



GARDEN GROVE

AGENDA

ZONING ADMINISTRATOR MEETING

Garden Grove Community Meeting Center
11300 Stanford Avenue

Thursday, April 8, 2021
A Room

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 planning@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 and will be uploaded to the City's website. Members of the public are asked to consider very carefully before attending this meeting in person and are required to wear face masks and maintain a six foot distance from others. Please do not attend this meeting if you have traveled and/or have had direct contact with someone who has travelled to places experiencing high rates of infection or 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 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.

Meeting Assistance: Any person requiring auxiliary aids and services, due to a disability, should contact the Department of of Community & Economic Development at (714) 741-5312 or email 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 Council Chamber 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-203-2021

APPLICANT: Ngoc Tu Tran
LOCATION: 14208 Brookhurst Street

REQUEST: To operate an existing restaurant, Grandpa's Kitchen Dry Noodles 168, with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Eating Place) License. The site is in the C-1 (Neighborhood 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

GARDEN GROVE ZONING ADMINISTRATOR MEETING
Garden Grove Community Meeting Center
11300 Stanford Avenue, Garden Grove, CA 92840
Council Chamber

Meeting Minutes
Thursday, February 11, 2021

CALL TO ORDER: 9:00 a.m.

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-201-2021

Applicant: Loan Thi Hong Vu
Location: 8516 Garden Grove Boulevard
Date: February 11, 2021

Request: To operate a new restaurant, Fusion, with an original State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public, Eating Place) License. Also, a request to revoke Conditional Use Permit No. CUP-356-12, which previously allowed the operation of a restaurant with a State Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The site is in the C-1 (T) (Neighborhood Commercial Transition Zone) 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.

Action: Public Hearing Held. Speaker(s): Loan Thi Hong Vu

Action: The Zoning Administrator adopted Decision No. 1799-21.

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-202-2021

Applicant: Garment Restoration Company
Location: 13771 Newhope Street
Date: February 11, 2021

Request: To operate a new, approximately 2,913 square foot commercial laundry, The Garment Restoration Company, within an existing industrial building. The site is in M-1 (Light Industrial) 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.

Action: Public Hearing Held. Speaker(s): Robert Borland

Action: The Zoning Administrator adopted Decision No. 1800-21 with a modification to the Conditions of Approval adding

Zoning Administrator Minutes

Public Work's Water Services Division condition numbers 34-42 and Public Work's Environmental Compliance Division condition number 43.

ORAL COMMUNICATIONS – PUBLIC: None.

ADJOURNMENT: The Zoning Administrator adjourned the meeting at 9:15 a.m.

Judith Moore
Recording Secretary

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.a.	SITE LOCATION: East side of Brookhurst Street, between 15th Street and Jennrich Avenue, located at 14208 Brookhurst Street
HEARING DATE: April 8, 2021	GENERAL PLAN: LC (Light Commercial)
CASE NO.: Conditional Use Permit No. CUP-203-2021	ZONE: C-1 (Neighborhood Commercial)
APPLICANT: Grandpa Kitchen 168, Inc. (Ngoc Tu Tran)	CEQA DETERMINATION: Exempt - Section 15301 - Existing Facilities
PROPERTY OWNER: Intelli, LLC	APN: 099-173-05

REQUEST:

The applicant is requesting approval of a Conditional Use Permit to allow an existing restaurant, Grandpa’s Kitchen Dry Noodles 168, located at 14208 Brookhurst Street, to operate with an original State Alcoholic Beverage Control (ABC) Type “41” (On-Sale, Beer and Wine, Public Eating Place) License.

BACKGROUND:

The subject site is developed with a multi-tenant shopping center located on the east side of Brookhurst Street, between 15th Street and Jennrich Avenue, at 14208 Brookhurst Street. The site has a General Plan Land Use designation of Light Commercial (LC), and is zoned Neighborhood Commercial (C-1). The shopping center is adjacent to C-1 zoned properties to the north across 15th Street, and to the south. To the east, the subject site abuts R-3 (Multiple-Family Residential) zoned properties. Across Brookhurst Street, the subject property is opposite of R-1 (Single-Family Residential) zoned properties.

The specific tenant space under application is an approximately 1,578 square foot space fronting Brookhurst Street, toward the southern end of the shopping center. According to Business Tax records, Grandpa’s Kitchen Dry Noodles 168 restaurant has occupied the subject location since August 2017. Since 2000, the tenant space has been occupied by multiple restaurants. None of the previous restaurants operated under a conditional use permit for the sale of alcohol. Prior to 2000, a variety of commercial retail businesses operated in the subject tenant space.

The applicant is now requesting Conditional Use Permit approval to operate Grandpa’s Kitchen Dry Noodles 168, 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 a Conditional Use Permit for the addition of a new ABC License to an existing restaurant.

DISCUSSION:

The restaurant tenant space has a total floor area of approximately 1,578 square feet. Prior to the restaurant beginning operation in 2017, permits were issued for tenant improvements. There have been no alterations to the tenant space since then, and no alterations are proposed as a part of this request. The interior of the restaurant will continue to consist of a waiting area, ten (10) tables, seating for approximately twenty-six (26) patrons, a cashier counter, kitchen, food prep area, walk-in cooler, food storage areas, and an all-gender restroom.

Grandpa's Kitchen Dry Noodles 168 operates as a full-service restaurant, with ancillary food to-go service, specializing in Vietnamese food. 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.

Grandpa's Kitchen Dry Noodles 168's hours of operation will continue to be 9:00 a.m. to 10:00 p.m., seven (7) days a week. These hours are consistent with the City's standard operating 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. 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. 1801-21 for Conditional Use Permit No. CUP-203-2021.

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.

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 restaurant. The restaurant is already permitted, 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. 1801-21, approving Conditional Use Permit No. CUP-203-2021, subject to the recommended conditions of approval.

MPawe for LM

LEE MARINO
Planning Services Manager

Priit Kaskla

By: Priit Kaskla
Assistant Planner

DECISION NO. 1801-21

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-203-2021 FOR PROPERTY AT 14208 BROOKHURST STREET, ASSESSOR'S PARCEL NO. 099-173-05.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-203-2021 for property located on the east side of Brookhurst Street, between 15th Street and Jennrich Avenue, at 14208 Brookhurst Street, Assessor's Parcel No. 099-173-05.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-203-2021, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Ngo Tu Tran of Grandpa Kitchen 168, Inc.
2. The applicant is requesting approval of a Conditional Use Permit to allow an existing restaurant, Grandpa's Kitchen Dry Noodles 168, to operate with an original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Wine and Beer, Public Eating Place) License.
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 property has a General Plan Land Use designation of Light Commercial (LC), and is zoned Neighborhood Commercial (C-1). The subject property is currently improved with a multi-tenant shopping center.
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 8, 2021, 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 8, 2021, 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 developed with a multi-tenant shopping center located on the east side of Brookhurst Street, between 15th Street and Jennrich Avenue, at 14208 Brookhurst Street. The site has a General Plan Land Use designation of Light Commercial (LC), and is zoned Neighborhood Commercial (C-1). The shopping center is adjacent to C-1 zoned properties to the north across 15th Street, and to the south. To the east, the subject site abuts R-3 (Multiple-Family Residential) zoned properties. Across Brookhurst Street, the subject property is opposite of R-1 (Single-Family Residential) zoned properties.

The specific tenant space under application is an approximately 1,578 square foot space fronting Brookhurst Street. According to Business Tax records, Grandpa's Kitchen Dry Noodles 168 restaurant has occupied the subject location since August 2017. The tenant space has been occupied by multiple restaurants, dating back to 2000. Before that, the space was used by a variety of retail businesses.

The applicant is now requesting Conditional Use Permit approval to operate Grandpa's Kitchen Dry Noodles 168, 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 a Conditional Use Permit for the addition of a new ABC License to an existing restaurant.

Grandpa's Kitchen Dry Noodles 168's hours of operation will continue to be 9:00 a.m. to 10:00 p.m., seven (7) days a week. These hours are consistent with the City's standard operating 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. 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. 107.
- The crime count for the District is 208.
- Average crime count per district in the City is 91.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 128% 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. 889.03.
- ABC Census Reporting District No. 889.03 allows for eleven (11) on-sale licenses within the District. Currently, there are nineteen (19) 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 889.03 by one (1), and the total number of on-sale licenses in the District will be twenty (20).

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.) including amplified music, shall be permitted on the premises.

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 Light Commercial (LC), and is zoned Neighborhood Commercial (C-1). The Light Commercial designation is intended to allow a range of commercial activities that serve local residential neighborhoods and the larger community. The Neighborhood Commercial zone is intended to provide for business at the neighborhood level in small scale convenience shopping facilities. The shopping facilities are encouraged to be integrated into the surrounding area to maintain the image of the neighborhood and to ensure operational compatibility.

The subject restaurant, as a part of the subject shopping center is compatible with the nearby commercial and residential uses. As a part of this request, no physical changes are proposed to the restaurant tenant space, or the shopping center. Therefore, the restaurant will continue to adequately serve the local neighborhoods and the larger community.

Restaurants serving alcoholic beverages are conditionally permitted in the C-1 zone. This approval will allow the store to operate with an ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. Furthermore, the location of the property along Brookhurst Street serves both local residential neighborhoods and the larger community. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan and Municipal Code.

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 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 sale further limits any impacts on 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.

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. There are no proposed changes to the operation of the restaurant, other than the addition of the license. The hours of operation will remain the same.

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 and modifications, is of adequate size to accommodate the proposed uses within the surrounding area. No modifications are required to any of the existing site development features on site. This includes any buildings, yards, walls, fences, parking and loading facilities, and landscaping. The subject tenant space has been occupied by a number of restaurants since 2000. The subject tenant space underwent improvements in 2017 prior to the opening of Grandpa's Kitchen Dry Noodles 168. The existing site improvements and modifications, have been, and continue to be of adequate size to accommodate the proposed use within 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 located at the east side of Brookhurst Street, between 15th Street and Jennrich Avenue, which are all fully developed streets that provide adequate traffic circulation and driveway access to parking areas. The site is adequately served by a driveway along Brookhurst Street, and two driveways along 15th Street. 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-203-2021.

Dated: April 8, 2021

DAVID DENT
ZONING ADMINISTRATOR

EXHIBIT "A"

Conditional Use Permit No. CUP-203-2021

14208 Brookhurst Street

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, Ngoc Tu Tran of Grandpa Kitchen 168, Inc., 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 1,578 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 of 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 time 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.

Conditional Use Permit No. CUP-203-2021
Conditions of Approval

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 Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.

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 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-203-2021 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-203-2021 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-203-2021. 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-203-2021 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.