



## AGREEMENT

### THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. Duration. This Agreement shall be effective for the lifetime of the religious uses at the above mentioned properties.
2. Permitted Uses. The Garden Grove property shall be utilized as a religious institution, where religious services may be conducted.
3. Improvements. The improvements described in Resolution No. 5077 shall be constructed prior to the occupancy of the proposed religious facility or the issuance of any certificate of occupancy for any portion of the religious facility.
4. Scope of Project. The conversion and operation of a religious institution in an existing heavy commercial building located at 7200 Acacia.
5. Resolution/Material Terms. All conditions of approval as per Resolution No 5077 attached hereto and incorporated herein as Exhibit "1," are material terms of this Agreement.
6. Developer Fee Requirement.

A. Amount of Fee. DEVELOPER agrees to pay to CITY a Developer Mitigation Fee in the total of \$83,000 as a condition of this development

B. Timing of Payment of Fee. The \$83,000 mitigation fee shall be paid in three installments as follows:

1. \$20,000 due and payable to City when developer takes occupancy of the project for the purposes of religious activities
2. \$30,000 due and payable within 12 months from date of Developers physical occupancy of the project
3. \$33,000 due and payable within 12 months from the date of the second installment.

C. Enforcement. In the event that DEVELOPER fails to pay the required developer fee pursuant to this section, the DEVELOPER further agrees that CITY may file a lien against title to the property by whatever legal mechanism may be available.

As an alternative remedy, CITY and DEVELOPER agree that:

1. Revocation of land use entitlements for the project is an appropriate remedy, and
2. That CITY hereby reserves the right to revoke the land use entitlements for the project authorized by this Agreement on the basis of the nonpayment of this developer

fee. In so doing, CITY shall follow the normal due process procedure CITY would normally follow in revoking use permits.

7. Termination Provisions. This Agreement may be terminated upon the happening of any of the following events:
  - A. Failure of Developer to perform any of the provisions of this Agreement, or
  - B. Mutual agreement of the parties.
8. City Discretion. CITY retains its right and discretion, under all applicable Codes, to approve or disapprove any item related to this project which it has not specifically agreed to via this Agreement. DEVELOPER/PROPERTY OWNER acknowledges that it shall comply with all CITY requirements for applications and permits of any nature and that this Agreement does not relieve DEVELOPER/PROPERTY OWNER of the necessity of filing appropriate applications and permits.
9. Notices. All notices shall be personally delivered or mailed to the below listed address, or to such other address as may be designated by written notice. These addresses shall be used for delivery of service of process.
  - A. Address of DEVELOPER/PROPERTY OWNER is as follows:  
Calvary Chapel of Westminster  
7111 Trask Avenue  
Westminster, CA 92683
  - B. Address of CITY is as follows:  
City of Garden Grove  
11222 Acacia Parkway  
Garden Grove, CA 92840
10. DEVELOPER'S Proposal. The project shall include DEVELOPER/PROPERTY OWNER's proposal, as modified by Planning Commission and City Council, which shall be incorporated herein by this reference. In the event of any inconsistency between terms of the proposal and this Agreement, this Agreement shall govern.
11. Licenses, Permits, Fees, and Assessments. At its sole expense, DEVELOPER/PROPERTY OWNER shall obtain all licenses, permits, and approvals as may be required by this Agreement, or by the nature of the PROJECT.
12. Time of Essence. Time is of the essence in the performance of this Agreement.
13. Successor's Interest. The provisions of this Agreement shall be binding upon and insure to successors in interest of the parties and shall be specifically binding upon any future lessees or other owners of an interest in the project
14. Authority to Execute. The persons executing this Agreement on behalf of the parties warrant that they are duly authorized to execute this Agreement and that by executing this Agreement, the parties are formally bound.

15. Indemnification. DEVELOPER/PROPERTY OWNER agrees to protect, defend, and hold harmless CITY and their elective or appointive boards, officers, agents, and employees from any and all claims, liabilities, expenses or damages of any nature, including attorneys' fees, for injury or death of any person, or damage to property, or interference with use of property, arising out of, or in any way connected with performance of the Agreement by DEVELOPER/PROPERTY OWNER, DEVELOPER/PROPERTY OWNER'S agents, officers or employees, subcontractors hired by DEVELOPER.
16. Modification. This Agreement constitutes the entire agreement between the parties and supersedes any previous agreements, oral or written. This Agreement may be modified only by subsequent mutual written agreement executed by CITY and DEVELOPER./PROPERTY OWNER

IN WITNESS WHEREOF, these parties have executed this Agreement on the day and year shown below.

Date: 3-2-00

"CITY"

CITY OF GARDEN GROVE

BY [Signature]  
Mayor

ATTEST:

[Signature]  
CITY CLERK  
DATE: 3-2-00

"DEVELOPER/PROPERTY OWNER"  
Calvary Chapel of Westminster

By: [Signature]  
MIKE ANTENESSE  
Its: BOARD SECRETARY  
Date: 2/25/00  
(Signature must be notarized.)

APPROVED AS TO FORM:

[Signature]  
Garden Grove City Attorney  
Date: 2/24/2000

If DEVELOPER/PROPERTY OWNER is corporation, a Corporate Resolution and/or Corporate Seal is required. If a partnership, Statement of Partnership must be submitted to CITY.

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

State of California }  
County of Orange } ss.

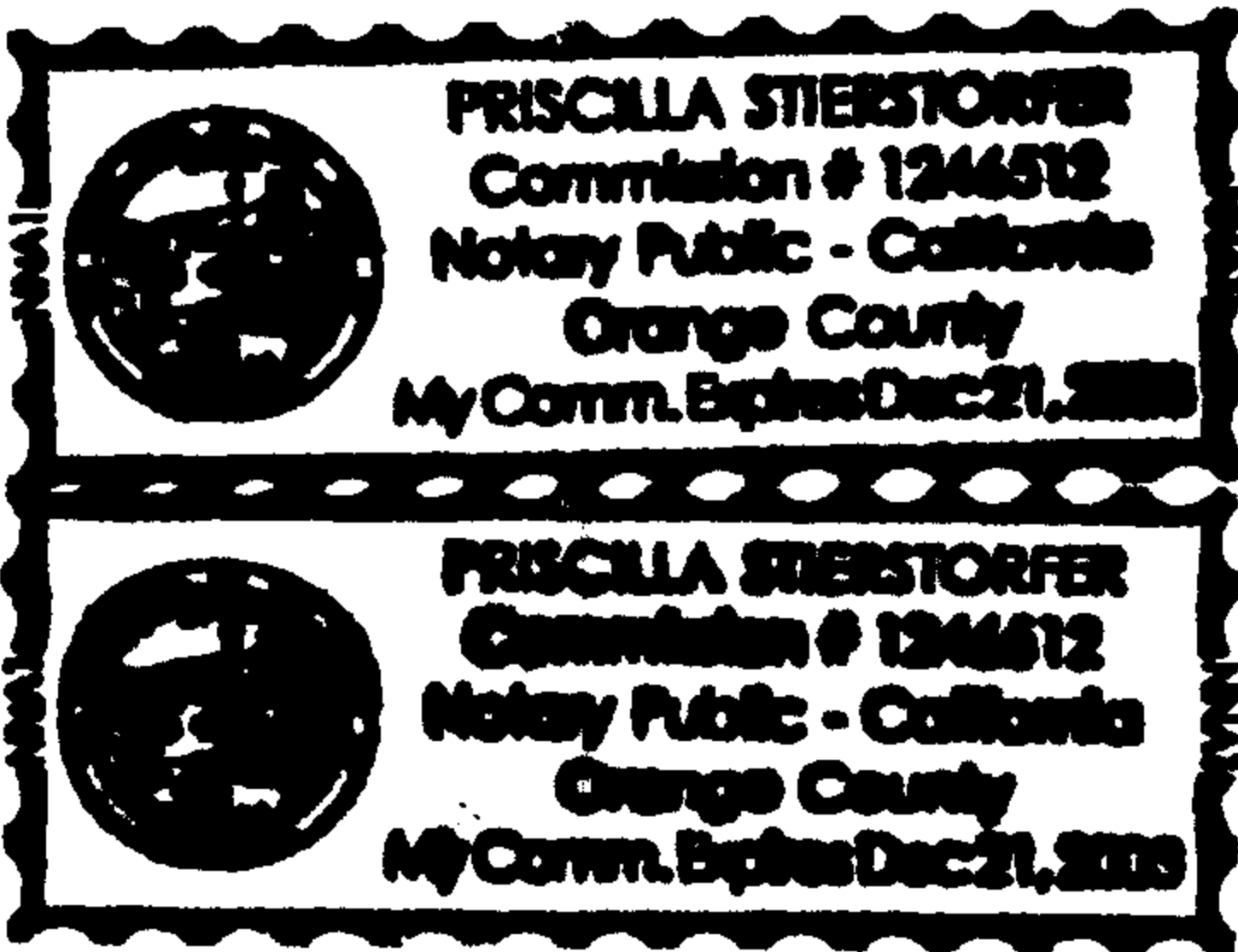
On 3/7/00, before me, PRISCILLA STIERSTORFER,  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")  
personally appeared BRUCE A. BROADWATER,  
Name(s) of Signer(s)

personally known to me  
 proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

*Priscilla Stierstorfer*  
Signature of Notary Public



Place Notary Seal Above

**OPTIONAL**

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer**

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

**RIGHT THUMBPRINT OF SIGNER**

Top of thumb here

# CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

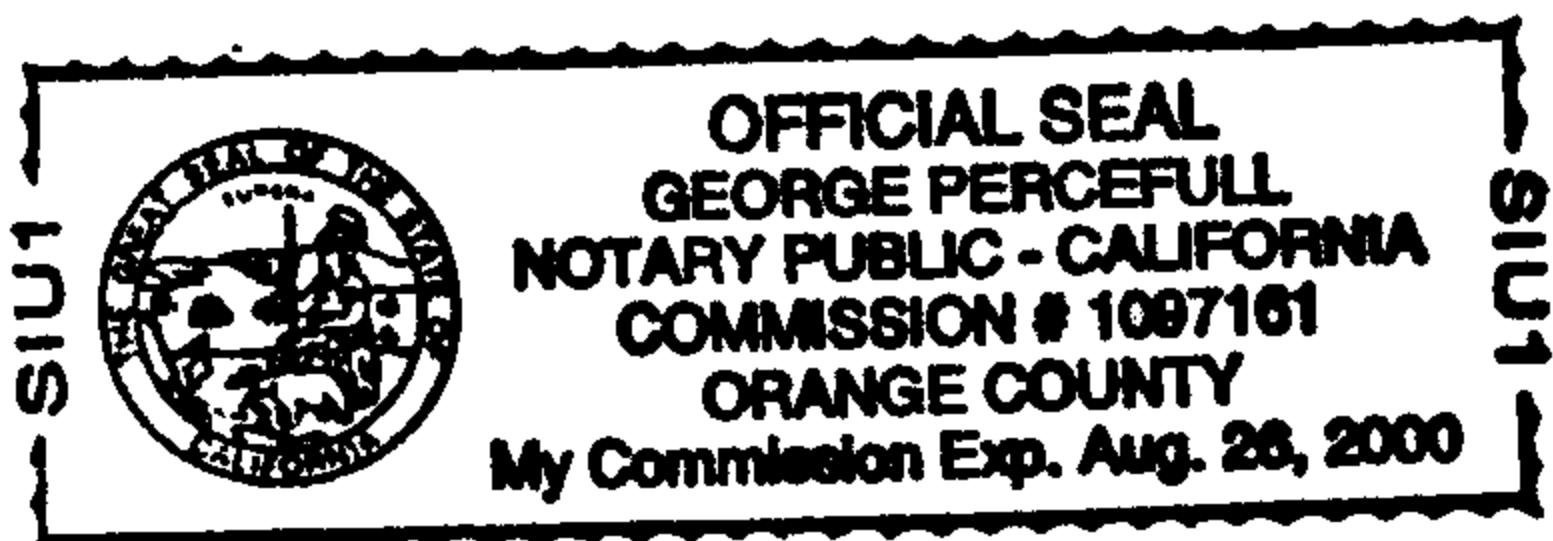
State of California

County of ORANGE } ss.

On FEB 25 2000, before me, GEORGE PERCEFULL,  
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared Michael Antenvesse,  
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

George Percefull  
Signature of Notary Public

Place Notary Seal Above

## OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

### Description of Attached Document

Title or Type of Document: Development Agreement

Document Date: 2.25.00 Number of Pages: 4

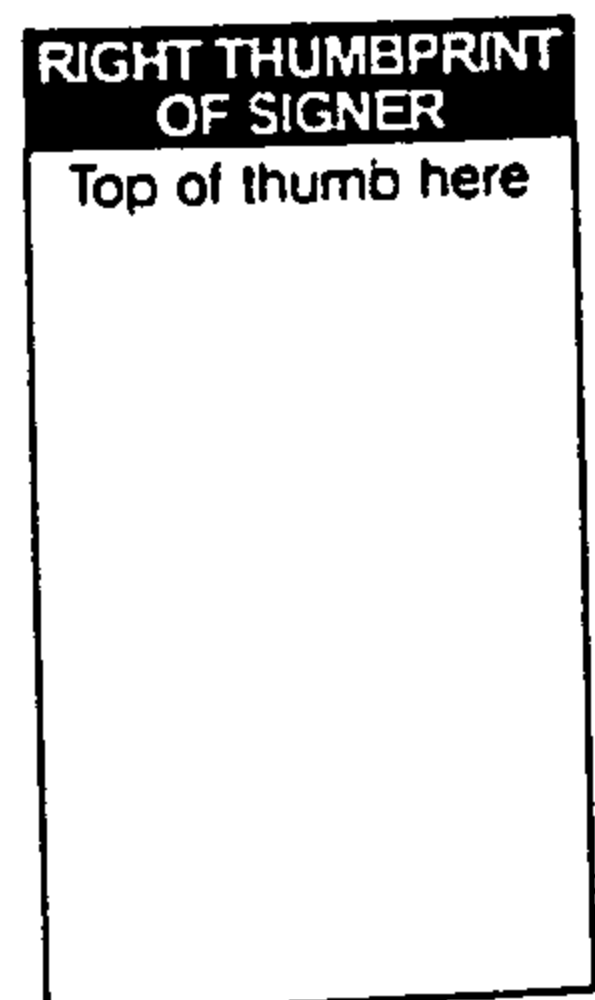
Signer(s) Other Than Named Above: \_\_\_\_\_

### Capacity(ies) Claimed by Signer

Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): Secretary
- Partner —  Limited  General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_



RESOLUTION NO. 5076

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. GPA-4-99(A) CHANGING THE LAND USE MAP FROM INDUSTRIAL TO MIXED USE FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF ACACIA AVENUE AND KNOTT STREET, PARCEL NUMBERS 215-012-08, AND 07.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on December 15, 1999, does hereby recommend approval of General Plan Amendment No. GPA-4-99(A).

BE IT FURTHER RESOLVED in the matter of General Plan Amendment No. GPA-4-99(A), the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The case was initiated by Calvary Chapel of Westminster.
2. Calvary Chapel of Westminster requested a change to the General Plan land use designation from Industrial to Mixed Use for properties located at the southeast corner of Acacia Avenue and Knott Street.
3. The project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove hereby adopts a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act. Further, the Planning Commission of the City of Garden Grove finds a de minimis impact in relation to fish and game.
4. Report submitted by City staff was reviewed.
5. Pursuant to legal notice, a public hearing was held on December 15, 1999, and all interested persons were given an opportunity to be heard.
6. The Planning Commission gave due and careful consideration to the matter during its meeting of December 15, 1999; 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 site is improved with structures which are currently vacant;

The site consists of an irregularly shaped parcel;

Approval of the General Plan Amendment would facilitate the reuse of this site.

FINDINGS AND REASONS:

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 use of the site is consistent with the other, existing, land uses in the area.
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 of the General Plan are physically suitable for the proposed land use designation of Mixed Use. The proposed use is consistent with the proposed General Plan land use designation and zoning.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

In addition to the foregoing, the 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:

The General Plan Amendment possesses characteristics that would indicate justification of the request. The Planning Commission recommends approval of General Plan Amendment No. GPA-4-99(A).

ADOPTED this 15th day of December 1999.

/s/ EARL HUTCHINSON  
CHAIRMAN



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 15, 1999, by the following votes:

AYES:	COMMISSIONERS:	FREZE, JONES, OH, TRAN
NOES:	COMMISSIONERS:	HUTCHINSON, BARRY, BUTTERFIELD
ABSENT:	COMMISSIONERS:	NONE

/s/ TERESA POMEROY  
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 5, 2000.

## RESOLUTION NO. 5077

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE RECOMMENDING APPROVAL OF PLANNED UNIT DEVELOPMENT NO. PUD-134-99 VARIANCE NO. V-264-99 AND A DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT THE SOUTHEAST CORNER OF ACACIA AVENUE AND KNOTT STREET, PARCEL NUMBERS 215-012-08, AND 07.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on December 15, 1999, does hereby recommend approval of Planned Unit Development No. PUD-134-99, Variance No. V-264-99 and a Development Agreement.

BE IT FURTHER RESOLVED in the matter of Planned Unit Development No. PUD-134-99 and a Development Agreement, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Calvary Chapel of Westminster.
2. The applicant requests that the City rezone the site to Planned Unit Development No. PUD-134-99 zone and enter into a Development Agreement in order to occupy a 4.64 acre site with a religious institution.
3. The project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove hereby adopts a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act. Further, the Planning Commission of the City of Garden Grove finds a de minimis impact in relation to fish and game.
4. The property has a General Plan Land Use designation of Industrial, and is currently zoned M-P (Industrial Park). The applicant has also requested a General Plan Amendment to change the land use designation to Mixed Use.
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 a legal notice, a public hearing was held on December 15, 1999, 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 15, 1999; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.12.020, are as follows:

FACTS:

The site is approximately 4.64 acres in size.

The site is improved with a existing commercial buildings.

The site is currently unoccupied.

The site consists of an irregularly shaped parcel.

The site has a General Plan land use designation of Industrial.

The site is currently zoned M-P (Industrial Park).

The applicant has proposed a General Plan Amendment to Mixed Use and a zone change to Planned Unit Development No. PUD-134-99 which would allow a church to be established at this location.

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

FINDINGS AND REASONS:

Variance

1. There are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to other property or classes of use in the same vicinity and zone.

The project site is bounded by two public streets to the north and to the west, as well as developed industrial uses to the east. South of the subject site is the Garden Grove Freeway. The existing improvements surrounding the site prevents the applicant from meeting the minimum lot size for the Planned Unit Development. The acquisition of additional land to meet the five acre minimum lot size for a PUD is not feasible.

2. The 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.

The Variance is necessary in order for the property to develop as a PUD. Moreover, the Variance request is justifiable due to the limited size of the property and the need for a lot size variance in order to meet the requirements of the PUD (Planned Unit Development) zone.

3. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is located.

The project is required to comply with all applicable codes and regulations to insure that the operation permitted on the site do not create an adverse impact on public health, safety, or welfare. Furthermore, the use has been reviewed by all the City Departments in order to ensure compliance with all applicable code provisions with the exception of this variance request.

4. The granting of the Variance will not adversely affect the comprehensive General Plan.

The project complies with all applicable development standards except for lot size for which a variance has been requested. The applicant has requested a change in the General Plan land use designation from Industrial to Mixed Use. The Mixed Use land use designation accommodates any combination of traditional zoning designations as well as the PUD zoning designation. Church uses are consistent with the Mixed Use land use designation.

### Planned Unit Development

1. The proposed uses are compatible with the character of existing development in the vicinity, and the project will be well-integrated into its setting.

The project is designed to be integrated with the existing developments in the area. The design of the proposed development will ensure a reasonable degree of compatibility by proposing low density, two-story, detached single family homes adjacent to the existing residential developments.

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

The design of the project complies with the spirit and intent of the Garden Grove Municipal Code. The plan has been reviewed by the affected City Departments and all appropriate conditions of approval and mitigation measures have been

incorporated to minimize any adverse impacts on surrounding streets and properties.

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

The project has been designed in accordance with City Code provisions for providing an adequate amount of public and private open spaces as required by my the Municipal Code.

4. The quality of the project achieved through the Planned Unit Development zoning is greater than could be achieved through traditional zoning.

The project incorporates an innovative design and meets appropriate standards for vehicle access and circulation, open space, and landscaping. The design of the project, as well as adherence to these requirements, will insure that the overall quality of the project will be comparable to projects that could be achieved through Title 9 and other Municipal Code provisions.

#### INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

In addition to the foregoing, the 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. Planned Unit Development No. PUD-134-99 and the Development Agreement possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.12.020 (Planned Unit Development) and with Government Code Section 65864 et. seq., provisions for Development Agreements.
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety and general welfare, the following conditions of approval shall apply to Planned Unit Development No. PUD-134-99:
  - A. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval of the Planning Commission.
  - B. Approval of this Planned Unit Development shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.

- C. Minor modifications shall be approved by the Planning Commission. If other than minor changes are made in the proposed use, a new, or revised Planned Unit Development shall be filed, which reflects the revisions made.
- D. Signing for the proposed development shall be as follows:
  - 1. One monument sign may be permitted on the site;
  - 2. One wall sign may be permitted on the site.
- E. All lighting structures shall be placed so as to confine direct rays of light to the site.
- F. All ground-mounted and roof-mounted equipment shall be screened from view anywhere on- or off-site.
- G. The following uses may be established on this site:
  - 1. All Industrial uses permitted in the M-P (Industrial Park) zone.
  - 2. Churches and religious institutions, with the approval of a Conditional Use Permit.
  - 3. Pre-schools, Day Care, Private / parochial schools for children, with the approval of a Conditional Use Permit.
  - 4. Bookstores.
  - 5. Coffee house, as an incidental use to any use permitted in the PUD.

ADOPTED this 15th day of December 1999.

/s/ EARL HUTCHINSON  
CHAIRMAN

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 15, 1999, by the following votes:

AYES:	COMMISSIONERS:	FREZE, JONES, OH, TRAN
NOES:	COMMISSIONERS:	HUTCHINSON, BARRY, BUTTERFIELD
ABSENT:	COMMISSIONERS:	NONE

/s/ TERESA POMEROY  
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 5, 2000.

ORDINANCE NO 2507

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT NO. PUD-134-99 AND ADOPTING A DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF ACACIA AVENUE AND KNOTT STREET, PARCEL NOS. 215-012-08, AND O7

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1:

WHEREAS, the subject case, initiated by Calvary Chapel of Westminster, requests approval of Planned Unit Development No. PUD-134-99 in order to establish a religious institution at this location. A Development Agreement is also proposed in conjunction with the project; and

The City of Garden Grove has adopted a Negative Declaration, eliminating the requirement for an Environmental Impact Report, because the project will not have a significant adverse effect on the environment pursuant to the California Environmental Quality Act and finds a de minimis impact in relation to fish and game; and

WHEREAS, pursuant to Resolution No. 5077, the Planning Commission, at a public hearing, recommended approval of Planned Unit Development No. PUD-134-99 and the Development Agreement on December 15, 1999; and

WHEREAS, pursuant to legal notice, a public hearing was held by the City Council on February 8, 2000, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter.

NOW, THEREFORE, BE IT RESOLVED:

1. Planned Unit Development No. PUD-134-99 and the Development Agreement are hereby approved pursuant to the facts and reasons stated in Planning Commission Resolution No. 5077, a copy of which is attached hereto and incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 2:

1. Planned Unit Development No. PUD-134-99 and the Development Agreement are hereby adopted and the property shown on the map attached hereto is rezoned to the PUD zone as shown thereon. Zone Map Part C-6 is amended accordingly.

2. This ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of council members voting for and against the same in a newspaper adjudicated and circulated in the City of Garden Grove.



3. The City Clerk is directed to forward a copy of this ordinance to the applicant.

The foregoing Ordinance was passed by the City Council of the City of Garden Grove on the 22nd day of February, 2000.

ATTEST:

/s/ BRUCE A. BROADWATER  
MAYOR

/s/ RUTH E. SMITH  
CITY CLERK

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

I, RUTH E. SMITH, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance was introduced and presented on February 8, 2000, with a vote as follows:

AYES: COUNCILMEMBERS: (5) CHUNG, DALTON, LEYES, ROSEN, BROADWATER  
NOES: COUNCILMEMBERS: (0) NONE  
ABSENT: COUNCILMEMBERS: (0) NONE

and was passed on February 22, 2000, by the following vote:

AYES: COUNCILMEMBERS: (5) CHUNG, DALTON, LEYES, ROSEN, BROADWATER  
NOES: COUNCILMEMBERS: (0) NONE  
ABSENT: COUNCILMEMBERS: (0) NONE

/s/ RUTH E. SMITH  
CITY CLERK