

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal
 Dept: City Manager
 Subject: APPEAL OF THE GARDEN GROVE PLANNING COMMISSION DENIAL OF SITE PLAN NO. SP-460-11 AND VARIANCE NO. V-189-11

From: Susan Emery
 Dept: Community Development
 Date: June 14, 2011

OBJECTIVE

To consider the appeal of the Garden Grove Planning Commission's denial of Site Plan No. SP-460-11 and Variance No. V-189-11.

BACKGROUND

Proposed Project SP-460-11 and V-189-11:

The subject property is a 7,470 square foot lot, located on the southwest corner of Stanford Avenue and Josephine Street at 8742 Stanford Avenue. The property has a General Plan Land Use Designation of Medium Density Residential and is zoned R-3 (Multiple-Family Residential). The site is currently improved with a two-story triplex with an attached carport that parks three (3) vehicles.

The applicant requested approval of Site Plan No. SP-460-11 to convert an existing 380 square foot communal recreation room, with a bathroom and laundry room, into a residential dwelling unit, Unit 4, within an existing triplex. The applicant also requested Variance approval to deviate from the minimum lot size for four (4) units, to deviate from the minimum dwelling unit living area, to deviate from the required number of parking spaces, and to deviate from the minimum square footage for recreation and leisure area.

Unit Sizes	No. Bedroom & Bath	Unit Size	Code Minimum Size
Unit 1 (above carport)	2 bedrooms, 2 baths	1,077 S.F.	900 S.F.
Unit 2 (1 st Floor)	2 bedrooms, 2 baths	1,215 S.F.	900 S.F.
Unit 3 (2 nd Floor)	2 bedrooms, 2 baths	1,215 S.F.	900 S.F.
Unit 4 (Proposed Studio Unit)	Studio, 1 bath	380 S.F.	500 S.F.

	Provided	Code Requirement
Lot Size (For 4 units)	7,470 S.F.	12,600 S.F. – 14,399 S.F.
Allowable Density (For 3 units)	3 Units	2 Units
Building Setbacks North (Front) South (Rear) East (Street Side) West (Interior Side)	20'-0" 26'-6" 5'-0" (Legal Nonconforming) 10'-0"	20'-0" 30'-0" Separation of Main Bldgs. 15'-0" 10'-0"
Parking Carport Open Total Provided	3 <u>3</u> 6	8 (For the existing 3 units) 10 (For 4 units)
Recreation Area	189 S.F.	1,200 S.F. (300 Min. S.F. Per Unit)

History of the Project:

April 7, 2011: The Planning Commission considered Site Plan No. SP-460-11 and Variance No. V-189-11. Staff recommended denial of the application based on the proposed project and its noncompliance with several City Code development standards. Staff could not make the necessary findings to support the justification of the four (4) requested variances in the application. Therefore, upon review of the matter, the Planning Commission voted 7-0 to adopt Resolution No. 5735-11, to deny SP-460-11 and V-189-11. No one from the public came forward to speak in favor of or in opposition to the project. Mr. Charles Minh Le, the homeowner of the subject property, and Mr. Leon Tran, the representative of the applicant, spoke in favor of the project citing economic reasons to approve the project.

DISCUSSION

Appeal of the Proposed Project:

Charles Minh Le, husband of the applicant Khanh Mai Vo and on her behalf, has appealed the denial of Site Plan No. SP-460-11 and Variance No. V-189-11 to City Council to consider the project. The appellant stated in his appeal that the Business Tax certificate of the property indicates that it is a four (4) unit property. Mr. Le is requesting that the City Council review the appeal and approve SP-460-11 and V-189-11 to legalize the additional residential dwelling unit.

An inspection of the property at 8742 Stanford Avenue was made in July 2005, by the City of Garden Grove, Building Services Division. This inspection disclosed that violations existed to such an extent that the building or structure endangered the public welfare and safety. Substandard conditions found to exist included the conversion of the three-unit apartment into a four-unit apartment without City approval, as well as un-permitted electrical and plumbing work. In August 2007, the un-permitted fourth residential unit was converted back to a communal recreation room with a bathroom and laundry room.

The property owner has since then claimed that the fourth residential unit was permitted by presenting a document labeled as a "City building permit" to City staff, which labels the Use of Building as a "4-unit residential dwelling". Dates written on the "permit" show 1978 as inspection dates. This property was not annexed into the City of Garden Grove until 1980. Prior to 1980, the subject property was in an unincorporated area of Orange County, and therefore under Orange County's jurisdiction. The City only inspects and issues building permits for properties within its jurisdiction. The City would not have inspected or issued a permit for this property in 1978. An Orange County Assessor's building record of the property dated 1978, correctly identifies the property as a 3-unit dwelling with a recreation room, a bathroom, and a laundry room.

Staff determined that the Use of Building section of the submitted "permit" was incorrectly labeled as a "4-unit residential dwelling" when the property was really a 3-unit residential dwelling with a communal recreation room, a bathroom, and a laundry room. While the origin of the "permit" is not known, it is not a City-issued document and it provides no basis to support four units on the site.

In order to grant the four requested variances, specific findings are required. As is set forth on page 5 of the Planning Commission staff report, none of the findings can be made for this application. (See page 5 of Attachment 1). Furthermore, the site plan does not meet the code requirements.

FISCAL IMPACT

There is no fiscal impact to the City regarding denial or approval of this appeal.

RECOMMENDATION

It is recommended that the City Council:

- Adopt the attached Resolution upholding the Planning Commission's decision denying Site Plan No. SP-460-11 and Variance No. V-189-11 in full and thereby deny the Appeal.



SUSAN EMERY
Community Development Director



By: Chris Chung
Associate Planner

- Attachment 1: Planning Commission Staff Report dated April 7, 2011
- Attachment 2: Planning Commission Resolution No. 5735-11
- Attachment 3: Planning Commission Minute Excerpt of April 7, 2011
- Attachment 4: Applicant's Appeal Letter dated April 25, 2011
- Attachment 5: Draft City Council Resolution denying the Appeal of Site Plan No. SP-460-11 and Variance No. V-189-11
- Attachment 6: Orange County Assessor Record (1978)
- Attachment 7: Resolution No. 5885-80 (annexation of subject property)

Approved for Agenda Listing



Matthew Fertal
City Manager

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: Southwest corner of Stanford Avenue and Josephine Street, at 8742 Stanford Avenue
HEARING DATE: April 7, 2011	GENERAL PLAN: Medium Density Residential
CASE NO.: Site Plan No. SP-460-11 and Variance No. V-189-11	ZONE: R-3 (Multiple-Family Residential)
APPLICANT AND PROPERTY OWNER: Khanh Mai Vo	CEQA DETERMINATION: N/A
	APN: 133-461-17

REQUEST:

The applicant is requesting Site Plan approval to convert an existing 380 square foot communal recreation room, with a bathroom and laundry room, into a residential dwelling unit, Unit 4, within an existing triplex. The applicant is also requesting Variance approval to deviate from the minimum lot size for four (4) units, to deviate from the minimum dwelling unit living area, to deviate from the required number of parking spaces, and to deviate from the minimum square footage for recreation and leisure area.

PROJECT STATISTICS:

	Provided	Code Requirement
Lot Size (For 4 units)	7,470 S.F.	12,600 S.F. – 14,399 S.F.
Allowable Density (For 3 units)	3 Units	2 Units
Building Setbacks North (Front) South (Rear) East (Street Side) West (Interior Side)	20'-0" 26'-6" 5'-0" (Legal Nonconforming) 10'-0"	20'-0" 30'-0" Separation of Main Bldgs. 15'-0" 10'-0"
Parking Carport Open Total Provided	3 <u>3</u> 6	8 (For the existing 3 units) 10 (For 4 units)
Recreation Area	189 S.F.	1,200 S.F. (300 Min. S.F. Per Unit)

Unit Sizes	No. Bedroom & Bath	Unit Size	Code Minimum Size
Unit 1 (above carport)	2 bedrooms, 2 baths	1,077 S.F.	900 S.F.
Unit 2 (1 st Floor)	2 bedrooms, 2 baths	1,215 S.F.	900 S.F.
Unit 3 (2 nd Floor)	2 bedrooms, 2 baths	1,215 S.F.	900 S.F.
Unit 4 (Proposed Studio Unit)	Studio, 1 bath	380 S.F.	500 S.F.

BACKGROUND:

The subject property is a 7,470 square foot lot, located on the southwest corner of Stanford Avenue and Josephine Street at 8742 Stanford Avenue. The property has a General Plan Land Use Designation of Medium Density Residential and is zoned R-3 (Multiple-Family Residential). The subject property abuts R-3 zoned properties to the north, south and west, and R-1 (Single-Family Residential) zoned properties across Josephine Street to the east.

The site is currently improved with a two-story triplex with an attached carport that parks three (3) vehicles. Current code would only permit two (2) residential units based on the lot size. However, the property is considered legal nonconforming in regards to the number of units. There are also three (3) open parking spaces on the lot. There is an existing 380 square foot communal recreation room on the first floor, which also has a bathroom and a laundry room. The applicant is requesting to convert this communal recreation room into a fourth residential unit. The proposed project does not comply with many development standards of the R-3 zone and requires the approval of variances to the following: to deviate from the minimum lot size for four (4) units, to deviate from the minimum dwelling unit living area, to deviate from the required number of parking spaces, and to deviate from the minimum square footage for recreation and leisure area.

An inspection of the property at 8742 Stanford Avenue was made in July 2005, by the City of Garden Grove, Building Services Division. This inspection disclosed that violations of the California Building Code, California Plumbing Code, California Mechanical Code, California Electrical Code, Uniform Housing Code, Uniform Administrative Code, Uniform Building Security Code, and/or the Garden Grove Municipal Code, existed to such an extent that the building or structure endangered the public welfare and safety. There were substandard conditions found to exist at the subject property, which included the conversion of the three-unit apartment into a four-unit apartment without City approval, as well as un-permitted electrical and plumbing work. In August 2007, the un-permitted fourth residential unit was converted back to a communal recreation room with a bathroom and laundry room. All un-permitted plumbing and electrical work were also removed with the exception of the shower still remaining.

The property owner has since then attempted to claim that the fourth residential unit was permitted by presenting a building permit, to City staff, which labels the Use of Building, for the subject property, as a "4-unit residential dwelling". Staff reviewed the submitted building permit and noted that the permit appeared to be incomplete, missing many details, and signatures. Furthermore, dates written on the permit show 1978 as inspection dates. This property was not annexed into the City of Garden Grove until 1980. If the dates on the permit are correct, this permit was issued while the subject property was in an unincorporated area of Orange County, and therefore under Orange County's jurisdiction at the time of approval. An Orange County Assessor's building record of the property dated 1978, labels the property as a 3-unit dwelling with a recreation room, a bathroom, and a laundry room.

Staff determined that the Use of Building section of the submitted permit was incorrectly labeled as a "4-unit residential dwelling" when the property was really a 3-unit residential dwelling with a communal recreation room, a bathroom, and a laundry room.

DISCUSSION:

SITE PLAN:

Site Design and Circulation:

The proposal is to convert an existing 380 square foot communal recreation room into a fourth residential unit. A density of four residential units is permitted in the R-3 zone if the property has a minimum lot size of 12,600-14,399 square feet.

There are no proposed changes to the floor plan of the existing three units (Units 1-3). Additionally, there is a three-car carport with three additional open parking spaces on the lot. The number of parking spaces provided, for the existing three residential units, is legal nonconforming. The submitted site plan shows no additional parking spaces to be created with the addition of the 4th residential unit.

Unit 1 is located directly above the carport, and has a gross floor area of 1,077 square feet in size. Unit 2 is located on the 1st floor adjacent to the carport and has a gross floor area of 1,215 square feet. Unit 3 is located on the 2nd floor and has a gross floor area of 1,215 square feet as well. Units 1-3 all have two (2) bedrooms, two (2) full bathrooms, a kitchen, and a living room. Units 1 and 3, both located on the 2nd floor, have balconies. The proposed Unit 4 is a studio unit that is 380 square feet in size and has a kitchen and one (1) full bathroom, and does not meet the code required minimum studio unit size of 500 square feet.

With the proposed conversion of the communal recreation room, which includes the communal laundry room, the applicant did not note on the submitted floor plan where the new laundry hook-ups would be located for each residential unit. Additionally, the proposed loss of the communal recreation room decreases the available recreation and leisure area, for all of the residential units, to 189 square feet.

Building Design:

There are no proposed changes to the exterior of the existing two-story building.

Landscaping:

The project does not include the proposal for any new building area and all existing landscaping will remain, including all landscaped areas in the existing setbacks.

VARIANCE REQUESTS:

Variance to Deviate From the Minimum Lot Size:

Title 9 of the Municipal Code requires that a lot with four residential units must be at least 12,600-14,399 square feet in area. The subject lot, at 8742 Stanford Avenue, provides a total lot size of 7,470 square feet, which is 5,130 square feet short of the minimum requirement.

Variance to Deviate from the Minimum Dwelling Unit Living Area:

Title 9 of the Municipal Code requires that the minimum dwelling unit living area for a studio unit is 500 square feet. The applicant is proposing to convert the existing 380 square foot communal recreation area, with a bathroom and laundry room, into the fourth residential dwelling unit on the lot. The proposed fourth residential dwelling unit would be 120 square feet short of the minimum requirement.

Variance to Deviate from the Required Number of Parking Spaces:

The existing site provides a total of six (6) parking spaces. There are three (3) carport parking spaces and three (3) open parking spaces. Title 9 of the Municipal Code requires that the addition of the fourth residential unit requires an additional three (3) parking spaces on the lot. The applicant has not proposed to create any additional parking spaces to meet this requirement.

Variance to Deviate from the Minimum Recreation and Leisure Area:

Currently, with the inclusion of the existing communal recreation room, there is approximately 569 square feet of recreation and leisure area (recreation area) for the existing three units. The existing 569 square feet of recreation area is legal nonconforming. Title 9 of the Municipal Code requires that each residential unit provide a minimum of 300 square feet of recreation area, for a minimum total of 1,200 square feet for all four (4) residential units. The applicant is proposing to convert the communal recreation room into the fourth residential unit. The proposed loss of the communal recreation room decreases the available recreation and leisure area, for all of the residential units, to 189 square feet.

Because the existing 569 square feet of recreation and leisure area, for the existing three units, is legal nonconforming, the addition of the fourth residential unit would only require an additional 300 square feet of recreation area. Therefore the total requirement would be 869 square feet of recreation and leisure area. The applicant is proposing 189 square feet of recreation area, which is 680 square feet short of the minimum requirement.

VARIANCE FINDINGS:

Exceptional Circumstances: No

There are no exceptional or extraordinary circumstances pertaining to the site that warrant approval of a Variance. The site, which is currently developed with an existing triplex, is considered legal nonconforming to the number of units allowed based on lot size. Granting of the Variances would further increase the degree of nonconformity by increasing the number of units to four. This type of development and density, based on lot size, would be uncharacteristic to the other properties in the vicinity.

Substantial Property Right: No

The granting of the Variances would give the subject property owner a special privilege over other property owners in the area in regard to parking requirements, minimum lot size requirements, minimum dwelling unit living area requirements, and minimum recreation and leisure area requirements. These deviations are not commonly found in R-3, or even R-2, zoned properties that are located in the vicinity of the subject property.

Materially Detrimental: Yes

Approval of the Variance request would allow the conversion of the existing communal recreation room into a fourth residential unit. The proposed conversion would be materially detrimental to the public welfare or injurious to the structure or to the future occupants of the site since the project does not comply with minimum lot size, minimum dwelling unit living area, minimum required number of parking spaces, and minimum square footage for recreation and leisure area.

Adverse Effect on the General Plan: Yes

Granting approval of the proposed Variances would adversely affect the General Plan of the City of Garden Grove. One of the goals of the General Plan is to encourage the development and promote the production of safe housing within the community. Because the proposed project is deemed materially detrimental to the public welfare or injurious to the structure or to the future occupants of the site, it does not comply with the goals of the General Plan. Granting of the Variances would not be in keeping with the spirit and intent of the General Plan.

RECOMMENDATION:

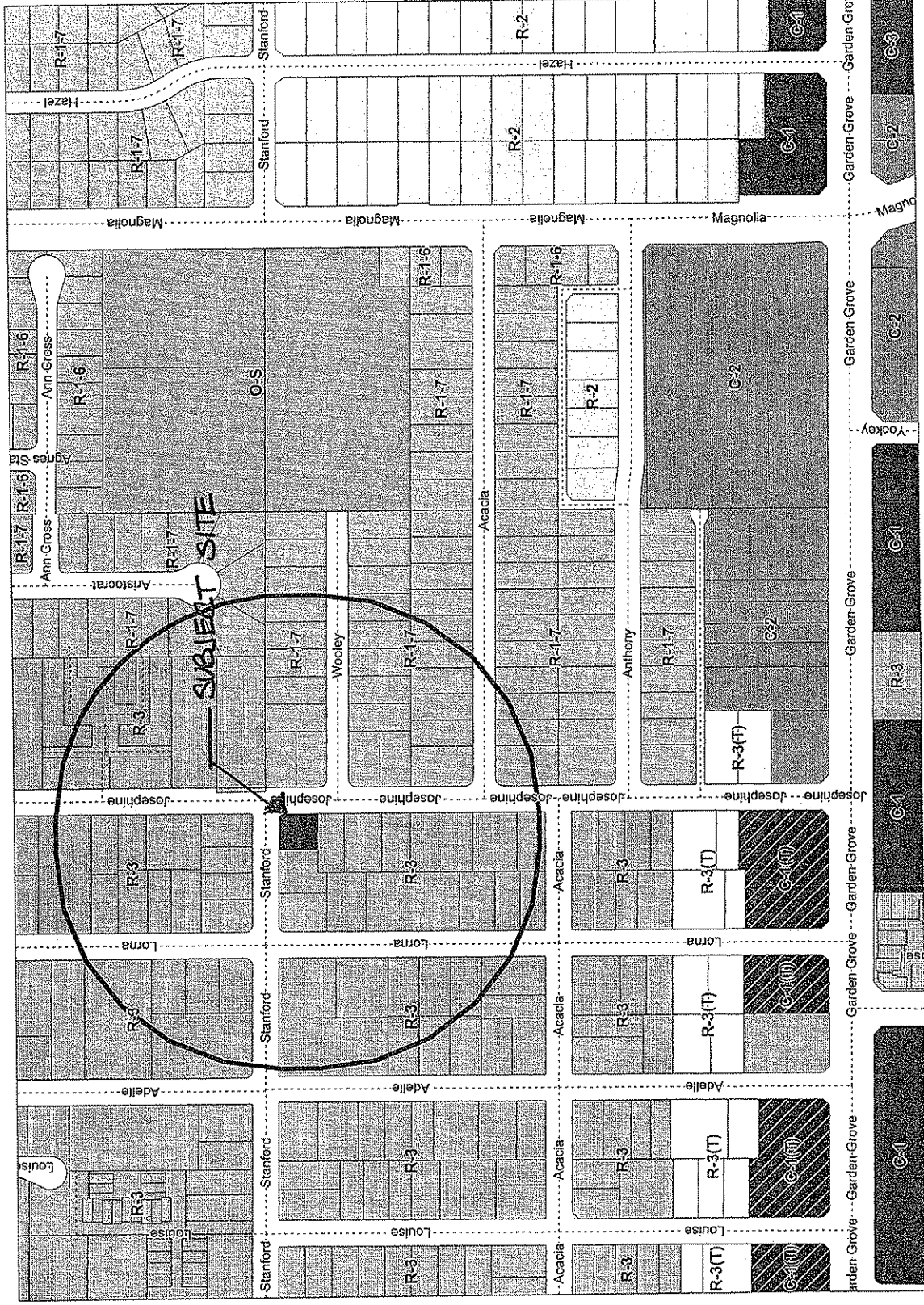
Staff recommends that the Planning Commission take the following action:

- Deny Site Plan No. SP-460-11 and Variance No. V-189-11.

KARL HILL
Planning Services Manager

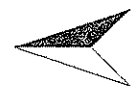
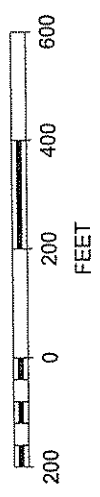
By: Chris Chung
Associate Planner

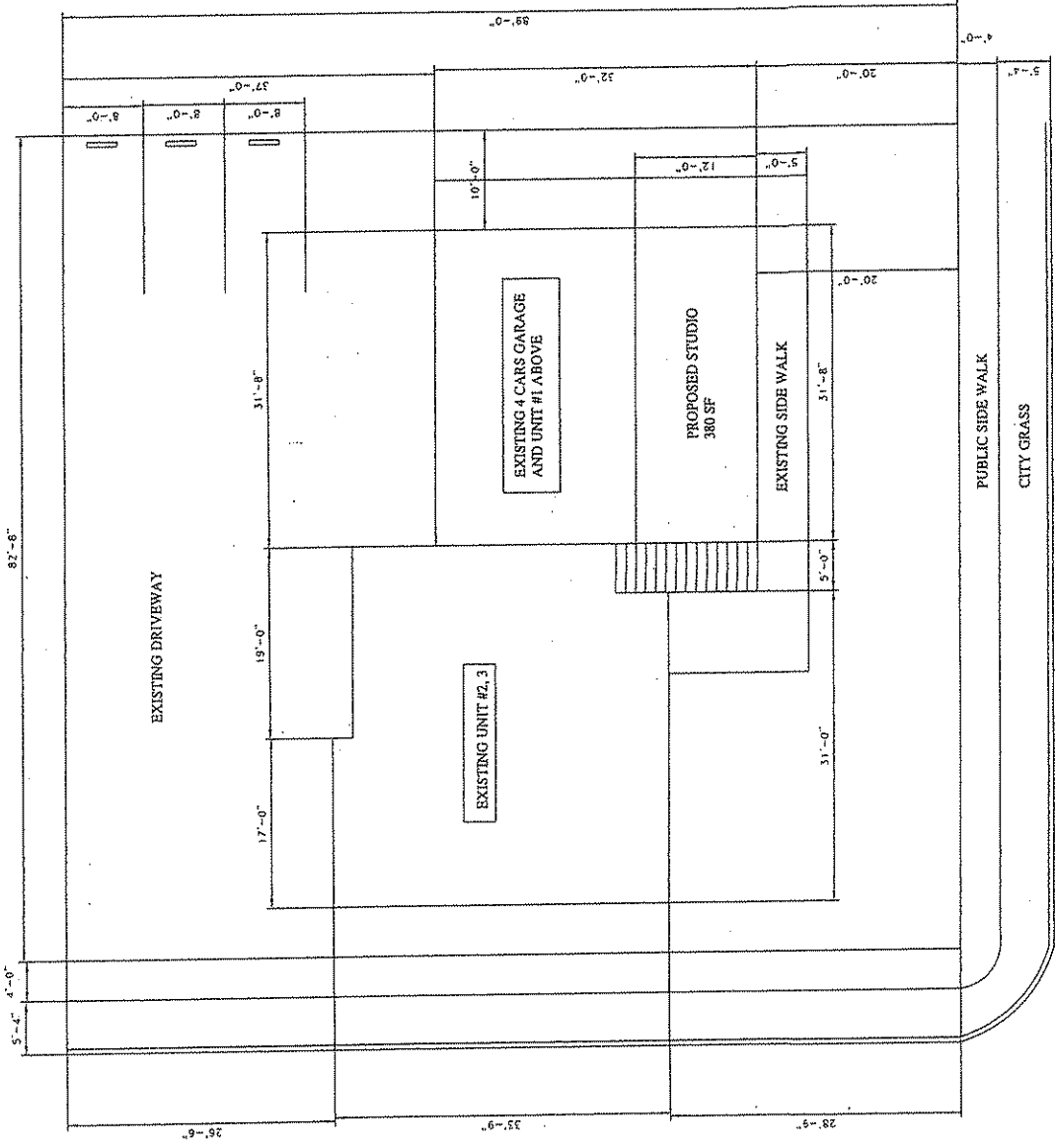
8742 STANFORD AVENUE - SITE PLAN NO. SP-460-11 & VARIANCE NO. V-189-11



Streets	Street Centerlines	Buffer layer	Parcels	Zoning
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				BCSP-BCT
				BCSP-OE
				BCSP-OF
				C-1
				C-1(T)
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				C-3
				CCSP-BC
				CCSP-CC
				CCSP-CCO
				CCSP-CCR
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				CCSP-COS
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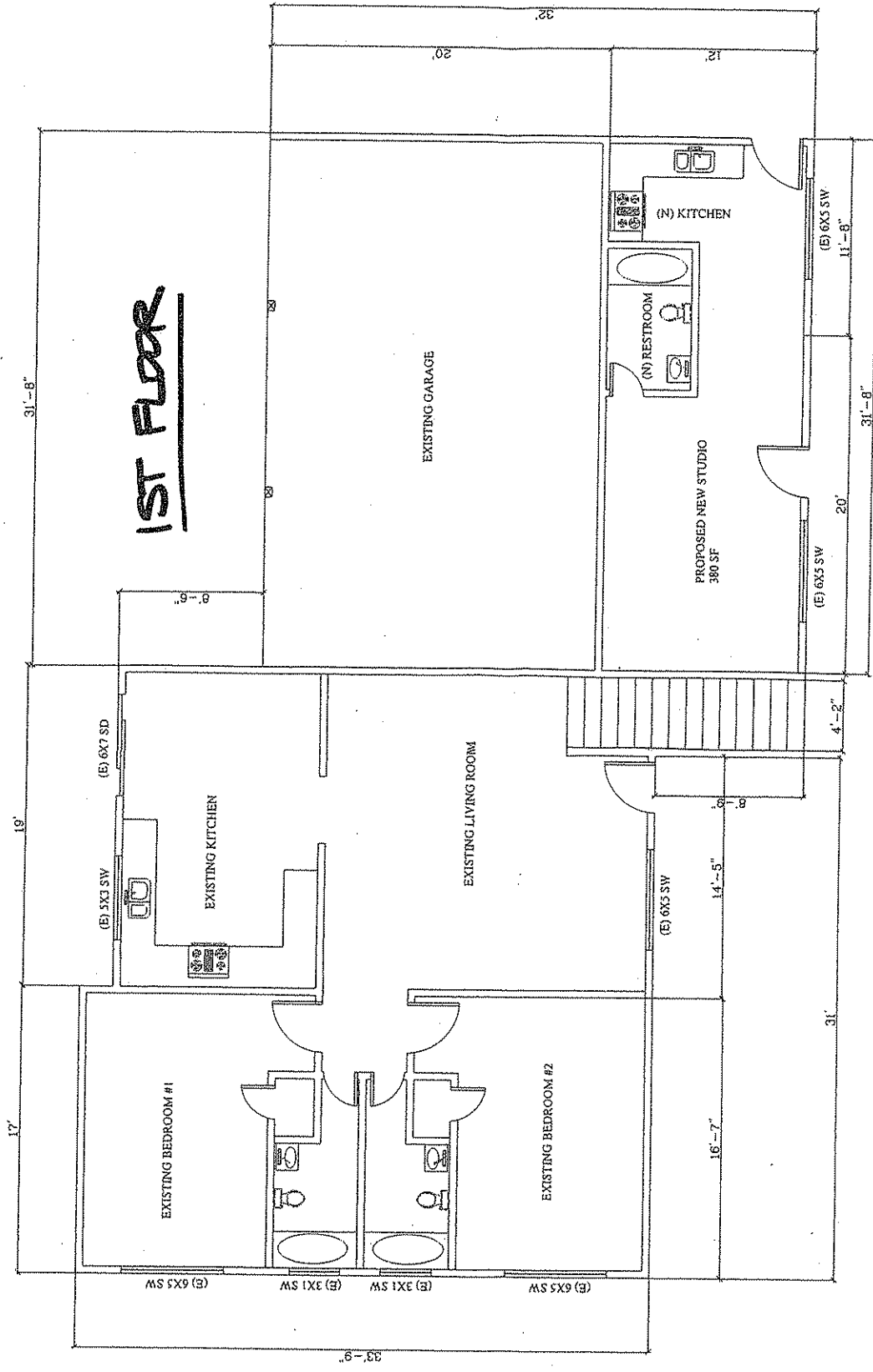


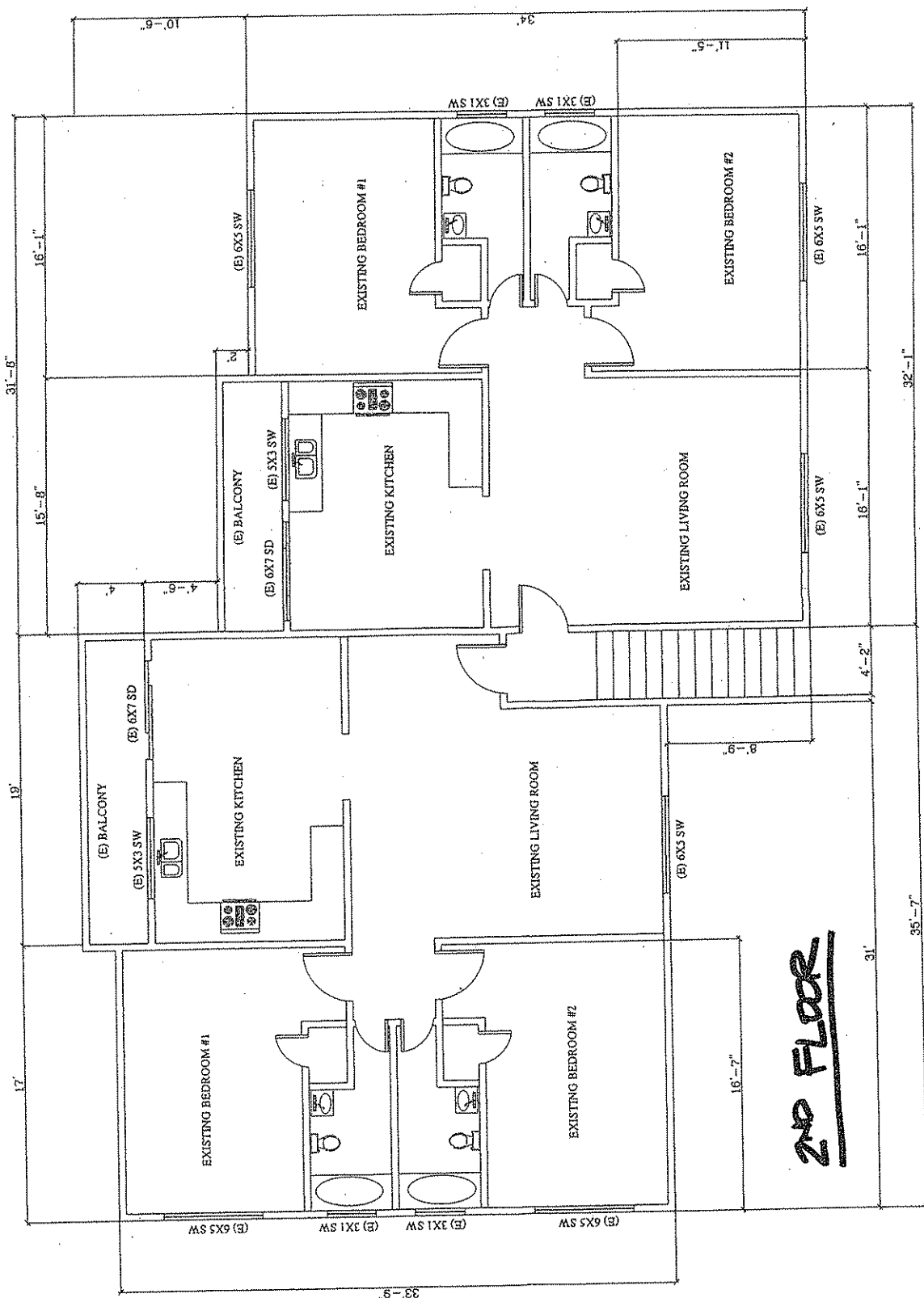


SITE PLAN

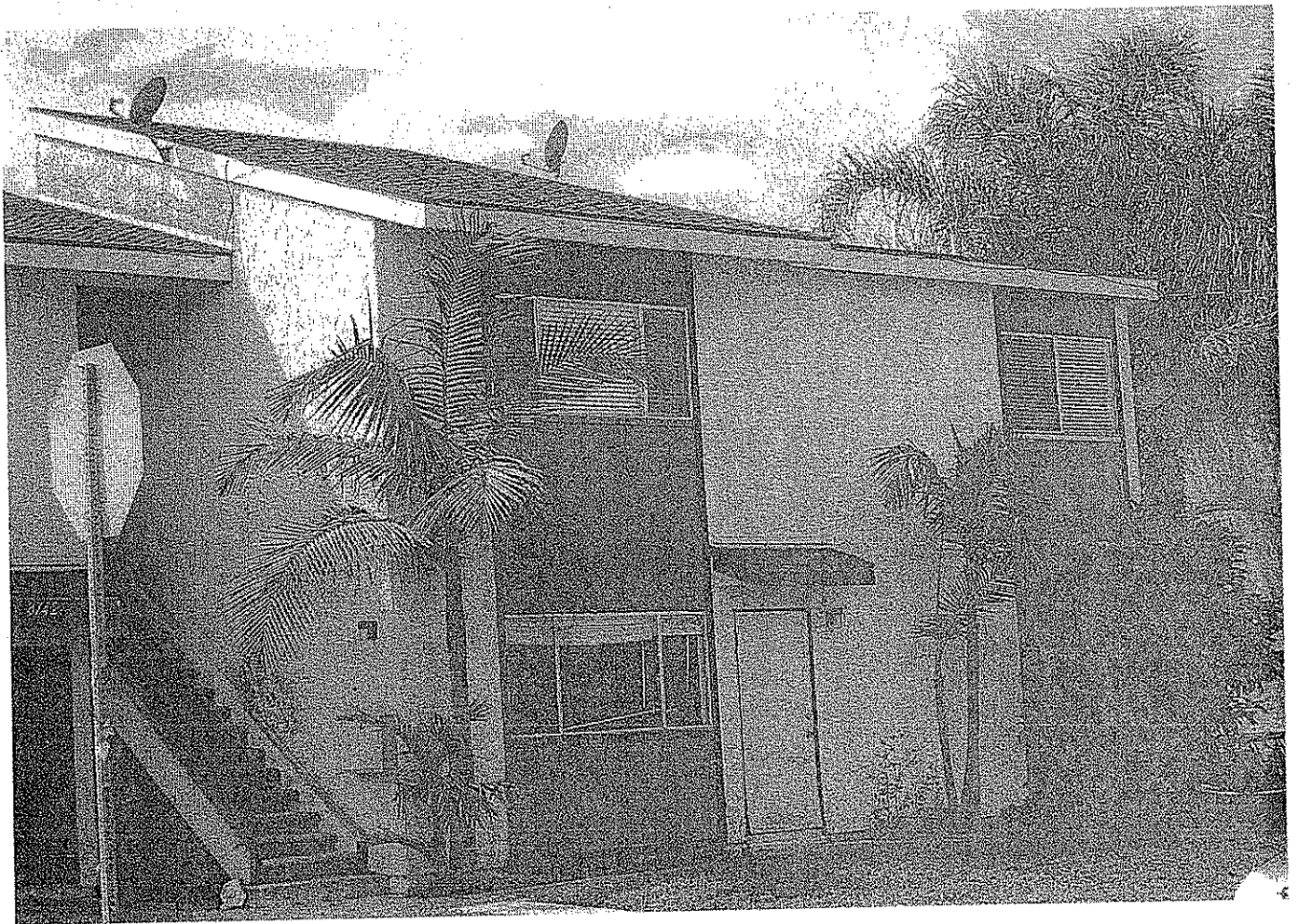
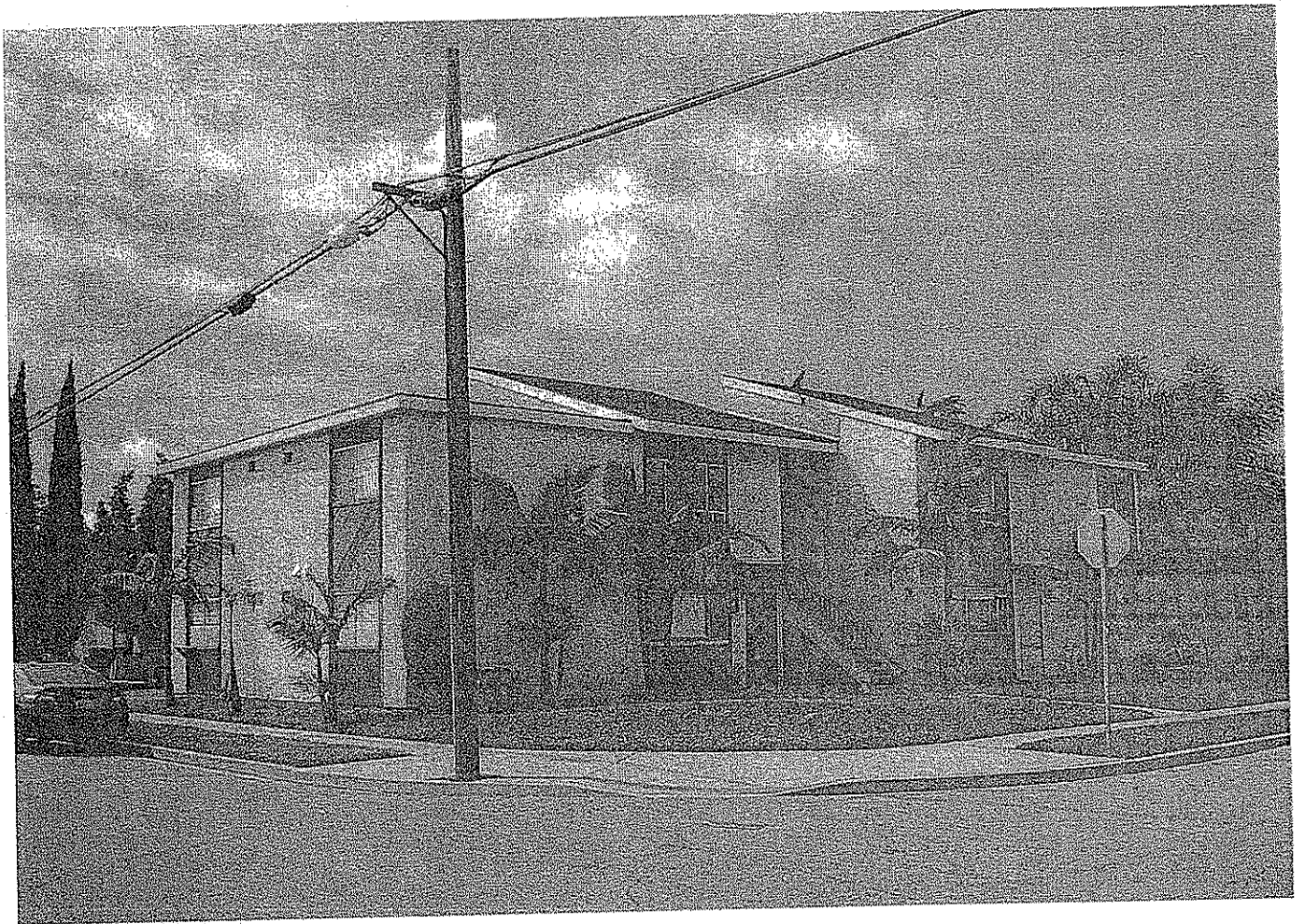
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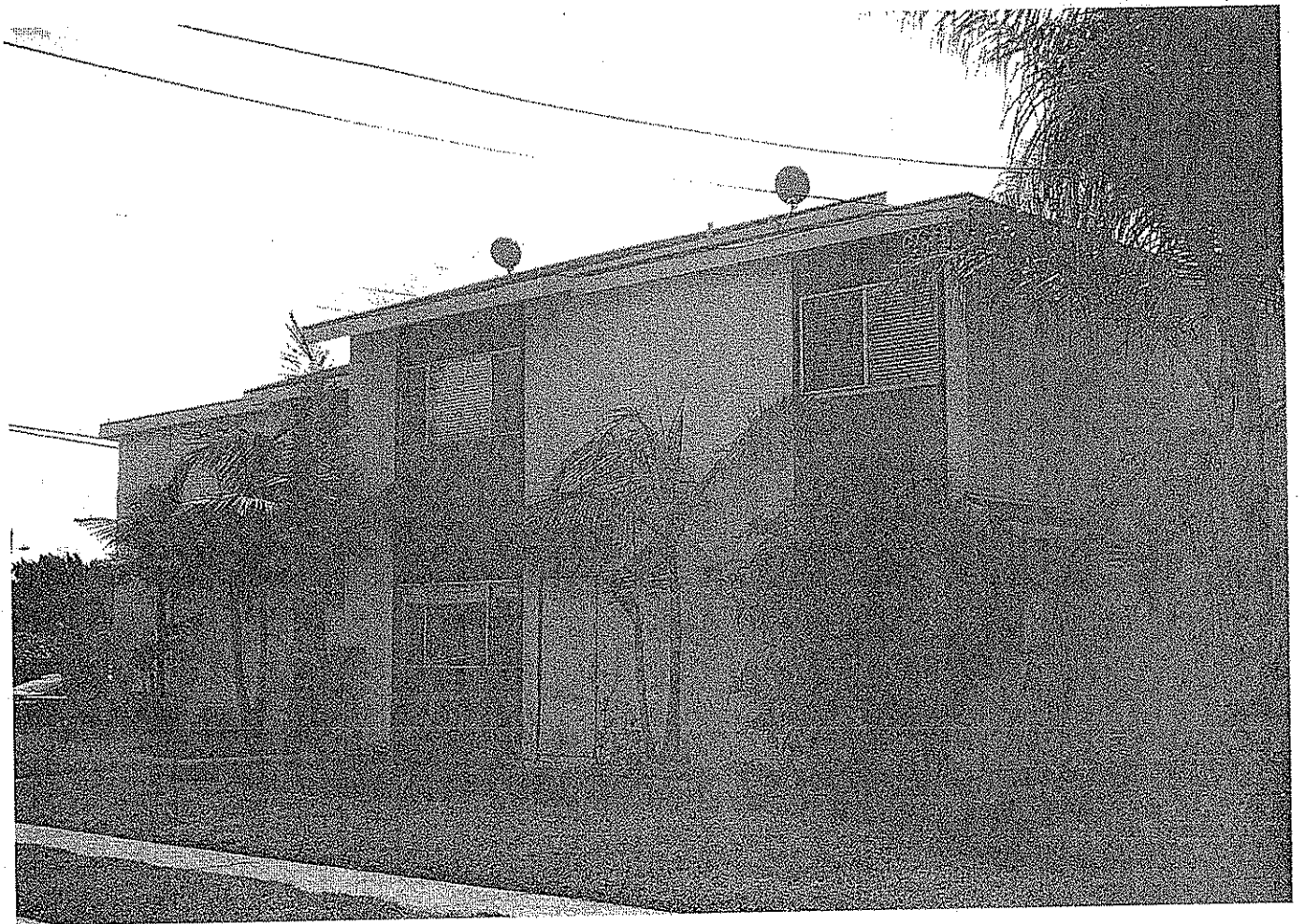
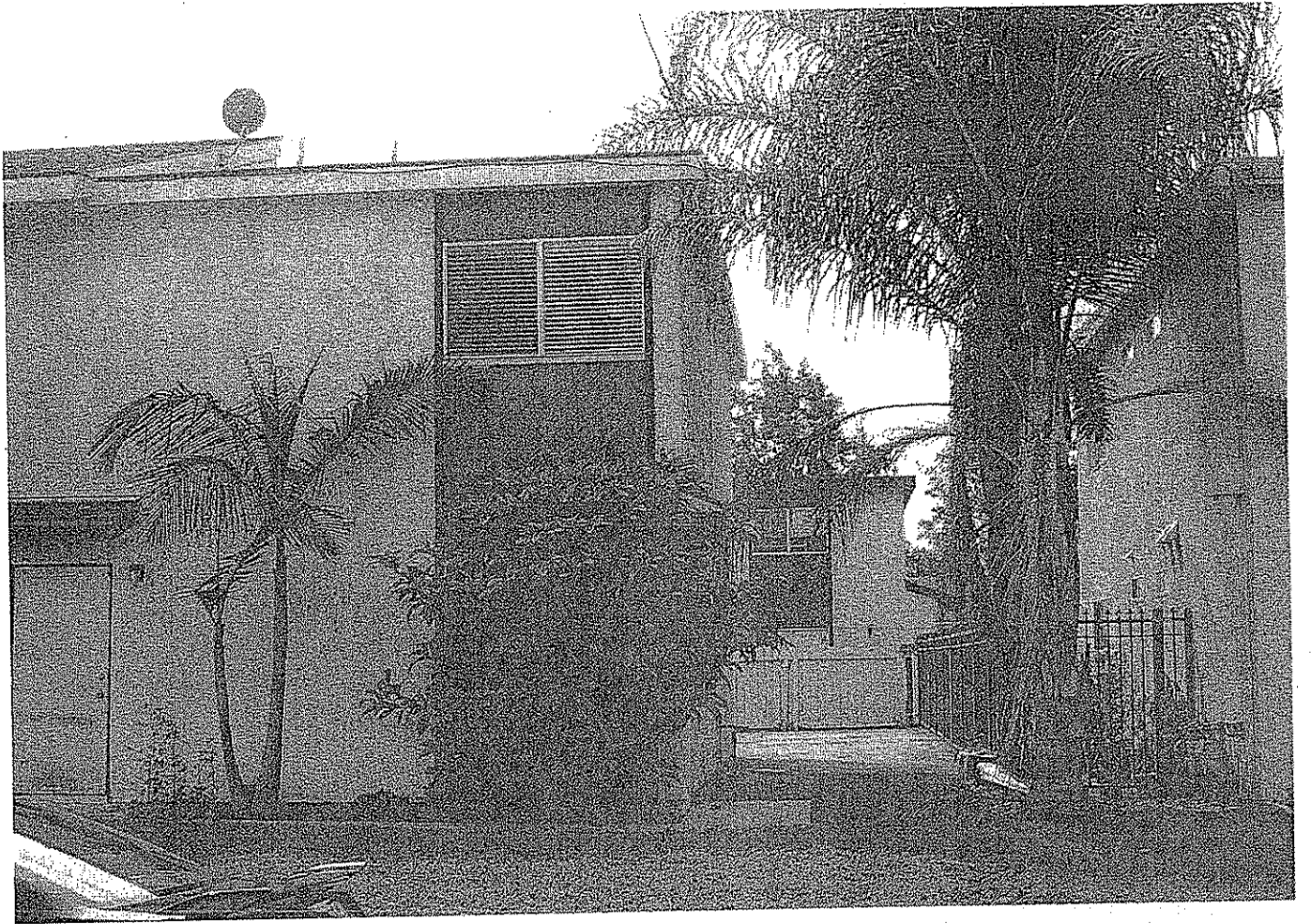


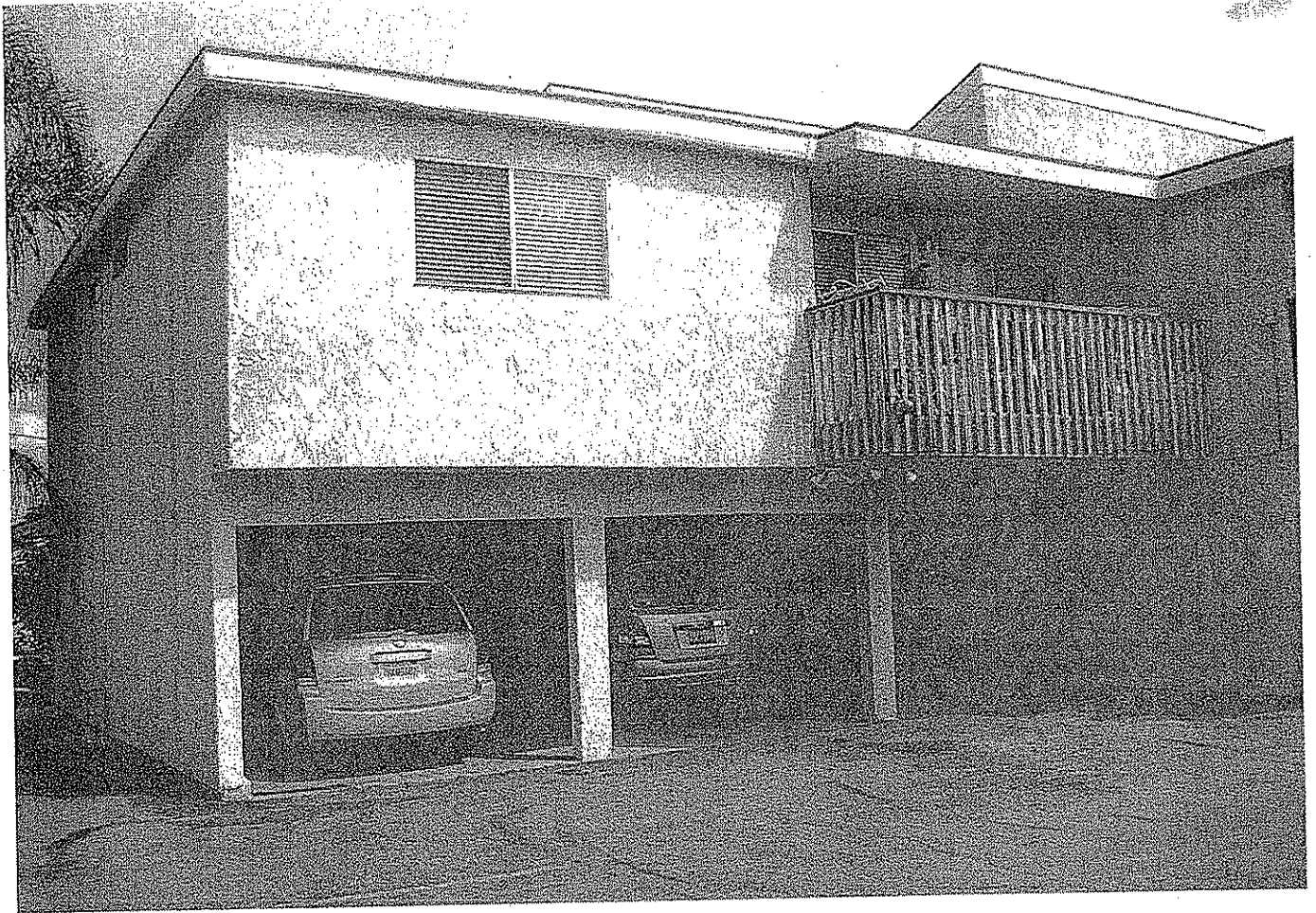


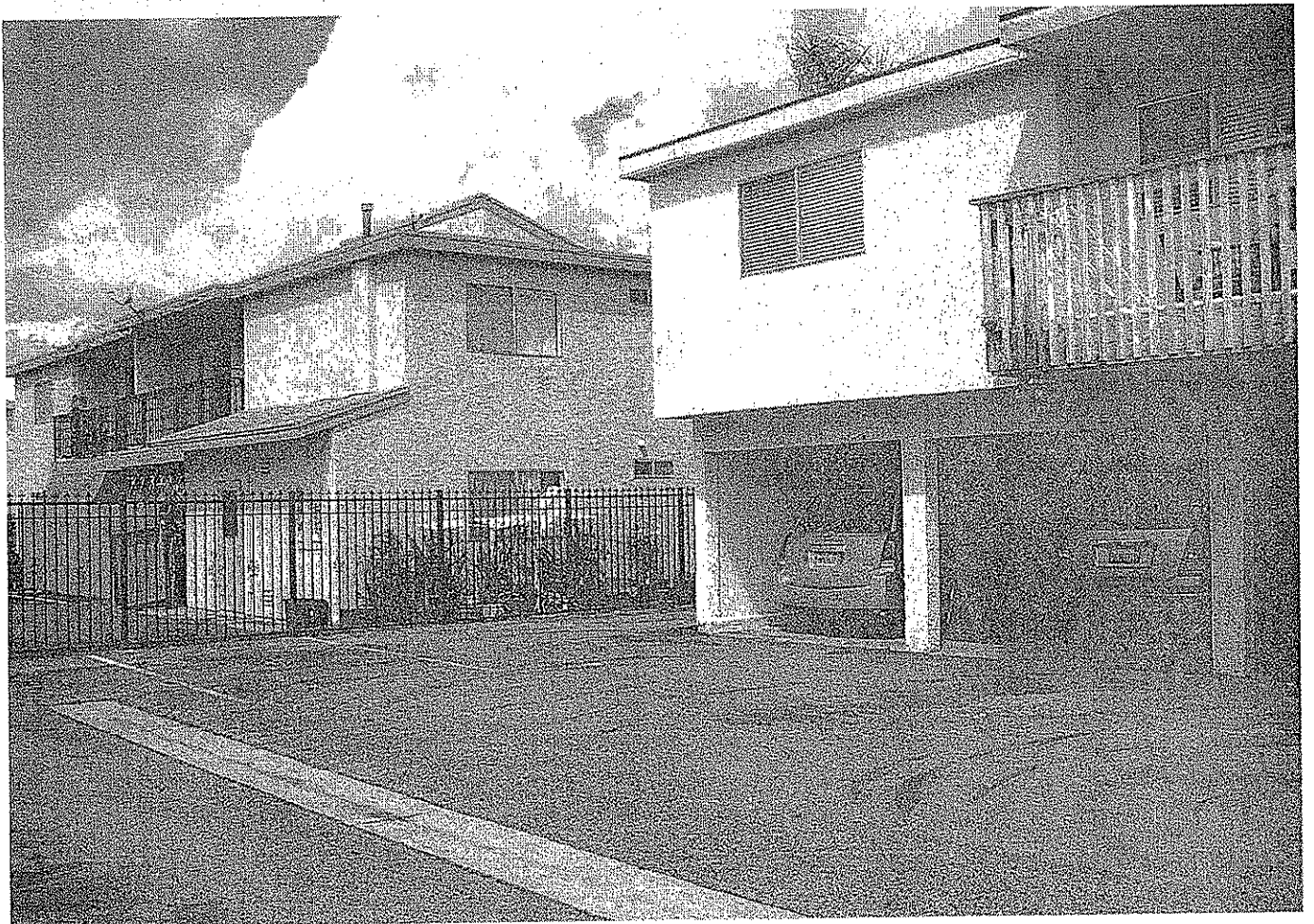


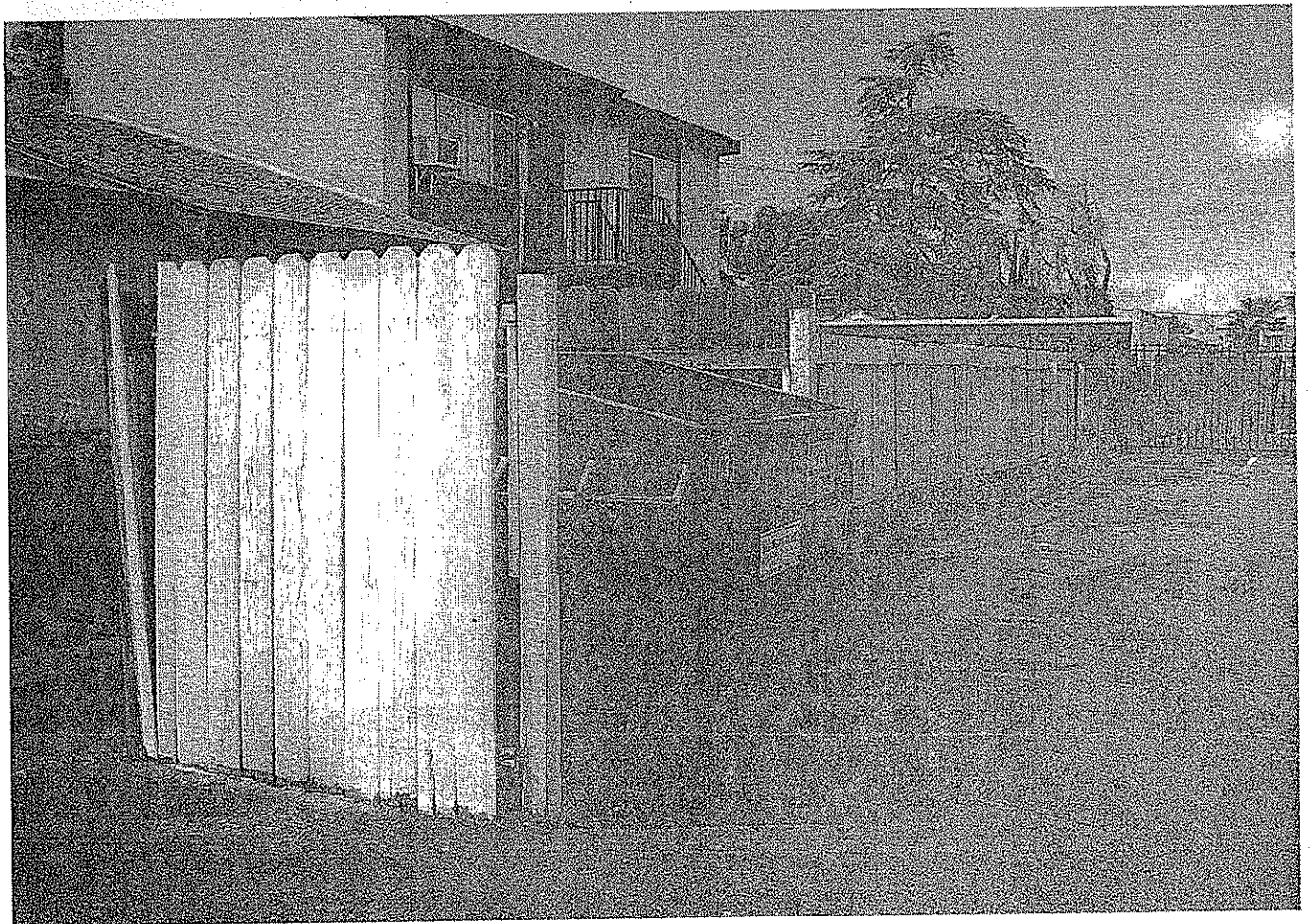
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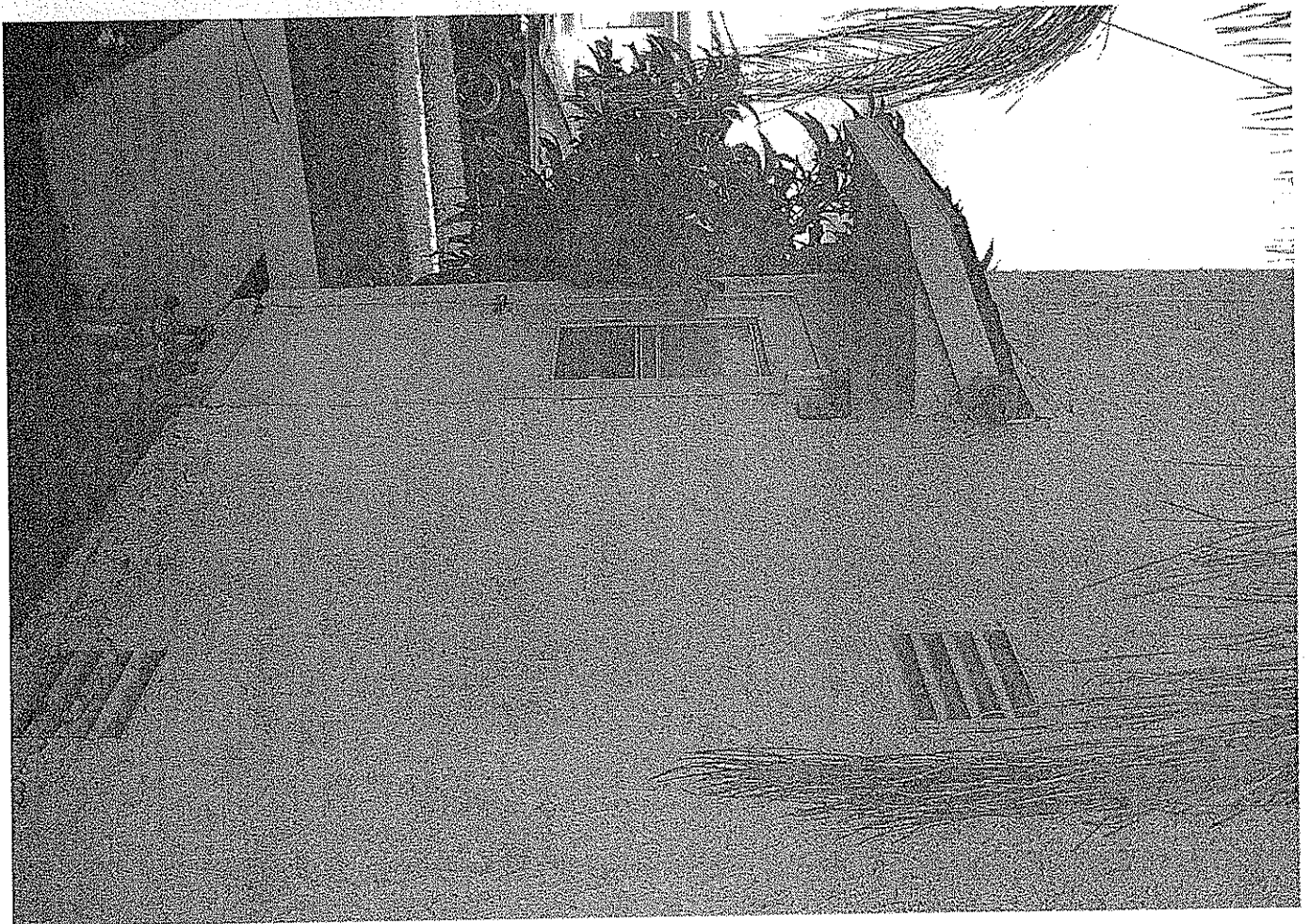
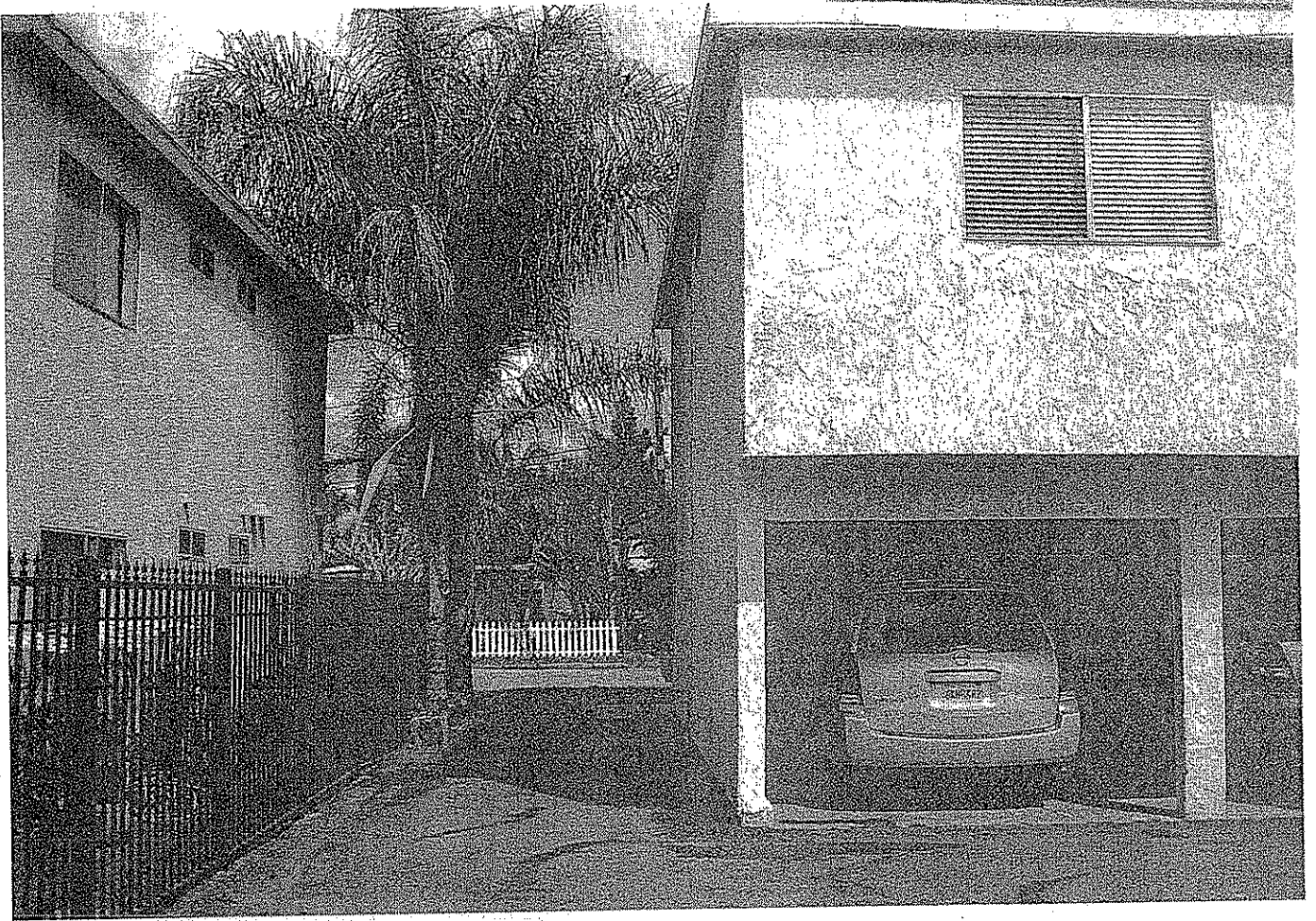












RESOLUTION NO. 5735-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE DENYING SITE PLAN NO. SP-460-11 AND VARIANCE NO. V-189-11.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on April 7, 2011, hereby denied Site Plan No. SP-460-11 and Variance No. V-189-11 for a property located on the southwest corner of Stanford Avenue and Josephine Street, at 8742 Stanford Avenue, Assessors Parcel No. 133-461-17.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-460-11 and Variance No. V-189-11, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Khanh Mai Vo.
2. The applicant is requesting Site Plan approval to convert an existing 380 square foot communal recreation room, with a bathroom and laundry room, into a residential dwelling unit, Unit 4, within an existing triplex. The applicant is also requesting Variance approval to deviate from the minimum lot size for four (4) units, to deviate from the minimum dwelling unit living area, to deviate from the required number of parking spaces, and to deviate from the minimum square footage for recreation and leisure area.
3. The property has a General Plan designation of Medium Density Residential and is zoned R-3 (Multiple-Family Residential). The site is improved with an existing triplex.
4. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
5. Report submitted by the City staff was reviewed.
6. Pursuant to a legal notice, a public hearing was held on April 7, 2011, and all interested persons were given an opportunity to be heard.
7. The Planning Commission gave due and careful consideration to the matter during its meeting on April 7, 2011; 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 9.32.030 are as follows:

FACTS:

The subject property is a 7,470 square foot lot, located on the southwest corner of Stanford Avenue and Josephine Street at 8742 Stanford Avenue. The property has a General Plan Land Use Designation of Medium Density Residential and is zoned R-3 (Multiple-Family Residential). The subject property abuts R-3 zoned properties to the north, south and west, and R-1 (Single-Family Residential) zoned properties across Josephine Street to the east.

The site is currently improved with a two-story triplex with an attached carport that parks three (3) vehicles. There are also three (3) open parking spaces on the lot. There is an existing 380 square foot communal recreation room on the first floor, which also has a bathroom and a laundry room.

The applicant is requesting to convert this communal recreation room into a fourth residential unit. The proposed project does not comply with many development standards of the R-3 zone and requires the approval of variances to the following: to deviate from the minimum lot size for four (4) units, to deviate from the minimum dwelling unit living area, to deviate from the required number of parking spaces, and to deviate from the minimum square footage for recreation and leisure area.

FINDINGS AND REASONS:

SITE PLAN:

1. The Site Plan does not comply with the spirit and intent of the provisions, conditions, and requirements of the Municipal Code and other applicable ordinances.

The project does not comply with the Medium Density Residential General Plan Land Use Designation and the R-3 (Multiple-Family Residential) zone requirements. The proposed project is not designed within the parameters of the R-3 zone, and does not comply with the minimum lot size for four (4) units, minimum dwelling unit living area, required number of parking spaces, and minimum square footage for recreation and leisure area.

2. The proposed development adversely affects essential on-site facilities such as on-site parking, recreation and leisure areas, and the laundry facility.

The City's Traffic Engineering Section has reviewed the proposed project and indicates that a number of improvements have to be made to the site. These improvements would include and are not limited to the following: underground electrical equipment, construct new trash enclosure, repair curb and gutter per City Standards, and install grate and drain at parking lot

gutter exit. The existing dwelling unit will continue to be accessed from a driveway from Josephine Street.

The site currently provides six (6) parking spaces; three (3) under a carport and three (3) open parking spaces. The proposed fourth unit requires an additional three (3) parking spaces. The project does not comply with the parking requirement of Title 9 of the Municipal Code.

The proposed project provides a total of 189 square feet of recreation and leisure area, which is 680 square feet short of the minimum requirement of 869 square feet for the project. Additionally, the proposed project, which is to convert the existing communal recreation room, which includes the laundry room, does not note where the new laundry facilities will be provided for each unit.

3. The development, as proposed, will adversely affect essential public facilities such as streets and alleys, utilities and drainage channels.

Based on the subject lot size of 7,470 square feet, Title 9 of the Municipal Code allows a maximum density of two (2) units. The proposed project is for four (4) units, which are beyond what the maximum density of the R-3 zone allows. Additionally, the project does not comply with the minimum number of required parking spaces, minimum dwelling unit living area, and minimum square footage for recreation and leisure area. These deviations will lend the development to adverse affects on nearby public facilities such as streets, alleys, utilities and drainage channels due to the higher density of the project.

4. The proposed project will adversely impact the Public Works Department ability to perform its required function.

Due to the higher density of the project, the higher activity on the subject lot, resulting from residents or vehicles, may adversely impact the Public Works Department ability to perform its required function.

5. The development does not have a reasonable degree of physical, functional, and visual compatibility with neighboring uses and desirable neighborhood characteristics.

The property is zoned R-3 (Multiple-Family Residential). The project has not been designed in accordance with the R-3 development standards, including minimum lot size, minimum dwelling unit living area, required number of parking spaces, and minimum square footage for recreation and leisure area. The proposed project has not been designed to be compatible nor to be integrated with the neighborhood. The density of the project is not consistent with other properties in the vicinity.

6. The project does not provide the minimum requirement of recreation and leisure area as an amenity for the occupants of the property.

The proposed project provides a total of 189 square feet of recreation and leisure area, which is 680 square feet short of the minimum requirement of 869 square feet for the project. The project has not been designed in a manner that provides an adequate amount of recreation and leisure area for each unit as required by the Municipal Code.

VARIANCE:

1. Finding: There are no exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that does apply generally to other property or classes of use in the same vicinity or zone.

Reason: There are no exceptional or extraordinary circumstances pertaining to the site that warrant approval of a Variance. The site, which is currently developed with an existing triplex, is considered legal nonconforming to the number of units allowed based on lot size. Granting of the Variances would further increase the degree of nonconformity by increasing the number of units to four. This type of development and density, based on lot size, would be uncharacteristic to the other properties in the vicinity.

2. Finding: The Variance is not necessary for the preservation and enjoyment of a substantial property right possessed by other properties in the same vicinity and zone, but which is denied to the property in question.

Reason: The granting of the Variances would give the subject property owner a special privilege over other property owners in the area in regard to parking requirements, minimum lot size requirements, minimum dwelling unit living area requirements, and minimum recreation and leisure area requirements. These deviations are not commonly found in R-3, or even R-2, zoned properties that are located in the vicinity of the subject property.

3. Finding: The granting of such Variance will be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zone in which the property is located.

Reason: Approval of the Variance request would allow the conversion of the existing communal recreation room into a fourth residential unit. The proposed conversion would be materially detrimental to the public welfare or injurious to the structure or to the future occupants of the site since the project does not comply with minimum lot size, minimum dwelling unit living area, minimum required number of parking spaces, and minimum square footage for recreation and leisure area.

- 4. Finding: The granting of such Variance will adversely affect the comprehensive General Plan.

Reason: Granting approval of the proposed Variances would adversely affect the General Plan of the City of Garden Grove. One of the goals of the General Plan is to encourage the development and promote the production of safe housing within the community. Because the proposed project is deemed materially detrimental to the public welfare or injurious to the structure or to the future occupants of the site, it does not comply with the goals of the General Plan. Granting of the Variances would not be in keeping with the spirit and intent of the General Plan.

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 Variance does not possess characteristics that would justify the request in accordance with Municipal Code Section No. 9.32.030.3 (Site Plan) and Section 9.32.030.6 (Variance).

ADOPTED this 7th day of April, 2011

/s/ KRIS BEARD
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 April 7, 2011, by the following votes:

AYES:	COMMISSIONERS:	BEARD, BRIETIGAM, BUI, CABRAL, DOVINH, ELLSWORTH, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

/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 April 28, 2011.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: SITE PLAN NO. SP-460-11
VARIANCE NO. V-189-11
APPLICANT: KHANH MAI VO
LOCATION: SOUTHWEST CORNER OF STANFORD AVENUE AND JOSEPHINE STREET AT 8742
STANFORD AVENUE
DATE: APRIL 7, 2011

REQUEST: Site Plan approval to convert an existing 380 square foot communal recreation room, with a bathroom and laundry room, into a residential dwelling unit, Unit 4, within an existing triplex. Also, a request for Variance approval to deviate from the minimum lot size for four (4) units, to deviate from the minimum dwelling unit living area, to deviate from the required number of parking spaces, and to deviate from the minimum square footage for recreation and leisure area. The site is in the R-3 (Multiple-Family Residential) zone.

Staff report was read and recommended denial.

Vice Chair Bui mentioned that the unit next door had a similar floor plan and wondered if the permits were also similar, such as permits by the County before incorporation to the City of Garden Grove, and also, that possibly both buildings were constructed at the same time, each with a recreation room. Staff replied that they do not have records of building permits for the adjacent property or know if a recreation room was located on the first floor.

Commissioner Dovich asked staff to describe the parking situation. Staff responded that on-street parking was available for the neighborhood; that the current parking is not consistent with current development standards; and that the units, as well as surrounding units, already depend on street parking.

Commissioner Pak asked Staff to explain what prompted the property inspection in July of 2005. Staff replied that a Code Enforcement investigation, prompted by a complaint, revealed substandard issues, specifically, the recreation room was converted into a fourth residential unit.

Chair Beard asked for clarification regarding the property incorporation. Staff replied that this Dale/Josephine area was under the County of Orange until 1983; that the applicant's building permit dates, on Garden Grove letterhead, was not consistent with the property being incorporated into the City of Garden Grove; that there was no 'grandfathering' or legal documents that indicated the City listed the property with as a four-unit dwelling.

Commissioner Ellsworth asked Staff if the applicant converted the property back to a recreation room by the 2007 deadline. Staff responded that the applicant/buyer sued the seller in a court case, with the applicant directed to apply for a land use entitlement for a fourth unit through a planning process.

Chair Beard opened the public hearing to receive testimony in favor of or in opposition to the request.

Mr. Charles Minh Le, and Mr. Leon Tran, the applicant's representatives, approached the Commission. Mr. Le described the project and stated that due to the economy, he lowered his tenant's rent for them to stay and now needs the fourth unit in order to pay the mortgage; that there is parking for four units; that he requests a one-person studio unit, which would have one large parking space at the back of the building; that the original owner of the four-plex submitted a permit to the City to convert the recreation room into a studio, however, the final signature is missing; that the County acknowledged that the property was a four-plex; that he has been paying taxes on a four-plex for many years; that prior to his purchase, the space was rented to one person for ten years; and, that the last renter lived there with him for five years, and during the total 15 years, there were no complaints about the property or parking.

Commissioner Dovich asked Mr. Le when he purchased the property and what was the basis of the lawsuit. Mr. Le replied that he bought the property as a four-plex, with three full units and a studio and that he also saw the permit; and that the court ordered a reimbursement by the previous owner.

Commissioner Ellsworth asked the applicant if he complied with Code Enforcement's direction in 2005. Mr. Le responded that the tenant could not live there anymore and they updated the space; that from 2007 to present the space has been empty.

Staff added that the court directed the applicant to go through the land use entitlement process.

Vice Chair Bui asked the applicant where the washer, dryer, and water heater unit would be located. Mr. Tran responded that each existing unit has a washer, dryer, heater, and water heater; however, the studio has a bathroom/shower only.

Commissioner Cabral asked Mr. Le if all of the units, except for the studio, had the washer, dryer, heater, and water heater when he purchased the property. Mr. Tran replied yes, that the studio only had a little kitchen; and that Mr. Le has a copy of the original 1978 permit with a signature.

Vice Chair Bui asked if the applicant lives in one of the units. Mr. Le replied no.

Vice Chair Bui then asked if the applicant if he had a plan for the washer, dryer, heater, and water heater services for the studio. Mr. Tran replied that if approved, the applicant would install the laundry services and a wall heater.

Commissioner Pak asked the applicant to explain the parking plan to add four additional parking spaces at the back of the building along with the access from the street. Mr. Le responded that a tenant parks next to the trash can; that there is public parking at the corner; that there are no complaints regarding parking; and that tenants tend to park on the street instead of the garage, which is a three-side carport.

Mr. Tran added that the existing driveway is 26'-6", and the City requires 12'-6" only, which leaves 10'-0" for parking.

Commissioner Cabral asked the applicant had been paying property tax on a four-unit dwelling to the County Assessor's office. Mr. Le responded that he did not recall; however, he had been paying for the City permit for four units.

Commissioner Cabral asked Staff to verify that the County Assessor's office had the property registered as a three-unit dwelling unit. Staff stated that the City has a copy of a 1978 permit from the Orange County Assessor's, which matches the date of the other permit, however, with that date, the project was under the jurisdiction of Orange County, and the permit included three-units with a recreation room, a laundry room, and a bathroom.

Commissioner Dovich expressed his concern with the number of people who would rent the studio and was there a City limit on the number of people allowed.

Mr. Le responded that only one person would live there for \$500 to \$600, which would help, but he would still lose money.

Staff added that the City has no regulation on density per dwelling unit, however, the issues would be health, safety, and welfare.

Chair Beard asked the applicant for the plan if the variance request was not approved. Mr. Le replied that the room would remain empty.

Chair Beard asked the applicant if he was aware the extra room was to be a recreation/laundry room. The applicant replied no, and that the adjacent building also had four units.

Chair Beard mentioned that one of the meters had a laundry designation.

Mr. Le stated that the previous owner paid rent for the studio unit too.

Staff added that additional parking could not be added in the driveway due to maneuverability and that the only parking was the existing three covered and three uncovered parking spaces.

Commissioner Ellsworth asked for clarification on the fire access. Staff replied that the fire department could pull hoses from the either street and not pull onto the site.

Staff added that in the City of Garden Grove, all rental properties are required to have a business license and the applicant's understanding was that he had four units, however, Planning Staff would not see that business application for a rental unit.

There being no further comments, the public portion of the hearing was closed.

Staff added that, by state law, variance approvals need four findings. The findings by state law are exceptional circumstances, variance necessary for the preservation and enjoyment of property right, not materially detrimental to the public welfare, consistent with the City's General Plan, and approval is subject to conditions.

Commissioner Brietigam expressed empathy for the applicant and for the tenants, in that the studio room was intended to be a recreational space; and that the City has standards.

Vice Chair Bui agreed, however, the building next door was similar and warranted an inspection, especially if the building was a four unit, the grandfather law would need to be revisited.

Commissioner Ellsworth added that the request falls short of the City's General Plan requirements, i.e., the size of the laundry room, R-3 zoning for the lot size, and for the parking. Also, that the room was never intended for a studio, and the City needs to be consistent, especially with regard to safety.

Commissioner Pak agreed and thanked Staff for highlighting the shortcomings. He also stated that the project was substandard according to code, and that certain limits have to be set.

Commissioner Dovich agreed and stated that he would have supported the homeowner, however, the project is substandard and one solution would be to raise the rent, and make the space usable to increase property value. He also added that some recovery was made with the previous owner; that if approved and re-sold, the new owner may not be considerate and add people to the room, which would be a burden on City Staff.

Chair Beard agreed that the economic situation was unfortunate, however, hardship was not a variance finding, and the degree of nonconformity would increase as the project does not meet code.

Commissioner Brietigam moved to approve the denial of Site Plan No. SP-460-11 and Variance No. V-189-11, seconded by Vice Chair Bui, pursuant to the facts and reasons contained in Resolution No. 5735-11. The motion carried with the following vote:

AYES:	COMMISSIONERS:	BEARD, BRIETIGAM, BUI, CABRAL, DOVINH, ELLSWORTH, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

APPEAL

RECEIVED
CITY OF GARDEN GROVE
CITY CLERK'S OFFICE

Request for City Council or Planning Commission
Public Hearing

2011 APR 25 P 4: 05

TO: City Clerk
City of Garden Grove

Pursuant to Section 9.32.110 of the Municipal Code (see reverse), I hereby appeal the decision of the CIRCLE ONE (Planning Commission) / Zoning Administrator) in Case No. ~~SP-460-11/V-129-11~~ and petition the CIRCLE ONE (City Council / Planning Commission) for a Public Hearing to consider CIRCLE ONE (approving / denying / modifying) the subject application for the following reasons:

The permitted by the signer.
Does it have any valuable?

(Use additional sheets if necessary)

Date: 4/25/2011 Appeal Fee (see reverse): \$100⁰⁰

Appellant: CHARLES MINH LE

Address: 16456 PONDEROSA ST.

City & ZIP: FOUNTAIN VALLEY Daytime Phone No.: (714) 791-1653

Thưa các ông các bà.

Tôi Charles Minh Le, vợ tôi Khanh Mai vo
chung tôi may mắn mua được căn 8742 Stanford Ave.
GG. gọi là 4 flex, có Building Permit đúng
đắn, có 4 gia đình ở, có 4 hộp thư và
có Business tax certificate are 4 units.

Trong tất cả văn thư, đơn, forms, mua, bán, đổi...
nói chung tất cả các giấy tờ, chữ ký rất quan-
trọng và nhất là chữ ký nói lên sự chấp nhận và
đồng ý cho phép làm theo đơn xin phía trên đó
chính vì đó chúng tôi có đầy đủ chữ ký của
Building permit cho căn studio của 8742 Stanford Ave
GG. Nay chúng tôi xin các ông các bà nghĩ lại
cho chúng tôi một cơ hội làm thành studio, để
chúng tôi cho thuê, tiền ^{cho} thuê sẽ giúp chúng
tôi hơn trong thời kinh tế khó khăn này

cảm ơn.

Charles Minh Le

RECEIVED
CITY OF GARDEN GROVE
CITY CLERK'S OFFICE
2011 APR 27 P 6:02

To whom it may concern,

My name is Charles Minh Le, and my wife is Khanh Mai Vo. We are so lucky to have just purchased a four-plex in Garden Grove, located at 8742 Stanford Ave, Garden Grove. It's a four-plex building, with building permit, 4 family residences, 4 mail boxes and the Business Tax Certificate indicates it's a four unit property.

Generally speaking, a signature is very important in all the forms, letters, applications, purchasing, trading, exchanging, etc. It represents the approval and agreement to perform the duties listed in the forms. Therefore, we have the signatures (permits) from the Building Department for our add-in studio. We are sincerely asking for the approval of the studio, so we can rent it out, which will help us in these hard economic times.

Sincerely,

Charles Minh Le

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DECISION
TO DENY SITE PLAN NO. SP-460-11 AND VARIANCE NO. V-189-11

WHEREAS, the case, initiated by Khanh Mai Vo, requesting Site Plan approval to convert an existing 380 square foot communal recreation room, with a bathroom and laundry room, into a residential dwelling unit, Unit 4, within an existing triplex. Also requesting Variance approval to deviate from the minimum lot size for four (4) units, to deviate from the minimum dwelling unit living area, to deviate from the required number of parking spaces, and to deviate from the minimum square footage for recreation and leisure area, for a property located on the southwest corner of Stanford Avenue and Josephine Street at 8742 Stanford Avenue, Parcel No. 133-461-17;

WHEREAS, Charles Minh Le, husband and representative of the applicant, Khanh Mai Vo, has requested the appeal of the denial of Site Plan No. SP-460-11 and Variance No. V-189-11;

WHEREAS, pursuant to Planning Commission Resolution No. 5735-11, at a Public Hearing on April 7, 2011, denied Site Plan No. SP-460-11 and Variance No. V-189-11;

WHEREAS, pursuant to legal notice, a Public Hearing was held by the City Council on June 14, 2011, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter during its meeting of June 14, 2011.

NOW THEREFORE, the City Council of the City of Garden Grove hereby resolves, determines, and orders as follows:

The City Council denies the appeal and upholds the Planning Commission's decision to deny Site Plan No. SP-460-11 and Variance No. V-189-11, based upon the facts, findings and reasons set forth in Planning Commission Resolution No. 5735-11. A copy of Planning Commission Resolution No. 5735-11 is on file in the City Clerk's Office, concurrently submitted in the agenda materials for Site Plan No. SP-460-11 and Variance No. V-189-11, and incorporated herein by reference with the same force and effect as set forth in full.

BUILDING RECORD #3 WEDGE COUNTY ASSESSOR

8742 STANFORD GARDEN GROVE CITY

DATE 7-8-77 AMT 101184 ITEM 3 UNITS

Table with columns for TYPE, EXTERIOR, ROOF, STRUCT WALLS, and FOUNDATION. Includes items like STUCCO, SNEATHING, BRICK VEN, and CONCRETE RAISED.

Table with columns for INTERIOR FINISH DETAIL, A.C. DESCRIPTION, and EXTRA COST DETAIL. Includes items like FLOOR, WALLS, CEILING, and HEAT COOL.

MISCELLANEOUS STRUCTURES table with columns for ITEM CODE, STRUCT, DESCRIPTION, SIZE, NO, and UNIT COST. Lists DECK, PORCH, STAIRS, GAR, and FENCE.

COST REMARKS: Rec Rem's Bath & Lobby

Table with columns for ITEM CODE, ITEM, FAC, AREA OR NO, UNIT COST, YR COST, and UNIT YR COST.

Table with columns for DESIGN TYPE, BASIC FL COST, and OTHER. Includes rows for BASIC COST FACTOR, AREA ADJ FACTOR, GROUP CONST FACTOR, etc.

Table with columns for UNIT MIX, including rows for STUDIO 1-BDRM, STUDIO 2-BDRM, STUDIO 3-BDRM, etc.

Table with columns for EMPLOYEE NO, CONST DATE, EFFECTIVE YEAR, DEPRECIATION TYPE, FUNCTIONAL PLAN, CONDITION, and WORKMANSHIP.

BASIC COST DATA table with columns for ORIGINAL IMP COST, COST INDEX CODE, COST YR BASE, DESIGN TYPE, QUAL CLASS, BASIC FL AREA, NO OF UNITS, etc.

Table with columns for FLOOR %, PL AREA, NO OF UNITS, FLOOR %, PL AREA, NO OF UNITS, etc. Includes rows for 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140.

**ORANGE COUNTY ASSESSOR
MULTIPLE RESIDENTIAL UNIT APPRAISAL RECORD**

ADDRESS	TRACT	A.P. NO. 133-461-01
DISTRICT	LOT	SIDE 1 OF 900
OWNER	BLOCK	PROJECT NO.

LAND VALUE COMPUTATIONS				LAND OR UNIT ATTRIBUTES			
PERMIT	DATE	YEAR	UNIT	UNIT VALUE	VALUE	1. WIDTH	2. DEPTH
		1978			16,240	70.00	90.00
PERMIT	DATE					3. ACRES	
AMT						5. REPRESENTATIVE	YES <input type="checkbox"/> NO <input type="checkbox"/>
						6. IRREGULAR	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
						7. CUL-DE-SAC	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
						8. CORNER	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
						9. ALLEY	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
						10. VIEW	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>
						11. NON-ST. FRONT	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
						12. ARCH. ATTRACT	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>
						13.	
						14. UTILITIES	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>
						15. LAND IMPS.	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>
						16. LOT UTILITY	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>
						17. WATER FRONT	YES <input type="checkbox"/> NO <input type="checkbox"/>
						18. DOCKING RIGHTS	YES <input type="checkbox"/> NO <input type="checkbox"/>
						19. ZONING	
						20. ZONING CONFORM	YES <input type="checkbox"/> NO <input type="checkbox"/>
						21.	
						22. MISPLACED IMP	YES <input type="checkbox"/> NO <input type="checkbox"/>
						23. THE UNIT	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>
						24.	
						25. EXCESSIVE TRAFFIC	YES <input type="checkbox"/> NO <input type="checkbox"/>
						26. TENANT PARKING	1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/>
						27.	
						28. DISTRICT	
						29. USE CODE	003
						30.	
						31.	
						32.	
						33.	
						34.	
						35.	
						36.	
						37.	

S. P. B. TERMS:
799 Out. Term. No. of 133-461-01 - 30211 3-25-78

MARKET MULTIPLIER INDICATORS			
DATE	CASH PRICE	ANTIC. YR. INCOME	NO. OF UNITS
64	642	643	644
65	652	653	654
66	662	663	664

APPRAISER'S OPINION			
DATE	NO. OF UNITS	FAIR UNIT INC.	TOTAL INC.
67	671	672	673
68	681	682	683
69	691	692	693

PERSONAL PROPERTY VALUE INDICATOR			
DATE	NO. OF UNITS	PERS. PROP. VALUE PER UN.	TOTAL PERS. PROP. UN. INDICATOR
70	701	702	703
71	711	712	713
72	721	722	723

CONCLUSION			
YR.	YR.	YR.	YR.
73	74	75	76
77	78	79	80
81	82	83	84
85	86	87	88
89	90	91	92
93	94	95	96
97	98	99	00



132
500

MINI

BOX 4 = 128
BOX 18 = 648
BOX 7 = 304
BOX 3 = 324
BOX 10 = 384

1438

BOX 12 = 512
BOX 2 = 256
BOX 18 = 672
BOX 4 = 352
BOX 10 = 384
BOX 10 = 384
BOX 10 = 384
BOX 10 = 384

2138

1740 - 3000000

RESOLUTION NO. 5885-80

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DECLARING THAT PROCEEDINGS HAVE BEEN INITIATED BY THE CITY COUNCIL OF SAID CITY TO ANNEX TO SAID CITY CERTAIN TERRITORY DESCRIBED HEREIN AND DESIGNATED AS ANNEXATION NO. 2-79

WHEREAS, the City Council of the City of Garden Grove is desirous of annexing certain property to said City for the purposes of providing municipal services and allowing logical development;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, DOES HEREBY RESOLVE:

SECTION 1: Pursuant to the provisions of the Municipal Organization Act of 1977, specifically Section 35150 (f) of the California Government Code, proceedings are hereby initiated by the City Council of the City of Garden Grove, on its own motion, to annex to the City of Garden Grove all that inhabited territory situated in the County of Orange, State of California, hereby designated as Annexation No. 2-79 and described as follows:

BEGINNING AT AN ANGLE POINT IN THE EXISTING BOUNDARY OF THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, SAID ANGLE POINT BEING CREATED BY THE INTERSECTION OF THE ORIGINAL BOUNDARY OF SAID CITY WITH THE EXISTING BOUNDARY AS CREATED BY ANNEXATION NO. 2; THENCE WESTERLY ALONG SAID ORIGINAL BOUNDARY AND ALONG THE EXISTING BOUNDARY OF SAID CITY AS CREATED BY THE FOLLOWING ANNEXATION: NO. 123, 2-78, SAID ORIGINAL BOUNDARY, 56, 28, 33, 1-76, 3-76, 277, 176, 33, 28, 112, 4-77 REV. 2, 1-78 AND 2 AND FOLLOWING THE SAME IN ALL ITS VARIOUS COURSES TO THE POINT OF BEGINNING.

COMPRISING 68.25 ACRES MORE OR LESS

SECTION 2: The City Council of the City of Garden Grove does desire to annex said territory to the City of Garden Grove for the following reasons:

The territory is contiguous to the City of Garden Grove and its proposed annexation will contribute to and facilitate the orderly growth and development of both the City and the territory proposed to be annexed; will facilitate and contribute to the proper and orderly layout, design and construction of streets, gutters, stationary and storm water sewers and drainage facilities, both within the City and within the territory proposed to be annexed; and will provide and facilitate proper overall planning and zoning of lands and subdivisions of lands, on said City and said territory in a manner most conducive to the welfare of said City and said territory.

SECTION 3: The proposed annexation of territory to the City of Garden Grove is within the "Sphere of Influence" of said City as adopted by the County of Orange, Local Agency Formation Commission and the City Council of the City of Garden Grove.

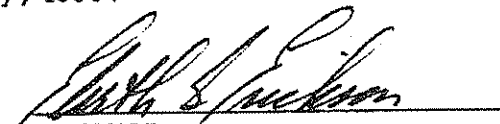
SECTION 4: The proposed annexation territory represents approximately 68+ acres. The area is generally located between Lampson Avenue and Garden Grove Boulevard, north and south, and Dale and Josephine Streets, east and west.

SECTION 5: The City Clerk shall make the necessary copies of this Resolution available for submittal to the County of Orange, Local Agency Formation Commission. Said copies shall accompany the necessary applications which are required by said Commission upon submittal of a proposal for annexation.

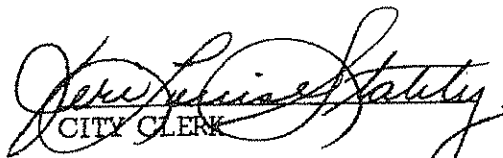
SECTION 6: The City Council requests that the conducting authority consent to allowing the City to annex the proposed territory designated above without an election pursuant to Government Code, Section 35224.5.

SECTION 7: The City Clerk shall certify to the adoption of this Resolution by the City Council of the City of Garden Grove and the same shall be in full force and effect upon its adoption.

ADOPTED this 19th day of February, 1980.


MAYOR

ATTEST:


CITY CLERK

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

I, JERI LOUISE STATELY, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Resolution was duly adopted by the Council of the City of Garden Grove, California, at a regular meeting thereof held on the 19th day of February, 1980, by the following vote:

AYES: COUNCILMEMBERS: (4) DONOVAN, HOLLAND, KRIEGER, ERICKSON
NOES: COUNCILMEMBERS: (0) NONE
ABSENT: COUNCILMEMBERS: (1) CANNON


CITY CLERK

NOTICE OF HEARING OF THE BOARD OF
SUPERVISORS OF ORANGE COUNTY,
CALIFORNIA, FOR A PROPOSED ANNEXATION,
TO THE CITY OF GARDEN GROVE DESIGNATED
PROPOSED ANNEXATION TO THE CITY OF
GARDEN GROVE NO. 2-79 COUNTY OF ORANGE
STATE OF CALIFORNIA

September 16, 1980

WHEREAS, preliminary proceedings for the annexation of the hereinafter described inhabited territory to the City of Garden Grove were commenced by the filing of a Resolution of Application by the City Council of the City of Garden Grove, with the Executive Officer of the Local Agency Formation Commission pursuant to Part 2 of Title 4, Division 2, commencing with Section 35000 et seq. of the Government Code

and
WHEREAS, the Local Agency Formation Commission did assign the following distinctive shortform designation:

ANNEXATION NO. 2-79 TO THE CITY OF GARDEN GROVE

and

WHEREAS, a legal description of the exterior boundaries of the territory proposed for annexation to the City of Garden Grove is contained in Resolution No. 80-1473, dated September 16, 1980, of the Board of Supervisors, on file with the Clerk of the Board of Supervisor. The territory is generally described as follows:

Annexation consists of 68 acres generally located on the south side of Lampson Avenue, North of Garden Grove Boulevard between Dale and Josephine Streets in the central Garden Grove area.

and

WHEREAS, the territory proposed to be annexed is inhabited

and

WHEREAS, the Local Agency Formation Commission, after making the findings required by subdivision (E) of Section 35150 of the Government Code, did approve said annexation by Resolution No. 80-72, designating the Board of Supervisors as the conducting authority and authorizing said Board to initiate annexation proceedings and to order annexation of the territory without an election; and

WHEREAS, the reasons for the proposed annexation as set forth in the proposal therefor submitted to the Local Agency Formation Commission are:

The proposed annexation territory represents approximately 68+ acres. The area is generally located between Lampson Avenue and Garden Grove Boulevard, north and south, and Dale and Josephine Streets, east and west.

//

[Handwritten signature]
10/19/80

1 The proposed annexation will facilitate and contribute to the
2 proper and orderly layout, design and construction of streets,
3 gutters, stationary and stormwater sewers and drainage
4 facilities.

5 and

6 WHEREAS, the Executive Officer determined this proposal to be
7 categorically exempt from the provisions and requirements of the California
8 Environmental Quality Act.

9 NOTICE IS HEREBY GIVEN that a hearing on the proposed annexation
10 will be held in the Chambers of the Board of Supervisors of the County
11 of Orange, in the Hall of Administration, 10 Civic Center Plaza, Santa
12 Ana, California, on the 29th day of October, 1980, at the hour
13 of 9:30 o'clock A. M.

14 NOTICE IS FURTHER GIVEN that any interested person desiring to
15 make written protest against said annexation shall do so by written
16 communication filed with the Clerk of this Board at any time prior to
17 the conclusion of said hearing at the hour of 9:30 o'clock A. M.,
18 on the 29th day of October, 1980, and said written protest
19 by a landowner shall contain a description sufficient to identify the
20 land owned by him, and said written protest by a voter shall contain the
21 residential address of such voter.

22 DATED: This 16th day of September, 1980.

23 BY ORDER OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY, CALIFORNIA

24 (SEAL)

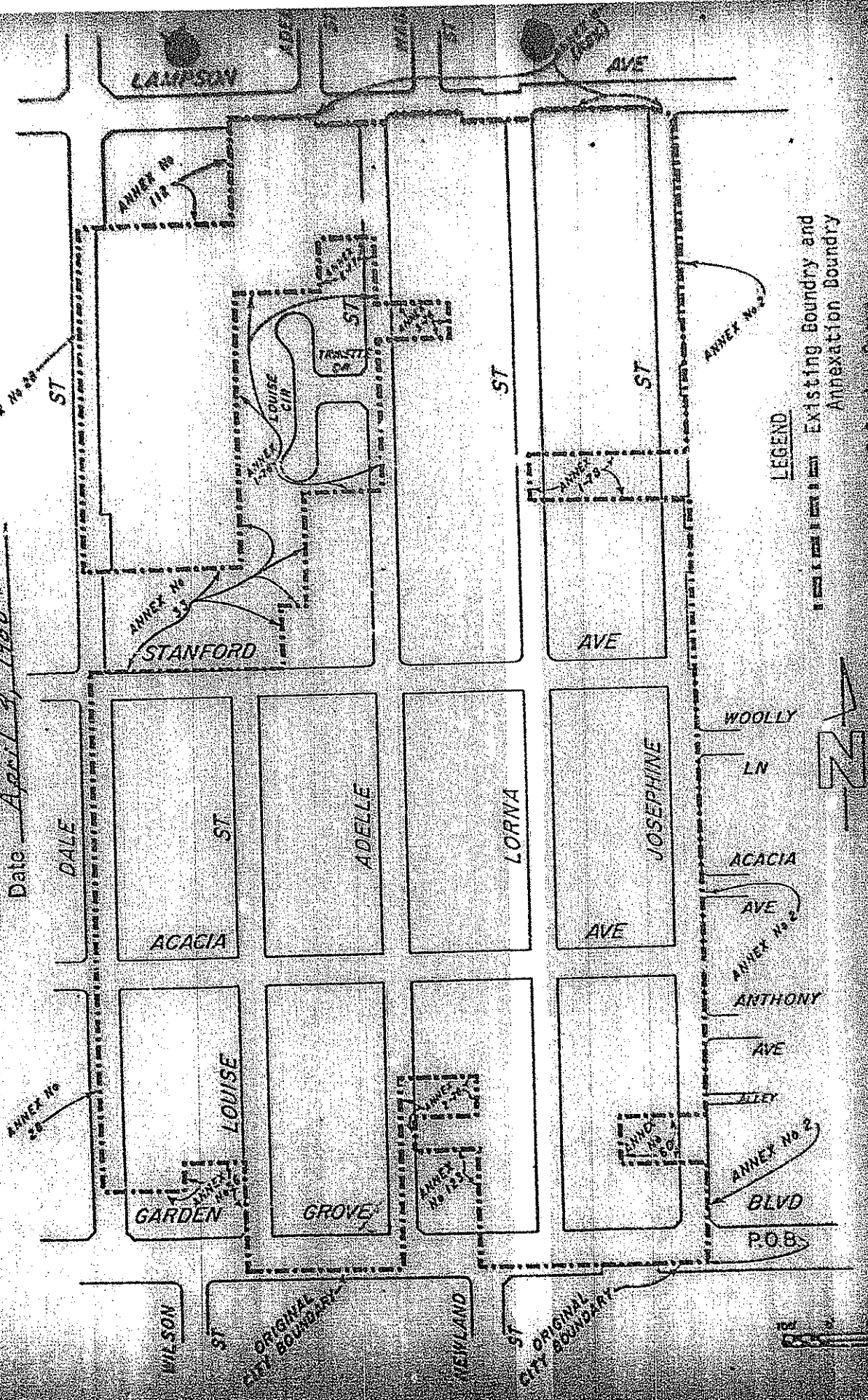
25 Publish Orange County Evening News
26 October 12 and 19, 1980

27 JUNE ALEXANDER
28 Clerk of the Board of Supervisors
29 of Orange County, California

This report was prepared by the City Engineer's Office.

By Edw. A. W. [Signature]

Date April 1, 1980



LEGEND
 — Existing Boundary
 - - - Annexation Boundary

ANNEXATION NO. 279 TO THE CITY OF GARDEN GROVE

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA

October 29, 1980

On motion of Supervisor Wieder, duly seconded and carried, the following Resolution was adopted:

WHEREAS, after due notice as provided by law, a public hearing was held this date by this Board on the proposed annexation to the City of Garden Grove, designated Annexation No. 2-79 to the City of Garden Grove; and

WHEREAS, the Local Agency Formation Commission by Resolution 80-72 designated this Board as the conducting authority and authorized this Board to order annexation of the territory without an election; and

WHEREAS, all persons wishing to protest, object or be heard were given an opportunity to do so;

WHEREAS, the City of Garden Grove, as lead agency, determined the proposed annexation to be categorically exempt from the requirements of the California Environmental Quality Act of 1970;

NOW, THEREFORE, BE IT RESOLVED that the annexation of the territory designated Annexation No. 2-79 to the City of Garden Grove is hereby approved without election and the exterior boundaries of the annexed territory are described in Exhibit "A" attached to this Resolution and incorporated herein by reference.

BE IT FURTHER RESOLVED that the Clerk of this Board is directed to submit a certified copy of this Resolution along with a remittance to cover the fees required by Section 54902.5 of the Government Code, to the Executive Officer of the Local Agency Formation Commission.

Resolution No. 80-1804
Annexation to City of Garden
Grove/2-79



1 BE IT FURTHER RESOLVED that pursuant to Government Code Section
2 35402, all proper expenses incurred in conducting the proceedings for
3 annexation shall be paid by the City of Garden Grove.

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AYES: SUPERVISORS HARRIET M. WIEDER, THOMAS F. RILEY, PHILIP L. ANTHONY, EDISON W. MILLER, RALPH B. CLARK

NOES: SUPERVISORS NONE

ABSENT: SUPERVISORS NONE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.

I, JUNE ALEXANDER, Clerk of the Board of Supervisors of Orange County, California hereby certify that the above and foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held on the 29th day of October 19 80, and passed by a unanimous vote of said Board.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 29th day of October, 19 80.

June Alexander
JUNE ALEXANDER
Clerk of the Board of Supervisors
of Orange County, California

RECORDING REQUESTED AND TO:

Local Agency Formation Commission
10 Civic Center Plaza, Room 458
Santa Ana, California 92701

31029

BK 13845 P6 52
RECORDER'S USE ONLY

RECORDED IN OFFICIAL REC
OF ORANGE COUNTY, CALIF.

EXHIBIT
63

-8 05 A.M. NOV 21 '80

LEE A. BRANCH, County Recorder

CERTIFICATE OF COMPLETION

TO: ORANGE COUNTY RECORDER:

I, Richard T. Turner, the Executive Officer of the Orange County Local Agency Formation Commission hereby certify that the Board of Supervisors of Orange County has completed: (check one) an incorporation; a change of organization (annexation or detachment); a municipal reorganization pursuant to Part 2, Division 2 of Title 4 of the California Government Code, commencing with Section 35,000, Municipal Organization Act of 1977.

The name of the city is Garden Grove

The name of the county in which the entire city is located is: County of Orange

The kind of change of organization is: (check one)

An Incorporation

A Detachment

An Annexation

A Municipal Reorganization

The short title, if any, of the subject proceedings is Annexation No. 2-79 to the city of Garden Grove

The legal description of the territory affected is set forth in the attached Exhibit. The terms and conditions, if any, of the change of organization, as set forth in the resolution ordering the change of organization, municipal reorganization or incorporation, are contained in the attached Exhibit B.

The involved territory is: (check one) uninhabited; inhabited.

The change of organization, municipal reorganization or incorporation was:

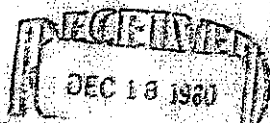
Ordered without an election and Resolution No. 80-1804 ordering such action was adopted by the Board of Supervisors of Orange County on October 29, 1980

Confirmed by the voters and _____ affirming such vote was adopted by the _____

RICHARD T. TURNER
Executive Officer

By: Richard T. Turner

Date: November 19, 1980



RICHARD T. TURNER, EXECUTIVE OFFICER
LOCAL AGENCY FORMATION COMMISSION

Amended 12/11

RESOLUTION OF THE BOARD OF SUPERVISORS OF
ORANGE COUNTY, CALIFORNIA

December 16, 1980

On motion of Supervisor Wieder, duly seconded and carried, the following Resolution was adopted:

BE IT RESOLVED that the Clerk of the Board, on behalf of the Board of Supervisors, is authorized to execute the Master Property Tax Transfer Agreement between the County of Orange and the City of Garden Grove; and

BE IT FURTHER RESOLVED that the County agrees to accept the exchange of property tax revenues for the annexations listed in Exhibit A of said Agreement as provided in said Agreement; and

BE IT FURTHER RESOLVED that the Clerk of the Board is directed to notify the Executive Officer of the Local Agency Formation Commission and the Auditor-Controller of the Board's determination; and

BE IT FURTHER RESOLVED that the Clerk of the Board is directed to notify the Executive Officer of the Local Agency Formation Commission to finalize Annexation No. 1-79, Annexation No. 3-79, Annexation No. 5-79, Annexation No. 2-79 before the State Board of Equalization.

AYES: SUPERVISORS HARRIETT M. WIEDER, PHILIP L. ANTHONY, EDISON W. MILLER, THOMAS F. RILEY, AND RALPH B. CLARK

NOES: SUPERVISORS NONE

ABSENT: SUPERVISORS NONE

Resolution No. 80-2033
AM & Master Property Tax
Transfer Agreement-City
of Garden Grove

RECEIVED
DEC 18 1980
RICHARD J. THOMAS, EXECUTIVE OFFICER
LOCAL AGENCY FORMATION COMMISSION

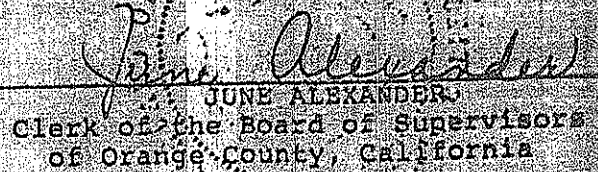
STATE OF CALIFORNIA)

COUNTY OF ORANGE)

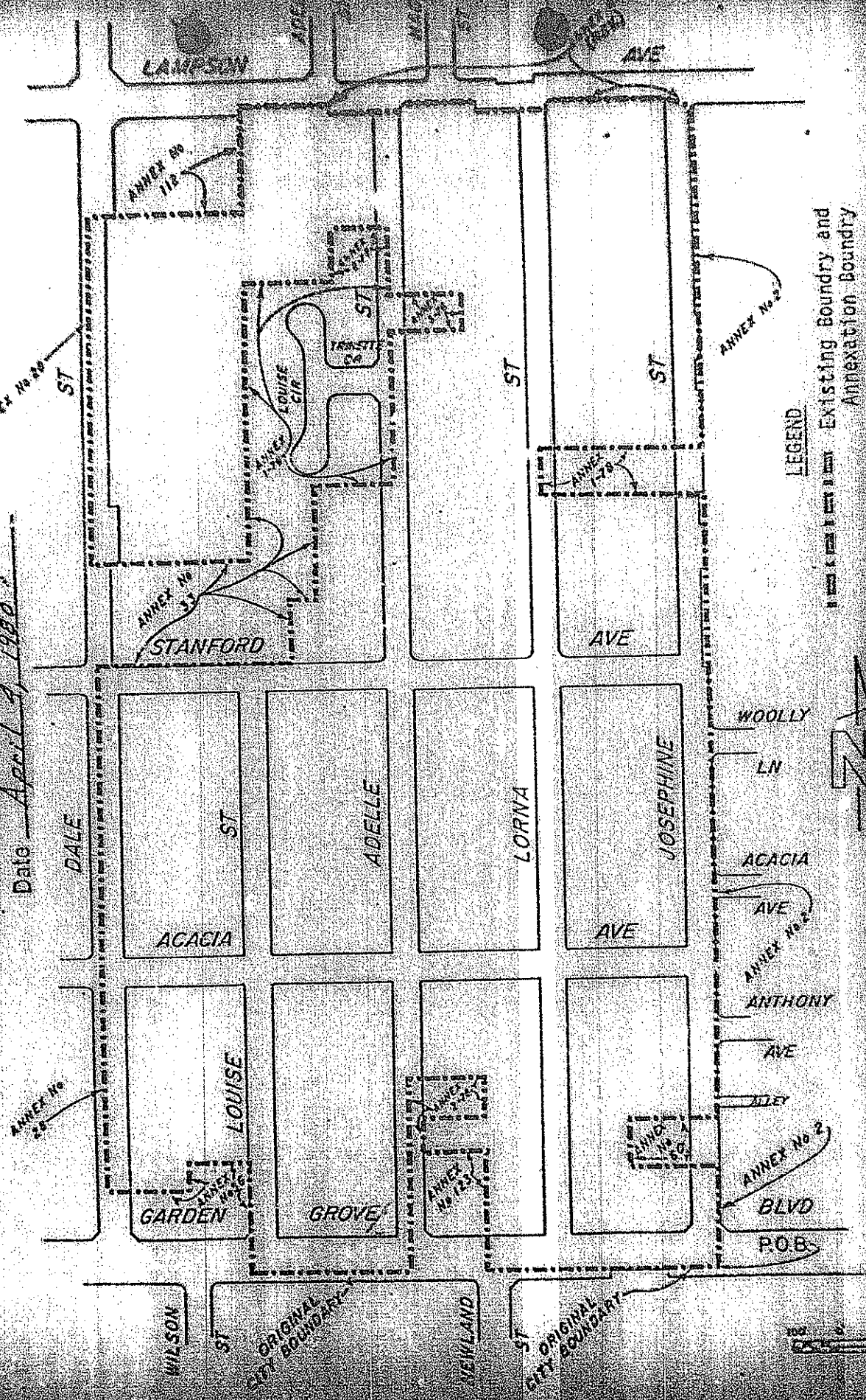
SS

I, JUNE ALEXANDER, Clerk of the Board of Supervisors of Orange County, California, hereby certify that the above and foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held on the 16th day of December, 1980, and passed by a unanimous vote of said Board.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 16th day of December, 1980.


June Alexander
JUNE ALEXANDER
Clerk of the Board of Supervisors
of Orange County, California

THIS ANNEXATION IS TO BE MADE BY THE CITY OF GARDEN, CALIFORNIA.
 C.R. No. 112
 By Edyrd N. Wilson
 City Clerk
 Date April 9, 1980



LEGEND

--- Existing Boundary and Annexation Boundary



ANNEXATION No. 2-79 to the City of Garden Grove