

PUD-104-70

WHEN RECORDED MAIL TO
CITY CLERK11391 Acacia St.,
Garden Grove, Calif 92740

22199

9658 PAGE 267

RECORDED IN OFFICIAL RECORDS
OF ORANGE COUNTY, CALIFORNIAFREE
C3

23 MAY 4 P.M. MAY 28 1971

J. WYLIE CARLYLE, County Recorder

RESOLUTION NO. 2461
A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF GARDEN GROVE RECOMMENDING
APPROVAL OF PLANNED UNIT DEVELOPMENT 104-70.

PUD-104-70

WHEREAS, in the matter of Planned Unit Development 104-70, the Planning Commission of the City of Garden Grove does report as follows:

1. The subject case was initiated by Koll Income Properties, as applicant.
2. The applicant requests approval of a revised Final Development Plan to permit the construction of professional offices, general commercial and industrial uses in the Planned Unit Development zone, in accordance with the provisions of Municipal Code Section 9213F (Planned Unit Development).
3. The subject property is zoned PUD and is an unimproved freeway remnant.
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. The subject Planned Unit Development possesses characteristics that would indicate justification of the request for adoption.
2. All requirements of Section 9213F.7 have been shown to be satisfied.
3. 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 Planned Unit Development shall not be construed to mean any waiver of the applicable and appropriate zoning and other regulations.
 - b. Minor changes in P.U.D.-104-70 may be approved by the Building-Zoning Manager. If other than minor changes are made in the proposed development, a new P.U.D. application shall be filed which reflects the revisions made.
 - c. That the following Standards of Development shall apply:

- (1) Signing Standards. Signing in the proposed development shall be as follows:

Industrial Use. All signs for this use shall be approved by the Zoning Administrator as pertains to size, height, rotation and placement, provided that in no event shall any sign exceed a maximum height of 50 feet.

Restaurant: Signs shall be limited to an aggregate display area not exceeding 3 square feet of display area for each lineal foot of building frontage facing Knott Avenue and shall not exceed the height of the tallest building on the site.

Bank: Signs shall be limited to an aggregate display area not exceeding 3 square feet of display area for each lineal foot of building frontage facing Knott Avenue and shall not exceed the height of the tallest building on the site.

Office-Professional Building: One lighted or unlighted name-plate sign not exceeding four square feet of display area for each 300 square feet of office space is permitted. Said name-plate shall contain the name of the occupant and/or the principal use only.

Two signs not exceeding 200 gross square feet of display area are permitted for general identification or direction use.

PUD-104-70

General regulations governing all uses:

- (a) No sign shall be roof-mounted nor extend above the cornice line of any building.
 - (b) All signing shall be compatible and shall be approved by the Zoning Administrator.
- (2) Parking Requirements. Parking standards shall be as follows:
- Industrial Buildings: Buildings having more than 16,000 square feet of floor area shall have 27 parking spaces plus one (1) for each 1,000 square feet in excess of 16,000 square feet of building area.
 - Restaurant: 4,000 square feet or more, 40 parking spaces plus one (1) for each 50 square feet of gross floor area in excess of 4,000 square feet.
 - Bank: Four (4) parking spaces plus one (1) for each 200 square feet of gross floor area.
 - Office-Professional Building: One (1) parking space for each 250 square feet of gross floor area.
- Striping plan for Knott Avenue to be reviewed by the City Traffic Engineer.
- (3) Landscaping: Detailed Landscape Plan to be submitted for approval by Staff showing plant size, type, location and method of watering system. Landscape area to be 5 percent of total site. Mature landscaping is to be shown for installation.
- Applicant to install suitable landscape buffer on west parkway of Brady Way which at maturity will provide adequate screening for adjacent single family residences. Location, type and size of plant material to be approved by Staff. Maintenance responsibility to be by applicant.
- Applicant to install landscaping in parkway area north of the terminus of the applicant's property. Location, type and size of plant material to be approved by Staff. Maintenance responsibility to be by applicant.
- (4) Street Improvements: Any necessary street dedications shall be required to achieve full street and drainage improvements as indicated on general Development Plan. Design of parking bays on Brady Way to be approved by Development Services.
- No parking stalls in bays on Brady Way shall be permitted for the first 50 feet southerly of the north curb return at Stanford Avenue.
- The applicant shall construct box culverts at the driveway locations on Brady Way. These culverts will be a 5 ft. x 7 ft. reinforced concrete box. The structural design and the vertical locations of these culverts are available from the Engineering Division of Development Services and will be furnished to the applicant's engineer for his inclusion in the street improvement plans for Brady Way. The City will enter into an agreement with the applicant for reimbursement for his construction of the culverts within one year of the completion date.
- A faithful performance bond shall be required for street improvements on Brady Way pending completion of drainage improvements, such bond to be approved by Development Services.
- (5) Lighting: All on-site lighting shall be low level and directed away from adjacent R-1 single family residences.
- (6) Trash Storage: All trash areas to be completely enclosed, areas to be delineated on General Development Plan.

- (7) Roof supported mechanical equipment to be screened as viewed from city streets.
- (8) Underground Utilities: All on-site utilities to be undergrounded.
- (9) Permitted Uses and Performance Standards: The use of the industrial building located on the south of the subject property shall consist of offices and warehousing for any use permitted by the M-P zone, but may in addition include up to a maximum of 6,000 square feet of retail sales area.
- No use shall be permitted which does not comply with the following standards of industrial performance and which cannot be fully conducted within a completely enclosed building.
- No use shall be permitted in the subject Planned Unit Development which involves any of the following effects:
- (a) Any noise or vibration, other than that related to temporary construction work, which is discernible without instruments at any lot line of the site.
 - (b) The emission of radioactivity in dangerous amounts.
 - (c) Any electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
 - (d) The emission of visible gray smoke of a shade or quality darker than No. 1 on the Ringelmann Chart, as specified in Information Circular 7718 of the United States Bureau of Mines, for more than three minutes in any one hour.
 - (e) Any direct or reflected glare or heat which is perceptible at any point outside of the building site.
 - (f) The emission of odorous gases or matter in quantities such as to be perceptible at any lot line of the site.
 - (g) The discharge into any sewer or stream or into the ground, except in accordance with standards approved by the State Department of Health, of any materials of such nature as to contaminate any water supply, interfere with bacterial processes and sewage treatment, or in any way cause the emission of dangerous or offensive elements.
 - (h) No exterior storage of materials, supplies, equipment or machinery shall be permitted whether open or in tanks, bins, or other container devices.
- (10) Conditions, Covenants and Restrictions: As required by Section 9213F.9 of the Municipal Code, the applicant shall submit to the City Attorney a draft of Covenants, Conditions and Restrictions which shall apply to the subject development and shall be concurrently recorded with the County Recorder along with the conditions of approval and map of the subject development.
- (11) In the event construction is not begun on the restaurant and bank within one year of adoption of this P.U.D., the applicant shall submit a revised General Development Plan limited to the industrial uses and standards approved as shown in Phase I.
- (12) Where herein not otherwise specified, all provisions of the Garden Grove Municipal Code hereby apply.

d. That C.C. & R's providing for the perpetual maintenance and preservation of this development be recorded along with the Final Development Plan and the above Site Development Standards, in accordance with Section 9213F.9 of the Code.

e. That all noise levels emanating from the subject property shall not exceed that of existing noise sources in the immediate vicinity.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Garden Grove does hereby recommend approval of Planned Unit Development 104-70 subject to the conditions stated above.

ADOPTED AND APPROVED this 24th day of September, 1970.

/s/ THOMAS E. SHELTON
VICE 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 September 24, 1970, and carried by the following vote, to wit:

AYES:	COMMISSIONERS:	BERNSTON, SHELTON, MC CLEARY, MOVIUS, SHELSTAD
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	WOOLLEY
ABSTAIN:	COMMISSIONERS:	MC NAMARA

/s/ MARY ROLLINSON
CLERK OF THE PLANNING AGENCY

The foregoing instrument is a full, true and correct copy of the original on file in this office, the Development Services Dept.

ATTEST: February 8, 1971
RUBY K. SILVA, CITY CLERK OF THE CITY OF GARDEN GROVE

Ruby K. Silva, City Clerk

RECORDING
REQUESTED BY
WHEN RECORDED MAIL TO
CITY CLERK
11391 Acacia St.,
Garden Grove Calif 92640

22198

BOOK 9658 PAGE 263

PUD-104-70

RECORDED IN OFFICIAL RECORDS
OF ORANGE COUNTY, CALIFORNIA

23 Min. 4 P.M. MAY 28 1971
Post
J. WYLIE CARLYLE, County Recorder

FREE
C3

RESOLUTION NO. 3948-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING PLANNED UNIT DEVELOPMENT 104-70

WHEREAS, the applicant, Koll Income Properties, requests approval of a revised Final Development Plan to permit the construction of professional offices, general commercial and industrial uses in the Planned Unit Development zone, in accordance with the provisions of Municipal Code Section 9213F (Planned Unit Development, on an irregularly shaped parcel located at the southeast corner of Knott Street and Brady Way; and

WHEREAS, the City Planning Commission, pursuant to its Resolution No. 2461 recommended approval of PUD 104-70 on September 24, 1970; and

WHEREAS, a public hearing was held by the City Council on October 13, 1970, 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 AS FOLLOWS:

That the City Council of the City of Garden Grove does hereby approve Planned Unit Development 104-70 as recommended by the Planning Commission, subject to the following conditions:

1. Approval of this Planned Unit Development shall not be construed to mean any waiver of the applicable and appropriate zoning and other regulations.
2. Minor changes in P.U.D.-104-70 may be approved by the Building-Zoning Manager. If other than minor changes are made in the proposed development, a new P.U.D. application shall be filed which reflects the revisions made.
3. That the following Standards of Development shall apply:
 - (a) Signing Standards. Signing in the proposed development shall be as follows:

Industrial Use. All signs for this Phase I use shall be approved by the Zoning Administrator as pertains to size, height, rotation and placement, provided that in no event shall any sign exceed a maximum height of 50 feet.

Restaurant: Signs shall be limited to an aggregate display area not exceeding 3 square feet of display area for each lineal foot of building frontage facing Knott Avenue and shall not exceed the height of the tallest building on the site.

Bank: Signs shall be limited to an aggregate display area not exceeding 3 square feet of display area for each lineal foot of building frontage facing Knott Avenue and shall not exceed the height of the tallest building on the site.

Office-Professional Building: One lighted or unlighted name-plate sign not exceeding four square feet of display-area for each 300 square feet of office space is permitted. Said name-plate shall contain the name of the occupant and/or the principal use only.

Two signs not exceeding 200 gross square feet of display area are permitted for general identification or direction use.

General regulations governing all Phase II uses:

- (a) No sign shall be roof-mounted nor extend above the cornice line of any building. No sign may flash, blink, rotate, nor have any moving parts.
- (b) All signing shall be compatible and shall be approved by the Zoning Administrator.
- (c) Phase II consists of the restaurant, bank, and office - professional building.

- (b) Parking requirements: Parking standards shall be as follows:

Industrial Buildings: The requirements of Municipal Code Section 9217 shall apply.

Restaurant: 4,000 square feet or more, 40 parking spaces plus one (1) for each 50 square feet of gross floor area in excess of 4,000 square feet.

Bank: Four (4) parking spaces plus one (1) for each 200 square feet of gross floor area.

Office-Professional Building: One (1) parking space for each 250 square feet of gross floor area.

Striping plan for Knott Avenue to be reviewed by the City Traffic Engineer.

- (c) Landscaping: Detailed Landscape Plan to be submitted for approval by Staff showing plant size, type, location and method of watering system. Landscape area to be 5 percent of total site. Mature landscaping is to be shown for installation.

Applicant to install suitable landscape buffer on west parkway of Brady Way which at maturity will provide adequate screening for adjacent single family residences. Location, type and size of plant material to be approved by Staff. Maintenance responsibility to be by applicant.

Applicant to install landscaping in parkway area north of the terminus of the applicant's property. Location, type and size of plant material to be approved by Staff. Maintenance responsibility to be by applicant.

- (d) Street Improvements: Any necessary street dedications shall be required to achieve full street and drainage improvements as indicated on general Development Plan. Design of parking bays on Brady Way to be approved by Development Services.

No parking stalls in bays on Brady Way shall be permitted for the first 50 feet southerly of the north curb return at Stanford Avenue.

The applicant shall construct box culverts at the driveway locations on Brady Way. These culverts will be a 5 ft. x 7 ft. reinforced concrete box. The structural design and the vertical locations of these culverts are available from the Engineering Division of Development Services and will be furnished to the applicant's engineer for his inclusion in the street improvement plans for Brady Way. The City will enter into an agreement with the applicant for reimbursement for his construction of the culverts within one year of the completion date.

A faithful performance bond shall be required for street improvements on Brady Way pending completion of drainage improvements, such bond to be approved by Development Services.

- (e) Lighting: All on-site lighting shall be low level and directed away from adjacent R-1 single family residences.
- (f) Trash Storage: All trash areas to be completely enclosed, areas to be delineated on General Development Plan.

- (g) Roof supported mechanical equipment to be screened as viewed from City streets.
- (h) Underground Utilities: All on-site utilities to be undergrounded.
- (i) Permitted Uses and Performance Standards: The use of the industrial building located on the south of the subject property shall consist of offices and warehousing for any use permitted by the M-P zone, and may in addition include up to a maximum of 6,000 square feet of retail sales area.

No use shall be permitted which does not comply with the following standards of industrial performance and which cannot be fully conducted within a completely enclosed building.

No use shall be permitted in the subject Planned Unit Development which involves any of the following effects:

- (1) Any noise or vibration, other than that related to temporary construction work, which is discernible without instruments at any lot line of the site.
- (2) The emission of radioactivity in dangerous amounts.
- (3) Any electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
- (4) The emission of visible gray smoke of a shade or quality darker than No. 1 on the Ringelmann Chart, as specified in Information Circular 7718 of the United States Bureau of Mines, for more than three minutes in any one hour.
- (5) Any direct or reflected glare or heat which is perceptible at any point outside of the building site.
- (6) The emission of odorous gases or matter in quantities such as to be perceptible at any lot line of the site.
- (7) The discharge into any sewer or stream or into the ground, except in accordance with standards approved by the State Department of Health, of any materials of such nature as to contaminate any water supply, interfere with bacterial processes and sewage treatment, or in any way cause the emission of dangerous or offensive elements.
- (8) No exterior storage of materials, supplies, equipment or machinery shall be permitted whether open or in tanks, bins, or other container devices.
- (j) Conditions, Covenants and Restrictions: As required by Section 9213F.9 of the Municipal Code, the applicant shall submit to the City Attorney a draft of Covenants, Conditions and Restrictions which shall apply to the subject development and shall be concurrently recorded with the County Recorder along with the conditions of approval and map of the subject development.
- (k) In the event construction is not begun on the restaurant and bank within one year of adoption of this P.U.D., the applicant shall submit a revised General Development Plan limited to the industrial uses and standards approved as shown in Phase I.
- (l) Where herein not otherwise specified, all provisions of the Garden Grove Municipal Code hereby apply.

4. That C.C. & R's providing for the perpetual maintenance and preservation of this development be recorded along with the Final Development Plan and the above Site Development Standards, in accordance with Section 9213F.9 of the Municipal Code.

That the City Attorney is hereby directed to prepare the necessary ordinance and to incorporate this amendment to the Municipal Code when he has been advised by the City Manager that it is in order to proceed.

That the City Clerk is hereby directed to forward copies of this Resolution to all pertinent parties.

PASSED, APPROVED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GARDEN GROVE this 20th day of October, 1970, by the following vote, to wit:

AYES:	COUNCILMEN:	ADAMS, BALLARD, DEAN, LAKE, SCHMIT
NOES:	COUNCILMEN:	NONE
ABSENT:	COUNCILMEN:	NONE

/s/ Laurence J. Schmit
MAYOR OF THE CITY OF GARDEN GROVE

ATTEST:

/s/ Ruby K. Silva
CITY CLERK OF THE CITY OF GARDEN GROVE

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

I, RUBY K. SILVA, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Resolution was introduced and adopted at a regular meeting of the City Council of the City of Garden Grove held October 20, 1970.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Garden Grove this 20th day of October, 1970.

/s/ Ruby K. Silva
CITY CLERK OF THE CITY OF GARDEN GROVE

The foregoing instrument is a full, true and correct copy of the original on file in this office.

ATTEST: February 18 1971
RUBY K. SILVA, CITY CLERK OF THE CITY OF GARDEN GROVE
Ruby K. Silva City Clerk

RECORDED BY
REQUESTED BY
WHEN RECORDED MAIL TO:
CITY CLERK
11391 Acacia St.,
Garden Grove, Calif 92640

22197

9658 PAGE 261

FREE
C3

RECORDED IN OFFICIAL RECORDS
OF ORANGE COUNTY, CALIFORNIA
23 Min. 4 Past P.M. MAY 28 1971
J. WYLIE CARLYLE, County Recorder

ORDINANCE NO. 1147

PUD-104-70

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AMENDING THE GARDEN GROVE MUNICIPAL CODE AND PARTICULARLY ARTICLE IX THEREOF ENTITLED "LAND USE"

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

SECTION 1:

Article IX of the Municipal Code of the City of Garden Grove is hereby amended by the following addition:

Section 9203.20.146

Planned Unit Development No. PUD 104-70 is hereby adopted. Zone Map Part C-6 is hereby amended accordingly.

The amendment as provided by this Section shall be subject to all the conditions and provisions as set forth in City Council Resolution No. 3948-70 approving Planned Unit Development No. PUD 104-70.

SECTION 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 the Councilmen voting for and against the same in the Orange County Evening News, a newspaper of general circulation, printed, published and circulated in the City of Garden Grove.

The foregoing Ordinance was approved and adopted by the City Council of the City of Garden Grove on the 3rd day of November, 1970.

LAURENCE J. SCHMIT
MAYOR OF THE CITY OF GARDEN GROVE

ATTEST:

RUBY K. SILVA
CITY CLERK OF THE CITY OF GARDEN GROVE

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

I, RUBY K. SILVA, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Ordinance had its first reading on October 20, 1970, and had its second reading on November 3, 1970, and was adopted by the following vote, to wit:

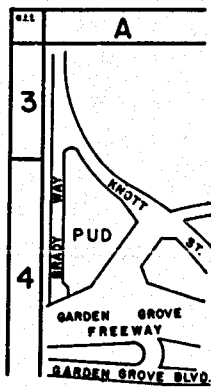
AYES: COUNCILMEN: ADAMS, BALLARD, DEAN, LAKE, SCHMIT
NOES: COUNCILMEN: NONE
ABSENT: COUNCILMEN: NONE

RUBY K. SILVA
CITY CLERK OF THE CITY OF GARDEN GROVE

The foregoing instrument is a full, true and correct copy of the original on file in this office.

ATTEST: *February 8 1971*
RUBY K. SILVA, CITY CLERK OF THE CITY OF GARDEN GROVE

Ruby K. Silva, City Clerk



PUD-104-70
ZONE MAP
PART C-6

RECORDING
REQUESTED BY

City Clerk
City of Garden Grove
11391 Acacia Street
Garden Grove, Calif. 92640

22200

\$5.20
C3

RECORDED IN OFFICIAL RECORDS
OF ORANGE COUNTY, CALIFORNIA

23 MIN 4 P.M. MAY 28 1971

J. WYLIE CARLYLE, County Recorder

COVENANT AND AFFIDAVIT

PUD-104-70

REGARDING ACCEPTANCE OF CONDITIONS OF APPROVAL FOR
PLANNED UNIT DEVELOPMENT NO. P.U.D.-104-70

STATE OF CALIFORNIA)

SS:

COUNTY OF ORANGE)

The undersigned represent that they are the sole owners of that parcel of real property situated in the City of Garden Grove, County of Orange, State of California, described as follows:

THAT PORTION OF LOTS 12 AND 13 IN SECTION 35, TOWNSHIP 4 SOUTH, RANGE 11 WEST IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA AS SHOWN ON MAP OF RESURVEY OF THE J. W. BIXBY AND CO'S SUBDIVISION OF A PART OF THE RANCHO LOS ALAMITOS FILED IN BOOK 2 PAGE 43 OF RECORD OF SURVEYS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT SOUTH 1° 15' 20" WEST 4.92 FEET FROM THE NORTHWEST CORNER OF SAID LOT 13 SAID POINT BEING ON A CURVE CONCAVE TO THE SOUTHEASTERLY HAVING A RADIUS OF 70.00 FEET A RADIAL TO SAID POINT BEARS NORTH 88° 44' 40" WEST AND BEING ALSO A POINT ON THE EASTERLY LINE OF SAID KNOTT AVENUE AND ON THE BOUNDARY LINE OF PARCEL 2 AS SHOWN ON MAP 07-ORA-22 OF THE DIVISION OF HIGHWAY STATE OF CALIFORNIA OF PROPOSED RELINQUISHMENT DATED JUNE 24, 1966; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 61° 30' 00" A DISTANCE OF 75.14 FEET; THENCE NORTH 62° 45' 20" EAST 12.39 FEET; THENCE SOUTH 73° 29' 44" EAST 28.90 FEET TO A POINT ON A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A RADIUS OF 1050.00 FEET A RADIAL TO SAID POINT BEARS SOUTH 59° 41' 20" WEST; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 21° 56' 21" A DISTANCE OF 402.06 FEET; THENCE SOUTH 52° 15' 01" EAST 343.75 FEET TO THE MOST SOUTHERLY CORNER OF SAID BOUNDARY LINE OF SAID PARCEL 2; THENCE LEAVING SAID BOUNDARY LINE SOUTH 35° 37' 49" EAST 81.96 FEET; THENCE SOUTH 14° 13' 17" EAST 65.10 FEET; THENCE SOUTH 44° 22' 08" WEST 135.17 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY HAVING A RADIUS OF 530.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 36° 13' 27" A DISTANCE OF 335.08' THENCE SOUTH 80° 35' 35" WEST 261.95 FEET TO THE EASTERLY LINE OF PARCEL 1 AS SHOWN ON MAP 07-ORA-22 OF THE DIVISION OF HIGHWAY STATE OF CALIFORNIA OF PROPOSED RELINQUISHMENT DATED JUNE 24, 1966; THENCE NORTHWESTERLY ALONG SAID EASTERLY LINE NORTH 13° 51' 07" WEST 219.52 FEET TO THE NORTHEASTERLY LINE OF SAID PARCEL 1 BEING A POINT ON A LINE PARALLEL WITH AND EASTERLY 30.00 FEET FROM THE CENTER LINE OF SAID KNOTT AVENUE; THENCE ALONG SAID PARALLEL LINE NORTH 1° 15' 20" EAST 664.16 TO THE POINT OF BEGINNING.

which property is situated westerly of the intersection of Knott Street and the north Garden Grove Freeway on-ramp.

The undersigned in consideration of being granted approval of Planned Unit Development No. P.U.D.-104-70 on the above described property do hereby promise, covenant, and agree to and with the City of Garden Grove that they are aware of, and accept, all the conditions of said Planned Unit Development No. P.U.D.-104-70 granted by the Planning Commission of the City of Garden Grove in Resolution No. 2461 on September 24, 1970, and by the City Council of the City of Garden Grove in Resolution No. 3948-70 on October 20, 1970.

The conditions of approval that apply to the subject case are as follows:

- a. Approval of this Planned Unit Development shall not be construed to mean any waiver of the applicable and appropriate zoning and other regulations.
- b. Minor changes in P.U.D.-104-70 may be approved by the Building-Zoning Manager. If other than minor changes are made in the proposed development, a new P.U.D. application shall be filed which reflects the revisions made.
- c. That the following Standards of Development shall apply:
 - (1) Signing Standards. Signing in the proposed development shall be as follows:

Industrial Use. All signs for this use shall be approved by the Zoning Administrator as pertains to size, height, rotation and

placement, provided that in no event shall any sign exceed a maximum height of 50 feet.

Restaurant: Signs shall be limited to an aggregate display area not exceeding 3 square feet of display area for each lineal foot of building frontage facing Knott Avenue and shall not exceed the height of the tallest building on the site.

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Two signs not exceeding 200 gross square feet of display area are permitted for general identification or direction use.

General regulations governing all uses:

- (a) No sign shall be roof-mounted nor extend above the cornice line of any building.
- (b) All signing shall be compatible and shall be approved by the Zoning Administrator.

(2) Parking Requirements. Parking Standards shall be as follows:

Industrial Buildings: Buildings having more than 16,000 square feet of floor area shall have 27 parking spaces plus one (1) for each 1,000 square feet in excess of 16,000 square feet of building area.

Restaurant: 4,000 square feet or more, 40 parking spaces plus one (1) for each 50 square feet of gross floor area in excess of 4,000 square feet.

Bank: Four (4) parking spaces plus one (1) for each 200 square feet of gross floor area.

Office-Professional Building: One (1) parking space for each 250 square feet of gross floor area.

Striping plan for Knott Avenue to be reviewed by the City Traffic Engineer.

(3) Landscaping: Detailed Landscape Plan to be submitted for approval by Staff showing plant size, type, location and method of watering system. Landscape area to be 5 percent of total site. Mature landscaping is to be shown for installation.

Applicant to install suitable landscape buffer on west parkway of Brady Way which at maturity will provide adequate screening for adjacent single family residences. Location, type and size of plant material to be approved by Staff. Maintenance responsibility to be by applicant.

Applicant to install landscaping in parkway area north of the terminus of the applicant's property. Location, type and size of plant material to be approved by Staff. Maintenance responsibility to be by applicant.

(4) Street Improvements: Any necessary street dedications shall be required to achieve full street and drainage improvements as indicated on general development plan. Design of parking bays on Brady Way to be approved by Development Services.

No parking stalls in bays on Brady Way shall be permitted for the first 50 feet southerly of the north curb return at Stanford Avenue.

The applicant shall construct box culverts at the driveway locations on Brady Way. These culverts will be a 5 ft. x 7 ft. reinforced concrete box. The structural design and the vertical locations of these culverts are available from the Engineering Division of Development Services and will be furnished to the applicant's engineer for his inclusion in the street improvement plans for Brady Way. The City will enter into an agreement with the applicant for reimbursement for his construction of the culverts within one year of the completion date.

A faithful performance bond shall be required for street improvements on Brady Way pending completion of drainage improvements, such bond to be approved by Development Services.

- (5) Lighting: All on-site lighting shall be low level and directed away from adjacent R-1 single family residences.
- (6) Trash Storage: All trash areas to be completely enclosed, areas to be delineated on General Development Plan.
- (7) Roof supported mechanical equipment to be screened as viewed from City streets.
- (8) Underground Utilities. All on-site utilities to be undergrounded.
- (9) Permitted Uses and Performance Standards: The use of the industrial building located on the south of the subject property shall consist of offices and warehousing for any use permitted by the M-P zone, but may in addition include up to a maximum of 6,000 square feet of retail sales area.

No use shall be permitted which does not comply with the following standards of industrial performance and which cannot be fully conducted within a completely enclosed building.

No use shall be permitted in the subject Planned Unit Development which involves any of the following effects:

- (a) Any noise or vibration, other than that related to temporary construction work, which is discernible without instruments at any lot line of the site.
- (b) The emission of radioactivity in dangerous amounts.
- (c) Any electrical disturbance adversely affecting the operation of any equipment other than that of the creator of such disturbance.
- (d) The emission of visible gray smoke of a shade or quality darker than No. 1 on the Ringelmann Chart, as specified in Information Circular 7718 of the United States Bureau of Mines, for more than three minutes in any one hour.
- (e) Any direct or reflected glare or heat which is perceptible at any point outside of the building site.
- (f) The emission of odorous gasses or matter in quantities such as to be perceptible at any lot line of the site.
- (g) The discharge into any sewer or stream or into the ground, except in accordance with standards approved by the State Department of Health, of any materials of such nature as to contaminate any water supply, interfere with bacterial processes and sewage treatment, or in any way cause the emission of dangerous or offensive elements.
- (h) No exterior storage of materials, supplies, equipment or machinery shall be permitted whether open or in tanks, bins, or other container devices.

- (10) Conditions, Covenants and Restrictions: As required by Section 9213F.9 of the Municipal Code, the applicant shall submit to the City Attorney a draft of Covenants, Conditions and Restrictions which shall apply to the subject development and shall be concurrently recorded with the County Recorder along with the conditions of approval and map of the subject development.
- (11) In the event construction is not begun on the restaurant and bank within one year of adoption of this P.U.D., the applicant shall submit a revised General Development Plan limited to the industrial uses and standards approved as shown in Phase I.
- (12) Where herein not otherwise specified, all provisions of the Garden Grove Municipal Code hereby apply.

d. That C.C. & R's providing for the perpetual maintenance and preservation of this development be recorded along with the Final Development Plan and the above Site Development Standards, in accordance with Section 9213F.9 of the Code.

e. That all noise levels emanating from the subject property shall not exceed that of existing noise sources in the immediate vicinity.

The undersigned further promise, covenant and agree that they will abide by all the conditions of said Planned Unit Development No. P.U.D.-104-70 and will do so within the time specified.

This covenant and agreement shall run with the land and be binding upon all future owners, heirs, successors, and assigns to such property.

Dated this 19th day of March, 1971.



Koll Inhome Properties, Inc.

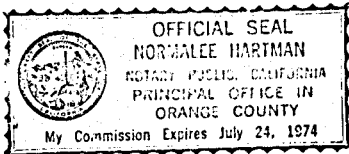
Lee C. Sammis
President

STATE OF CALIFORNIA
COUNTY OF Orange

}SS

ON March 19, 1971, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Donald M. Koll known to me to be the

President, and Lee C. Sammis known to me to be the Secretary of the Corporation that executed the within instrument and the officers who executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the within instrument pursuant to its By-laws or a Resolution of its Board of Directors.



CORPORATION ACKNOWLEDGMENT
Form No. 14

Notary's Signature Normalee Hartman
Type or Print Notary's Name NORMALEE HARTMAN

1. If acknowledged by a corporation, a corporate form of Acknowledgement shall be attached and the corporate seal affixed.
2. If owner is married, his spouse must also execute.
3. If title is held in joint tenancy or tenancy in common, all co-owners must execute.
4. If property is subject to a deed of trust, trustee and beneficiary must execute.
5. If property is subject to a mortgage, mortgagor and mortgagee must execute.

STATEMENT OF COVENANTS, CONDITIONS AND RESTRICTIONS

Planned Unit Development 104-70, Further Described as That Real Property Consisting of Approximately 9 Acres Lying Westerly of Knott Avenue and Northerly of Garden Grove Freeway and Easterly of Brady Way in City of Garden Grove -

Statement of Purpose by owner-developer of subject planned development.

KOLL INCOME PROPERTIES, INC. as owner-developer is developing an industrial complex in accordance with a comprehensive plan to enable a group of industries to operate within it efficiently. Further, it is the intent of the owner-developer to retain ownership of the land and improvements as a long-term investment, assuring proper control and administration of the industrial complex.

Property Description (See Schedule No. 1 attached, legal description)

ARTICLE I

RECITALS

1.01 This statement made this 19th day of MARCH, 1971, is proposed by KOLL INCOME PROPERTIES, INC., a California Corporation (hereinafter called "Declarant").

1.02 In order to establish a general plan for the improvement and development of the above named industrial complex, the Declarant desires to subject the said property to certain conditions, covenants, and restrictions. All rights of enforcement of said conditions, covenants, and restrictions shall be retained by Declarant, its successors and assigns. No Lessee or owner, other than Declarant, of any lot or parcel within the subject development shall have any right of enforcement of any condition, covenant, and restriction against any other Lessee or owner of any lot or parcel within the subject development.

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO City Clerk 11391 Acacia St., Garden Grove, Calif 92640

ARTICLE II

GENERAL PROVISIONS

2.01 Purpose of Restrictions:

The purpose of these restrictions is to insure proper development and use of the property; to protect the declarant and/or tenants against improper development and use of the property to prevent the erection on the property of structures built of improper design or materials; to encourage the erection of attractive improvements and to prevent hazardous and inharmonious improvements; to secure and maintain proper setbacks from streets and adequate free spaces between structures; and in general to provide adequately for a high type and quality of improvement of the property in accordance with a general plan which will stand the test of time.

RECORDED IN OFFICIAL RECORDS OF ORANGE COUNTY, CALIFORNIA

23 Min. Past 4 P.M. MAY 28 1971

J. WYLIE CARLYLE, County Recorder

Handwritten initials

2.02 In order to assure compatibility within the complex as well as with the community, the declarant shall:

- 1. Plan, plant and provide normal maintenance for landscaping of land areas adjacent to the streets as shown on approved development plan as approved in Planned Unit Development Case 104-70 by the City of Garden Grove.
- 2. Maintain normal sweeping of open parking and unfenced areas together with normal repair of parking surfaces.
- 3. Control the color of any paint or decorative materials used on exterior walls or roofs, approval of which must be granted in writing by the declarant.

2.03 Definitions:

- a. Improvements: Shall mean and include buildings, outbuildings, parking areas, loading areas, fences, walls, landscaping, poles, signs, and structures of any type or kind.
- b. Sign: Shall include any structure, device or contrivance and all parts thereof which are erected, or used for advertising purposes upon or within which any poster, bill, bulletin, printing, lettering, painting, device or other advertising of any kind is used, placed, posted, tacked, nailed, pasted, or otherwise fastened or affixed.
- c. Site: Total land area described in legal description.
- d. Declarant: Shall mean the undersigned, its successors and assigns.

ARTICLE III

REGULATION OF OPERATIONS AND USES

3.01 Permitted Operations and Uses:

All uses shall conform to the provisions of Planned Unit Development 104-70 of the City of Garden Grove as prescribed and regulated by the laws and ordinances of the City of Garden Grove now and hereafter.

3.02 Nuisances:

a. No portion of the property shall be used in such a way as to create a nuisance to adjacent sites in accordance with the standards shown on Exhibit "B" attached hereto, "Recommended Permitted Uses & Performance Standards." Nuisances shall include but not be limited to vibration, sound, electro-magnetic disturbance, radiation, air or water pollution, dust, emission of odorous, toxic or noxious matter. All lighting shall be shielded and confined within property lines. Any violation of said standards may be judged to be considered as creating a nuisance in that they exceed the norm which exists for other commercial and light industrial uses which exist within the City of Garden Grove.

b. Nowhere on the site shall there be an accumulation of refuse, debris, trash or other unsightly hazardous or unsanitary materials of any description. Periodically, all such matter shall be removed leaving the property in a neat, appearing, healthful, and safe condition.

ARTICLE IV

REGULATIONS OF IMPROVEMENTS

4.01 Minimum Setback Lines:

a. No structure of any kind, and no part thereof, shall be placed on any site closer to a property line than provided on approved development plan of Planned Unit Development 104-70 of the City of Garden Grove without prior written approval of the Declarant. The following structures and improvements are specifically excluded from these setback provisions:

1. Roof overhang
2. Steps and walks
3. Paving and associated curbing
4. Fences, also that no fences shall be constructed unless specific approval is given by the Declarant.
5. Landscaping
6. Planters, not to exceed three (3) feet in height
7. Displays identifying the Lessee, subject to the specific approval of Declarant

4.02 Excavation:

Excavations, other than in connection with construction of an improvement, shall be approved by Declarant. Upon completion of approved excavation, exposed openings shall be backfilled and disturbed ground shall be graded and compacted to recommended density of soils report.

4.03 Signs:

a. No sign shall be permitted other than the following:

1. Those identifying the name, business and products of the person or firm occupying the premises.
2. Those by Declarant indicating offerings.

b. Signs shall conform to the setback lines and regulations of conditions of approval of Planned Unit Development 104-70 of the City of Garden Grove unless specific approval is granted by the Declarant and the City of Garden Grove.

c. Sign Standards shall require that:

1. Signs visible from the exterior of any building may be lighted but no signs or any other contrivance shall be devised or constructed so as to blink or move in any animated fashion.

2. Size, design and color shall be specifically approved by Declarant in writing.

4.04 Parking Areas:

- a. It is the intent to eliminate the need for on-street parking by providing off-street parking to accommodate parking needs for employee, visitor and company vehicles; however, parking on Brady Way will be permitted.
- b. The parking requirements may be modified by the Declarant as to any particular site. In no event, however, can the required amount of parking be less than that required by applicable local and County ordinances and regulations, or as required under Planned Unit Development 104-70 of the City of Garden Grove.

4.05 Storage and Loading Areas:

- a. No materials, supplies or equipment shall be stored in any area on a site except within a closed building.
- b. No storage shall be allowed between the street curb line and the building line.

4.06 Building Regulations:

Any buildings erected on the property shall be of the following construction:

- 1. Exterior walls shall be concrete or masonry unless otherwise agreed to by Declarant.
- 2. Exterior walls shall be painted or suitably treated in a manner acceptable to Declarant.

ARTICLE V

APPROVAL OF PLANS

5.01 No improvements by tenants shall be erected, placed, altered, maintained, or permitted to remain on any land subject to these restrictions until plans and specifications showing plot layout and all exterior elevations, with materials and colors therefore and structural design, signs and landscaping, shall have been submitted to and approved in writing by Declarant. Such plans and specifications shall be submitted over the signature of the tenant of the site or his authorized agent for construction approval by Declarant.

5.02 The Declarant shall not be liable in damages to anyone submitting plans to them for approval, or to any Lessee of land affected by this statement, by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval or disapproval or failure to approve any such plans. Every tenant who submits plans to Declarant for approval agrees, by submission of such plans, that he will not bring any action or suit against Declarant to recover any damages. Declarant will not unreasonably withhold approval or delay construction.

ARTICLE VI

ENFORCEMENT

6.01 Abatement Suit:

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Violation or breach of any restriction herein contained shall give to Declarant the right to enter upon the property upon or as to which said violation or breach exists and to summarily abate and remove, at the expense of the tenant thereof, any structure, thing or condition that may be or exist thereon contrary to the intent or meaning of the provisions hereof, or to prosecute a proceeding at law or in equity against the person or persons who have violated or are attempting to violate any of these restrictions to enjoin or prevent them from doing so, to cause said violation to be remedied or to recover damages for said violation.

6.02 Inspection:

Declarant may from time to time, at any reasonable hour, enter and inspect with reasonable notice thereof any property to ascertain compliance therewith.

6.03 Failure to Enforce:

The failure of Declarant to enforce any restriction herein contained shall in no event be deemed to be a waiver of the right to do so thereafter nor of the right to enforce any other restriction, nor shall such failure to enforce any restriction in the case of one tenant entitle any other tenant to similarly violate such restriction.

IN WITNESS WHEREOF, the undersigned has executed this Declaration on the date first hereinabove written.

KOLL INCOME PROPERTIES, INC.

By Lee C. Sammis

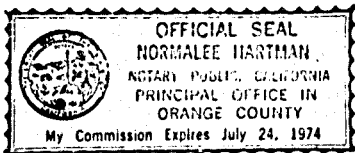
By Normalee Hartman

STATE OF CALIFORNIA
COUNTY OF Orange

} ss

ON May 10, 19 71, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Donald M. Koll known to me to be the

President, and Lee C. Sammis known to me to be the Secretary of the Corporation that executed the within instrument and the officers who executed the within instrument on behalf of the Corporation therein named, and acknowledged to me that such Corporation executed the within instrument pursuant to its By-laws or a Resolution of its Board of Directors.



Notary's Signature Normalee Hartman

Type or Print Notary's Name Normalee Hartman

CORPORATION ACKNOWLEDGMENT

Form No. 14