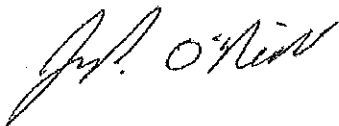


NOTICE AND CALL OF SPECIAL MEETING
OF THE
GARDEN GROVE PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that a special meeting of the Garden Grove Planning Commission is hereby called to be held on Thursday, January 28, 2016, at 7:00 p.m. in the Courtyard Center, 12732 Main Street, Garden Grove, CA 92840.

Said Special Meeting shall be held to discuss the attached Agenda.

DATED: January 21, 2016

A handwritten signature in black ink, appearing to read "John O'Neill", written in a cursive style.

John O'Neill
Chair



A G E N D A

GARDEN GROVE PLANNING COMMISSION

SPECIAL MEETING

JANUARY 28, 2016

COURTYARD CENTER
12732 MAIN STREET

REGULAR SESSION – 7:00 P.M. COURTYARD CENTER

ROLL CALL: CHAIR O'NEILL, VICE CHAIR KANZLER
COMMISSIONERS MAI, MARGOLIN, PAREDES, ZAMORA

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Oral Communications at the beginning of the meeting. Each speaker shall fill out a card stating name and address, to be presented to the Recording Secretary, and shall be limited to five (5) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

Any person requiring auxiliary aids and services due to a disability should contact the City Clerk's office at (714) 741-5035 to arrange for special accommodations. (Government Code §5494.3.2).

All revised or additional documents and writings related to any items on the agenda, which are distributed to all or a majority of the Planning Commissioners within 72 hours of a meeting, shall be available for public inspection (1) at the Planning Services Division during normal business hours; and (2) at the Courtyard Center at the time of the meeting.

Agenda item descriptions are intended to give a brief, general description of the item to advise the public of the item's general nature. The Planning Commission may take legislative action it deems appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

- A. ORAL COMMUNICATIONS - PUBLIC
- B. APPROVAL OF MINUTES: December 3, 2015
- C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
 - C.1. CONDITIONAL USE PERMIT NO. CUP-058-2016

APPLICANT: REGAL CINEMAS, INC.

LOCATION: THEATER BUILDING WITHIN THE PROMENADE SHOPPING MALL, NORTHWEST OF THE INTERSECTION OF BROOKHURST STREET AND CHAPMAN AVENUE AT 9741 CHAPMAN AVENUE

REQUEST: Conditional Use Permit approval to operate an existing theater, Regal Cinemas, with an original Alcoholic Beverage Control Type "47" (On-Sale, General, Public Eating Place) License. The site is in the NMU (Neighborhood Mixed Use) zone. The project is exempt pursuant to CEQA Section 15301 – Existing Facilities

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-058-2016, subject to the recommended conditions of approval.

- D. MATTERS FROM COMMISSIONERS
- E. MATTERS FROM STAFF
- F. ADJOURNMENT

January 21, 2016

I, JUDITH MOORE, being duly appointed the Recording Secretary for the Garden Grove Planning Commission HEREBY CERTIFY that the Los Angeles Times, Korea Times, Excelsior, Orange County Register, Garden Grove Journal, Orange County News, Viet Bao, Nguoi Viet, and Korea Daily Newspaper were notified that a Special Meeting of the Garden Grove Planning Commission has been called by the Chair for Thursday, January 28, 2016, at 7:00 p.m. at the Courtyard Center, 12732 Main Street, Garden Grove, CA 92842.

I FURTHER CERTIFY that I caused to be posted a copy of the notice calling for the Special Meeting in the exterior display cases of City Hall at 11222 Acacia Parkway and the Community Meeting Center at 11300 Stanford Avenue, Garden Grove, CA 92842, and on the City's website.

JUDITH MOORE
Recording Secretary

GARDEN GROVE PLANNING COMMISSION
Courtyard Center, 12732 Main Street, Garden Grove, CA 92840

Regular Meeting Minutes
Thursday, December 3, 2015

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

Chair O'Neill
Vice Chair Kanzler
Commissioner Mai
Commissioner Margolin
Commissioner Paredes
Commissioner Zamora

Absent: None.

PLEDGE OF ALLEGIANCE: Led by Chair O'Neill.

ORAL COMMUNICATIONS – PUBLIC: Josh McIntosh expressed his concern in regard to the recent demolition of the historic Harper home located at 12381 Nelson Street, the former residence of the City's blacksmith. He acknowledged that property owners have rights; that homes 50 years or older require a CEQA report prior to being demolished; that the City has no Mills Act; that historic homes should be a part of an inventory that could be safeguarded; and that the items listed in the historical resource survey of 1986 are half gone.

November 5, 2015 MINUTES:

Action: Received and filed.

Motion: Margolin Second: Zamora

Ayes: (6) Kanzler, Mai, Margolin, O'Neill, Paredes, Zamora

Noes: (0) None

Absent: (0) None

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-053-2015, FRONT YARD DETERMINATION NO. FYD-002-2015. FOR PROPERTY LOCATED AT 11471 BROOKHURST STREET, NORTHWEST CORNER OF BROOKHURST STREET AND ORANGEWOOD AVENUE.

Applicant: Anh Tram Tran
Date: December 3, 2015

Request: Conditional Use Permit approval to operate a new pre-school, Angels Day Care, at 11471 Brookhurst Street, which will offer licensed child care services to children ages 2 to 6, with the total licensed capacity to be limited to 35 children. Also, a Front Yard Determination to determine the Orangewood Street side of the corner lot as the front yard, and to designate Brookhurst Street as the street side yard. The site is in the C-1 (Neighborhood Commercial) zone. The project is exempt pursuant to CEQA Section 15301 – Existing Facilities and 15303 – New Construction or Conversion of Small Structures.

Action: Public Hearing held. Speaker(s): Anh Tram Tran, Bao Dinh, Nora Nies

Action: Resolution No. 5852-15 was approved with the following amendments.

The applicant shall install audible panic hardware on all emergency exits, including on the outside playground gates and on the building emergency doors.

The applicant shall increase the height of the wrought iron fence used to secure the outdoor play area, located along Brookhurst Street, and at the rear of the property, to a height of six (6) feet as measured from the finished grade.

The wrought iron fence used to secure the outdoor play area located along Brookhurst Street, shall include a screen to restrict visibility into the outdoor play area from the street. The proposed screening material shall be reviewed and approved by the Planning Division prior to installation. The proposed material shall be architecturally compatible with the fence as per Condition of Approval No. 27.

All children shall remain inside the building during trash pick-up.

Motion: Kanzler Second: Mai

Ayes: (5) Kanzler, Mai, Margolin, O'Neill, Paredes

Noes: (1) Zamora

Absent: (0) None

Vice Chair Kanzler recused himself from the following discussion due to financial interests.

PUBLIC HEARING – AMENDMENT NO. A-015-2015. CITY OF GARDEN GROVE, CITYWIDE.

Applicant: CITY OF GARDEN GROVE
Date: December 3, 2015

Request: A City-initiated zoning text amendment to Title 9 of the Garden Grove Municipal Code pertaining to marijuana dispensaries and other commercial cannabis activity. The proposed code amendment would update existing provisions in Title 9 of the Garden Grove Municipal Code in a manner consistent with the recently enacted Medical Marijuana Regulation and Safety Act to clarify that the establishment, maintenance, or operation of marijuana dispensaries and related commercial cannabis activities, including the distribution, manufacture, cultivation and delivery of cannabis and/or cannabis products, continues to be prohibited throughout the City. In addition, the proposed code amendment would add one or more provisions to Title 9 declaratory of existing law that any use not specifically identified as a permitted use, conditionally permitted use, or incidental use in any zone or planned unit development area is a prohibited use in that zone or planned unit development area. The proposed code amendment is exempt from the provisions of the California Environmental Quality Act. The Planning Commission will be considering a recommendation to the City Council regarding the proposed code amendment.

Action: Public Hearing held. Speaker(s): Keith Riley, Josh McIntosh

Action: Resolution No. 5853-15 approved.

Motion: O'Neill Second: Margolin

Ayes: (5) Mai, Margolin, O'Neill, Paredes, Zamora

Noes: (0) None

Absent: (1) Kanzler

Vice Chair Kanzler rejoined the meeting.

MATTERS FROM COMMISSIONERS: Commissioner Zamora mentioned that she was not aware the Harper home was historic and asked staff to notify the Commission of historic properties in the future. Staff responded that abatement actions on damaged properties may mean a property could go into receivership or the structure must be torn down.

Commissioner Zamora then mentioned that traffic has increased on Taft Street and wondered if street parking next to the condominiums could be prohibited. Staff explained that originally, the development did not have street parking, then residents asked for the parking for guests during specific times. Zamora then asked if a left-

turn arrow could be installed going south into the Costco lot, and possibly a right-turn arrow going north. Staff replied that the City Engineer would review the area.

Vice Chair Kanzler commented that Garden Grove has many historic architectural sites and noted designer Richard Neutra for an early sanctuary at the Crystal Cathedral and several Cliff May homes. He asked staff for a Study Session to review the 1986 historical resource document and wondered if the City had a conservation element. Staff stated that the City did not have a preservation ordinance and that a Study Session could occur with a Commission consensus.

Commissioner Margolin inquired about the time frame for filling the Planning Commission vacancy. Staff stated that a replacement commissioner had not been selected yet and it would likely occur next year.

Commissioner Paredes asked staff if Commissioners could have a copy of the 1986 historical resource document, to which Vice Chair Kanzler added that the Cliff May homes were not included. Staff responded that they would look into the matter.

Chair O'Neill wished everyone a Merry Christmas, Happy Holidays, and a prosperous 2016.

MATTERS FROM STAFF: Staff announced that the December 17th and January 7th Planning Commission meetings would be cancelled, and that the January 21st date had a meeting room conflict, therefore, the special meeting dates of January 14th and 28th were reserved at the Courtyard Center. Staff then mentioned that the Brookhurst Triangle ground breaking would be December 8th at 4:30 p.m. Also, a 'Who to Contact' in the City brochure, and a 'Community Meetings for District Maps' list were handed out.

ADJOURNMENT: At 9:40 p.m. to the next Regular Meeting of the Garden Grove Planning Commission on Thursday, December 17, 2015, at 7:00 p.m. in the Courtyard Center, 12732 Main Street, Garden Grove.

Motion:	O'Neill	Second:	Zamora
Ayes:	(6)	Kanzler, Mai, Margolin, O'Neill, Paredes, Zamora	
Noes:	(0)	None	
Absent:	(0)	None	

Judith Moore
Recording Secretary

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.a.	SITE LOCATION: 9741 Chapman Avenue, theater building within the Promenade Shopping Mall located northwest of the intersection of Brookhurst Street and Chapman Avenue.
HEARING DATE: January 28, 2016	GENERAL PLAN: Residential/Commercial Mixed Use 2
CASE NO.: Conditional Use Permit No. CUP-058-2016	ZONE: Neighborhood Mixed Use (NMU)
APPLICANT: Regal Cinemas, Inc.	CEQA DETERMINATION: Exempt
PROPERTY OWNER: HGGA Promenade, L.P., William W. Hughes Jr.	APN: 132-402-37

REQUEST:

To operate an existing movie theater, Regal Cinemas, with an original Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Eating Place) License.

BACKGROUND:

The Promenade Shopping Mall located at the northwest of the intersection of Brookhurst Street and Chapman Avenue has a primary tenant in the Regal Cinema Theaters. The Regal Cinema Garden Grove is a multi-screen theater with 16 auditoriums and a central concession area at the entrance. The business owners have recently updated the seating to be more luxurious and comfortable by removing the standard movie seats and replacing them with large-size recliners. The recliners adjust to multiple positions and include padded footrests. A building permit was issued in April of 2015 for tenant improvements that removed the existing 3,240 seats and replaced them with 1,270 luxury seats.

A trend for movie theaters is to enhance the theater-going experience as they look to compete with big screen TVs, Blu-Ray players and streaming services such as Netflix and Hulu. When households didn't have sophisticated equipment, going to the movies was the only place to see high-quality visual entertainment. But today, movie theaters are looking for ways to offer more and enhance the experience of going out to the movies to lure people from their couches. Along with the comfortable recliners, theaters are providing updated menus and alcoholic beverages.

In their "Statement of Operations", Regal Cinemas wrote, "Regal operates the largest and most geographically diverse theater circuit in America, consisting of 7,334 screens in 588 locations in 44 states along with American territories Guam,

Saipan, American Samoa, Grand Cayman, and the District of Columbia, as of September 2013. The three main theatre brands operated by Regal Entertainment Group are Regal Cinemas, Edwards Theatres, and United Artists Theatres. Regal is publicly traded on the NYSE under the symbol: RGC.”

“Regal is investing millions of dollars in renovations to enhance the movie going experience. Enhancements to the theatres include replacing seats with luxurious recliners and adding food and beverages menu items including the sale alcohol. In Garden Grove, Regal make a significant capital investment to remove approximately 3,240 seats and replace them with approximately 1,270 wider, reclining seats as well as improvements to the lobby area.”

The representative for the application provided a list of the Regal Cinemas that have received approval for the sale of alcoholic beverages. Under the Regal Cinema Group thirteen theaters in Southern California have received ABC licenses with the fourteenth pending. The locations of these theaters include Cerritos, Newport Beach, La Canada Flintridge, Palm Springs, Irvine, Brea, La Verne, Carlsbad and Santa Clarita.

Regal Cinemas has submitted a request for an original Type “47” (On-Sale, General, Eating Place) License for the theaters in Garden Grove to sell alcoholic beverages. A Conditional Use Permit is required to operate with a new, original ABC license.

DISCUSSION:

Regal Cinemas is proposing to redesign a portion of their concession area to provide an area for the sale of alcoholic beverages. The alcohol will be available along an eight (8) foot area at the far right of the large, approximately 60-foot long concession counter. Adding alcoholic beverages to the menu is part of an overall plan to make upgrades that enhance the movie-going experience. Industry articles suggest that the addition of alcohol along with menus that include a wider range of options have amounted to a boost in concession sales for Regal Cinemas. This proposal is part of a larger plan to upgrade the Garden Grove movie theater.

The applicant provided an “Alcohol Control Plan for the Entire Premises” (ACP) and met with Police staff to discuss the proposal. The ACP outlines measures to ensure that alcohol beverage sales meet the requirements of ABC and maintain a level of service for all patrons at the establishment. The Plan includes such provisions as customers wishing to purchase alcohol must show identification and wear a wristband at all times they are consuming alcoholic beverages. A patron is limited to only one container of alcohol at one time and must obtain the drink from the concession stand. An assigned “monitor” will physically inspect each auditorium at least every 30 minutes during movie showing. The area of the concession stand reserved for alcoholic beverages will be staffed by bartenders that over 21 years of age. All staff will complete LEAD training (Licensee Education on Alcohol and Drugs) through Alcoholic Beverage Control (ABC) or an ABC approved “Responsible Beverage Service (RBS) Training program.

The movie theater operates from 10:00 a.m. to 1:00 a.m., seven days a week and proposes to sell alcohol for the hours of 10:00 a.m. to 12:00 a.m. The proposed hours of operation are consistent with the hours of operation for other movie theaters. Movie start and end times are staggered at the theater to provide more options for patrons and to keep ticket and concession lines manageable. Food must be available at all times that alcoholic beverages are provided and while the menu was not upgraded for this application, food items include boneless chicken wings, pizza, hot dogs, hamburgers, chicken sandwiches and chicken tenders.

The movie theater is located in a high-crime district, and in an area with an over-concentration of Alcoholic Beverage Control Licenses. A summary of the district and crime count can be found in Resolution No. 5854-16 for Conditional Use Permit No. CUP-058-2016. The Police Department has reviewed the case and met with representatives and is in support of the proposal. The standard conditions of approval for a Type "47" (On-Sale, General, Eating Place) license will apply with modifications for the particular movie theater use.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

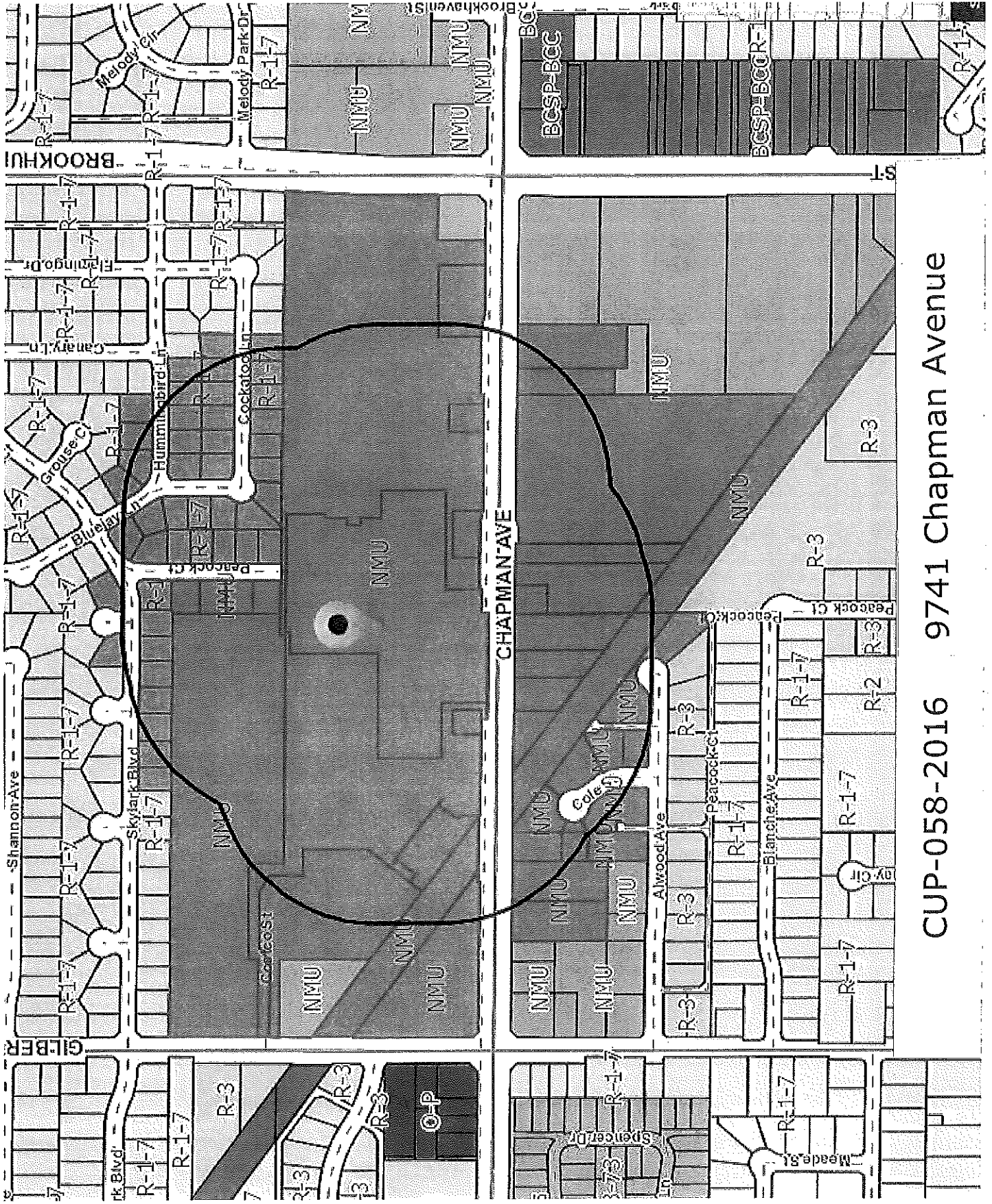
1. Approve Conditional Use Permit No. CUP-058-2016, subject to the recommended conditions of approval.



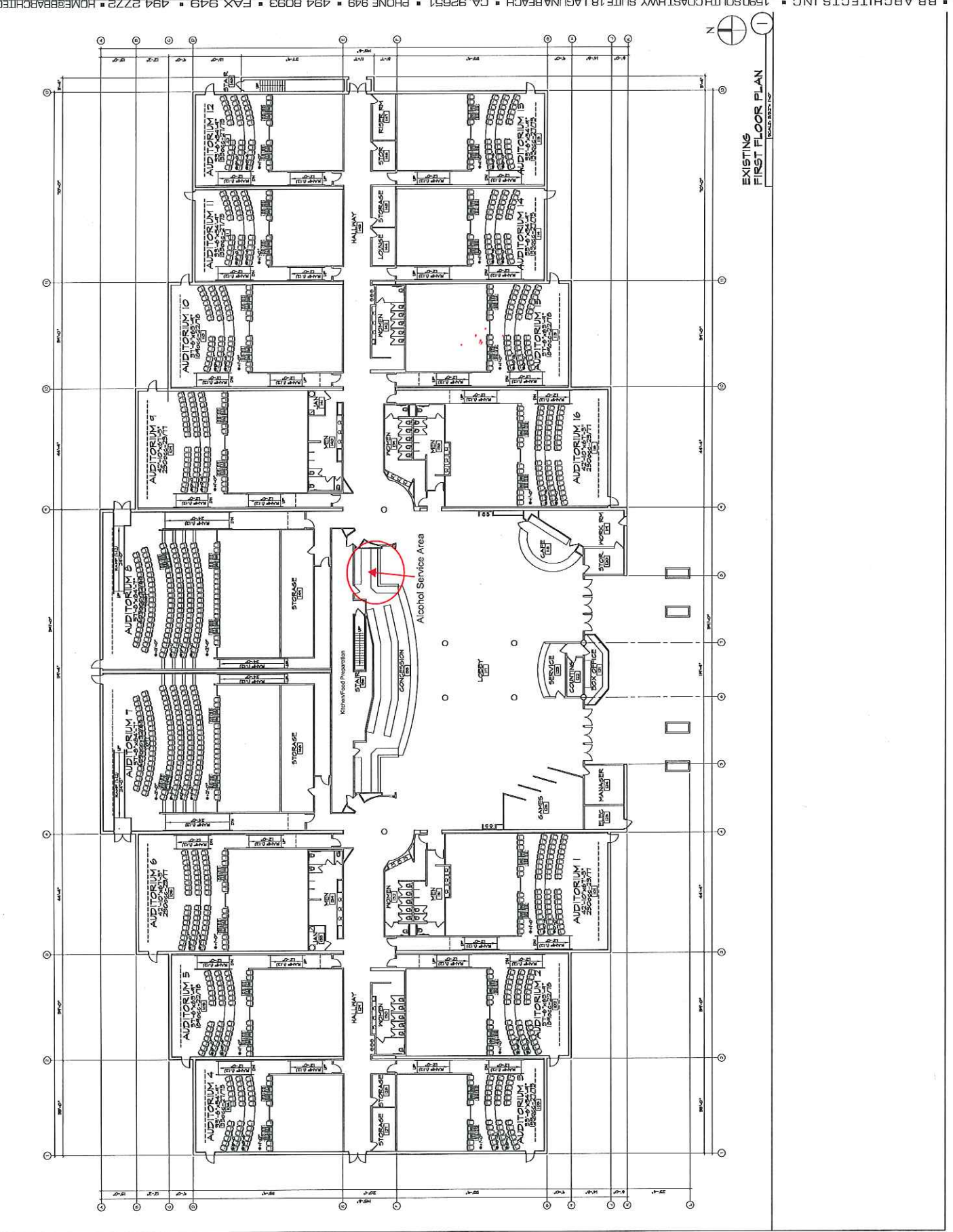
Lee Marino
Acting Planning Services Manager



By: Erin Webb
Senior Planner



CUP-058-2016 9741 Chapman Avenue



EXISTING FIRST FLOOR PLAN
 REGAL CINEMAS 16

RESOLUTION NO. 5854-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-058-2016.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-058-2016 for a property in the Promenade Shopping Mall located northwest of the intersection of Brookhurst Street and Chapman Avenue, at 9741 Chapman Avenue, Assessor's Parcel No. 132-402-37.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-058-2016, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Regal Cinemas, Inc.
2. The applicant requests approval of a Conditional Use Permit to operate an existing movie theater, Regal Cinemas Garden Grove, with an original Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Eating Place) License.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act.
4. The property has a General Plan Land Use designation of Residential/Commercial Mixed Use 2, and is zoned Neighborhood Mixed Use (NMU) zone.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on January 28, 2016, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of January 28, 2016; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.24.030 (Conditional Use Permits), are as follows:

FACTS:

The Regal Cinema is a primary tenant at the Promenade Shopping Mall and is comprised of a multi-screen theater with 16 auditoriums. The interior of the theater building has been recently renovated to remove the existing 3,240 seats and replace them with 1,272 luxury recliners. Enhancing the theater-going experience is a trend for movie theaters as they compete with at-home technology.

The Regal Cinema Group operates theaters under the Regal, Edwards, and United Artists brand names. Regal operates the largest and most geographically diverse theater circuit in America, consisting of 7,334 screens in 588 locations in 44 states along with American territories. In Southern California, thirteen theaters under the Regal Cinema Group have received ABC licenses with the fourteenth pending.

The proposal includes converting approximately eight (8) feet at the far right of the large, approximately 60-foot long concession counter for the sale of alcoholic beverages. The applicant provided an "Alcohol Control Plan for the Entire Premises" that outlines measures/controls for the service of alcoholic beverages.

The movie theater is located in a high-crime district, and in an area with an over-concentration of Alcoholic Beverage Control Licenses. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 92.
- The crime count for the District is 141.
- Average crime count per district in the City is 85.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 66% above the citywide average; therefore, it is considered a high crime area.
- The subject site is located in Alcoholic Beverage Control (ABC) Census Report District No. 882.01.
- ABC Census Reporting District No. 882.01 allows for four (4) on-sale licenses within the District. Currently, there are nine (9) on-sale licenses in the District. Approval of this CUP will increase the number of on-sale licenses in the district to ten (10) on-sale licenses.

FINDING OF PUBLIC CONVENIENCE OR NECESSITY

A finding for public convenience or necessity would have to be made in order to approve an establishment that is requesting a new original Alcoholic Beverage Control license that is located within a district with a high crime rate and/or in an area with an over-concentration of ABC licenses. California Business and Professions Code Section 23817.5 prohibits the ABC from issuing new alcoholic licenses in areas of over-concentration. Business and Professions Code Section 23958 states:

The department further shall deny an application for a license if issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, except as provided in Section 23958.4.

Business and Professions Code Section 23958.4 provides the following exception:

(b) Notwithstanding Section 23958, the department may issue a license as follows:

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

Although the proposed establishment is located in a high-crime area with an over-concentration of on-sale ABC licenses, staff is able to support a finding for public convenience or necessity given the potential community benefit through the addition of a liquor license, which would provide an additional amenity to enhance the movie experience and keep the Regal Cinema as a viable business. The establishment is looking to add alcohol to its existing menu that provides an assortment of foods. Food service shall be open and available during all hours that the establishment is open. The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area as the alcohol will be ancillary to the movie theater use. The conditions of approval will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

The Community Development Department and the Police Department have reviewed the request and are supporting the proposal. All standard conditions of approval for a Type "47" License will apply.

FINDINGS AND REASONS:

1. That the proposed use will be consistent with the City's adopted General Plan and redevelopment plan.

The subject site has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2, and is zoned Neighborhood Mixed Use (NMU) zone. Alcohol sales, both on-sale and off-sale are conditionally permitted in this zone as well as brew pubs and bars. This approval will allow the Regal Cinemas to operate with an original ABC Type "47" (On-Sale, General, Eating Place) license. Goals in the General Plan Land Use Element

have policies that support the use such as Goal LU-1 "Well-Planned Growth With a Mix of Uses" - Policy LU-1.3 "Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts/entertainment, in appropriate locations" and Goal LU-6 "Revitalization of Commercial Corridors and Aging Commercial Centers" - Policy LU-6.2, "Encourage a mix of retail shops and services along the commercial corridors and in centers that better meet the needs of the area's present and potential clientele." Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

2. That the requested use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, as the sale of alcohol will be ancillary to the movie theater use. The sale of alcohol will happen under the control measures of an Alcohol Control Plan and the Conditions of Approval for CUP-058-2016. Control measures include requiring identification for purchasers of alcohol, wristbands required to purchase or consume alcohol on the premises, monitoring of auditoriums by staff every 30 minutes, and LEAD training for staff. Food is required to be served during all hours of operation, and the sale of alcohol will be incidental to the sale of food. The conditions of approval will minimize potential impacts to the adjoining area and therefore the use will not adversely affect the health, peace, comfort or welfare of persons residing or working nearby. Similarly, given that this is an enhancement to ancillary services provided at an existing movie theater and the primary use will not change there will be not be any interference with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project.

3. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title or as is otherwise required in order to integrate such use with the uses in the surrounding area.

The movie theater building and other buildings that create the Promenade Mall will not change with this application. Furthermore, as part of a campaign to enhance the movie-going experience, Regal Cinemas has replaced existing seats with recliners which has reduced by more than half the number of seats in the existing building. Therefore, parking will be more available at the Mall. The size and shape of the proposed site has been adequate to accommodate

the movie theater throughout its history and with the tenant improvements to change out seats and decrease the overall number of seats, parking will be more available than before. The proposed site will remain the same and along with changes to the interior of the establishment, will allow the use to integrate well with the uses in the surrounding area.

4. That the proposed site is adequately served: by highways or streets or sufficient width and improved as necessary to carry the kind and quantity of traffic such as to be generated, and by other public or private service facilities as required.

The site is adequately served by existing public streets. The site is also adequately served by the public service facilities required such as public utilities: gas, electric, water, and sewer facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Conditional Use Permit (CUP-058-2016) does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-058-2016.

EXHIBIT "A"

Conditional Use Permit No. CUP-058-2016

9741 Chapman Avenue

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to the project applicant, Regal Cinemas, Inc., the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission, except as otherwise provided herein.
3. This Conditional Use Permit only authorizes the operation of a portion the concession stand in a multi-screen movie complex to provide ancillary alcoholic beverages as identified on the floor plan attached to this Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications which do not change the intent of the project may be approved by the Community Development Director.
4. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the intensification of the project or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

FINAL

Police Department

6. The "Alcohol Control Plan for the Entire Premises" (ACP) shall be updated to be specific to Garden Grove and consistent with the "Statement of Operations" and the Conditions of Approval. The revised ACP shall be submitted to the Community Development Department and Police Department within 30 days of this approval. The ACP shall be approved prior to the commencement of the sale of alcoholic beverages at the establishment.
7. Hours of operation shall be permitted only between the hours of 10:00 a.m. to 1:00 a.m., seven days a week. The sale of alcohol shall occur between the hours of 10:00 a.m. to 12:00 a.m. The hours of operation shall be applicable to the entire premises. The City of Garden Grove reserves the right to reduce hours of operation and/or alcoholic beverage sales, by order of the Chief of the Police Department, in the event problems arise concerning the operation of this business.
8. Staff will visually monitor each theater at least every 30 minutes during every movie showing to monitor patron behavior.
9. There shall be no customers or patrons in or about the premises when the establishment is closed.
10. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
11. The sale of alcoholic beverages for consumption off the premises is prohibited. No consumption of alcoholic beverages shall occur outside of the establishment at any time.
12. The business shall show proof to the Police Department that all members of the business staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through Alcoholic Beverage Control (ABC) or an ABC approved "Responsible Beverage Service (RBS) Training" program within 60 days of hire.
13. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010(a).

14. In the event that an Alcoholic Beverage Control (ABC) License is suspended for any period of time and/or fined for any ABC violation as a result of disciplinary action, the Conditional Use Permit shall be presented to the Hearing Body for review or further consideration.

Community Development Department

15. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by Alcoholic Beverage Control License. The restaurant shall contain sufficient space and equipment to meet the requirements and definition of Alcoholic Beverage Control. Similarly, the establishment shall provide an assortment of foods that meets the requirements and definition of a "Bona Fide Public Eating Place" by Alcoholic Beverage Control. The service of only appetizers, sandwiches and/or salads shall not be deemed in compliance with this requirement.
16. Food service shall be available at all times when alcoholic beverages are being served.
17. The sale of alcoholic beverages for consumption off the premises is prohibited.
18. There shall be no promotional events of alcoholic beverages, nor any such events for the suppliers, distributors, vintners, brewers, and distillers of alcoholic beverages at the establishment.
19. No outside storage or displays shall be permitted at any time.
20. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the entrance, and shall also be visible to the public.
21. There shall be no live entertainment, dancing, karaoke, sports bar, or disc jockey entertainment permitted on the premises at any time. Amplified music may be permitted, but the sound emitted from the premises shall not be audible outside of the establishment.

22. There shall be no raised platform, stage or dance floor allowed on the premises at any time.
23. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.16.020.070.
24. There shall be no deliveries to or from the premises before 7:00 a.m. and after 10:00 p.m., seven days a week.
25. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
26. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
27. The trash bin shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least three (3) times a week.
28. Graffiti shall be removed from the premises, and all parking lots under the control of the licensee and/or the property owner, within 120 hours upon notification or application.
29. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
30. No roof-mounted mechanical equipment, including exhaust vents, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
31. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community Development Department, Planning Division. No advertising material shall be placed thereon.

32. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
33. Signs shall comply with the City of Garden Grove sign requirements and the established sign program for the Promenade mall. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows. Any opaque material applied to the store front, such as window shall count toward the maximum window coverage area.
34. Any modifications to existing signs or the installation of new signs shall require approval by the Community Development Department, Planning Services Division prior to issuance of a building permit.
35. A copy of the resolution and conditions of approval approving Conditional Use Permit No. CUP-058-2016 shall be kept on the premises at all times.
36. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-058-2016, and his/her agreement with all conditions of the approval.
37. The Conditional Use Permit shall be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.
38. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning CUP-058-2015. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City, including, but not limited to, any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.