



## AGENDA

### ZONING ADMINISTRATOR MEETING

Garden Grove Community Meeting Center  
11300 Stanford Avenue

Thursday, April 13, 2023

9:00 a.m.

**Members of the public who wish to comment on matters before the Zoning Administrator, in lieu of doing so in person, may submit comments by emailing [public-comment@ggcity.org](mailto:public-comment@ggcity.org) no later than 3:00 p.m. the day prior to the meeting. The comments will be provided to the Zoning Administrator as part of the meeting record.**

**COVID-19: Masks are not required, however, the public is encouraged to wear masks in City facilities. Please do not attend this meeting if you have had direct contact with someone who has tested positive for COVID-19, or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.**

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 Comments by the Public. Each speaker shall be limited to three (3) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

**Meeting Assistance:** Any person requiring auxiliary aids and services, due to a disability, should contact the Department of Community & Economic Development at (714) 741-5312 or email [planning@ggcity.org](mailto:planning@ggcity.org) 72 hours prior to the meeting 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 the Zoning Administrator 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 Community Meeting 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 Zoning Administrator may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

1. PUBLIC HEARING ITEM(S):
  - a. [CONDITIONAL USE PERMIT NO. CUP-236-2023](#)

APPLICANT: Flappy's, LLC (Thuong Vo)

LOCATION: 12902 Harbor Boulevard

REQUEST: Conditional Use Permit approval to operate a new restaurant, Flappy's Amazing Wings and Beer, within an existing restaurant tenant space, with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The site is in the HCSP-DC (Harbor Corridor Specific Plan – District Commercial) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

2. COMMENTS BY THE PUBLIC

3. ADJOURNMENT

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

|  |   |
|--|---|
| <b>AGENDA ITEM NO.:</b> 1.a.                             | <b>SITE LOCATION:</b> East side of Harbor Boulevard, north of Garden Grove Boulevard, at 12902 Harbor Boulevard |
| <b>HEARING DATE:</b> April 13, 2023                      | <b>GENERAL PLAN:</b> International West Mixed Use   |
| <b>CASE NO.:</b> Conditional Use Permit No. CUP-236-2023 | <b>ZONE:</b> Harbor Corridor Specific Plan – District Commercial (HCSP-DC)                                      |
| <b>APPLICANT:</b> Flappy’s, LLC                          | <b>CEQA DETERMINATION:</b> Exempt – Section 15301 – Existing Facilities   |
| <b>PROPERTY OWNER:</b> Harbor Plaza, LLC                 | <b>APN:</b> 231-412-01  |

**REQUEST:**

The applicant is requesting approval of a Conditional Use Permit to allow a new restaurant, Flappy’s Amazing Wings, to operate with an original State Alcoholic Beverage Control (ABC) Type “41” (On-Sale, Beer and Wine, Public Eating Place) License, at 12902 Harbor Boulevard, within an existing vacant restaurant tenant space.

**BACKGROUND:**

The subject site is approximately five (5) acres and is improved with a multi-tenant commercial shopping center, Harbor Village Plaza, comprised of one (1) main L-shaped commercial building and three (3) commercial pad buildings. The subject tenant space is 1,314 square feet and is located on the southeastern end of the shopping center, at 12902 Harbor Boulevard. The subject shopping center is currently occupied by a variety of commercial uses, including medical and financial offices, restaurants, and personal service businesses.

The subject property has a General Plan Land Use Designation of International West Mixed Use (IW), and is zoned HCSP-DC (Harbor Corridor Specific Plan – District Commercial). The subject shopping center is adjacent to PUD-121-98 (Planned Unit Development) zoned properties to the north, across Harbor Boulevard, R-1 (Single-Family Residential) and C-1 (Neighborhood Commercial) zoned properties to the west, across Harbor Boulevard, HCSP-DC and HCSP-OP (Harbor Corridor Specific Plan – Official Professional) zoned properties to the south, across Garden Grove Boulevard, and HCSP-SDS (Harbor Corridor Specific Plan – Swing District South) zoned properties to the east. Existing surrounding uses include a mix of single-family residences and various commercial uses.

According to Business Tax and License records, the subject restaurant space was previously occupied by another restaurant, Luv Fish. The previous restaurant closed in February 2023, and the subject tenant space has remained vacant since. A new restaurant, Flappy's Amazing Wings, is proposing to occupy the existing restaurant tenant space. The applicant has submitted an application for a Commercial Building Permit (Application No. A-300710) for interior tenant improvements currently being processed by the City. The proposed interior improvements are minor and do not substantially change the existing floor plan nor do they expand the existing restaurant space.

The applicant is requesting Conditional Use Permit approval to operate the new restaurant with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. Garden Grove Municipal Code Section 9.16.020.080 requires approval of a Conditional Use Permit for the addition of a new original ABC License to a restaurant.

### **DISCUSSION:**

The restaurant tenant space has a total floor area of 1,314 square feet. As part of the applicant's Commercial Building Permit Plan Check Application (Application No. A-300710), proposed interior tenant improvements include: addition of an ADA (American's with Disability Act) accessible All-Gender restroom; equipment for food storage and preparation within the kitchen area; counters for dining and cashier tasks within the front area; equipment related to the service of beer; two (2) tables and counter seating accommodating sixteen (16) seats within the customer dining area; and new interior lighting. There is no proposed expansion of the existing floor area/building. Because the proposed new restaurant, Flappy's Amazing Wings, is replacing a previously existing restaurant, there is no anticipated change to the existing parking demand of the shopping center. Therefore, no further parking analysis is required.

Flappy's Amazing Wings will operate as a full-service restaurant, specializing in chicken wings offered in a range of flavors. Beer and wine sales will be permitted only for on-site consumption. The service of beer and wine is intended to complement meals, and enhance the dine-in experience. Sales of alcohol will be incidental to the service of food. At no time shall the quarterly sales of alcohol exceed 35% of the quarterly sales of food.

Flappy's Amazing Wings' hours of operation are 11:00 a.m. to 11:00 p.m., Sunday through Thursday, and 11:00 a.m. to 12:00 a.m., Friday and Saturday. These hours are consistent with the City's standard hours of operation for ABC Type "41" restaurant establishments (8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday). In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

The restaurant is located in a high-crime district, and in an area with an over-concentration of Alcoholic Beverage Control "on-sale" licenses. In order to approve the request, a Finding of Public Convenience or Necessity is required. A

summary of the district and the Findings of Public Convenience or Necessity can be found in Decision No. 1838-23 for Conditional Use Permit No. CUP-236-2023.

The Community and Economic Development Department and the Police Department have reviewed the request and are supporting the proposal. All standard conditions of approval for an ABC Type "41" License will apply.

California Environmental Quality Act (CEQA):

CEQA's Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, and minor alterations of existing facilities, with negligible or no expansion of use (CEQA Guidelines §15301). The subject request for the ABC License does not expand the use of the restaurant. The restaurant is a permitted use, and the addition of the ABC license does not involve the intensification or expansion of said use. Therefore, the proposed project is exempt from CEQA.

**RECOMMENDATION:**

Staff recommends that the Zoning Administrator take the following action:

1. Adopt Decision No. 1838-23, approving Conditional Use Permit No. CUP-236-2023, subject to the recommended Conditions of Approval.



MARIA PARRA  
Planning Services Manager



By: Shehriyar Khan  
Contract Planner

[Attachment 1](#)      [Vicinity Map](#)  
[Attachment 2](#)      [Plans](#)





**A** NOTES

**GENERAL NOTES:**

- ALL CONSTRUCTION WILL FOLLOW THE CONSTRUCTION GUIDELINES OF CITY OF GARDEN GROVE CLEARANCE FROM HAZARDOUS MATERIALS DISCLOSURE OFFICE AND FROM AIR QUALITY MANAGEMENT DISTRICT WILL BE SUBMITTED TO THE BUILDING DEPARTMENT PRIOR TO FINAL INSPECTION.
- WALL AND CEILING MATERIALS SHALL NOT EXCEED THE FRAME SPREAD RATING REQUIREMENTS ACCORDING TO TABLE.
- ALL EXIT DOORS SHALL BE OPENABLE FROM INSIDE WITHOUT USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT.
- TENANT SPACE, MAIN ENTRANCE AND EXIT, PATH OF TRAVEL, SANITARY FACILITIES, AND DRINKING FOUNTAIN SHALL BE ACCESSIBLE TO PERSON WITH DISABILITIES.
- NONABSORBENT MATERIAL ON FLOOR OF WATER CLOSET ROOM AND UP WALLS TO 4'-0".
- WATER CLOSET ROOM IS SEPARATED WITH A TIGHT FITTING DOOR AT STORAGE.
- ALL EXTERIOR DOORS, WINDOWS AND ROOF OPENINGS SHALL COMPLY WITH CBC AND THE CITY OF GARDEN GROVE.
- ALL WORK THIS PROJECT SHALL COMPLY WITH THE 2022 EDITION OF THE CALIFORNIA BUILDING CODE (TITLE 24).

1. CONTRACTOR TO VERIFY ALL CONDITIONS AND DIMENSIONS AT SITE
2. AND ALL INCONSISTENCIES SHALL BE BROUGHT TO THE ATTENTION LANDLORD/TENANT AND DDG, BEFORE PROCEEDING.
3. ANY ERROR OR OMISSIONS FOUND IN THESE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION LANDLORD/TENANT AND DDG, IMMEDIATELY.
4. DO NOT SCALE DRAWINGS, WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE DIMENSIONS.
5. ALL DIMENSIONS ARE TO FACE OF STUD OR TO FACE OF FRAMING UNLESS OTHERWISE SPECIFIED.
6. BUSINESS / STOREFRONT SIGNS SHALL BE UNDER SEPARATE PERMITS.
7. ALL CABINETS MILLWORKS DRAWING AND INSTALLATION BY OTHERS.

**NOTES:**

1. THE TENANT SPACE, MAIN ENTRANCES & EXITS, PATH OF TRAVEL, SANITARY FACILITIES, DRINKING FOUNTAINS AND PUBLIC TELEPHONES SERVING THE TENANT SPACE SHALL BE ACCESSIBLE TO PERSONS WITH DISABILITIES. (CITY INSPECTOR SHALL VERIFY AT FIELD FOR COMPLIANCE PRIOR TO FINAL INSPECTION)
2. HANDICAP PARKING IS EXISTING AND COMPLIES ALL SIGNS ARE EXISTING AND COMPLIES. (FIELD VERIFY)
3. THE SLOPE ALONG THE PATH OF TRAVEL SHALL NOT EXCEED 5%. (FIELD VERIFY)
4. NO ABRUPT CHANGES IN ELEVATIONS ALONG THE PATH OF TRAVEL SHOWN, THE SLOPE AND CROSS-SLOPE ALONG THE PATH OF TRAVEL SHALL NOT EXCEED 5% AND 2% RESPECTIVELY. (INSPECTOR TO VERIFY)

**FIRE AUTHORITY NOTES FOR ARCHITECTURAL PLANS**

**INSPECTIONS**

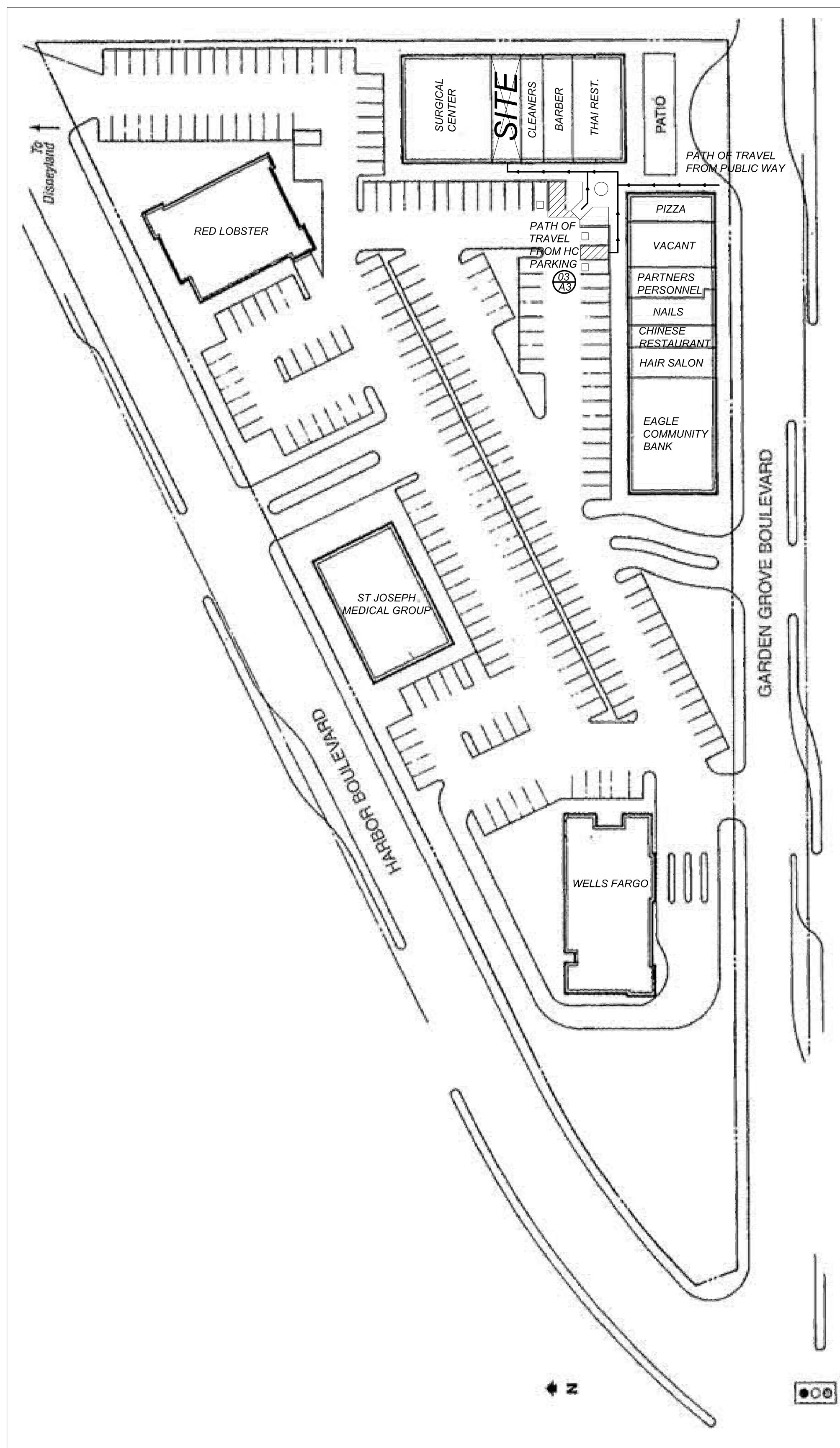
1. OC FIRE final inspection required. Call OC FIRE Inspection Scheduling at 714-537-6150.
2. Buildings under construction or demolition shall conform to CFC Chapter 14. No smoking or cooking is allowed in structures where combustible materials are exposed or within 25' of combustible materials storage areas. Cutting, welding, or other hot work shall be in conformance with CFC Chapter 35.
3. In buildings four or more stories in height, standpipes shall be provided during construction when the height reaches 40 feet above the lowest point of fire department access. A fire department connection shall be no more than 100 feet from available fire department vehicle access roadways. A hydrant shall be located along the access roadway within 150 feet of the location(s) that the FDC can be accessed from. CFC 3310, 3313
4. Address numbers shall be provided for all new and existing buildings, be a minimum of four inches high for individual dwelling units and six inches high for all other installations and structures, contrast with their background, and be plainly visible from the roadway the building is addressed on. Temporary address numbers shall be provided on construction fencing or the building until permanent numbers can be provided. CBC 501.2, CFC 505.1
5. Locations and classifications of extinguishers shall be in accordance with CFC 906 and CCR Title 19. At least one extinguisher shall be provided during construction on each floor at each stairway, in each storage and construction shed, in locations where flammable or combustible liquids are stored or used, or where similar hazards are present per CFC 3315.1. Before final occupancy, at least one 2A:10B:C extinguisher shall be provided so that no point is more than 75' travel distance from the extinguisher. Extinguishers shall be located along the path of egress travel and in a readily visible and accessible location, with the bottom of the extinguisher at least 4" above the floor. Additional extinguishers may be required by FV inspectors depending on project or site conditions and final placement is subject to their approval.
6. Wall, floor and ceiling finishes and materials shall not exceed the flame spread classifications in CBC Table 803.9. Decorative materials shall be properly treated by a product or process approved by the State Fire Marshal with appropriate documentation provided to the OC FIRE. Such items shall be approved and inspected by the OC FIRE prior to installation.
7. Knox boxes/key cabinets shall be provided for all high-rise buildings, pool enclosures, gates in the path of firefighter travel to structures, secured parking levels, doors giving access to alarm panels and/or annunciators, and any other structures or areas where immediate access is required or is unduly difficult. An FV inspector can assist with locking gate keys in Knox boxes, contact your local fire station to arrange an appointment to secure master building keys in the Knox box.
8. Approval of these plans shall not permit the violation of any code or law. Requirements or features not identified on the plan may apply and FV inspectors may require additional information or items from those shown on the plan depending on actual or anticipated field conditions. Such changes may necessitate submittal of revised or as-built plans to the OC FIRE and the City/County where the project is located.

**GENERAL REQUIREMENTS**

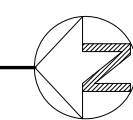
9. The project shall comply with 2019 California Building Code, 2022 California Fire Code, and other currently adopted codes, standards, regulations and requirements as enforced by the Orange County Fire Authority.
10. Dumpsters and trash containers exceeding 1.5 cubic yards shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines unless protected by an approved sprinkler system or located in a Type I or IIA structure separated by 10 feet from other structures. Containers larger than 1 cubic yard shall be of non- or limited-combustible materials or similarly protected or separated. CFC 304.3
11. Exits, exit signs, fire alarm panels, hose cabinets, fire extinguisher locations, and standpipe connections shall not be concealed by curtains, mirrors, or other decorative material.
12. The egress path shall remain free and clear of all obstructions at all times. No storage is permitted in aisles.
13. Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Doors shall not be provided with thumb-turn locks or deadbolts that do not unlatch in tandem with the normal operating lever. The opening force for interior doors without closers shall not exceed 5 pounds. The unlatching and opening force for other doors, including fire doors, shall not exceed 15 pounds. CBC 1008
14. The exit path shall be clearly identified with exit signs conforming to CBC 1011. Illuminated exit signs must have 90-minute emergency power back-up.
15. Tactile signs shall be provided in commercial buildings, public buildings/accommodations, and publicly funded housing subject to CBC Chapters 11A and 9 and conform to 11A3A or 11B-703.1, 703.2, 703.3, and 703.5, be mounted with the bottom of the lowest line of Braille characters at least 4 feet above the floor but the bottom of the highest line of raised text characters no more than 5 feet above the floor and, whenever possible, on the strike side of the door. Lettering shall be between 5/8" and 2" high. CBC 1011.4
16. Stairs serving 4+ stories shall have stairwell signs conforming to CBC 1022.9 and OC FIRE Guideline E-02
17. The exit path shall be illuminated at all times in accordance with CBC 1006. Emergency lighting shall be provided with 90-minute back-up.
18. Rated assemblies shall conform to approved methods and materials of construction. Penetrations through rated walls, ceilings, or floors shall be protected in an approved manner complying with CBC/CFC Chapter 7.
19. Rated doors shall be self-closing and latching; such doors shall not be equipped with door stops or otherwise propped open. Rated doors shall be equipped with rated hardware. CFC 703

# FLAPPY'S

**12902 HARBOR BLVD., GARDEN GROVE, CA 92840**

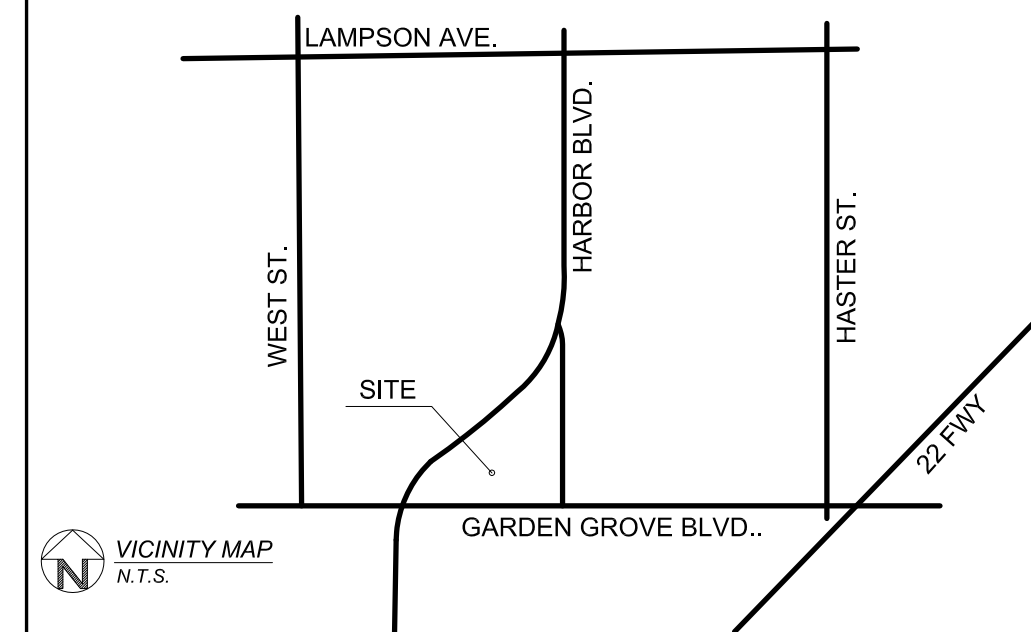


**SITE PLAN**



**CUP-236-2023**

**PROJECT LOCATION**



**SHEET INDEX**

|    |   |
|----|---|
| TS | COVER SHEET, GENERAL DATA & VICINITY MAP, SITE PLAN |
| A1 | (E) & (N) FLOOR PLAN, REFLECTED CEILING PLAN        |
| A2 | DETAILS   |
| P1 | PLUMBING PLAN                                       |
| M1 | MECHANICAL PLAN                                     |
| M2 | HOOD DETAILS  |
| E1 | ELECTRICAL PLAN                                     |

**PROPERTY DESCRIPTION**

**PROPERTY DATA:**

|                    |            |
|--------------------|------------|
| ZONING:            | HCSF-DC    |
| CONSTRUCTION TYPE: | V-B        |
| OCCUPANCY GROUP:   | B          |
| FIRE SPRINKLERS:   | NO         |
| NO. OF STORIES:    | 1          |
| BUILDING HEIGHT:   | +/- 15'-0" |
| APN:               | 231-412-01 |

|               |            |
|---------------|------------|
| BUILDING AREA | 1,263 S.F. |
|---------------|------------|

**SCOPE OF WORK:**

- TENANT IMPROVEMENT FOR RESTAURANT
- ADD BAR SEATING
- ADD COOKING HOOD
- ADD EQUIPMENT
- ADD 1 NEW RESTROOM
- RELOCATE DOOR FOR EXISTING RESTROOM

**OCCUPANT ANALYSIS:**

|                                 |
|---------------------------------|
| CUSTOMER AREA = 300/ 15 = 20    |
| FRONT AREA = 367/ 200 = 1.835   |
| KITCHEN = 336/200 = 1.68        |
| REST., HALLWAY = 260/ 200 = 1.3 |

TOTAL = 24 PERSONS TOTAL

**LEGAL JURISDICTION:**

CITY OF GARDEN GROVE, CALIFORNIA

**APPLICABLE CODES: FOR ALL BELOW**

- 2022 CALIFORNIA BUILDING CODE (CBC)
- 2022 CALIFORNIA MECHANICAL CODE (CMC)
- 2022 CALIFORNIA PLUMBING CODE (CPC)
- 2022 CALIFORNIA FIRE CODE (CFC)
- 2022 CALIFORNIA ELECTRICAL CODE (CEC)
- 2022 CALIFORNIA ENERGY STANDARDS
- 2022 GREEN BUILDING CODE
- GARDEN GROVE MUNICIPAL CODE

**PROJECT DIRECTORY**

**DESIGNER:**

HA NGUYEN  
13172 SANDRA PL.,  
GARDEN GROVE, CA 92843

TEL: (714) 326-3124  
CONTACT: HA NGUYEN



**CONSULTANT:**

**FLAPPY'S**  
**12902 HARBOR BLVD.,**  
**GARDEN GROVE, CA 92840**

12902 HARBOR BLVD.,  
GARDEN GROVE, CA 92840

**COMMERCIAL PROJECT FOR:**

**COVER SHEET,**  
**GENERAL DATA**

**DRAWING TITLE:**

|            |      |
|------------|------|
| PLAN CHECK | DATE |
|------------|------|

#

|            |      |
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| REVISIONS: | DATE |
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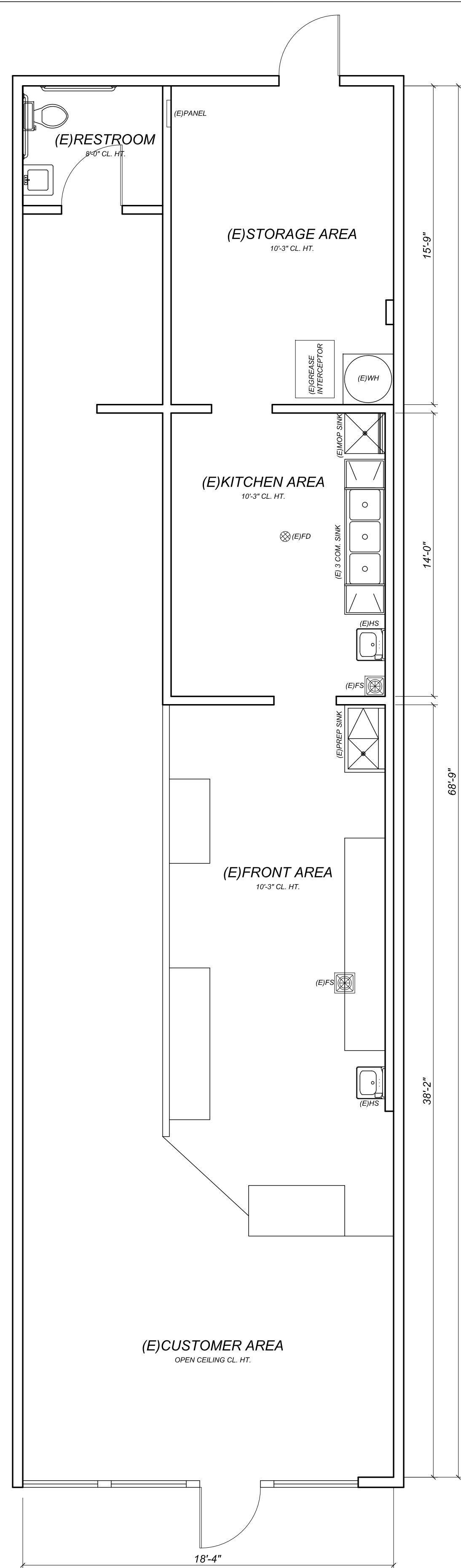
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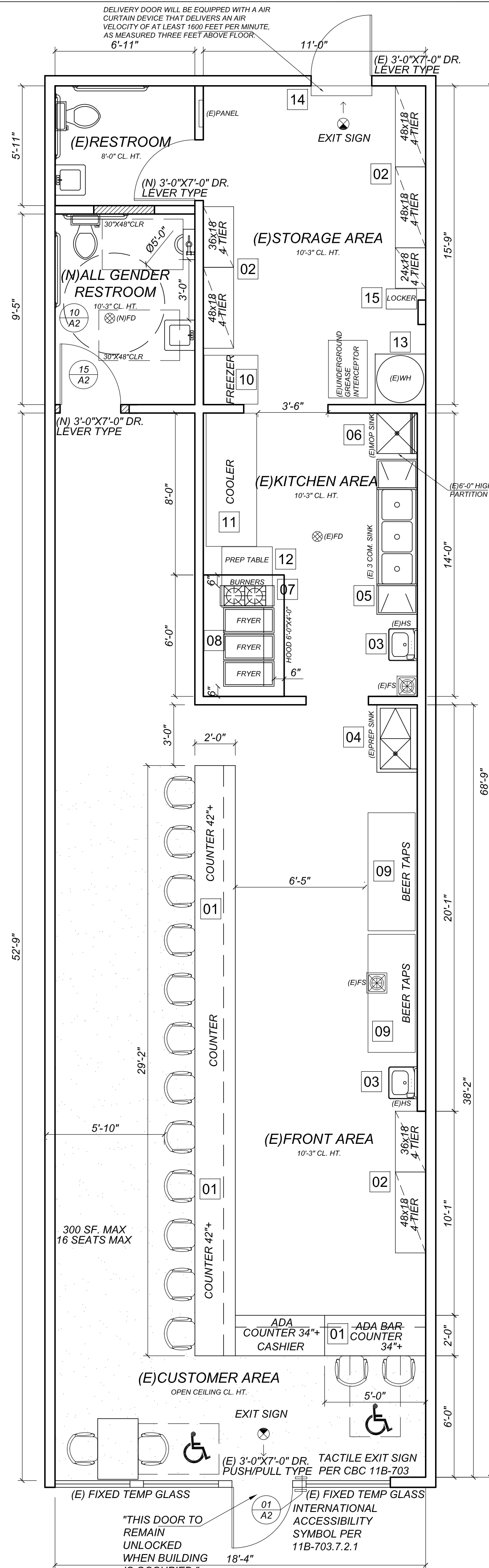
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**TS**



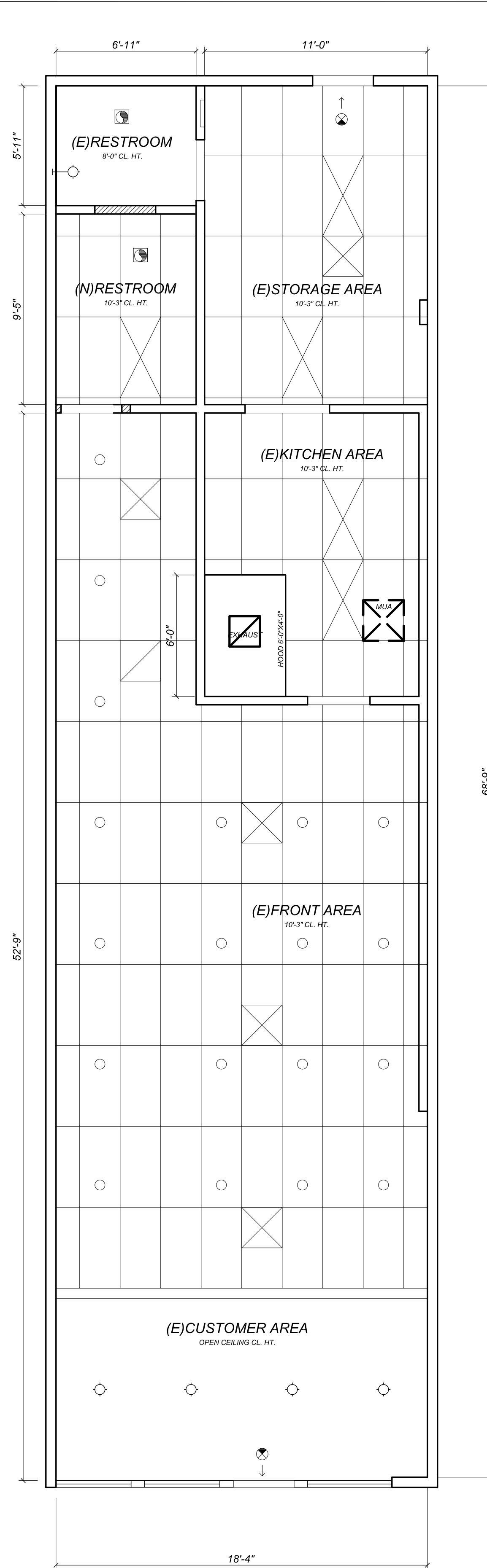
**(E) FLOOR PLAN**

SCALE: 1/4" = 1'-0"



**(N) FLOOR PLAN**

SCALE: 1/4" = 1'-0"



**REFLECTED CEILING PLAN**

SCALE: 1/4" = 1'-0"

**LEGEND**

- EXISTING WALL TO REMAIN
- NEW WALL
- 6" RECESS LIGHT
- HANGING LIGHT FIXTURE
- SUPPLY
- RETURN
- EXHAUST
- EXHAUST
- MAKE UP AIR
- EXIT SIGN WITH BATTERY BACKUP

**EQUIPMENTS SCHEDULE**

| EQUIPMENTS                        | MAKE   | NOTES                    |
|-----------------------------------|--|--------------------------|
| 1 (N)COUNTER                      | WOOD LAMINATE, QUARTZ TOP (DONE BY OTHERS)   | -                        |
| 2 (E)STORAGE SHELVING             | STAINLESS STEEL 4 TIER - REGENCY             | 6" ROUND LEGS            |
| 3 (E)HAND SINK                    | STAINLESS STEEL (NSF APPROVED)               | 6" SPLASH GUARD EA SIDE  |
| 4 (E)PREP SINK                    | STAINLESS STEEL (NSF APPROVED)               | 6" ROUND LEGS            |
| 5 (E)3 COMPARTMENT SINK           | STAINLESS STEEL (NSF APPROVED)               | 6" ROUND LEGS            |
| 6 (E)MOP SINK                     | STAINLESS STEEL (NSF APPROVED)               | CHEMICAL RACK WALL MOUNT |
| 7 (N)BURNERS                      | VULCAN - VCRH-12 (NSF APPROVED) 50,000 BTU   | 6" ROUND LEGS            |
| 8 (N)FRYER                        | FRY MASTER - GF14 (NSF APPROVED) 100,000 BTU | 6" ROUND LEGS            |
| 9 (N)BEER COOLER                  | TRUE - TDD-3-HC (NSF APPROVED)               | 6" CASTORS               |
| 10 (N)FREEZER                     | AVANTCO - A-23F-HC (NSF APPROVED)            | 6" CASTORS               |
| 11 (N)COOLER                      | TRUE - GDM-72-LD (NSF APPROVED)              | 6" CASTORS               |
| 12 (N)PREP TABLE                  | GSW - WT-P3036 (NSF APPROVED)                | 6" ROUND LEGS            |
| 13 (E)WATER HEATER                | BRADFORD WHITE- 75T-80B-3N - 76,000 BTU      |                          |
| 14 (E)AIR CURTAIN W/ MICRO SWITCH | MARS AIR - LPN2 36                           |                          |
| 15 (E)LOCKER                      | GSW - ELS-5DR                                | 6" ROUND LEGS            |
| 16                                |  |                          |
| 17                                |  |                          |

ALL EQUIPMENT, INCLUDING SHELVING, MUST BE SUPPORTED BY SIX (6) INCH HIGH EASILY CLEANABLE LEGS, COMMERCIAL CASTORS, OR COMPLETELY SEALED IN POSITION ON A FOUR (4) INCH HIGH CONTINUOUSLY COVERED BASE OR CONCRETE CURB.

**FINISH SCHEDULE**

| AREA             | FLOOR          | BASE                                      | WALLS   | CEILING   |
|------------------|----------------|---|---|---|
| (E)CUSTOMER AREA | PORCELAIN TILE | 4" BASE                                   | DRYWALL W/ GLOSS ENAMEL PAINT                                 | T-BAR CEILING WASHABLE PANELS                       |
| (E)FRONT AREA    | QUARRY TILE    | 6" COVED BASE W/ 3/8" RADIUS QUARRY TILE  | FRP 4'-0" HIGH ABOVE FRP - DRYWALL W/ GLOSS ENAMEL PAINT      | T-BAR CEILING WASHABLE PANELS GRIDSTONE-FIRE SHIELD |
| (E)KITCHEN AREA  | QUARRY TILE    | 6" COVED BASE W/ 3/8" RADIUS QUARRY TILE  | FRP 4'-0" HIGH ABOVE FRP - DRYWALL W/ GLOSS ENAMEL PAINT      | T-BAR CEILING WASHABLE PANELS GRIDSTONE-FIRE SHIELD |
| (E)RESTROOM      | PORCELAIN TILE | 6" COVED BASE W/ 3/8" RADIUS CERAMIC TILE | CERAMIC TILE 4'-0" ABOVE TILE - DRYWALL W/ GLOSS ENAMEL PAINT | WATER RESISTANT DRYWALL W/ SEMI GLOSS ENAMEL PAINT  |
| (N)RESTROOM      | PORCELAIN TILE | 6" COVED BASE W/ 3/8" RADIUS CERAMIC TILE | CERAMIC TILE 4'-0" ABOVE TILE - DRYWALL W/ GLOSS ENAMEL PAINT | T-BAR CEILING WASHABLE PANELS GRIDSTONE-FIRE SHIELD |

**ACCESSIBLE DOOR NOTES:**

FLOOR OR GROUND SURFACES WITHIN REQUIRED DOOR MANEUVERING CLEARANCES SHALL BE STABLE, FIRM, AND SLIP RESISTANT. SURFACES SHALL BE LEVEL WITH A SLOPE NOT STEEPER THAN 1:48. CHANGES IN LEVEL ARE NOT PERMITTED EXCEPT AT THRESHOLDS. OPENING IN FLOOR SHALL NOT ALLOW PASSAGE OF SPHERE MORE THAN 1/2" DIAMETER. (11B-302.2) (11B-404.2.4.4)

**THRESHOLDS AT DOORWAYS.** THRESHOLDS SHALL BE 1/2" HIGH MAXIMUM. RAISED THRESHOLDS AND CHANGES IN LEVEL AT DOORWAYS SHALL COMPLY WITH SECTION 11B-302 AND 11B-303. (11B-404.2.5)

**DOOR OPENING FORCE:** MAXIMUM FORCE TO FOR PUSHING OR PULLING OPEN, EXTERIOR OR INTERIOR HINGED DOORS WITH CLOSERS AND SLIDING OR FOLDING DOORS, SHALL NOT EXCEED FIVE POUNDS. (11B-404.2.9)

**DOOR AND GATE SURFACE:** SWINGING DOOR AND GATE SURFACES WITHIN 10 INCHES (255 MM) OF THE FINISH FLOOR SHALL HAVE A SMOOTH SURFACE ON THE PUSH SIDE EXTENDING THE FULL WIDTH OF THE DOOR OR GATE. PARTS CREATING HORIZONTAL OR VERTICAL JOINTS IN THESE SURFACES SHALL BE WITHIN 1/16" OF THE SAME PLANE AS THE OTHER. (11B-404.2.6)

**NOTES RESTROOM:**

- FLOOR OF WATER CLOSET COMPARTMENTS SHALL HAVE A SMOOTH HARD NONABSORBENT SURFACE SUCH AS PORTLAND CEMENT, CONCRETE, CERAMIC TILE OR OTHER APPROVED MATERIAL. THAT EXTENDS UPWARD ONTO THE WALLS AT LEAST 48" HIGH ABOVE FINISHED FLOOR BEHIND AND IN THE SIDE OF THE TOILET AND URINAL AND EXTEND 24" IN FRONT AND TO THE SIDE OF THE TOILET AND URINAL.

**NOTE:** WALL AND CEILING MATERIAL SHALL NOT EXCEED THE FLAME SPREAD RATING REQUIRED AS PER SEC. 803.5

TENANT SPACES, MAIN ENTRANCES AND EXITS, PATH OF TRAVEL, SANITARY FACILITIES, DRINKING FOUNTAINS AND PUBLIC TELEPHONES SERVING THE TENANT SPACE SHALL BE ACCESSIBLE TO PERSONS WITH DISABILITIES. CITY INSPECTOR SHALL VERIFY AT FIELD FOR COMPLIANCE PRIOR TO FINAL INSPECTION.

**CUP-236-2023**



CONSULTANT:

**FLAPPY'S**  
12902 HARBOR BLVD.,  
GARDEN GROVE, CA 92840

12902 HARBOR BLVD.,  
GARDEN GROVE, CA 92840

COMMERCIAL PROJECT FOR:

**(N) FLOOR PLAN**

DRAWING TITLE:

PLAN CHECK \_\_\_\_\_ DATE \_\_\_\_\_

# \_\_\_\_\_

REVISIONS: \_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DRAWN BY: \_\_\_\_\_ HA NGUYEN

SCALE: \_\_\_\_\_ AS NOTED

DATE: \_\_\_\_\_ 02-09-2023

PROJECT NO: \_\_\_\_\_ 02092023

SHEET NO. 02 OF 07 SHEETS

**A1**



DECISION NO. 1838-23

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-236-2023 FOR PROPERTY LOCATED AT 12902 HARBOR BOULEVARD, ASSESSOR'S PARCEL NO. 231-412-01.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-236-2023 for property located on the east side of Harbor Boulevard, north of Garden Grove Boulevard, at 12902 Harbor Boulevard, Assessor's Parcel No. 231-412-01.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-236-2023, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Flappy's, LLC, with the authorization of the property owner's agent, Melissa Bee (Harbor Plaza, LLC).
2. The applicant is requesting approval of a Conditional Use Permit to allow a new restaurant, Flappy's Amazing Wings, to operate with an original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License, at 12902 Harbor Boulevard, within an existing vacant restaurant tenant space.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the Zoning Administrator hereby determines that the proposed project is categorically exempt from the CEQA pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines (14 Cal. Code Regs., Section §15301).
4. The subject property has a General Plan Land Use Designation of International West Mixed Use, and is zoned Harbor Corridor Specific Plan – District Commercial. The subject site is currently improved with a multi-tenant commercial shopping center, Harbor Village Plaza.
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 April 13, 2023, and all interested persons were given an opportunity to be heard.
8. The Zoning Administrator gave due and careful consideration to the matter during its meeting of April 13, 2023, and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Zoning Administrator, as required under Municipal Code Section 9.32.030 (Conditional Use Permits), are as follows:

FACTS:

The subject site is approximately five (5) acres and is comprised of two parcels; (APN 231-412-01; 231-412-02) under the same ownership. The site is improved with a multi-tenant commercial shopping center, Harbor Village Plaza, comprised of one (1) main L-shaped commercial building and three (3) commercial pad buildings. The subject tenant space is 1,314 square feet and is located on the southeastern end of the shopping center, at 12902 Harbor Boulevard. The subject shopping center is currently occupied by a variety of uses, including medical and financial offices, restaurants, and personal service businesses.

The subject property has a General Plan Land Use Designation of International West Mixed Use (IW), and is zoned HCSP-DC (Harbor Corridor Specific Plan – District Commercial). The subject shopping center is adjacent to PUD-121-98 (Planned Unit Development) zoned properties to the north, across Harbor Boulevard, R-1 (Single-Family Residential) and C-1 (Neighborhood Commercial) zoned properties to the west, across Harbor Boulevard, HCSP-DC and HCSP-OP (Harbor Corridor Specific Plan – Official Professional) zoned properties to the south, across Garden Grove Boulevard, and HCSP-SDS (Harbor Corridor Specific Plan – Swing District South) zoned properties to the east. Existing surrounding uses include a mix of single-family residences and various commercial uses.

According to Business Tax and License records, the subject restaurant space was previously occupied by another restaurant, Luv Fish. The previous restaurant closed in February 2023, and the subject tenant space has remained vacant since. A new restaurant, Flappy's Amazing Wings, is proposing to occupy the existing restaurant tenant space. The applicant has submitted an application for a Commercial Building Permit (Application No. A-300710) for interior tenant improvements, along with a Hold Harmless Letter, currently being processed by the City. The proposed interior improvements are minor and do not substantially change the existing floor plan nor do they expand the existing restaurant space.

The applicant is requesting Conditional Use Permit approval to operate the new restaurant with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. Garden Grove Municipal Code Section 9.16.020.080 requires approval of a Conditional Use Permit for the addition of a new original ABC License to a restaurant.

Flappy's Amazing Wings will operate as a full-service restaurant, specializing in chicken wings offered in a range of flavors. Flappy's Amazing Wings' hours of operation are 11:00 a.m. to 11:00 p.m., Sunday through Thursday, and 11:00 a.m. to 12:00 a.m., Friday and Saturday. These hours are consistent with the City's

standard hours of operation for ABC Type "41" restaurant establishments (8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday). In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

The restaurant is located in a high-crime district, and in an area with an over-concentration of Alcoholic Beverage Control "on-sale" licenses. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 144.
- The crime count for the District is 168.
- Average crime count per district in the City is 71.
- A District is considered high when it exceeds the citywide average by 20%.
- The subject District has a crime count of 136% above the citywide average; therefore, it is considered a high-crime area.
- The subject site is located in Alcoholic Beverage Control Census Report District No. 885.02.
- ABC Census Reporting District No. 885.02 allows for six (6) on-sale licenses within the District. Currently, there are twelve (12) on-sale licenses in the District. The approval of this CUP will add a new ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The approval of this Conditional Use Permit will increase the number of on-sale ABC Licenses in District 885.02 by one (1), and the total number of on-sale licenses in the District will be thirteen (13).

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 ninety (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 subject site is located in an area considered to be in a high-crime district and in an area with an over-concentration of on-sale ABC licenses, a finding for public convenience or necessity is warranted given the potential community benefit through the operation of the restaurant with an ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The addition of the new ABC Type "41" License would provide and maintain an amenity that enhances the customer dining experience and maintains the intent of being a business serving the local community. The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding 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.

Furthermore, the establishment shall provide an assortment of foods normally offered in restaurants, and the kitchen shall be open and preparing food during all hours that the establishment is open. At all times the establishment is open, the sale of alcohol shall be incidental to the sale of food; and the quarterly gross sales of alcoholic beverages shall not exceed 35% of the total gross sale of food during the same period. Lastly, no live entertainment, (karaoke, one-man band, solo performer, live music, etc.) shall be permitted on the premises. Therefore, the City of Garden Grove hereby determines and approves a Finding of Public Convenience or Necessity for Conditional Use Permit No. CUP-236-2023.

#### FINDINGS AND REASONS:

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

The subject property has a General Plan Land Use Designation of International West Mixed Use, and is zoned HCSP-DC (Harbor Corridor Specific Plan – District Commercial). The International West Mixed Use designation is intended to provide for a mix of uses, including resort, entertainment, retail, hotel, and some higher density residential uses that are appropriate for a major entertainment and tourism destination. In particular, the subject proposal is consistent with the following goals, policies, and implementation programs of



the General Plan:

*Policy LU-1.4 Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts / entertainment, in appropriate locations.* The subject restaurant is located along Harbor Boulevard, a major entertainment and tourist corridor of the City, in an area developed with existing restaurants, retail, and other commercial services. The addition of alcohol sales will be an additional amenity to the new restaurant which will enhance the customer dining experience and maintain the intent of being a business serving the local community.

*Goal LU-4 Uses compatible with one another.* The proposed use is alcohol sales. The location of the restaurant is within an existing multi-tenant commercial shopping center, with a variety of commercial uses. Directly adjacent to the subject use are retail, restaurant, medical and financial offices and personal service uses. Alcohol sales are compatible with these uses, and other lighter, commercial uses. Furthermore, provided the Conditions of Approval are adhered to for the life of the project, the use will be compatible with other commercial uses, and will be harmonious with the persons who work and live in the area.

*Goal LU-5 Economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community.* Restaurants with alcohol sales can enhance the vitality of the City's commercial centers. The requested Conditional Use Permit would allow for the service of alcohol at a new restaurant, Flappy's Amazing Wings. The service of alcohol is intended to enhance the dining experience at the restaurant. This enhances the community, by providing another unique dining opportunity.

*Policy LU-6.2 Encourage a mix of retail and commercial services along the major corridors and in centers to meet the community's needs.* The subject request for a Conditional Use Permit to allow the service of alcohol at Flappy's Amazing Wings would enhance the appeal of the restaurant that is situated along a portion of Harbor Boulevard which is a major entertainment and tourist corridor in the City. The area surrounding the subject restaurant features a wide variety of existing commercial uses. With the subject request, the proposed use will further enhance the variety of uses in the area. By providing a vast variety of commercial uses, the shopping center, and the Harbor Boulevard commercial corridor can become more resilient to any future demands.

*SAF-IMP-2C Involve law enforcement agencies in the design and planning phases of ABC licensed establishments to reduce design elements that conceal or encourage criminal activity.* The Garden Grove Police Department has reviewed all relevant data pertaining to the proposed Conditional Use Permit. The intent of their review is to reduce the number of alcohol-related crimes,

and promote the safe operation of the restaurant. No concerns were raised by the Police Department regarding the addition of an ABC License to the restaurant. Standard Conditions of Approval for ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) licensed establishments have been incorporated, which in part, address hours of operation, loitering, on-site security, the sale of alcoholic beverages for off-site consumption, parking lot lighting, and graffiti abatement. The Police Department has reviewed the request and is supportive of the proposal.

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. The Conditions of Approval will minimize potential impacts to the adjoining area. Hours of operation will be limited to the City's standard hours of operation for ABC Type "41" restaurant establishments, which are between 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. Limitations on the hours of alcohol sales can limit any impacts on the surrounding area.

The use will not unreasonably interfere with the use, enjoyment, or valuation of other property located within the vicinity of the site, provided the Conditions of Approval are adhered to for the life of the project. By operating as a full service restaurant, with ancillary beer and wine sales for on-site consumption only, the use will be compatible with the surrounding uses.

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 site, with the existing site improvements, is of adequate size to accommodate the proposed use within the surrounding area. No modifications are required to any of the existing site development features on site, which includes any buildings, yards, walls, fences, parking and loading facilities, and landscaping. The applicant has submitted an application for a Commercial Building Permit (Application No. A-300710) for interior tenant improvements, currently being processed by the City. The proposed interior improvements are minor and do not substantially change the existing floor plan nor do they expand the existing restaurant space.

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 subject site is located on the east side of Harbor Boulevard, north of Garden Grove Boulevard. The commercial center is adequately accessed by two (2) driveways along Harbor Boulevard, and two (2) driveways along Garden Grove Boulevard. On-site circulation is adequate to serve all the uses in the commercial center. The site is also sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities. As a part of this request, no changes are proposed for the design and function of the subject restaurant or shopping center. Therefore, the site will continue to be adequately served by all existing highways, streets, and other public and private service facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. The Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (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-236-2023.

Dated: April 13, 2023

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DAVID DENT  
ZONING ADMINISTRATOR

## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-236-2023**

12902 Harbor Boulevard

#### **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 each of the following: the project applicant, Flappy's, LLC, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. 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 applicable City hearing body, except as otherwise provided herein.
3. 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.
4. This Conditional Use Permit only authorizes the operation of a 1,314 square foot restaurant with an Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Eating Place) License as identified on the floor plan attached to these 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 and Economic Development Director.
5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the



approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

6. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

**Police Department**

7. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
8. Hours of operation shall be permitted only between the hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. The hours of operation shall be applicable to the entire premises. The City of Garden Grove reserves the right to reduce hours of operation by order of the Chief of the Police Department, in the event problems arise due to noise, disturbances or other problems that may be resolved by modifying the hours of operation.
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. Consumption of alcoholic beverages shall not occur anywhere outside of the establishment at any time.
12. The sale or service of alcohol shall cease thirty (30) minutes prior to the required closing time.
13. There shall be no enclosed booths on the premises at any time. Walls and/or partitions exceeding thirty-six (36) inches in height, which partially enclose or separate booths, shall be of a clear and transparent material. No item shall

be placed in the area of the booths that would limit or decrease the visibility of the interior of the business from any location within the business.

14. The applicant shall maintain a level of lighting in the establishment sufficient to ensure that individuals inside the restaurant can be clearly seen and identified by an observer at all times. Low-level lighting that does not enable an observer to clearly see and identify individuals inside the restaurant is prohibited.
15. No payment (entrance fee/cover charge) shall be charged to gain access to the business at any time.
16. No "B-girl" or "hostess" activity (as defined in Penal Code Section 303) shall occur within the establishment at any time.
17. No employee or agent shall, be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the establishment, nor shall the business provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or nonalcoholic beverage from any customer while in the business.
19. 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.
20. In the event that the 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 Planning Commission for review or further consideration.
21. 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).

**Community and Economic Development Department**

22. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by Alcoholic Beverage Control (ABC) License. The restaurant shall contain sufficient space and equipment to accommodate a full restaurant kitchen, and the kitchen shall be open and preparing food during all hours the establishment is open. The establishment shall provide an assortment of foods normally offered in restaurants. The service of only appetizers, sandwiches and/or salads shall not be deemed in compliance with this requirement.
23. At all times when the establishment is open for business, the sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall not exceed 35% of the quarterly gross sales of food.
24. Food service shall be provided during all hours the restaurant is open, and shall also be available at all times when alcoholic beverages are being served.
25. The applicant shall, upon request, provide the City of Garden Grove with an audited report of sales ratio of food to alcoholic beverages.
26. No outdoor storage or display shall be permitted outside of the building, including, but not limited to, storage and display of merchandise, cardboard, pallets, or boxes.
27. 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.
28. There shall be no live entertainment, dancing, karaoke, or disc jockey (DJ) entertainment permitted on the premises at any time. Amplified background music emitted from a jukebox or other amplified stereo system may be permitted to enhance the dining experience, but the sound emitted from the premises shall not be audible outside of the establishment.
29. There shall be no raised platform, stage or dance floor allowed on the premises at any time.
30. There shall be no amusement devices permitted on the premises at any time.

31. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
32. 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.
33. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
34. 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.
35. All trash bins 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.
36. The applicant/property owner shall maintain all existing landscaped areas in a neat and healthy condition. Landscaping maintenance shall include pruning or removal of overgrown weeds and vegetation.
37. The applicant/property owner shall abate all graffiti vandalism within the premises. The applicant/property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant/property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
38. 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.
39. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Services Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.



Conditional Use Permit No. CUP-236-2023  
Conditions of Approval

40. The applicant shall be responsible for providing adequate parking area lighting in compliance with City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate adjacent properties.
41. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Services Division. No advertising material shall be placed thereon.
42. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
43. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
44. Signs shall comply with the City of Garden Grove sign requirements. 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 tint, shall count toward the maximum window coverage area.
45. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
46. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-236-2023 shall be kept on the premises at all times.
47. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-236-2023 and his/her agreement with all conditions of the approval.
48. The Conditional Use Permit may be called for review by City staff, the City Council, or Planning Commission, if noise or other complaints are filed and verified as valid by the Code Enforcement office or other City department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
49. If deemed necessary by the Community and Economic Development Director, the Conditional Use Permit may 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.

50. 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 Conditional Use Permit No. CUP-236-2023. 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.
51. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-236-2023 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.
52. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division. In the event the use(s) authorized by the CUP cease and the property owner no longer desires to continue such use(s) on the property, property owner may voluntarily terminate the CUP and all rights and obligations thereunder by executing and recording a request for voluntary revocation and termination of the CUP in a form acceptable to the City.
53. No alcoholic beverages shall be sold until all conditions of approval have been met, as determined by the Planning Services Division, and the State Alcoholic Beverage Control Board (ABC) has approved the release of the ABC License.

**Orange County Fire Authority**

54. The applicant shall comply with all applicable Orange County Fire Authority requirements, including, but not limited to the Fire Master Plan.

**Public Works Environmental Services Division**

55. Commercial food use of any type shall require the installation of an approved grease interceptor (grease control device), per the requirements of the Environmental Services Division, if such a device does not already exist, prior to obtaining a business license and prior to commencement of operation. A properly sized grease interceptor shall be installed on the sewer lateral and maintained by the property owner. There shall be a separate sanitary waste line that will connect to the sewer lateral downstream of the grease interceptor. All other waste lines shall be drained through the grease interceptor. Grease interceptor shall be located outside of the building and accessible for routine maintenance. Owner shall maintain comprehensive grease interceptor maintenance records and shall make them available to the City of Garden Grove upon demand. Plumbing plan for grease interceptor shall be routed to the Environmental Services Division for review and approval.
56. All trash container areas shall meet the following requirements per State mandated commercial organic recycling laws, including AB 1826 and SB 1383 and their implementing regulations, and any other applicable State recycling laws related to refuse, recyclables, and/or organics (web-link reference: <https://gqcity.org/index.php/pw/trash-recycling>):
- a. Pursuant to state mandated commercial organic recycling laws AB 1826 and SB 1383, the applicant is required to coordinate storage and removal of the organics waste with local recycling/trash company.
  - b. Pursuant to applicable state mandated laws, the applicant is required to contact and coordinate with the operations manager of the local recycling/trash company (Republic Services, 800-700-8610) to ensure the trash enclosure includes the appropriate size and number of containers for the disposal of items such as, but may not limited to, municipal solid waste (MSW), recyclables, and organic green waste.
  - c. Based on the amount of waste disposed, per week, the applicant shall coordinate with the local recycling/trash company to ensure the adequate frequency (no less than three times per week) of trash pick-

up is serviced to the site for municipal solid waste (MSW), recyclables, and organic green waste, including any other type of waste.

- d. The applicant shall ensure large bulk items, intended for coordinated and scheduled pick-up by the local recycling/trash company, are not placed in areas that encroach into drive aisles, parking spaces, pedestrian pathways, or areas in the front of the property including areas public right-of-way (e.g., street, sidewalk), during and after construction. Any large bulk items shall be out of public vantage points.
57. Applicant shall complete the following steps in order to create a Construction Waste Management Plan (CWMP):
- a. Create an account using Green Halo System at [www.gardengrove.wastetracking.com](http://www.gardengrove.wastetracking.com).
  - b. Log in to account and submit a CWMP plan.
  - c. Upload all weight tickets and submit for final review to complete the CWMP process.
  - d. Order container(s) through City's exclusive hauler Republic Services. When ordering your container from Republic Services, inform Customer Service that the container is for construction and demolition ("C&D") activity.
  - e. For self-haul of C&D debris, applicant may use a transfer station and/or a recycling center listed in the CWMP attachment. It is incumbent upon the Contractor/Owner to tell the weight master/scale house attendant at waste processing facility to process waste as "construction & demolition", not green waste or municipal solid waste/trash and review tickets prior to leaving facility to ensure City receives diversion. This will assure that weight ticket(s) indicate C&D. Contractor/Owner is responsible for thoroughly reviewing waste ticket(s) prior to submittal to Green Halo System at [www.gardengrove.wastetracking.com](http://www.gardengrove.wastetracking.com).
  - f. No correction or resubmittal of waste tickets is allowed. All decisions are final. Failure to submit required documents will result in Security Deposit Forfeiture.

**Public Works Water Services Division**

58. New water service installations two-inches (2") and smaller, may be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services three-inches (3") and larger, shall be installed by developer/owner's contractor per City Standards.
59. Water meters shall be located within the City right-of-way. Fire services and large water services three-inches (3") and larger, shall be installed by contractor with Class A or C-34 license, per City Water Standards and inspected by approved Public Works inspection.
60. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
61. New utilities shall have a minimum five-foot (5'-0") horizontal and a minimum one-foot (1'-0") vertical clearance from water main and appurtenances.
62. Should any alteration, modifications or additions to the existing fire sprinkler system be proposed, the existing fire service is required to be upgraded with an above-ground backflow device with a double-check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to the Public Works Department, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above-ground assembly shall be screened from public view as required by the Planning Division.
63. Commercial food use of any type shall require the installation of an approved grease interceptor prior to obtaining a business license. Plumbing plan for grease interceptor shall be routed to environmental services for review.

64. A properly sized grease interceptor shall be installed on the sewer lateral and maintained by the property owner. There shall be a separate sanitary waste line that will connect to the sewer lateral downstream of the grease interceptor. All other waste lines shall be drained through the grease interceptor. Grease interceptor shall be located outside of the building and accessible for routine maintenance. Owner shall maintain comprehensive grease interceptor maintenance records and shall make them available to the City of Garden Grove upon demand.
65. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations. Existing units are to be removed.
66. If needed, owner shall install new sewer lateral with clean out connecting to existing private sewer system on site. It is the responsibility of the owner to install appropriate size sewer lateral.
67. Contractor shall abandon any existing unused sewer lateral(s) on the property owner's side in accordance with California Plumbing Code.