

Beverage Control Type "47" License; with the inclusion of live entertainment, dancing, and a banquet facility which will be incidental to the full service restaurant, provided the latter can only occur upon approval of Amendment No. A-140-08.

Should the proposed Code Amendment be approved, the proposed Mòn Cheri Restaurant will comply with the standards of the HCSP-DC zone as they pertain to the development standards and operating conditions for full-service restaurants with entertainment and a banquet facility.

DISCUSSION

The applicant is requesting approval of a Code Amendment to the Harbor Corridor Specific Plan to allow banquet facilities with live entertainment and dancing as an incidental use to a full service restaurant in the HCSP-DC (Harbor Corridor Specific Plan – District Commercial) zone, subject to the approval of a Conditional Use Permit. Currently, development standards do not permit dancing or banquet facilities in the HCSP-DC zone.

The proposed Amendment would consist of the following:

The Regulations and Standards in the HCSP-DC Code Section on page 9-162.17 (Permitted Uses) would be modified as follows (proposed modification shown in bold)

Restaurants

Restaurants, with entertainment, subject to the following:

- (a) Conditional Use Permit required.*
- (b) Restaurant shall be at least 4,000 square feet in area.*
- (c) **Banquet facility with or without dancing shall be incidental to restaurant use and live entertainment.***
- (d) Entertainment shall be incidental to restaurant use (such as background music) (Added by Ord. No. 2276, dated Sept. 28, 1993.)*

FISCAL IMPACT

No fiscal impact to the District and/or City regarding this proposed amendment.

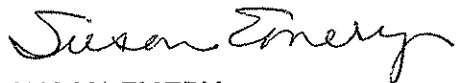
COMMUNITY VISION IMPLEMENTATION

The Community Vision Statement seeks to foster small business development, retention and expansion. This proposed Amendment will help to facilitate this goal by expanding the areas in the City that allow banquet facilities with live entertainment and dancing as incidental uses to full service restaurants.

RECOMMENDATION

The Planning Commission recommends that the City Council:

- Adopt a Negative Declaration
- Introduce the attached ordinance for the first reading approving Amendment No. A-140-08.



SUSAN EMERY
Community Development Director



By: Chris Chung
Assistant Planner

Approved for Agenda Listing



Matthew Feral
City Manager

- Attachment 1: Planning Commission Staff Report dated September 4, 2008
Attachment 2: Planning Commission Resolution No. 5643
Attachment 3: Planning Commission Draft Minute Excerpt of September 4, 2008
Attachment 4: Draft Ordinance for Code Amendment for No. A-140-08

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: D.2.	SITE LOCATION: West side of Harbor Blvd. between Buaro St. and Palm St. at 12821 Harbor Blvd.
HEARING DATE: September 4, 2008	GENERAL PLAN: Mixed Use
CASE NOS: Code Amendment No. A-140-08 & Conditional Use Permit No. CUP-236-08	APN: 231-421-05
APPLICANT: Thao Phoung Thi Vu	ZONE: PUD-121-98 (Planned Unit Development) / HCSP-DC (Harbor Corridor Specific Plan – District Commercial)
PROPERTY OWNER: Lakeview Village Corporation	CEQA DETERMINATION: Negative Declaration

REQUEST:

A proposed Amendment to Title 9 of the Garden Grove Municipal Code to allow a banquet facility with live entertainment and dancing as an incidental use to a full service restaurant, in the PUD-121-98 (Planned Unit Development) zone, in conjunction with Conditional Use Permit approval to operate a new 7,532 square foot restaurant, Mon Cheri Restaurant, with an original Alcoholic Beverage Control Type "47" License (On-Sale, General – Bona Fide Public Eating Place).

PROJECT STATISTICS:

LOT SIZE (TOTAL): 29,007 sq.ft.

TENANT SPACE:
Proposed Restaurant: 7,532 sq.ft.

BUILDING HEIGHT: 20'-9" ft.

PARKING: 887 Total spaces in integrated Commercial Center

BACKGROUND:

The subject site is part of an integrated commercial center called the Harbor Town & Country Shopping Center located on the north side of Harbor Boulevard between Buaro Street and Palm Street. The site has a General Plan Land Use designation of Mixed Use and is zoned PUD-121-98 (Planned Unit Development). The specific tenant space under consideration is located on the north end of the shopping center and is a 7,532 square foot in-line space at 12821 Harbor Blvd. The subject tenant space utilizes the existing parking spaces provided by the shopping center. The tenant space was previously occupied by California Sausage. Currently, Mon Cheri

Restaurant is in plan check with the City of Garden Grove for tenant improvements to operate as a restaurant without the sale of alcohol, and a banquet facility.

In 1985, the City of Garden Grove adopted the Harbor Corridor Specific Plan, which allowed effective revitalization of several parcels located along the Harbor Corridor. On July 15, 1998, the City of Garden Grove approved Planned Unit Development No. PUD-121-98 along with Site Plan No. SP-219-98. These approvals allowed the rezoning of the subject site, now known as the Harbor Town & Country Shopping Center, including an area along Harbor Blvd. extending north approximately 750 feet south of Chapman Ave., to PUD-121-98. This included approvals to develop the Riverwalk Entertainment and Retail Complex to construct approximately 1,000,000 square feet of commercial and entertainment area including a cinema, a multi-story entertainment center, a hotel, restaurants, live entertainment and attraction areas, and a major water attraction element.

The Riverwalk Entertainment and Retail Complex was never developed, thus never fully enacted the development standards of PUD-121-98. Therefore, all uses fall back to the original zoning designation of HCSP-DC (Harbor Corridor Specific Plan – District Commercial). Although the current technical zoning designation for the subject site is PUD-121-98, the actual development standards and uses that apply are contained within the HCSP-DC zoning code. The HCSP-DC zone does not permit the establishment of restaurants that include banquet facilities with live entertainment and dancing. The subject site is part of an area of interest that may be intended for future redevelopment that may include various entertainment types of venues.

DISCUSSION:

CODE AMENDMENT:

The applicant is requesting approval of a Code Amendment to the Harbor Corridor Specific Plan to allow banquet facilities with live entertainment and dancing as an incidental use to a full service restaurant in the HCSP-DC (Harbor Corridor Specific Plan – District Commercial) zone, subject to the approval of a Conditional Use Permit. Currently, development standards do not permit dancing or banquet facilities in the HCSP-DC zone.

The proposed Amendment would consist of the following:

The Regulations and Standards in the HCSP-DC Code Section on page 9-162.17 (Permitted Uses) would be modified as follows (proposed modification shown in bold)

Restaurants

Restaurants, with entertainment, subject to the following:

(a) Conditional Use Permit required.

(b) Restaurant shall be at least 4,000 square feet in area.

(c) Banquet facility with or without dancing shall be incidental to restaurant use and live entertainment.

*(d) Entertainment shall be incidental to restaurant use (such as background music)
(Added by Ord. No. 2276, dated Sept. 28, 1993.)*

CONDITIONAL USE PERMIT:

In conjunction with the proposed Code Amendment, the applicant is requesting approval of a Conditional Use Permit (CUP), since the proposed Code Amendment would require gaining approval for the proposed restaurant establishment via the Conditional Use Permit process. The CUP encompasses approvals to operate a new 7,532 square foot restaurant, Mon Cheri Restaurant, with an original Alcoholic Beverage Control Type "47" License, as well as to operate the new restaurant with live entertainment, dancing, and a banquet facility, which will be incidental to the full service restaurant. This process is required to ensure that the use will not be detrimental to the public health, safety, and general welfare and will not impair the integrity and character of the area. Additionally, a Conditional Use Permit for each use is reviewed individually, based on location and compatibility with the surrounding areas.

With the approval of the proposed Code Amendment, the establishment of the proposed Mon Cheri Restaurant will comply with the standards of the HCSP-DC zone as they pertain to the development standards and operating conditions for full-service restaurants with entertainment and a banquet facility.

The interior of the restaurant consists of a dining area that contains thirty-nine (39) dining tables for a total of 234 seats, a reception area, an office area, a bar area, two men's restrooms, two women's restrooms, a unisex restroom for employees, a 680 square foot dance area, a 140 square foot removable stage, a kitchen area, and storage areas.

The operator is proposing to operate the restaurant from 5:00 p.m. to 11:00 p.m., Monday through Thursday, and 5:00 p.m. to 12:00 a.m. Friday through Sunday. There will be approximately 20-25 employees during business hours.

Upon inspection of the premises, staff found that the prospective restaurant space and the property were properly maintained, and complied with the requirements of Title 9 of the Municipal Code.

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

- The subject site is located in Crime Reporting District No. 144.
- The crime count for the District is 280.
- Average crime count per district in the City is 106.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 164% above the citywide average; therefore, it is considered a high-crime area.
- The subject site is located in Alcoholic Beverage Control (ABC) Census Report District No. 885.02.
- ABC Census Reporting District No. 885.02 allows for six (6) on-sale licenses within the District. Currently, there are thirteen (13) on-sale licenses in the District. Therefore, the approval of this CUP will increase the number of ABC Licenses in this District by one (1), and the new total number of on-sale licenses in the District will be fourteen (14).

Although the area is considered high crime, the Police Department has indicated that the majority of calls for service have been for burglary and vandalism related crimes. Furthermore, while the census tract has more on-sale licenses than is typically allowed, Staff is supportive of the establishment of the subject full-service restaurant because restaurants of this type that include a banquet facility with live entertainment and dancing as an incidental use to the full service restaurant, typically sell and serve alcoholic beverages as an ancillary service to customers along with the sale of a wide variety of foods. Additionally, Staff has determined that with the appropriate conditions of approval, the proposed Mon Cheri Restaurant will be an enhancement to the shopping center and will provide an additional dining venue for the area residents.

The establishment will be required to operate as a "Bona Fide Public Eating Place" as defined by the Department of Alcohol Business Control (ABC). Per the submitted and approved floor plan, the restaurant shall contain sufficient space and equipment to accommodate a full-service restaurant kitchen. The kitchen shall be open and preparing food during all hours that the establishment is open. The establishment shall provide a variety of foods typically served in full-service restaurants. Service limited to only appetizers, sandwiches, and salads shall not be deemed in compliance with this requirement. Per the Conditions of Approval, 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. Live entertainment shall be limited to a solo karaoke machine during restaurant operating hours. Live performers shall be limited to banquet events and not during normal restaurant operating hours (this includes solo or multiple performers, DJ's, and live bands). Also, amplified music may be permitted, but all sounds shall not be audible outside the boundaries of the

interior of the restaurant, nor shall it exceed the standard county decibel level. Finally, all entertainment shall cease 15 minutes prior to the designated closing time.

The approval of the subject restaurant to operate with a new Alcohol Beverage Control (ABC) Type "47" License will create an undue concentration of the number of ABC licensed establishments allowed in the ABC Census Reporting District No. 885.02 and it is also located in a Crime Reporting District with a high crime count. Therefore, the Planning Commission is required to make a finding for public convenience or necessity. Based on the analysis by Staff, the sale of alcoholic beverages at this proposed restaurant will provide a convenience to the patrons and the surrounding area residents. The finding for public convenience is supported by the fact that the subject location of the proposed restaurant is not immediately adjacent to residential properties and is located in an integrated shopping center that includes retail stores, markets, and other eating establishments and therefore, is consistent with the overall intent of the Harbor Corridor Specific Plan, which encourages the wide variety of establishments intended in this area for the retail commercial sales and provision of consumer services.

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

RECOMMENDATION:

Staff recommends that the Planning Commission take the following actions:

1. Recommend approval of Code Amendment No. A-140-08 to City Council; and
2. Approve Conditional Use Permit No. CUP-236-08 subject to the recommended conditions of approval as well as subject to the City Council approval of Code Amendment No. A-140-08.

Karl Hill 
Planning Service Manager

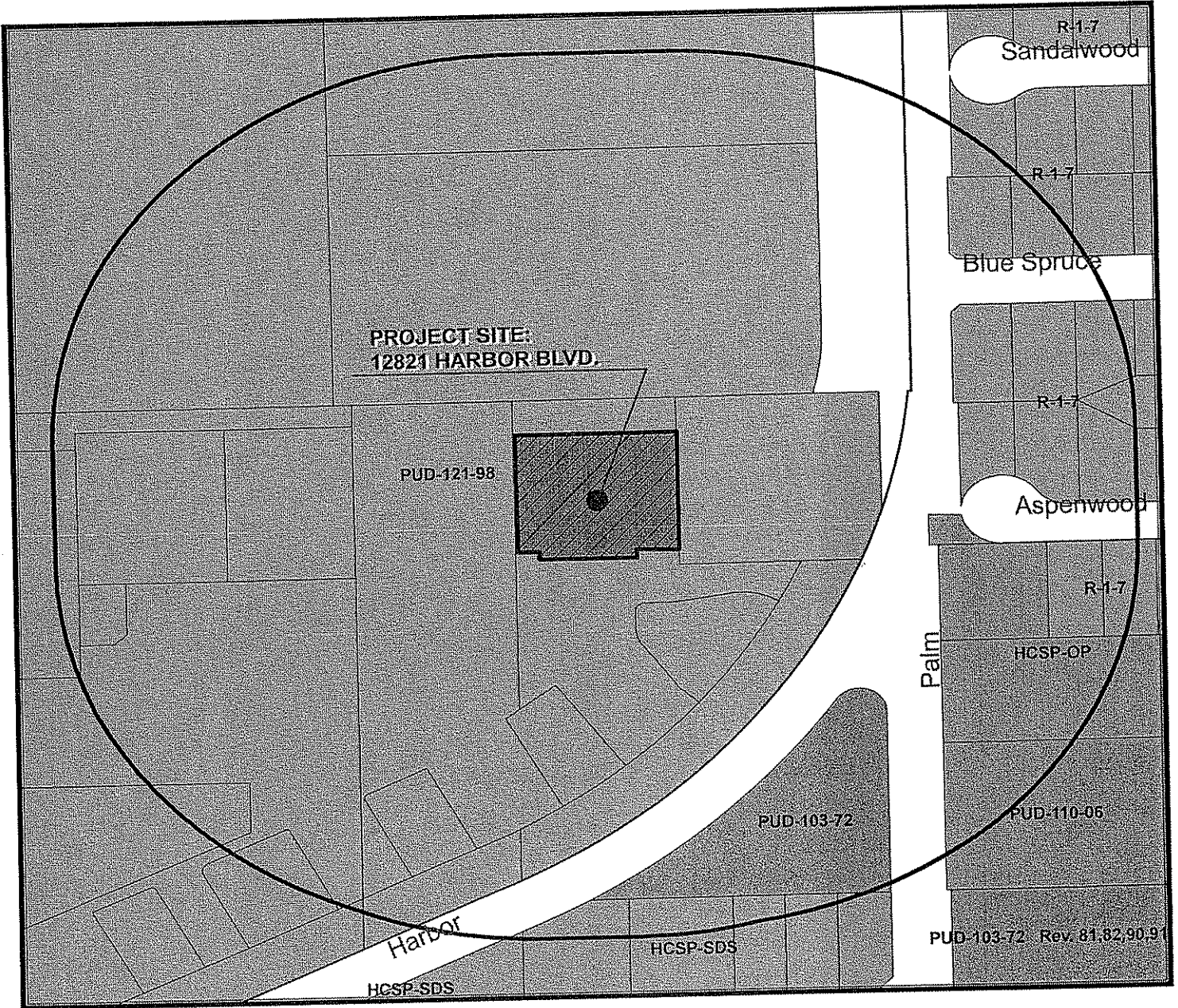

By: Chris Chung
Assistant Planner




CONDITIONAL USE PERMIT NO. CUP-236-08

(REF. CASE NO. A-140-08)

PARCEL NO. 231-421-05



LEGEND

 PROJECT SITE - 12821 HARBOR BLVD.

 500 FEET RADIUS

NOTES

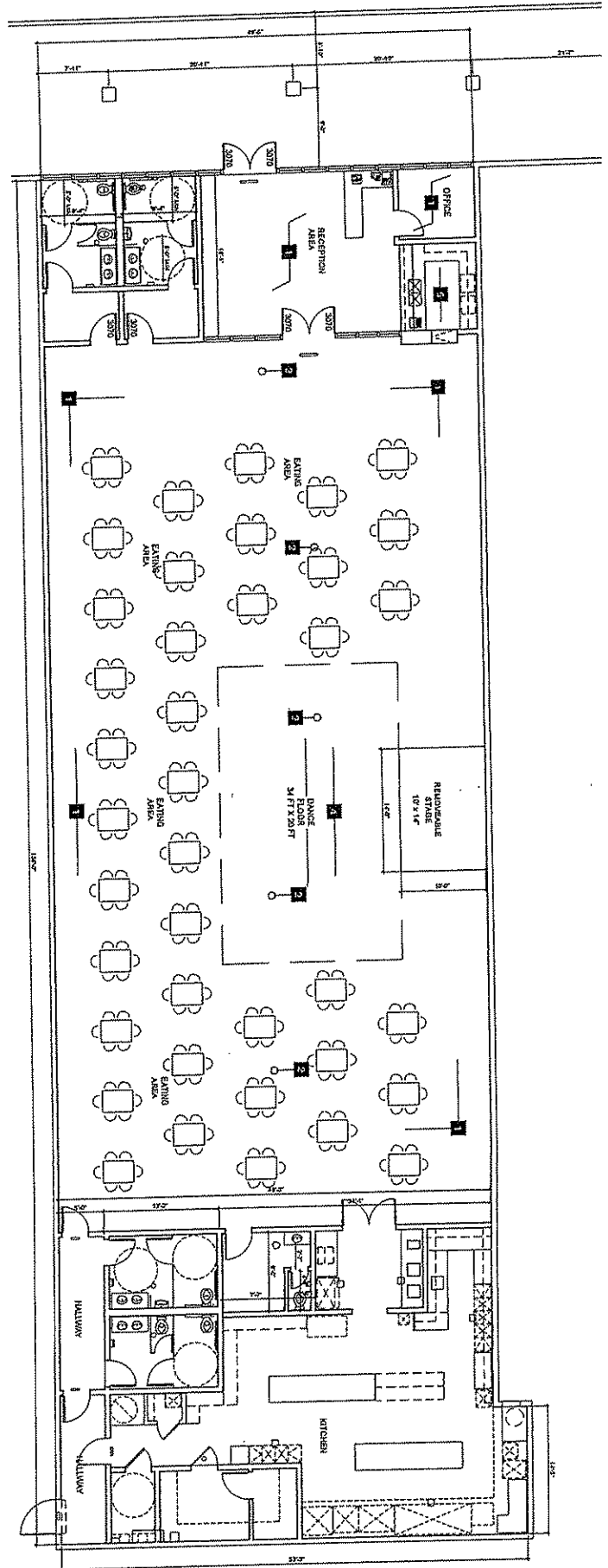
1. GENERAL PLAN: MIXED USE
2. ZONE: HCSP-SDS (HARBOR CORRIDOR SPECIFIC PLAN- DISTRICT COMMERCIAL)



0 125 250 500 Feet

CITY OF GARDEN GROVE
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
GIS SYSTEM
JUNE 2008

PLAN



1/8" = 1'-0"

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Mon Cheri Restaurant

Owner :



ENVIRONMENTAL CHECKLIST FORM

1. PROJECT TITLE:

Code Amendment No. A-140-08 and Conditional Use Permit No. CUP-236-08

2. LEAD AGENCY:

City of Garden Grove
11222 Acacia Parkway
Garden Grove, CA 92640

3. CONTACT PERSON:

Chris Chung, Assistant Planner

4. PROJECT LOCATION:

12821 Harbor Blvd., pertaining to Code Amendment No. A-140-08

5. PROJECT SPONSOR:

Thao Phoung Thi Vu
9388 Warbler Avenue
Fountain Valley, CA 92708

6. GENERAL PLAN DESIGNATION:

Mixed Use

7. ZONING:

PUD-121-98 (Planned Unit Development)

8. DESCRIPTION OF PROJECT:

A proposed Amendment to Title 9 of the Garden Grove Municipal Code to allow a banquet facility with live entertainment and dancing as an incidental use to a full service restaurant, in the PUD-121-98 (Planned Unit Development) zone, in conjunction with Conditional Use Permit approval to operate a new 7,532 square foot restaurant, Mon Cheri Restaurant, with an original Alcoholic Beverage Control Type "47" License.

9. OTHER AGENCIES WHOSE APPROVAL (AND PERMITS) IS REQUIRED:

None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

<input type="checkbox"/> Land Use	<input type="checkbox"/> Transportation/Circulation	<input type="checkbox"/> Public Services
<input type="checkbox"/> Housing	<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Utilities and Services
<input type="checkbox"/> Geophysical	<input type="checkbox"/> Energy Resources	<input type="checkbox"/> Aesthetics
<input type="checkbox"/> Hazards	<input type="checkbox"/> Water Quality	<input type="checkbox"/> Cultural Resources
<input type="checkbox"/> Air Quality	<input type="checkbox"/> Noise	<input type="checkbox"/> Recreation
	<input type="checkbox"/> Mandatory Findings of Significance	

DETERMINATION:

On the basis of this initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.


Signature

August 7, 2008
Date

Chris Chung
Printed Name

For:
City of Garden Grove

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cited in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2. All answers must take into account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level indirect as well as direct, and construction as well as operational impacts.
3. "Potentially Significant Impact" is appropriate if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of significance. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
4. "Potentially Significant Unless Mitigated" applies when the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analysis," may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XVII at the end of the checklist.
6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

Potentially Potentially Significant Impact	Significant Unless Mitigated	Less than Significant Impact	No Impact
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I. LAND USE AND PLANNING

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Conflict with General Plan designation or zoning. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (a-b): To permit the operation of a full service restaurant with live entertainment and dancing along with a banquet facility as an incidental use requires an amendment to the Permitted Uses section of the HCSP-DC Code in Section 9-162.17 (Title 9) allowing the proposed use within the HCSP-DC (Harbor Corridor Specific Plan – District Commercial) zone subject to a Conditional Use Permit approval.

In 1985, the City of Garden Grove adopted the Harbor Corridor Specific Plan, which allowed effective revitalization of several parcels located along the Harbor Corridor. On July 15, 1998, the City of Garden Grove approved Planned Unit Development No. PUD-121-98 along with Site Plan No. SP-219-98. These approvals allowed the rezoning of the subject site, now known as the Harbor Town & Country Shopping Center, including an area along Harbor Blvd. extending north approximately 750 feet south of Chapman Ave., to PUD-121-98. This included approvals to develop the Riverwalk Entertainment and Retail Complex to construct approximately 1,000,000 square feet of commercial and entertainment area including a cinema, a multi-story entertainment center, a hotel, restaurants, live entertainment and attraction areas, and a major water attraction element.

The Riverwalk Entertainment and Retail Complex was never developed, thus never fully enacting the development standards of PUD-121-98. Therefore, all uses fall back to the original zoning designation of HCSP-DC (Harbor Corridor Specific Plan – District Commercial). Although the current technical zoning designation for the subject site is PUD-121-98, the actual development standards that apply are contained within the HCSP-DC zoning code.

The HCSP-DC zone currently does not allow dancing or banquet facilities. The site is adjacent to HCSP-DC zoned properties to the north, south, east and west.

While banquet facilities and dancing is not currently a permitted use within the HCSP-DC zone, it is felt that the use, when approved conditionally and performed within a building, would be consistent with the General Plan for compatibility with other uses and the HCSP-DC zoning designation.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c. Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible uses). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Response (c): There are no lands dedicated to agricultural uses within the project area. Therefore, there will be no impacts to agricultural resources or operations.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d. Disrupt or divide the physical arrangement of an established community (including a low-income or minority community). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Response (d): The project will not disrupt the physical arrangement of the existing multi-tenant shopping center, since the proposed full-service restaurant

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

and the proposed banquet facility and live entertainment, along with the Type "47" Alcoholic Beverage Control License, will be wholly within the existing tenant space.

II. POPULATION AND HOUSING

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a. Cumulatively exceed official regional or local population projections. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Displace existing housing, especially affordable housing. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Response (a-c): There will be no impact to the existing population and housing, as the proposed project and code amendment does not affect any residential developments within the community

III. GEOPHYSICAL

- | | | | | |
|-------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Seismicity: Fault rupture. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|-------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|

Response: According to the seismic and safety element of the General Plan, the Shady Canyon fault is the only fault line known to exist within the Garden Grove city limits. The fault has no history of seismic activity and is not considered to be active. The city lies in proximity to the Newport/Inglewood fault, as well as larger fault lines, which may affect buildings within Garden Grove.

Some exposure to seismic-related hazards is expected. This impact is not considered significant because the exposure is no different than the exposure of virtually all new and existing development in Orange County and the proposed project does not alter the existing exposure. To mitigate any potential impacts all construction is required to adhere to the California Building Code as it pertains to seismic safety.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b. Seismicity: Ground shaking or liquefaction. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Response: The project area, like all of Southern California, is subject to ground-shaking and other secondary impacts from seismic activity, such as liquefaction. Liquefaction could potentially occur during a maximum intensity event along the Newport-Inglewood fault due to the saturated nature of the sandy soils in the area. To mitigate any potential impacts, all construction is required to adhere to the California Building Code, as it pertains to seismic safety.

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|-----------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c. Seismicity: Seiche or tsunami. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Response: Seiches and tsunamis are not anticipated to occur in the vicinity of this project due to its distance from the coast and absence of large water bodies in the project area.

- | | | | | |
|-----------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d. Landslides or mudslides. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|-----------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

Response: The project area is relatively flat and would not normally be subject to landslides or mudslides. The construction of the proposed project may involve comparatively small excavations, which will be required to be made in accordance with all applicable codes and standards to minimize the threat of a landslide or mudslide.

- e. Erosion, changes in topography or unstable soil conditions from excavation, grading or fill.

Response: No changes in topography will result from the establishment of the proposed use. Other than interior building modifications, no improvements to the site will be constructed that would have a negative impact. All improvements are required to adhere to applicable codes including the California Building Code, and State and Federal Occupational Safety Requirements.

- f. Subsidence of the land.

Response: Differential settlement or subsidence of the land surface can be caused by several factors, including the withdrawal of oil, gas, or water from underlying formations, decomposition of buried organic material, and construction of heavy manmade structures above underlying poorly consolidated materials. None of these or any other conditions typically contributing to subsidence are expected in the project area. Any new construction will be within the building. All improvements are required to adhere to applicable codes including the California Building Code, and State and Federal Occupational Safety requirements.

- g. Expansive soils.

Response: All improvements are required to adhere to applicable codes including the Uniform Building Code, and California Occupational Safety requirements.

- h. Unique geologic or physical features.

Response: There are no known unique geologic or physical features in the project area. The subject site is flat and is currently developed with an auto repair facility, multi-tenant office building and associated parking and landscape improvements.

IV. HYDROLOGY AND WATER QUALITY

- a. Violate any water quality standards or waste discharge requirements?

Response: The project will not involve operations that could affect water quality standards. The project site is located within an urbanized area within an existing multi-tenant shopping center. The use of the proposed commercial development will not generate the types of activities that would effect water quality standards or waste discharge requirements.

- b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would

Negative Declaration for A-140-08 & CUP-236-08

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

Response: The project will not involve operations that could affect aquifers' recharge capability or alter the direction of flow of groundwater. The area is urbanized with existing residential and commercial uses. The construction would not require substantial excavations, other extensive below-grade work, or the use of large quantities of water.

- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?
- d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface run-off in a manner which would result in flooding on- or off-site?

Response (c-d): There are no surface waters within the project area. All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the project will not directly affect surface waters.

- e. Create or contribute run-off water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted water?

Response: The project does not propose any site improvements that would change absorption rates, drainage patterns and the rate or amount of surface run-off as the land is presently urbanized. Proper drainage currently is provided. Grading and drainage plans are not required for this project.

- f. Otherwise substantially degrade water quality?

Response: The project does not propose any site improvements that would change absorption rates, drainage patterns or the rate or amount of surface run-off as the site is presently developed. Proper drainage is currently provided. Grading and drainage plans are not required for this project.

- g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?
- h. Place structures within a 100-year flood hazard area

Negative Declaration for A-140-08 & CUP-236-08

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

which would impede or redirect flood flows?

- i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?

Response (g, h, i): The project area is located within the Flood Hazard Zone "A", as determined by the Federal Emergency Management Agency Flood Insurance Rate Map No. 06059C0138H (Community No. 060220, Panel No. 0138H), issued on February 18, 2004. 100-year flood zone. Flood Zone "A" includes areas of 100 year flood. Flood Zone "A" is subject to the flood hazard ordinance.

- j. Inundation by seiche, tsunami, or mudflow?

Response: Seiches, tsunamis and mudflows are not anticipated to occur in the vicinity of this project due to its distance from the coast, the absence of large bodies of water, and the absence of hilly or mountainous terrain that could potentially cause mudflows.

- k. Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?

Response: Project run-off will be directed into the existing storm drain system adjacent to the site. The local storm drain system has adequate capacity to handle the incremental increase in storm and urban water run-off generated by this project.

- l. Result in significant alteration of receiving water quality during or following construction?

Response: There are no surface waters within the area in which the project is to be located. All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the project will not significantly affect receiving water quality.

- m. Could the project result in increased erosion downstream?

- n. Result in increased impervious surfaces and associated increased run-off?

- o. Create a significant adverse environmental impact to drainage patterns due to changes in run-off flow rates or volumes?

Response (m, n, o): There will be a less than significant change in absorption rates, drainage patterns, and in the rate or amount of surface run-off, as the land is

Negative Declaration for A-140-08 & CUP-236-08

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

presently urbanized. Proper drainage is currently provided. Grading and drainage plans are not required for this project.

- p. Tributary to other environmentally sensitive areas?
If so, can it exacerbate already existing sensitive conditions?
- q. Tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list?

If so, can it result in an increase in any pollutant for which the water body is already impaired?
- r. Have a potentially significant environmental impact on surface water quality to either marine, fresh or wetland waters?

Response (p, q, r): All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the project will not affect existing environmentally sensitive areas or surface water quality.

- s. Have a potentially significant adverse impact on ground water quality?
- t. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?

Response (s, t): No impact is anticipated to occur to groundwater, as the project will not involve operations that could affect aquifers' recharge capability or alter the direction of flow of groundwater. The area is urbanized with existing residential and commercial uses. The construction proposed will not require substantial excavations or other extensive below-grade work or the use of large quantities of water.

- u. Impact aquatic, wetland, or riparian habitat?

Response: The project will not impact aquatic, wetland or riparian habitats as no such environments are located within the project area or in the immediate area. All run-off from the area is, and will continue to be, collected in local and regional storm drain facilities. These waters will be transported with other urban run-off into City and County drainage facilities. Therefore, the project will not directly affect any aquatic, wetland or riparian habitat.

V. AIR QUALITY

- a. Violate any air quality standard or contribute to an existing or projected air quality violation?

Response: The project area, like all of the South Coast Air Quality Management District, is located in an extreme non-attainment area, with regard to Federal air quality standards. During the construction phase of the project, increased dust and

	Potentially	Less than	
	Significant	Significant	No
Significant	Unless	Impact	Impact
Impact	Mitigated		

odor levels are anticipated in the immediate project area. This type of impact is considered insignificant due to the temporary nature of the impact. Construction will be required to adhere to all mitigation measures, as addressed in the General Plan EIR, to minimize the impacts from increased odors and dust. The permitted uses and operations anticipated in the project will not create the potential for significant amounts of air pollutants since all operations will take place within a building and all operations will be required to meet all AQMD and Fire Department requirements for painting and repair of vehicles. There will be no long-term impacts to air quality.

- b. Expose sensitive receptors to pollutants?

Response: Temporary impacts (e.g., increased dust and odor levels) to sensitive receptors may occur during the construction phase of the project. This type of impact is considered insignificant due to its temporary nature, and due to the fact that construction will be performed indoors. Construction will be required to adhere to all mitigation measures, as addressed in the General Plan EIR, to minimize the impacts from increased odors and dust. There will be no long-term impacts to air quality since the project will comply with all AQMD and Fire Department requirements.

- c. Alter air movement, moisture, or temperature, or cause any change in climate?

Response: The proposed project is not large enough in scale to alter air movement, moisture or temperature, or cause a change in the climate.

- d. Create objectionable odors.

Response: No objectionable odors will be created by the project. During construction, odors may occur within the immediate area of the tenant space. This impact is not considered significant due to its temporary nature. The General Plan EIR addressed odors that would result of new construction. Construction will be required to adhere to all mitigation measures, as addressed in the General Plan EIR, to minimize the impacts from increased odors. No post-construction odors are anticipated from the commercial development of this site since the proposed use will be required to adhere to AQMD and Fire Department requirements.

VI. TRANSPORTATION

- a. Increased vehicle trips or traffic congestion?

Response: The project will not result in additional traffic generation. No increase in daily trips is anticipated. Adjacent public right-of-ways are fully developed and have sufficient carrying capacity to accommodate any traffic that may be generated by the project. The circulation system is designed to accommodate future growth, as envisioned by the General Plan, and associated EIR.

- b. Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Response: As part of the project review, City staff evaluated vehicles and pedestrian safety, including review of access to the site, and on-site internal

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

circulation to minimize pedestrian/vehicular conflicts both on-site and in the vicinity. The project's potential to result in adverse traffic or safety impacts is considered less-than-significant.

- c. Inadequate emergency access to nearby uses?

Response: The project does not propose elements or aspects that would obstruct or restrict emergency access to or through the area. In conjunction with the review and approval of building permits, the City of Garden Grove will review all plans to assure compliance with all applicable emergency access and safety requirements.

- d. Insufficient parking capacity on-site or off-site?

Response: The project has been designed to comply with the minimum number of parking spaces required by the Municipal Code. The existing multi-tenant shopping center provides shared parking for a total of 887 parking spaces, and no additional parking is required for the subject use.

- e. Hazards or barriers for pedestrians or bicyclists?

Response: No construction is proposed that could create hazards or barriers for pedestrians and/or bicyclists.

- f. Conflicts with adopted policies supporting alternative transportation?

Response: The project does not propose elements or aspects that would typically interfere with, or otherwise affect alternative transportation modes. Potential impacts in this regard, if any, are considered less-than-significant.

- g. Rail, waterborne or air traffic impacts?

Response: There are no air or waterborne traffic corridors in the immediate area. The site is not located within a flight path for any airport.

VII. BIOLOGICAL RESOURCES

- a. Endangered, threatened species, or their habitats (including but not limited to plants, fish, insects, animals, and birds)?

Response: The project site is located in a highly urbanized area. Therefore, endangered species are not expected to live in the area due to lack of suitable habitat.

- b. Locally designated species (e.g., heritage trees)?

- c. Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?

Response (b, c): The site is devoid of native vegetation and there are no locally designated species and natural communities on the project site.

Negative Declaration for A-140-08 & CUP-236-08

	Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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- d. Wetland habitat (e.g., marsh, riparian and vernal pool)?

Response: There are no wetland habitats in the area of the project site.

- e. Wildlife dispersal or migration corridors?

Response: The project area does not serve as a dispersal and/or migration corridor as the area is within a highly urbanized area.

VIII. ENERGY AND MINERAL RESOURCES

- a. Conflict with adopted energy conservation plans.

Response: The proposed Code Amendment and subsequent entitlements for the proposed establishment of a full-service restaurant with a banquet facility and live entertainment on this site is not in conflict with adopted energy conservation plans. The proposed facility will be required to utilize energy conservation measures as part of the project construction.

- b. Use non-renewable resources in a wasteful and inefficient manner?

Response: All development on the project site is required to adhere to all State and City energy-conservation regulations, including energy efficient lighting, ventilation, and heating systems.

IX. HAZARDS

- a. A risk of accidental explosion or release of hazardous substances (e.g., oil, pesticides, chemicals, and radiation)?

- b. Possible interference with an emergency response plan or emergency evacuation plan?

- c. The creation of any health hazard or potential health hazard?

- d. Exposure of people to existing sources of potential health hazards?

Response (a, b, c, d): While the use of paint and other potential hazardous substances will be used, no potential health hazards, created by the proposed development or use is anticipated since the storage of any hazardous materials will be required to conform to the City requirements for storage of hazardous substances. Due to the City's requirements for storage of hazardous materials (i.e. paint, oil, etc.), the project will not increase the risk of accidental explosion, release of hazardous substances, or create an interference with existing emergency response or evacuation plans.

- e. Increased fire hazard in area with flammable brush, grass, or trees?

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

Response: There are no anticipated physical changes that would increase fire hazards within the project area. All landscaping on the site is required to be permanently maintained.

- f. Would the project include new, or retrofitted, storm water Treatment Control BMPs (e.g., water quality treatment basin, constructed treatment wetlands), the operation of which could result in significant environmental effects (e.g., increase vectors and odors)?

Response: The project will not use new treatment BMPs that could create an increase in odors or vectors.

X. NOISE

- a. Increases in existing noise levels?

Response: Construction activities associated with the interior improvements may temporarily increase noise levels, at noise-sensitive receptors, adjacent to the project site. However, with the temporary nature of the construction-related activities, and requirements for contractor compliance with County and City noise ordinances, noise impacts will be mitigated to a level of insignificance.

There are no physical changes on the project site that would likely increase noise levels beyond those existing.

- b. Exposure of people to extreme noise levels?

Response: Construction noise will occur within the project area. Although construction noise could cause an annoyance for surrounding uses, due to the temporary nature of any construction activities and the fact that construction activities and future development would be required to adhere to the County and City noise Ordinances, the impact of extreme noise levels from any potential construction activities is considered to not be significant. Noise from the proposed use will not be extreme, as the activities are limited and regulated by the Garden Grove Municipal Code.

XI. PUBLIC SERVICES

- a. Fire protection?

Response: The City of Garden Grove Fire Department currently provides emergency response service to the project area. The project is not likely to induce significant growth or result in substantial new demand for fire protection services.

However, new limited construction will occur and due to the nature of the proposed use, there will be a slight increase in the demand for fire protection services. In order to mitigate impacts, the development shall comply with the conditions of approval of the Fire Department, which include operational provisions required by the Fire Department that address proper storage of hazardous liquids as well as restrictions on exposure to and handling of flammable liquids. Compliance to the Fire Department conditions will further assist in reducing potential impacts.

Negative Declaration for A-140-08 & CUP-236-08

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

- b. Police protection?

Response: The Garden Grove Police Department currently provides police protection in the area. The project is not likely to induce growth and or result in substantial new demand for police protection services. There are no anticipated physical changes within the area that would significantly increase demands for police protection.

- c. Schools?

Response: The proposed development and associated Code Amendment will not increase the number of housing units within the Garden Grove Unified School District and will not induce significant growth. Therefore, no impact to area schools is anticipated.

- d. Maintenance of public facilities, including roads?

Response: The Public Works Department has reviewed the project and will not require public facility improvements. Therefore, no impact on public facilities, including roads, is anticipated.

- e. Other governmental services?

Response: No additional governmental services will be required for this project.

XII. UTILITIES AND SERVICE SYSTEMS

- a. Power or natural gas?

Response: There are no significant impacts to power or natural gas caused by this project. The existing infrastructure is adequate to meet the demands of the area including those generated by this project.

- b. Communication systems?

Response: There are no impacts to the communication system caused by this project. The existing infrastructure is adequate to meet the demands of the area including those generated by this project.

- c. Local or regional water treatment or distribution facilities?

Response: There are no impacts to water treatment or distribution facilities caused by this project. The infrastructure is existing and adequate to meet the demands of the area including those generated by the project.

- d. Sewer or septic tanks?

Response: The Water Services Division has reviewed the project, and has determined that the area is not located in a sewer deficiency area. The existing sewer system is sufficient to accommodate the proposed development and therefore the potential impact is considered less than significant.

Negative Declaration for A-140-08 & CUP-236-08

	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
Significant Impact			

- e. Storm water drainage?

Response: There are less than significant impacts to the existing utilities and services systems caused by this project. The existing systems are adequate to meet the demands of the area including those generated by this project.

- f. Solid waste disposal?

Response: Solid waste disposal services are administered by the Garden Grove Sanitary District. Collection services are provided via a contract with a private trash collection contract. The project will provide not require trash bins. The existing trash bins are sufficient to accommodate the project.

XIII. AESTHETICS

- a. Affect on a scenic vista or scenic highway?

Response: The project area is not adjacent to any scenic vistas or highways. The physical improvements for this site will be compatible with the surrounding commercial neighborhood.

- b. Have a demonstrable negative aesthetic effect?

Response: The project is considered visually and aesthetically appropriate for its context and does not represent a detrimental alteration of the existing visual attributes of the site or vicinity. As such, the potential for the project to have a demonstrable negative aesthetic effect is considered less-than-significant.

- c. Create light or glare?

Response: The project is required to place lighting structures in a manner that will have minimal impacts to the abutting properties. All lighting is required to be directed, positioned, or shielded in such a manner to minimize any unreasonable illumination on to adjacent properties and roadways. The project is required to adhere to all Municipal Code requirements pertaining to minimum lighting levels.

XIV. CULTURAL RESOURCES

- a. Disturb paleontological resources?

- b. Disturb archaeological resources?

Response (a, b): There are no known paleontological and archaeological resources in the area. If unanticipated paleontological resources are discovered during construction, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with CEQA Section 21083.2.

- c. Affect historical resources?

Response: There are no known historical resources in the area. The Garden Grove General Plan Update notes 13 historically significant or potentially significant sites within the City limits. None of these sites is located in the project area.

Negative Declaration for A-140-08 & CUP-236-08

	Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
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- d. Have the potential to cause physical change, which would affect structures of unique cultural or ethnic value?

Response: There are no structures or activities that have unique cultural or ethnic value. The project, therefore, will not have the potential to affect unique ethnic or cultural values.

- e. Restrict existing religious or sacred uses within the potential impact area?

Response: The proposed project is not in proximity to any known religious facilities or other sacred places. Therefore, there is no potential to restrict existing religious or sacred uses within the area of the project.

XV. RECREATION

- a. Increase the demand for neighborhood or regional parks or other recreational facilities?
- b. Affect existing recreation facilities.

Response (a-b): The proposed project will not impact existing recreation facilities. Since the project is a new use within an existing commercial development the will be no increase in demand or need for additional neighborhood or regional parks or other recreational facilities.

XVI. MANDATORY FINDINGS OF SIGNIFICANCE

- a. The project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
- b. The project does not have the potential to achieve short-term, to the disadvantage of long-term environmental goals.
- c. The project does not have impacts that are individually but cumulatively considerable ("Cumulatively considerable" means the incremental effects of a project are considerable, when viewed in connection with the effects of past projects, the effects of current projects and the effects of probable future projects).
- d. The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

	Potentially		
	Significant	Less than	
Significant	Unless	Significant	No
Impact	Mitigated	Impact	Impact

XVII. EARLIER ANALYSIS

Earlier analyses may have been used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D).

a. **EARLIER ANALYSIS:**

1. The City of Garden Grove General Plan Update
2. The City of Garden Grove Existing Condition Report
3. The City of Garden Grove Final Environmental Impact Report for the General Plan Update, State Clearinghouse No. 93051015
4. Title 9 of the Garden Grove Municipal Code

b. **IMPACTS ADEQUATELY ADDRESSED:**

1. Geophysical
2. Hydrology and Water Quality
3. Transportation
4. Noise
5. Public Services

c. **MITIGATION MEASURES:**

All conditions of approval for Conditional Use Permit No. CUP-236-08 shall be adhered to, in order to mitigate negative impacts on the property or surrounding area.

RESOLUTION NO. 5646

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-236-08.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on August 7, 2008, approved Conditional Use Permit No. CUP-236-08 for property located on the north side of Harbor Blvd., between Buaro St. and Palm St., at 12821 Harbor Blvd., Assessor's Parcel No.-231-421-05.

BE IT FURTHER RESOLVED that the Planning Commission has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission adopts the Negative Declaration.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-236-08, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Thao Phoung Thi Vu.
2. The applicant requested a Code Amendment to Municipal Code Section 9-162.17 to allow banquet facilities with live entertainment and dancing as an incidental use to a full service restaurant in the HCSP-DC (Harbor Corridor Specific Plan - District Commercial) zone, subject to the approval of a Conditional Use Permit. The applicant is also proposing, in conjunction with this request, to operate a new 7,532 square foot restaurant, Mon Cheri Restaurant, with an original Alcoholic Beverage Control Type "47" (On-Sale, General - Bona Fide Public Eating Place) License. (Conditional Use Permit No. CUP-236-08).
3. The proposed project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove has prepared a Negative Declaration pursuant to the California Environmental Quality Act. Further, the Planning Commission finds a de minimis impact in relation to fish and game.
4. The property at 12821 Harbor Blvd. has a General Plan Designation of Mixed Use and is within the PUD-121-98 (Planned Unit Development) zone. The Riverwalk Entertainment and Retail Complex, part of PUD-121-98, was never developed, thus never fully enacted the development standards of PUD-121-98. Therefore, all uses fall back to the original zoning designation of HCSP-DC

(Harbor Corridor Specific Plan – District Commercial). Although the current technical zoning designation for the subject site is PUD-121-98, the actual development standards that apply are contained within the HCSP-DC zoning code. The subject site is part of an integrated commercial center called the Harbor Town & Country Shopping Center. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.

5. Report submitted by City Staff was reviewed.
6. Pursuant to a legal notice, a public hearing was held on August 7, 2008, and all interested persons were given an opportunity to be heard.
7. The Planning Commission gave due and careful consideration to the matter at its meeting on August 7, 2008, and

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

FACTS:

The subject site is part of an integrated commercial center called the Harbor Town & Country Shopping Center located on the north side of Harbor Boulevard between Buaro Street and Palm Street. The site has a General Plan Land Use designation of Mixed Use and is zoned PUD-121-98 (Planned Unit Development). The subject property is located on the north end of the shopping center in a 7,532 square foot in-line tenant space at 12821 Harbor Blvd. The subject property utilizes the existing parking spaces provided by the shopping center.

The applicant is requesting Conditional Use Permit approval to operate a new 7,532 square foot restaurant, Mon Cheri Restaurant, with an original Alcoholic Beverage Control Type "47" (On-Sale, General – Bona Fide Public Eating Place) License.

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

- The subject site is located in Crime Reporting District No. 144.
- The crime count for the District is 280.
- Average crime count per district in the City is 106.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 164% above the citywide average; therefore, it is considered a high-crime area.
- The subject site is located in Alcoholic Beverage Control (ABC) Census Report District No. 885.02.
- ABC Census Reporting District No. 885.02 allows for six (6) on-sale licenses within the District. Currently, there are thirteen (13) on-sale licenses in the

District. Therefore, the approval of this CUP will increase the number of ABC Licenses in this District by one (1), and the new total number of on-sale licenses in the District will be fourteen (14).

In conjunction with the subject request, the applicant/owner is proposing a Code Amendment to Title 9 of the Garden Grove Municipal Code Section 9-162.17 – Uses Permitted of the HCSP-DC (Harbor Corridor Specific Plan – District Commercial) zone, to allow banquet facilities with live entertainment and dancing as an incidental use to a full service restaurant in the HCSP-DC zone, subject to the approval of a Conditional Use Permit.

FINDINGS AND REASONS:

Conditional Use Permit:

1. In conjunction with the associated Code Amendment for the proposed development, the proposed restaurant, Mon Cheri Restaurant, will be consistent with the City's General Plan and Redevelopment Plan. The proposed use, as conditioned, will be compatible with the surrounding uses as the proposed improvements and use comply with all applicable code provisions. The use is consistent with the City's General Plan.
2. The proposed restaurant, Mon Cheri Restaurant, as conditioned, will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area.
3. The proposed restaurant, Mon Cheri Restaurant, as conditioned, will not unreasonably interfere with the use, enjoyment, or valuation of property of other persons located within the vicinity of the site. The proposed use can be accommodated on-site without negatively impacting the subject or surrounding properties.
4. The establishment of the proposed restaurant, Mon Cheri Restaurant, will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. Conditions of approval will ensure the public, health, safety, and welfare.
5. The approval to allow the operation of the restaurant, Mon Cheri Restaurant, with a Type "47" ABC License, will not adversely affect the use and enjoyment of adjacent properties. If the applicant operates this use in compliance with the conditions of approval, there should be no impact on the adjoining properties.
6. Adequate parking and vehicular access are available for the new facility in accordance with the requirements of Title 9. The proposed project meets City Code requirements for parking as well as vehicular and pedestrian access.

FINDING FOR PUBLIC CONVENIENCE OR NECESSITY:

The approval of the subject restaurant to operate with a new Alcohol Beverage Control (ABC) Type "47" License will create an undue concentration of the number of ABC licensed establishments allowed in the ABC Census Reporting District No. 885.02 and it is also located in a Crime Reporting District with a high crime count. However, it is found the sale of alcoholic beverages at this proposed restaurant will provide a convenience to the patrons and the surrounding area residences. The finding for public convenience is supported by the fact that the subject location of the proposed restaurant is not immediately adjacent to residential properties and is located in an integrated shopping center that includes retail stores, markets, and other eating establishments and therefore, is consistent with the overall intent of the Harbor Corridor Specific Plan, which encourages the wide variety of establishments intended in this area for the retail commercial sales and provision of consumer services.

Furthermore, while the restaurant is proposed to be located within a Census Reporting District with a high crime count, the Police Department has indicated that the majority of calls for service have been for burglary and vandalism related crimes and therefore, the establishment of the subject full-service restaurant with alcohol sales and incidental banquet facilities and dancing, as conditioned, will be an enhancement to the shopping center and surrounding commercial neighborhood.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

The Conditional Use Permit possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030.

In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") shall apply to Conditional Use Permit No. CUP-236-08.

EXHIBIT "A"
Conditional Use Permit No. CUP-236-08

12821 Harbor Boulevard

CONDITIONS OF APPROVAL

General Conditions

1. The applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to issuance of an ABC license. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission.
2. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications which do not change the intent of the project may be approved by the Community Development Director.
3. If major modifications are made to the approved floor plan that result in the intensification of the project or create impacts that have been previously addressed, a new Conditional Use Permit application shall be filed which reflects the revisions made.

Public Works Water Services Division

4. In the event that a Reduced Pressure Principle Device (RPPD) backflow prevention device does not already exist, a RPPD device shall be installed for meter protection. The landscape system shall also have a RPPD device. Any carbonation dispensing equipment shall have 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.
5. Commercial food use of any type requires the installation of an approved grease interceptor, according to Garden Grove Sanitary District's Ordinance No. 6 (Fats, Oil and Grease Control Regulations Applicable to Food Service Establishments). In the event that an approved grease interceptor is not already installed, a properly sized grease interceptor shall be installed on the

sewer lateral and be 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.

6. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations. Any existing units are to be removed.

Fire Department

7. The restaurant shall not exceed the posted occupancy load, as determined by the Fire Department.
8. The applicant shall comply with the 2007 California Fire Code for all Life Safety Issues.

Police Department

9. 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.
10. Alcohol sales/service shall stop 30 minutes prior to the designated closing time.
11. 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 for the customers.
12. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the business.
13. Hours of operation shall be permitted only between the hours of 5:00 p.m. to 11:00 p.m. Monday through Thursday, and 5:00 p.m. to 12:00 a.m. Friday through Sunday. The City reserves the right to reduce hours of operation in

the event problems arise concerning the operation of this business.

14. There shall be no uses or activities permitted of an adult-oriented nature as outlined in the City Code, Section 9.04.060.
15. There shall be no smoking permitted inside the business at any time.
16. Live entertainment shall be limited to a solo karaoke machine during standard restaurant operating hours. Live performers shall be limited to banquet events and not during normal restaurant operating hours (this includes solo or multiple performers, DJ's, and live bands). All amplified shall not be audible outside the boundaries of the interior of the restaurant nor exceed the standard county decibel level. All entertainment SHALL stop 15 minutes prior to the designated closing time.
17. Dancing shall be permitted on the designated dance floor. There shall be no special entertainers (i.e., Go-Go dancers) permitted to dance/perform in the business. There shall be no "flier parties" or special promotion events (promoter parties). "Under 18" or "Under 21" promotion parties are prohibited.
18. The business operator shall not permit "Taxi Dancing" or similar type of activity, to occur at the business wherein partners are provided for dancing or social purposes. Social purposes include, but are not limited to, the soliciting or accepting of any alcoholic beverages, money, or other forms of compensation, from any customers within the business.
19. The business shall operate as a restaurant/banquet facility. Alcohol sales shall not exceed 35% of the business gross sales. The owner of the establishment shall, upon request, provide the City of Garden Grove with an audited report of sales ratio of food to alcoholic beverages.
20. There shall be no cover charge for any event charged to gain access to the business.
21. There shall be no customers or patrons in or about the premises when the establishment is closed.
22. 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.

23. The business, prior to opening, 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 the Alcohol Beverage Control Department.
24. The Conditional Use Permit shall be reviewed within one year from the date of this approval. On a yearly basis, as determined by Staff, the business operator shall meet with members of the Planning Department and Police Department to discuss operating conditions of the business and to determine if the business is operating in compliance with the Conditions of Approval.
25. All pay phones located on the property, adjacent to the premises, shall be limited to out-going calls only. This condition shall be complied with within 30 days following approval of this application.
26. The sale of alcoholic beverages for consumption off the premises is prohibited.
27. 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.

Community Development Department

28. Approval of this Conditional Use Permit is contingent upon City Council approval of Amendment No. A-140-08 and will allow the establishment to operate with a Type "47" (On-Sale, General – Bona Fide Public Eating Place) ABC License. Additionally, this approval will allow a banquet facility, within the restaurant, with live entertainment and dancing as an incidental use to the full-service restaurant. There shall be no additional changes in the design of the floor plan without the approval of the Community Development Department, Planning Division. Any additional changes in the approved floor plan, which has the effect of expanding or intensifying the present use, shall require a new Conditional Use Permit.
29. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by ABC. 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.
30. At all times when the establishment is open for business, the sale of alcoholic beverages shall be incidental to the sale of food.
 31. No outside storage or displays shall be permitted at any time.
 32. 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 restaurant's entrance, and shall also be visible to the public.
 33. There shall be no deliveries to or from the premises before 8:00 a.m. and after 9:00 p.m., seven days a week.
 34. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
 35. 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.
 36. 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 based on the existing schedule provided by the commercial center.
 37. Graffiti shall be removed from the premises, and all parking lots under the control of the licensee and/or the property owner, within 120 hours upon notification/application.
 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 Development Department, Planning 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-236-08
Conditions of Approval

40. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community Development Department, Planning Division. No advertising material shall be placed thereon.
41. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
42. 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.
43. Any modifications to existing signs or the installation of new signs shall require approval by the Community Development Department, Planning Services Division prior to issuance of a building permit.
44. Any Conditional Use Permit previously governing this tenant space shall become null and void, and superseded in its entirety, by approval of CUP-236-08.
45. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-236-08 shall be kept on the premises at all times.
46. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-236-08, and his/her agreement with all conditions of the approval.



RESOLUTION NO. 5643

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE ADOPTING A NEGATIVE DECLARATION AND RECOMMENDING APPROVAL OF AMENDMENT NO. A-140-08, AN AMENDMENT TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE SECTION 9-162.17 TO ALLOW BANQUET FACILITIES WITH LIVE ENTERTAINMENT AND DANCING AS AN INCIDENTAL USE TO A FULL SERVICE RESTAURANT IN THE HCSP-DC (HARBOR CORRIDOR SPECIFIC PLAN - DISTRICT COMMERCIAL) ZONE, SUBJECT TO THE APPROVAL OF A CONDITIONAL USE PERMIT.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on August 7, 2008, hereby adopts a Negative Declaration, and recommends approval of Amendment No. A-140-08.

BE IT FURTHER RESOLVED that the Planning Commission has considered the proposed Negative Declaration together with comments received during the public review process. The record of proceedings on which the planning Commission's decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development. The Planning Commission finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. The Planning Commission adopts the Negative Declaration.

BE IT FURTHER RESOLVED in the matter of Amendment No. A-140-08, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by the Thao Phoung Thi Vu.
2. The applicant proposes to amend Title 9 of the Garden Grove Municipal Code Section 9-162.17 - Uses Permitted of the HCSP-DC (Harbor Corridor Specific Plan - District Commercial) zone, to allow banquet facilities with live entertainment and dancing as an incidental use to a full service restaurant in the HCSP-DC zone, subject to the approval of a Conditional Use Permit.
3. The Community Development Department has prepared a Negative Declaration for the project that concludes that the proposed project can not, or will not, have significant adverse effect on the environment; was prepared and circulated in accordance with applicable law, including the California Environmental Quality Act (CEQA), Public Resources Code of Regulations section 21000 et. Seq., and the CEQA guidelines, 14 California Code of Regulation Sec. 15000 et. Seq., and includes mitigation measures.
4. Report submitted by City staff was reviewed.

5. Pursuant to a legal notice, a public hearing was held on August 7, 2008, and all interested persons were given an opportunity to be heard.
6. The Planning Commission gave due and careful consideration to the matter during its meeting of August 7, 2008; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission are as follows:

FACTS:

Title 9 currently does not allow banquet facilities and dancing in the HCSP-DC (Harbor Corridor Specific Plan – District Commercial) zone. The proposed amendment would add banquet facilities, as an incidental use to a full-service restaurant, with or without dancing as a permitted use in the HCSP-DC zone, with the approval of a Conditional Use Permit.

The applicant is also proposing, in conjunction with this request, to operate a new 7,532 square foot restaurant, Mon Cheri Restaurant, with an original Alcoholic Beverage Control Type "47" (On-Sale, General – Bona Fide Public Eating Place) License. (Conditional Use Permit No. CUP-236-08)

FINDINGS AND REASONS:

1. The Code Amendment is internally consistent with the goals, policies, and elements of the General Plan, which encourages compatibility between land uses. The requirement that banquet facilities, as an incidental use to a full-service restaurant, with or without dancing, be subject to a Conditional Use Permit, will ensure that there is a reasonable degree of compatibility between the proposed use and surrounding properties.
2. The Code Amendment will promote the public interest, health, safety, and welfare through the Conditional Use Permit required by the amendment, thus ensuring the public interest, health, safety, and welfare.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Code Amendment possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9-162.17. The

Planning Commission recommends approval of Amendment No. A-140-08 as follows:

The proposed Amendment would consist of the following:

The Regulations and Standards in the HCSP-DC Code Section on page 9-162.17 (Permitted Uses) would be modified as follows (proposed modification shown in bold):

Restaurants

Restaurants, with entertainment, subject to the following:

- (a) Conditional Use Permit required.*
- (b) Restaurant shall be at least 4,000 square feet in area.*
- (c) Banquet facility with or without dancing shall be incidental to restaurant use and live entertainment.***
- (d) Entertainment shall be incidental to restaurant use (such as background music)*
(Added by Ord. No. 2276, dated Sept. 28, 1993.)



MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

PUBLIC HEARING: AMENDMENT NO. A-140-08
CONDITIONAL USE PERMIT NO. CUP-236-08
APPLICANT: THAO PHOUNG THI VU
LOCATION: NORTH SIDE OF HARBOR BOULEVARD, BETWEEN BUARO STREET AND PALM STREET
AT 12821 HARBOR BOULEVARD
DATE: SEPTEMBER 4, 2008

REQUEST: A proposed Amendment to title 9 of the Garden Grove Municipal Code to allow a banquet facility with live entertainment and dancing as an incidental use to a full service restaurant, in the HCSP-DC (Harbor Corridor Specific Plan-District Commercial) zone, in conjunction with Conditional Use Permit approval to operate a new 7,532 square foot restaurant, Mon Cheri Restaurant, with an original Alcoholic Beverage Control Type "47" (On-Sale General, Bona Fide Public Eating Place) License.

Staff report was read and recommended approval.

Commissioner Kirkham asked staff if the project was in a redevelopment zone. Staff replied yes.

Vice Chair Pak asked staff if a parking study had been done. Staff replied no, that there would be no significant increase in traffic; that the parking would not be impacted; and that the center is under one management ownership company with a reciprocal access agreement; that a parking study is required if the center is not in compliance with code; and that the center has a variety of uses with different traffic peak times.

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

Mr. Art Rodriguez, the applicant, approached the Commission and described his request.

Chair Pierce asked Mr. Rodriguez if he had read and agreed with the conditions of approval.

Mr. Rodriguez replied yes, with the exception of Condition No. 48 regarding a yearly review; that Alcoholic Beverage Control does not require findings for a Type "47" License; and that the license issuance would be a good public convenience.

Staff explained that a letter would be sent for a review hearing date to come in and speak with staff, and if staff has concerns, they would be brought up at that time.

Commissioner Beard asked if the use of activity, ie., banquets, weddings, would occur in the evenings. Mr. Rodriguez replied that the hours of operation would be 5:00 p.m. to 11:00 p.m. during the week, and 5:00 p.m. to 12:00 a.m. on weekends; and that there is only one unisex restroom for employees and two restrooms for the public.

Vice Chair Pak asked if a grease trap would be installed. The applicant replied yes, per the conditions.

Staff clarified that Condition No. 24 states that the applicant would be reviewed on a yearly basis, therefore Condition No. 48 should be removed.

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

Vice Chair Pak asked staff if a background check has been done on the applicant. Staff replied that Alcoholic Beverage Control would do the background check.

Commissioner Brietigam commented that Condition No. 24 and 48 were different and asked staff to further clarify. Staff stated that Condition No. 24 could be modified and No. 48 could be removed in its entirety.

Commissioners Beard and Brietigam commented that they wanted to be consistent with the first hearing with regard to the Type "47" License in an entertainment zone.

Commissioner Kirkham acknowledged that the parking was sufficient and that the project is in the International West area.

Vice Chair Pak commented that Mon Cheri Restaurant would be good for local entertainment; the community; that the facility would cater to Garden Grove; and that there should be a finding of public necessity.

Commissioner Bankson expressed his support for the project as an adult facility not geared toward children, and that the project would be an enhancement to Garden Grove.

Commissioner Brietigam expressed his support citing that the City is lacking in this type of facility; that to rent these venues is not practical and is price prohibitive; and that the facility would benefit the City.

Commissioner Beard added that children do attend banquets and weddings where alcohol is involved.

Vice Chair Pak moved to recommend approval of Amendment No. A-140-08 to City Council and approve Conditional Use Permit No. CUP-236-08, with amendments to the Conditions, seconded by Commissioner Kirkham. The motion received the following vote:

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

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING AMENDMENT NO. A-140-08, AN AMENDMENT TO TITLE 9 OF THE GARDEN GROVE MUNICIPAL CODE SECTION 9-162.17 TO ALLOW BANQUET FACILITIES WITH LIVE ENTERTAINMENT AND DANCING AS AN INCIDENTAL USE TO A FULL SERVICE RESTAURANT IN THE HCSP-DC (HARBOR CORRIDOR SPECIFIC PLAN - DISTRICT COMMERCIAL) ZONE, SUBJECT TO THE APPROVAL OF A CONDITIONAL USE PERMIT.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE FINDS AND DETERMINES AS FOLLOWS:

SECTION 1:

WHEREAS, the case, initiated by Thao Phoung Thi Vu, is proposing an amendment to Title 9 of the Garden Grove Municipal Code Section 9-162.17 - Harbor Corridor Specific Plan to allow banquet facilities with live entertainment and dancing as an incidental use to a full service restaurant in the HCSP-DC (Harbor Corridor Specific Plan - District Commercial) zone, subject to the approval of a Conditional Use Permit; and

WHEREAS, the project will not have a significant adverse effect on the environment; therefore, the City of Garden Grove City Council does hereby adopt a Negative Declaration of Environmental Impact pursuant to the California Environmental Quality Act for land located on the west side of Harbor Boulevard, between Buaro Street and Palm Street at 12821 Harbor Boulevard, Parcel No. 231-421-05. Further, the City Council finds a de minimis impact in relation to fish and game; and

WHEREAS, pursuant to Resolution No. 5643 the Planning Commission, at a duly advertised public hearing, recommended approval of Amendment No. A-140-08 on September 4, 2008; and

WHEREAS, pursuant to a legal notice, a public hearing was held by the City Council on November 11, 2008, and all interested persons were given an opportunity to be heard; and

WHEREAS, the City Council gave due and careful consideration to the matter.

THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES ORDAIN AS FOLLOWS:

SECTION 1: The City of Garden Grove City Council has considered the proposed Negative Declaration together with the comments received during the public review process. The record of proceedings on which the City of Garden Grove City Council

decision is based is located at the City of Garden Grove, 11222 Acacia Parkway, Garden Grove, California. The custodian of record of proceedings is the Director of Community Development who maintains the record of proceedings at 11222 Acacia Parkway, Garden Grove. City of Garden Grove City Council finds on the basis of the whole record before it, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment. The Negative Declaration reflects the City Council's independent judgment and analysis. Therefore, City of Garden Grove City Council adopts the Negative Declaration.

SECTION 2: Amendment No. A-140-08 is hereby approved pursuant to the facts and reasons stated in Planning Commission Resolution No. 5643, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference with the same force and effect as if set forth in full.

SECTION 3: The Regulations and Standards in the HCSP-DC Code Section on page 9-162.17 (Permitted Uses) are modified as follows: (proposed modification shown in bold).

Restaurants

Restaurants, with entertainment, subject to the following:

- (a) Conditional Use Permit required.*
- (b) Restaurant shall be at least 4,000 square feet in area.*
- (c) Banquet facility with or without dancing shall be incidental to restaurant use.***
- (d) Entertainment shall be incidental to restaurant use (such as background music) (Added by Ord. No. 2276, dated Sept. 28, 1993.)*

SECTION 4: This ordinance shall take effect thirty (30) days after adoption and shall within fifteen (15) days of adoption be published with the names of Council Members voting for and against the same in a newspaper adjudicated and circulated in the City of Garden Grove.