

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal  
Dept: City Manager  
Subject: CONSIDERATION OF FINAL  
PARCEL MAP NO. 2007-135  
(12600-12640 WESTMINSTER AVENUE)

From: Keith G. Jones  
Dept: Public Works  
Date: August 26, 2008

OBJECTIVE

To receive City Council approval for Final Parcel Map No. 2007-135.

BACKGROUND

On August 2, 2007, Twomey Holding, LLC., received Planning Commission approval for Tentative Parcel Map No. 2007-135. A copy of Planning Commission Resolution No. 5606 is attached.

DISCUSSION

The proposed Parcel Map 2007-135 is for 12600-12640 Westminster Avenue and the owner is proposing to convert an existing industrial multi-tenant complex into an industrial complex condominium development. The proposal would allow individual ownership of the tenant spaces.

Street dedications have been granted on Westminster Avenue. The vehicular access rights to Westminster Avenue along with subsurface water rights have been released and relinquished except for the access rights at the access location approved by the City.

All the public improvements required by the Planning Commission have been completed. Therefore, there is no need for a subdivision improvement agreement and/or improvement bonds.

Staff has reviewed all documentation relating to this subdivision regarding City ordinances, conditions of approval, and the Subdivision Map Act, and finds this map to be in compliance. The owner has complied with all conditions of the Tentative Parcel Map.

FINANCIAL IMPACT

There is no financial impact to the City by this action


COMMUNITY VISION IMPLEMENTATION

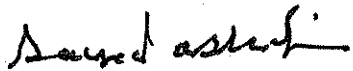
This project is consistent with the community vision for ensuring the compatibility between new and existing subdivisions.

RECOMMENDATION


It is recommended that City Council:

- Approve Final Parcel Map No. 2007-135

  
KEITH G. JONES  
Public Works Director

  
By: Sid Ashrafnia  
Associate Civil Engineer

**Recommended for Approval**

  
Matthew Ferial  
City Manager

Attachments:      1. Planning Commission Resolution No. 5606  
                             2. Final Parcel Map 2007-135

## RESOLUTION NO. 5606

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-426-07 AND TENTATIVE PARCEL MAP NO. PM-2007-135.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on August 2, 2007, does hereby approve Site Plan No. SP-426-07 and Tentative Parcel Map No. PM-2007-135 for property located at the south side of Westminster Avenue, east of Clinton Street at 12600 through 12640 Westminster Avenue, APN No. 198-111-31.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-426-07 and Tentative Parcel Map No. PM-2007-135, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Twomey Holdings, LLC.
2. The applicant is requesting approval of a Site Plan and Tentative Parcel Map in order to convert an existing industrial multi-tenant complex into an industrial condominium development. The proposal would allow individual ownership of the tenant spaces while the overall development continues to operate as an integrated multi-tenant industrial complex.
3. The City of Garden Grove has determined that this project is exempt from environmental review pursuant to Article 15, Section 15301 (k), Existing Facilities, and Section 15315, Minor Land Divisions, of the California Environmental Quality Act Guidelines.
4. The properties have a General Plan Land Use designation of Industrial and are zoned Planned Unit Development No. PUD-102-86/Rev. '86. The site is currently developed with five (5) industrial buildings and shares access with the industrial property to the east. The five (5) buildings on the site share circulation and parking. There are currently 27 tenant spaces within the five (5) buildings with two additional tenant spaces proposed for a total of 29.
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 the City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on August 2, 2007, 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 on August 2, 2007; 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 Sections 9.24.030 are as follows:

FACTS:

The site consists of a 5.286-acre single parcel developed with five (5) industrial buildings. It is located on the south side of Westminster, east of Clinton Street. The property has a General Plan Land Use Designation of Industrial and is zoned Planned Unit Development No. PUD-102-86/Rev. '86. The PUD includes the adjacent parcel to the east on Westminster Avenue.

The properties located to the north and west of the subject site are zoned PUD-105-71 and are developed with industrial buildings. The properties to the south and west of the subject site are zoned M-P (Industrial Park) and are developed with industrial buildings.

In the five (5) existing industrial buildings there are 27 tenant spaces. The applicant is proposing to subdivide the large building into three (3) tenant spaces for a total of 29 tenants in the overall development. Any further dividing of tenant spaces will require Planning Division review and approval.

FINDINGS AND REASONS:

Site Plan

1. The Site Plan complies with the spirit and intent of the provisions, conditions and requirements of the Municipal Code and other applicable ordinances.

A Site Plan is required for a condominium conversion to review the existing site and facilities and to require upgrades where necessary. The existing industrial buildings create an attractive complex that is in good repair and functions effectively for industrial uses. Conditions of approval will require some upgrades including revitalized landscaping, new air conditioning units and new exterior paint. The Public Works Department will require that the FDC be removed from a below grade vault and replaced above ground. Therefore, the Site Plan meets the spirit and intent of the Municipal Code for industrial uses that are attractive and designed to have an operationally efficient site and building.

2. The proposed development does not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation and points of vehicular and pedestrian access.

The proposed change to condominium units will keep intact all reciprocal access, parking, loading and circulation for the existing industrial buildings. All the essential on-site facilities that were reviewed and approved under PUD-102-86/Rev. '86 will remain. Because there are no changes to the essential on-site facilities, the proposed condominium conversion will not adversely affect those facilities.

3. The development, as proposed, will not adversely affect essential public facilities such as streets and alleys, utilities, and drainage channels.

The project will provide Traffic Services Division the opportunity to obtain a 10-foot dedication along Westminster Avenue and have the applicant repair the sidewalks. There are no aspects of the proposal that would change or adversely affect the essential public facilities therefore with the Traffic Services requirements the proposed condominium conversion will provide improvements to the public facilities.

4. The development does have a reasonable degree of physical, functional, and visual compatibility with neighboring uses and desirable neighborhood characteristics.

The development was originally built as the second phase of PUD-102-86/Rev. '86 and therefore it is built to be compatible with the industrial property to the east that was constructed as Phase I. There are no proposed changes to the development that would decrease the compatibility with the neighborhood. Conditions of approval will require minor upgrade of new paint and revitalized landscaping.

5. Through the planning and design of buildings and building placement, the provision of open space landscaping and other site amenities will attain an attractive environment for the occupants of the property.

The proposal is to change rental industrial tenant spaces to ownership units. The existing buildings create an attractive industrial complex with landscape planters, well placed parking spaces and convenient loading docks. The site amenities will remain the same and CC&R's for the project shall require continued maintenance of these amenities.

Tentative Parcel Map

1. The Tentative Parcel Map for the proposed industrial condominium units is consistent with the Garden Grove General Plan, which encourages land subdivision in order to facilitate development. The site is adequate in size and shape to accommodate the proposed subdivision.
2. The design and improvements of the proposed subdivision is consistent with the zoning, Title 9 of the Garden Grove Municipal Code, and the General Plan provisions for location and proximity to similar uses.
3. The site is physically suitable for the existing, as well as the proposed, subdivision and complies with the spirit and intent of a Title 9 of the City's Municipal Code.
4. The project is categorically exempt pursuant to the California Environmental Quality Act (CEQA), Sections 15301 (k) Existing Facilities and 15315, Minor Land Divisions.
5. The tentative parcel map to create industrial condominiums will not likely cause problems to the public health as the project is located within an established industrial PUD which has been operating without negative impacts on the community since 1986. The industrial complex will continue to operate as one integrated development as required by the existing and proposed conditions of approval. The only change resulting from this proposal is that different owners will own the individual tenant spaces.
6. The design of the subdivision will not conflict with the easements of record or easements established by court judgment acquired by the public-at-large for access through or use of property within the subdivision. The access easement along the east property line will remain as will the utility easement that runs through the center of the property. The City of Garden Grove will obtain a 10-foot dedication along Westminster Avenue for public right-of-way.
7. The design and improvements of the subdivision are suitable for the existing site improvements and the subdivision can move forward in compliance with the applicable zoning regulations.
8. The design and improvement of the proposed subdivision are suitable for the proposed project and the subdivision will be in compliance with the applicable zoning regulations.
9. The design of the subdivision, to the extent feasible, does have allowance for future passive or natural heating and cooling opportunities.

- 10. The proposed conversion of tenant spaces to condominium units will have no effect on the housing needs of the region and of public service needs. Furthermore, the character of the subdivision is compatible with the design of existing structures in the general area. The proposed subdivision will not cause a need for additional housing in the area. The industrial buildings will continue to operate as an integrated industrial complex.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

In addition to the foregoing, the Planning Commission incorporates herein by this reference, the facts and findings set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

- 1. The Site Plan and Tentative Parcel Map possess characteristics that would justify the request in accordance with Municipal Code Section 9.24.030 (Site Plans) and 9.32.060 (Tentative Maps)
- 2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the attached Conditions of Approval, Exhibit "A", shall apply to Site Plan No. SP-426-07 and Tentative Parcel Map No. PM-2007-135.

ADOPTED this 2nd day of August, 2007.

/s/ ROLAND CHI  
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on August 2nd, 2007, by the following votes:

AYES:	COMMISSIONERS:	BANKSON, BEARD, CHI, NGUYEN, PAK, PIERCE
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BRIETIGAM

/s/ JUDITH MOORE  
SECRETARY

**PLEASE NOTE:** Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is August 23, 2007.



PARCEL MAP NO. 2007-135

ACCEPTED AND FILED AT THE REQUEST OF

DATE OF SURVEY: SEP. 17, 2007
GROSS ACRES: 5.29
NUMBERED PARCELS: 1

IN THE CITY OF GARDEN GROVE
COUNTY OF ORANGE, STATE OF CALIFORNIA

DATE
TIME FEE \$
INSTRUMENT #
BOOK PAGE #

BEING ALL OF TENTATIVE
PARCEL MAP NO. 2007-135

BEING PARCEL 2 OF PARCEL MAP NO. 86-180 PER MAP
FILED IN BOOK 234, PAGES 20-21 OF PARCEL MAPS,
IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

TOM DALY
COUNTY-CLERK RECORDER

BY: DEPUTY

FOR CONDOMINIUM PURPOSES.

DAVID A. BOYLE, R.C.E. 18559

OWNERSHIP CERTIFICATE:

WE, THE UNDERSIGNED, BEING ALL PARTIES HAVING ANY RECORD TITLE INTEREST IN THE LAND COVERED BY THIS MAP, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP, AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

- WE HEREBY DEDICATE TO THE CITY OF GARDEN GROVE:
1) 10' STRIP ALONG WESTMINSTER AVENUE FOR STREET PURPOSES.
2) ALL UNDERGROUND WATER RIGHTS WITHOUT THE RIGHT OF SURFACE ENTRY.
3) ALL VEHICULAR ACCESS RIGHTS TO CLINTON STREET, WESTMINSTER AVENUE, AND KEEL AVENUE, EXCEPT AT EXISTING ACCESS LOCATIONS.

TWOMEY HOLDINGS, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY
JASON TWOMEY, MANAGER

Jason Twomey (signature)

ENGINEER'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCES AT THE REQUEST OF JASON TWOMEY ON SEPTEMBER 4, 2007. I HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, OR THAT THEY WILL BE SET IN SUCH POSITIONS ON OR BEFORE 90 DAYS AFTER RECORDATION AND THAT SAID MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. I HEREBY STATE THAT THIS TRACT MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP.

David A Boyle 6-19-08
DAVID A. BOYLE DATE
R.C.E. NO. 18559
MY REGISTRATION EXPIRES 06/30/09



CITY ENGINEER'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND HAVE FOUND IT TO BE SUBSTANTIALLY IN CONFORMANCE WITH THE TENTATIVE MAP, IF REQUIRED, AS FILED WITH, AMENDED AND APPROVED BY THE CITY PLANNING COMMISSION; THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND CITY SUBDIVISION REGULATIONS HAVE BEEN COMPLIED WITH.

DATED THIS DAY OF 2008.

WILLIAM E. MURRY JR. - CITY ENGINEER
RCE 50353 EXPIRATION DATE: 08-30-09
CITY OF GARDEN GROVE

CITY CLERK'S CERTIFICATE:

STATE OF CALIFORNIA
COUNTY OF ORANGE

I HEREBY CERTIFY THAT THIS MAP WAS PRESENTED FOR APPROVAL TO THE CITY COUNCIL OF THE CITY OF GARDEN GROVE AT A REGULAR MEETING THEREOF HELD ON THE DAY OF 2008 AND THAT THEREUPON SAID COUNCIL DID, BY ORDER DULY PASSED AND ENTERED, APPROVED SAID MAP.

AND DID ALSO APPROVE SUBJECT MAP PURSUANT TO THE PROVISIONS OF SECTION 66436 (c)(3)(A) OF THE SUBDIVISION MAP ACT.

THE CITY OF GARDEN GROVE DOES ACCEPT AT THIS TIME THE DEDICATIONS 1), 2), 3) AS SHOWN IN THE OWNERSHIP CERTIFICATE.

DATED THIS DAY OF 2008.

KATHLEEN BAILOR
CITY CLERK OF GARDEN GROVE

COUNTY TREASURER-TAX COLLECTOR'S CERTIFICATE:

STATE OF CALIFORNIA
COUNTY OF ORANGE

I HEREBY CERTIFY THAT ACCORDING TO THE RECORDS OF MY OFFICE, THERE ARE NO LIENS AGAINST THE LAND COVERED BY THIS MAP OR ANY PART THEREOF FOR UNPAID STATE, COUNTY, MUNICIPAL OR LOCAL TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES, EXCEPT TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES NOT YET PAYABLE.

AND DO CERTIFY TO THE RECORDER OF ORANGE COUNTY THAT THE PROVISIONS OF THE SUBDIVISION MAP ACT HAVE BEEN COMPLIED WITH REGARDING DEPOSITS TO SECURE PAYMENT OF TAXES OR SPECIAL ASSESSMENTS COLLECTED AS TAXES ON THE LAND COVERED BY THIS MAP.

DATED THIS DAY OF 2008.

CHRIS W. STREET BY: DEPUTY TREASURER-TAX COLLECTOR
COUNTY TREASURER-TAX COLLECTOR

COUNTY SURVEYOR'S STATEMENT:

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP AND FOUND THAT ALL MAPPING PROVISIONS OF THE SUBDIVISION MAP ACT HAVE BEEN COMPLIED WITH AND I AM SATISFIED SAID MAP IS TECHNICALLY CORRECT RELATIVE TO THE PARCEL MAP BOUNDARY.

DATED THIS DAY OF 2008.

RAYMOND L. MATHE, COUNTY SURVEYOR
L.S. 6185 EXPIRATION DATE: 3-31-10

NOTARY ACKNOWLEDGMENT:

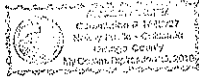
STATE OF CALIFORNIA
COUNTY OF ORANGE

ON June 19, 2008, BEFORE ME, Aracena Andon, Maria Dulce, PERSONALLY APPEARED Jason P. Twomey, WHO 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.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL:

Aracena Andon (signature)
NOTARY PUBLIC IN AND FOR SAID STATE



1ST ENTERPRISES BANK, BENEFICIARY UNDER DEED OF TRUST RECORDED APR. 4, 2007 AS INSTRUMENT NO. 2007000218655 OF O.R.

Richard T. Bontemp (signature)
PRINT NAME: RICHARD T. BONTEMP;

Senior Vice Pres.
TITLE: SVP/REAL ESTATE

NOTARY ACKNOWLEDGMENT:

STATE OF CALIFORNIA
COUNTY OF ORANGE

ON JUNE 23, 2008, BEFORE ME, R. DUENAS, NOTARY PUBLIC, PERSONALLY APPEARED RICHARD T. BONTEMP, WHO 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.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL:

R. Duenas (signature)
NOTARY PUBLIC IN AND FOR SAID STATE



SIGNATURE OMISSIONS

PURSUANT TO THE PROVISIONS OF SECTION 66436 (a)(3)(A) OF THE SUBDIVISION MAP ACT, THE FOLLOWING SIGNATURES HAVE BEEN OMITTED:

(A) SOUTHERN CALIFORNIA EDISON CO., EASEMENT HOLDER PER DEC. 17, 1968 BK 4519/PG 259 O.R.; AUG. 17, 1960 BK 5379/PG 88 O.R.; OCT. 28, 1966 INST. NO. 86-512308 O.R.; MAR. 15, 1988 INST. NO. 88-116541 O.R.; MAR. 15, 1988 INST. NO. 88-116542 O.R.

(B) THE PACIFIC TELEPHONE AND TELEGRAPH CO., EASEMENT HOLDER PER OCT. 6, 1960 BK 5450/PG 257 O.R.

# PARCEL MAP NO. 2007-135

DATE OF SURVEY: SEP. 17, 2007  
 GROSS ACRES: 5.29  
 NUMBERED PARCELS: 1

IN THE CITY OF GARDEN GROVE  
 COUNTY OF ORANGE, STATE OF CALIFORNIA

BEING ALL OF TENTATIVE  
 PARCEL MAP NO. 2007-135

BEING PARCEL 2 OF PARCEL MAP NO. 86-180 PER MAP  
 FILED IN BOOK 234, PAGES 20-21 OF PARCEL MAPS,  
 IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY

FOR CONDOMINIUM PURPOSES.

DAVID A. BOYLE, R.C.E. 18559

**LEGEND:**

- ① 10.00' ALONG WESTMINSTER AVE. TO BE DEDICATED TO CITY FOR STREET PURPOSES AS SHOWN HEREON.
- ② EASEMENT TO SOUTHERN CALIFORNIA EDISON CO. BK 4519, PG 259 O.R.
- ③ EASEMENT TO SOUTHERN CALIFORNIA EDISON CO. BK 5379, PG 88 O.R.
- ④ EASEMENT TO PACIFIC TELEPHONE AND TELEGRAPH CO. BK 5450, PG 257 O.R.
- ⑤ EASEMENT TO SOUTHERN CALIFORNIA EDISON CO. INSTRUMENT NO. 86-512308 O.R.
- ⑥ EASEMENT TO SOUTHERN CALIFORNIA EDISON CO. INSTRUMENT NO. 88-116541 O.R.
- ⑦ EASEMENT TO SOUTHERN CALIFORNIA EDISON CO. INSTRUMENT NO. 88-116542 O.R.
- ( ) RECORD INFORMATION PER PARCEL MAP NO. 86-180 P.M.B. 234/20-21.

**BASIS OF BEARINGS:**

THE BEARING SHOWN HEREON ARE BASED ON THE BEARING BETWEEN O.C.S. HORIZONTAL CONTROL STATION GPS NO. 4157R1 AND STATION GPS NO. 4060 BEING N89°20'06"W PER RECORDS ON FILE IN THE OFFICE OF THE ORANGE COUNTY SURVEYOR.

**MONUMENT NOTES:**

- INDICATES SET 1" IRON PIPE TAGGED R.C.E. 18559 OR 8" SPIKE AND WASHER STAMPED R.C.E. 18559, OR LEAD, TACK, AND TAG R.C.E. 18559.
- INDICATES FOUND MONUMENT AS INDICATED

**DATUM STATEMENT:**

COORDINATES SHOWN ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM (CCS83), ZONE VI, 1983 NAD, (1991.35 EPOCH OCS GPS ADJUSTMENT).

ALL DISTANCES SHOWN ARE GROUND, UNLESS OTHERWISE NOTED. TO OBTAIN GRID DISTANCES MULTIPLY GROUND DISTANCES BY 0.99998279.

G.P.S. 4157R1 FOUND 3" PUNCHED BRASS DISK, DOWN 1.0' IN WELL MONUMENT AS N2224125.584' E6056688.051' PER CR 1997-0468 ON FILE IN THE ORANGE COUNTY SURVEYOR'S OFFICE.

G.P.S. 4060 FOUND 2" PUNCHED BRASS DISK, DOWN 2.0' IN WELL MONUMENT AS N2224094.873' E6059314.866' PER CR 2006-0868 ON FILE IN THE ORANGE COUNTY SURVEYOR'S OFFICE.

