your case conforms to the following requirements.

1. That there are exceptional circumstances or conditions applicable to the property involved or to the intended use or development of the property that do not apply generally to other property in the same zone or neighborhood.

none, except other similar type
Pizza Parlors have established a format
which the public has come to expect.

2. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and zone but which is denied to the property in question.

Same as above

3. That the granting of a variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or neighborhood in which the property is located.

has not in past.

4. That the granting of such variance will not adversely affect the Comprehensive General Plan.

has not in past.

I HEREBY CERTIFY that all of the information contained in this application is, to the best of my knowledge and belief, true and correctly represented.

By William R. Frey Jr.
(Signature of applicant)

Acknowledgment of Fee Payment

By _____ Date _____

Accepted by Planning Commission
By WRFM Date 5-17-67


Evidence not presented to the Planning Commission in connection with this case will not be considered by the City Council. All maps, petitions, plans, testimony, and other facts or opinions must have been heard by the Planning Commission in order to be heard by the City Council.

Any new evidence which you desire to submit must be presented as part of a new application for which the normal filing fees will be charged. The new application will be heard by the Planning Commission in the manner set forth in the Garden Grove Municipal Code.

Staff reports, and recommendations on all cases will be available for public inspection (in the office of the Planning Department) on the day preceding the Planning Commission hearing. It is recommended that you familiarize yourself with these reports before the Planning Commission meeting.

IF YOUR APPLICATION IS APPROVED NO BUILDING PERMITS CAN BE OBTAINED UNTIL ALL CONDITIONS OF PLANNING COMMISSION OR CITY COUNCIL RESOLUTIONS ARE MET FOLLOWING THE REQUIRED TEN DAY WAITING PERIOD AFTER PLANNING COMMISSION OR CITY COUNCIL ACTION.

I HEREBY CERTIFY that I have read and understand the above information relating to new evidence, staff reports, and building permits.


Applicant's Signature

EXCERPT FROM ARTICLE IX OF THE MUNICIPAL CODE
OF THE CITY OF GARDEN GROVE, CALIFORNIA

Section 9219.12: EFFECTIVE DATE OF ORDER GRANTING OR DENYING VARIANCE,
CONDITIONAL USE PERMIT, UNCLASSIFIED USE PERMIT OR SITE PLAN. TIME FOR APPEAL.

The order of the Planning Commission in granting or denying a variance, conditional use permit, unclassified use permit, or site plan shall become final and effective, ^{five} ~~ten~~ days after the Planning Commission action by Resolution, unless within such ^{five} ~~ten~~ day period an appeal in writing is filed with the City Clerk by either an applicant or opponent. The filing of such appeal within such time limit shall stay the effective date of the order of the Planning Commission until such time as the City Council has acted on the appeal as hereafter set forth in this Chapter.

Section 9223: PERMITS OR VARIANCES MAY BE REVOKED. The Planning Commission may, after a public hearing held in the manner prescribed in Article IX governing variances and conditional use permits, revoke or modify on any one or more of the following grounds any conditional use permit or variance previously issued.

- (1) That the approval was obtained by fraud.
- (2) That the use for which such approval was granted is not being exercised.
- (3) That the use for which such approval was granted has ceased to exist or has been suspended for one year or more.
- (4) That the conditional use permit or variance is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any Statute, Ordinance, Law or Regulation.
- (5) That the use for which the approval was granted was so exercised as to be detrimental to the public health, or safety, or so as to constitute a nuisance.

Section 9223.1: EXPIRATION. Any conditional use permit or variance granted by the Planning Commission or City Council becomes null and void if not exercised within the time specified in such conditional use permit or variance, or if no date is specified, within one year from the date of approval of said conditional use permit or variance.

I HEREBY CERTIFY that I have read and understand the provisions of the Zoning Ordinance as shown above.



APPLICANT'S SIGNATURE

LETTER OF AUTHORIZATION
TO BE NOTARIZED

To: City of Garden Grove

Application for _____ Case No. _____

I, Richard C. Boucher owner of the below described property do hereby appoint William Frey Jr. as my agent for the purpose of consummating the above application, and agree to accept and fulfill any and all requirements which may be imposed as conditions of approval.

Legal Property Description: That portion of the N. W. quarter of Section 35 Township 4 South, Range 10 West, in the Rancho Las Bolsas and the Rancho San Juan Cajon de Santa Ana as said Section is shown on a Map recorded in book 51, page 10, Misc. Maps, records of said Orange County, Calif., described as follows:

Beginning at the N. W. corner of said Section 35; thence East from said point of beginning 367.75 feet; thence South, parallel with the West line of said Section 35, a distance of 350 feet more or less, to the N. E. corner of Tract No. 3601, as shown on a Map thereof recorded in Book 132, pages 28 & 29, Misc. Maps, records of said Orange County; thence Westerly along the North line of said Tract, 367.75 feet to the West line of said Section 35; thence Northerly along said West line, 350 feet to the point of beginning.

R. C. Boucher
Signature of Owner

TO 447 C
(Individual)

STATE OF CALIFORNIA
COUNTY OF Orange } ss.

On May 12 1967 before me, the undersigned, a Notary Public in and for said State, personally appeared R. C. Boucher

_____ known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same.

WITNESS my hand and official seal.

Signature Wm Schaffer
WM. SCHAEFFER
Notary Public Expires Aug. 13, 1968
Name (Typed or Printed)

(TI)

(This area for official notary seal)

plot plan = 6701 - 12 copies
elevation " 2 - 5 "
floor plan " 13 - 5 "

532-1659
Tom Schubert
"Bill"

Bob Stone
Book 91-P 821 - 36

pp. 91-82 -

138-33

137-37

137-24

Farm No. 1054-2

American Land Title
Associated Loan Policy —
Additional Coverage — 1962

SCHEDULE A

Total Fee for Title Search, Examination
and Title Insurance \$ Pre Paid

Amount \$188,000.00

Policy No. 1041144

Effective Date January 5, 1967 at 8:00 A. M.

Insured

UNION BANK, a California corporation.

1. Title to the estate or interest covered by this policy at the date hereof is vested in:

RICHARD C. BOUCHER and VIOLET COUCHER, husband and wife, as joint tenants.

2. The estate or interest in the land described or referred to in Schedule C covered by this policy is:

A lease covering the herein described and other land, dated October 9, 1964, executed by Marie Haase, as Lessor, and Richard C. Boucher and Violet Boucher, husband and wife, as Lessees, for the term of 55 years commencing on October 9, 1964 and ending October 8, 2019, upon the terms and conditions set forth in said lease, recorded October 12, 1964 in Book 7257, page 55 of Official Records, to which record reference is made for full particulars.

3. The mortgage and assignments, if any, covered by this policy are described as follows:

A Deed of Trust (covering the leasehold estate created by said lease) to secure an indebtedness of \$188,000.00, and any other amounts payable under the terms thereof, recorded January 5, 1967 in book 8145, page 558 of Official Records as Instrument No. 2193.

Dated: November 21, 1966.
Trustor: Richard C. Boucher and Violet Boucher, husband and wife.
Trustee: Union Bank, a California corporation.
Beneficiary: Union Bank, a California corporation.

SCHEDULE B

This policy does not insure against loss or damage by reason of the following:

1. Second Installment General and Special Taxes for the fiscal year 1966-1967, Amount \$3,604.39; Code Area 18-108, A. P. No. 91-821-35 and 91-821-36.
2. The Reservation for roads, railroads and ditches of a strip of land 30 feet wide, along, adjoining and each side of the Township and Section lines, as reserved in the deed from The Stearns Fanchos Company, recorded May 21, 1895 in Book 87, page 246 of Deeds.
3. The Reservation of the North 30 feet and the West 30 feet of said land for road purposes, as reserved in the deed from Emil J. Haase and others to Marie Haase, recorded November 2, 1927 in Book 97, page 357 of Official Records.
4. An Easement for street and highway purposes in, on and over a portion of said land, as conveyed to the City of Garden Grove by deed recorded November 20, 1961 in Book 5917, page 915 of Official Records.
5. An Easement over a portion of said land for street and highway purposes, as conveyed to the City of Garden Grove by deed recorded October 29, 1964 in Book 7281, page 201 of Official Records.
6. A Sublease dated May 7, 1964, executed by Richard C. Boucher and Violet Boucher, husband and wife, as Sublessors and Standard Oil Company of California, as Sublessee, upon the term and conditions set forth in a certain unrecorded sublease agreement dated May 7, 1964 from said Lessor to said Lessee, a short form of which lease was recorded June 7, 1965 in Book 7545, page 986 of Official Records, to which record and to said sublease reference is made for full particulars.

Note 1: A Non-exclusive easement for ingress and egress over the following portion of said land:

The East 44.00 feet of the West 221.00 feet of the North 100.00 feet of the Northwest one-quarter of Section 35, Township 4 South, Range 10 West, partly within the Rancho Las Bolsas and partly within the Rancho San Juan Cajon de Santa Ana, as shown on a Map recorded in Book 51, page 10 of Miscellaneous Maps, records of Orange County, California, as set forth in the above mentioned lease.

Note 2: A Non-exclusive easement for ingress and egress over the following portion of said land:

The South 26.00 feet of the North 203.00 feet of the West 100.00 feet of the Northwest one-quarter of Section 35, Township 4 South, Range 10 West, partly within the Rancho Las Bolsas and partly within the Rancho San Juan Cajon de Santa Ana, as shown on a Map recorded in Book 51, page 10 of Miscellaneous Maps, records of Orange County, California, as set forth in the above mentioned lease.

Note 3: Said Lease covers the North 177 feet of the West 177 feet of said land.

7. An Unrecorded Sublease Recognition Agreement dated June 30, 1964 between Marie Haase and Richard C. Boucher and Violet Boucher, husband and wife, as disclosed in the last above mentioned lease and sublease.

8. An Unrecorded sublease of a portion of said land, dated July 15, 1964, executed by Richard C. and Violet Boucher, as sublessor, to Kenneth D. Cooper, as sublessee, for a term of 5 years, upon the terms, covenants, and conditions, as therein provide, as disclosed by an inspection.

Said sublease provides for an option to extend for a period of 5 years.

9. An Unrecorded sublease of a portion of said land, dated August 7, 1964, executed by Richard C. and Violet Boucher, as sublessor, to Tiny Tim Markets, Inc., a California corporation, as sublessee, for a term of 10 years, upon the terms covenants, and conditions, as therein provide, as disclosed by an inspection.

Said sublease provides for an option to extend for 2 periods of 5 years each.

10. An Unrecorded sublease of a portion of said land, dated August 21, 1964, executed by Richard C. and Violet Boucher, as sublessor, to Kathlenn Macdola, as sublessee, for a term of 5 years, upon the terms, covenants, and conditions, as therein provide, as disclosed by an inspection.

Said sublease provides for an option to extend for a period of 5 years.

11. An Unrecorded sublease of a portion of said land, dated August 26, 1964, executed by Richard C. Boucher and Violet Boucher, as sublessor, to R. W. Winchell Donut Supply Corporation, a California corporation, as sublessee, for a term of 15 years, upon the terms, covenants, and conditions, as therein provide, as disclosed by an inspection.

12. An Unrecorded sublease of a portion of said land, dated September 21, 1964, executed by Richard C. and Violet Boucher, as sublessor, to Allen O. McCallum, as sublessee, for a term of 10 years, upon the terms, covenants, and conditions, as therein provide, as disclosed by an inspection.

Said sublease provides for an option to extend for a period of two additional 5 year periods.

13. An Unrecorded sublease of a portion of said land, dated October 7, 1964, executed by Richard C. and Violet Boucher, as sublessor, to Patricia Steenson, as sublessee, for a term of 3 years, upon the terms, covenants, and conditions, as therein provide, as disclosed by an inspection.

Said sublease provides for an option to extend for a period of 2 years.

14. An Unrecorded sublease of a portion of said land, dated November 9, 1964, executed by Richard C. and Violet Boucher, as sublessor, to The Wishbone Corporation, as sublessee, for a term of 10 years, upon the terms, covenants, and conditions, as therein provided, as disclosed by an inspection.

Said sublease provides for an option to extend for a period of two additional 5 years periods.

15. An Unrecorded sublease of a portion of said land, dated January 20, 1965, executed by Richard C. and Violet Boucher, as sublessor, to Preston's Radio & Television Service (Warren Keith Preston), as sublessee, for a term of 5 years, upon the terms, covenants, and conditions, as therein provided, as disclosed by

an inspection.

Said sublease provides for an option to extend for a period of 5 years.

16. An Unrecorded sublease of a portion of said land, dated March 1, 1965, executed by Richard C. and Violet Boucher, as sublessor, to George and Dorothy Bennett, as sublessee, for a term of 5 years, upon the terms, covenants, and conditions, as therein provided, as disclosed by an inspection.

Said sublease provides for an option to extend for a period of 5 years.

17. An Unrecorded sublease of a portion of said land, dated March 8, 1965, executed by Richard C. and Violet Boucher, as sublessor, to Dr. Sidney A. Field, as sublessee, for a term of 5 years, upon the terms, covenants, and conditions, as therein provided, as disclosed by an inspection.

Said sublease provides for an option to extend for a period of 5 years.

18. An Easement for either or both pole lines, conduits and incidental purposes, as set forth in an instrument recorded in book 7710, page 456, Official Records, over the Southerly 5 feet and Easterly 5 feet of said land.

19. Unrecorded Easements for poles lines over the Easterly 4 feet except the North 115 feet; the Southerly 4 feet of the Easterly 205 feet, also a triangle at the Southeast corner of said land 35 feet on the Easterly side and 50 feet on the Southerly side, as disclosed by an inspection.

Note. Chapman Avenue and Haster Streets are improved to 50 feet from centerline to property line at the intersection of the South line of Chapman Avenue with the East line of Haster Street. Improvements indicate a 27 foot radius curve return rather than angle cut-off as shown on the Assessors Parcel Map attached hereto.

20. An Unrecorded sublease of premises known as 13018 Chapman Avenue, Garden Grove, California, dated April 13, 1966, executed by Richard C. and Violet Boucher, as lessor, to John and Joan Wickham and Robert and Nancy Herms, as lessee, for a term of 5 years upon the terms, covenants and conditions as therein provided, as disclosed by an inspection.

Said lease provides for an option to extend for a period of 5 years.

21. An Unrecorded sublease of premises known as 13020 Chapman Avenue, Garden Grove, California, dated May 5, 1966, executed by Richard C. and Violet Boucher, as lessor, to Oscar Sewell as lessee, for a term of 5 years upon the terms, covenants and conditions as therein provided, as disclosed by an inspection.

Said lease provides for an option to extend for a period of 5 years.

22. An Unrecorded sublease of premises known as 13026 Chapman Avenue, Garden Grove, California, dated October 10, 1966, executed by Richard C. and Violet Boucher, as lessor, to Thomas J. Steenson, as lessee, for a term of 3 years, commencing November 1, 1966 upon the terms, covenants and conditions as therein provided, as disclosed by an inspection.

Said lease provides for an option to extend for a period of 2 years.

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23. An Unrecorded sublease of premises known as 13038 Chapman Avenue, Garden Grove, California, dated September 2, 1965, executed by Richard C. and Violet Boucher, as lessor, to Earl M. and Dorothy L. Wolff, as lessee, for a term of 5 years, upon the terms, covenants and conditions as therein provided, as disclosed by an inspection.

Said lease provides for an option to extend for a period of 5 years.

24. An Unrecorded sublease of premises known as 13040 Chapman Avenue, Garden Grove, California, dated September 21, 1965, executed by Richard C. and Violet Boucher, as lessor, to Edward A. Kowan, as lessee, for a term of 5 years, upon the terms, covenants, and conditions as therein provided, as disclosed by an inspection.

Said Lease provides for an option to extend for a period of 5 years.

25. An Unrecorded sublease of a portion of said land, dated September 8, 1964 executed by Richard C. and Violet Boucher, as lessor to Robert H. Bruce and Robert E. Mortenson, as lessee, for a term of 5 years, upon the terms, covenants and conditions as therein provided, as disclosed by an inspection.

Said lease provides for an option to extend for a period of 5 years.

26. An Unrecorded sublease of premises known as 13016 Chapman Avenue, Garden Grove, California, dated March 1, 1966, executed by Richard C. and Violet Boucher, as lessor, to Albert Comberlati, as lessee, for a term of 5 years, upon the terms, covenants and conditions as therein provided, as disclosed by an inspection.

Said lease provides for an option to extend for a period of 5 years.

27. An Assignment dated November 21, 1966, executed by Richard C. Boucher and Violet Boucher to Union Bank of all the Lessor's interest in and to the subleases shown as Items 6 and 9 to 26 inclusive as additional security for the payment of the indebtedness secured by the deed of trust shown in Schedule A, which assignment was recorded January-5, 1967.

28. The Subleases shown as Items 9 to 26 inclusive were subordinated to the lien or charge of the deed of trust shown in Schedule A by 16 subordination agreements recorded January 5, 1967.

SCHEDULE C

The land referred to in this policy is situated in the State of California, County
of Orange, City of Garden Grove, and is described as follows:

That portion of the Northwest quarter of Section 35, Township 4 South, Range
10 West, in the Rancho Las Bolsas and the Rancho San Juan Cajon de Santa Ana
as said Section is shown on a Map recorded in book 51, page 10, Miscellaneous
Maps, records of said Orange County, California, described as follows:

Beginning at the Northwest corner of said Section 35; thence East from said point of
beginning 367.75 feet; thence South, parallel with the West line of said Section 35,
a distance of 350 feet more or less, to the Northeast corner of Tract No. 3601, as
shown on a Map thereof recorded in Book 132, pages 28 and 29, Miscellaneous Maps,
records of said Orange County; thence Westerly along the North line of said Tract,
367.75 feet to the West line of said Section 35; thence Northerly along said West
line, 350 feet to the point of beginning.

INDORSEMENT

Attached to Policy No. 1041144

Issued by

First American Title Insurance & Trust Company

The Company hereby insures against loss which said insured shall sustain by reason of any of the following matters:

1. Any incorrectness in the assurance which the Company hereby gives:
 - (a) That there are no covenants, conditions, or restrictions under which the lien of the mortgage referred to in Schedule A can be cut off, subordinated, or otherwise impaired;
 - (b) That there are no present violations on said land of any enforceable covenants, conditions, or restrictions;
 - (c) That, unless a statement that such restrictions have been so imposed is expressly set forth in Schedule B, no restrictions upon the sale or occupancy of said land on the basis of race, color, or creed have been imposed subsequent to February 15, 1950;
 - (d) That, except as shown in Schedule B, there are no encroachments of buildings, structures, or improvements located on said land onto adjoining lands, nor any encroachments onto said land of buildings, structures, or improvements located on adjoining lands.
2.
 - (a) Any future violations on said land of any covenants, conditions, or restrictions occurring prior to acquisition of title to said estate or interest by the Insured, provided such violations result in loss or impairment of the lien of the mortgage referred to in Schedule A, or result in loss or impairment of the title to said estate or interest if the Insured shall acquire such title in satisfaction of the indebtedness secured by such mortgage;
 - (b) Unmarketability of the title to said estate or interest by reason of any violations on said land, occurring prior to acquisition of title to said estate or interest by the Insured, of any covenants, conditions, or restrictions.
3. Damage to existing improvements, including lawns, shrubbery or trees
 - (a) which are located or encroach upon that portion of the land subject to any easement shown in Schedule B, which damage results from the exercise of the right to use or maintain such easement for the purposes for which the same was granted or reserved;
 - (b) resulting from the exercise of any right to use the surface of said land for the extraction or development of the minerals excepted from the description of said land or shown as a reservation in Schedule B.
4. Any final court order or judgment requiring removal from any land adjoining said land of any encroachment shown in Schedule B.

Wherever in this indorsement any or all the words "covenants, conditions or restrictions" appear they shall not be deemed to refer to or include the terms covenants and conditions contained in any lease referred to in Schedule A.

The total liability of the Company under said policy and any indorsements therein shall not exceed, in the aggregate, the face amount of said policy and costs which the Company is obligated under the conditions and stipulations thereof to pay.

This indorsement is made a part of said policy and is subject to the schedules, conditions and stipulations therein, except as modified by the provisions hereof.

First American Title Insurance & Trust Company

BY

George E. Wheat,

ASSISTANT SECRETARY

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CLTA Form 100 (Revised 2-20-61)
CLTA Restrictions, etc.

INDORSEMENT

Attached to Policy No. 1041144

Issued by

First American Title Insurance & Trust Company

The Company assures the Insured that at the date of this policy there is located on said land
a shopping center

known as 13000 Chapman Avenue, Garden Grove, California
and that the map attached to this policy shows the correct location and dimensions of said land according to those records which under the recording laws impart constructive notice as to said land.

The Company hereby insures the Insured against loss which said Insured shall sustain in the event that the assurance herein shall prove to be incorrect.

The total liability of the Company under said policy and any indorsements therein shall not exceed, in the aggregate, the face amount of said policy and costs which the Company is obligated under the conditions and stipulations thereof to pay.

This indorsement is made a part of said policy and is subject to the schedules, conditions and stipulations therein, except as modified by the provisions hereof.

First American Title Insurance & Trust Company

BY

H. R. Dutton,

ASSISTANT SECRETARY

CLTA Form 116 (Rev. 2-20-61)
ATA Coverage — Lender
Designation of improvements,
land location

5/9/67
VII 5-67

Mr. Bill Frye appeared before the Council as Manager of the LaPizza Grotto located at 13008 Chapman Avenue. He requested advice and direction from the Council in resolving their problem of zoning in order to qualify to provide live entertainment at the establishment. After discussion of the matter, it was suggested that Mr. Frye process a variance application through the Planning Department.