

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To: Matthew Fertal
From: Susan Emery
Dept: City Manager
Dept: Community Development
Subject: APPEAL OF CONDITIONAL USE PERMIT NO. CUP-253-08 TO REPLACE A PRIOR CUP AND PROVIDE NEW CONDITIONS OF APPROVAL FOR AN EXISTING BUSINESS (THE CAN RESTAURANT & CLUB) LOCATED AT 14241 EUCLID STREET
Date: March 10, 2009

OBJECTIVE

To transmit an appeal of the Planning Commission's approval of Conditional Use Permit No. CUP-253-08 by the business owner/operator. Based upon a long history of problems occurring at The CAN Restaurant & Club, city staff requested changes to the prior "Conditions of Approval" to clarify the operational requirements of the business to reduce criminal activity, nuisance problems, and CUP violations. The business is located at 14241 Euclid Street, Suite C-101.

BACKGROUND

The City of Garden Grove is requesting approval of revised "Conditions of Approval" through the approval of a new Conditional Use Permit No. CUP-253-08 for an existing restaurant and nightclub, The CAN Restaurant & Club. The owner/operator originally received CUP approval for a restaurant with entertainment and a Type "47" (On-Sale General, Eating Place) Alcoholic Beverage Control (ABC) license in 1990. An extension was granted the owner/operator in 1996 under Conditional Use Permit No CUP-285-96. This is the Conditional Use Permit under which The CAN Restaurant & Club is currently regulated. CUP-285-96 requires the business to be operated as a bona-fide eating-place. Among other existing requirements, no customers under the age of 21 are allowed in the establishment except in the segregated food service area and no use or activities of an adult-oriented nature are permitted.

Problems with the operation of The CAN restaurant began in 1995 when the Police Department had concerns with disturbances, the number of calls for service, the selling of alcohol to intoxicated individuals, the lack of adequate security, and the observed ratio of 90% revenue from the sale of alcohol. In the last several years, the Police Department has had increasing concerns about the continuing problems

and reoccurring violations at The CAN. These violations include, but are not limited to, serving alcohol to minors, serving "obviously intoxicated" customers, public disturbances, assaults, underage patrons in the nightclub/bar/patio area, "adult oriented" activities and not operating as a bona fide eating-place. In an effort to eliminate these problems, City staff met with the owner/operator or her agents in 2003, 2004, 2006 and 2008. The property management company, Sperry Van Ness, sent formal complaints to ABC regarding The CAN in 2005 and 2006.

After the office meeting in March of 2008, there was no appreciable decline in the criminal activity, problems, and CUP violations at The CAN. As a result, the City held a second office meeting, this time with the Chief of Police, the Deputy Chief of Police and the Community Development Director. The meeting was held on October 28, 2008 and after discussing the ongoing problems at the establishment, City staff provided the owner/operator a draft copy of the proposed new "Conditions of Approval" for the establishment.

The Chief of Police, Deputy Chief of Police and the Community Development Director met again with the owner/operator to discuss the violations occurring at The CAN and further review the proposed "Conditions of Approval." This meeting was held on November 21, 2008.

Planning Commission Meeting 01/15/09. On January 15, 2009, the Planning Commission conducted a public hearing for Conditional Use Permit No. CUP-253-08. Presentations included an introduction from the Community Development Director and an overview of Police concerns from the Chief of Police. Planning gave a staff report that was followed by a report from Police staff detailing the violations at the establishment and presenting time/cost analysis of The CAN's impact on Police resources. Police staff provided information to the Planning Commission that there were 153 calls for service at The CAN in 2008, and those included eight significant events with arrests. Significant events include but are not limited to, assaults on Police officers, assaults with a deadly weapon, and fights with multiple participants that may include arrests for "drunk in public" and resisting arrest. Of the eight significant events, six occurred after 1:00 a.m. and the other two occurred after 12:25 a.m.

An addendum report was included as part of the staff report and provided to the owner/operator and her attorney six days before the Planning Commission meeting. The addendum report discussed revisions/additions made to the proposed "Conditions of Approval" and City staff's effort to address concerns from the owner/operator by revising two specific conditions. Two police reports of further violations were included as attachments. These violations occurred at The CAN after the meeting on November 21, 2008 between the owner/operator and senior City staff. The Addendum Report recommended approval of the new Conditional Use Permit No. CUP-253-08 with revised conditions.

The attorney for the owner/operator requested a two-week continuance from the Planning Commission to study the Addendum Report and the raw data provided by the City to its consultant who prepared the CLEW Study. The owner/operator's attorney sent a request for this information on Sunday, January 11, 2009, which was received on Monday, January 12, 2009. The CLEW study itself was included in the staff report and hand delivered to the attorney on December 4, 2008. The attorney stated that a new security plan was being prepared for The CAN. The comments of the owner/operator's attorney are set forth in Attachment 4 of this memorandum. It was apparent the Planning Commissioners believed that the owner/operator had more than enough time to prepare for the January 15, 2009 meeting.

The owner/operator stated that she had owned the business for 20 years and acknowledged that occasionally problems occur. She added that she would be willing to abide by the rules and requested two weeks for her to review the Addendum Report. She replied to questioning that she was the original owner and had no other businesses. When asked what her response was to all that had been presented to the Planning Commission regarding The CAN, she replied that she was surprised by the figures in the CLEW report. She added that the Police should investigate two other clubs that serve alcohol in the same shopping center, that she considers her business a restaurant with entertainment and a club, and that alcohol sales are low compared to food sales.

When asked by a Commissioner why her compliance with the conditions was so inconsistent, the owner/operator stated that she had installed security cameras in 2006, stopped the teen parties, and stopped the Friday night parties. Police staff responded with a list of eleven dates from May to September 2008 in which there were Police reports of continued violations at The CAN. Later in the public hearing, the owner/operator stated that wristbands are used for "21 and older" customers, that the kitchen is always open and serving food, and that she is present at the establishment every night.

Two citizens from the neighboring residential areas spoke about concerns with the business. One neighbor described excessive noise coming from the business and an incident with disoriented kids wandering around her neighborhood. She stated that the situation had become progressively worse over the last two years, that the business was a nuisance, and that she had called the Police four times in the last year regarding The CAN. She stated that the owner of The CAN has shown a lack of respect to the community, the other tenants, and the Police. A second neighbor also described loud noise, a call to Police, and teens all over the parking lot.

The attorney for the property owner of the commercial center spoke in support of the City's efforts to revise the conditions of approval and a willingness to consent to all necessary modifications at the tenant space.

The Planning Commissioners and City staff discussed that a hearing body may initiate revocation proceedings. Two Commissioners made statements that a revocation should be processed due to the history of violations and the burden on Police resources. Other Commissioners commented that the new Conditional Use Permit would be The CAN's last chance and that any further violations would warrant a revocation.

A motion was made and seconded to bring back a resolution for a revocation hearing. The motion failed on a 3-3 vote, with Commissioner Nguyen absent.

A second motion was made and seconded to approve the new Conditional Use Permit No. CUP-253-08. The Planning Commission approved the motion on a 4-2 vote, with Commissioner Nguyen absent. The two "no" votes were by Planning Commissioners who voted in favor of directing staff to bring the matter back for consideration of a CUP Revocation.

DISCUSSION

The business owner/operator has appealed the decision by the Planning Commission approving Conditional Use Permit No. CUP-253-08 and is asking City Council to deny the request by City staff for the new CUP "thereby reinstating the existing CUP-285-96." In the appeal request, the business owner/operator states that the new CUP-253-08 initiated by City staff imposes new conditions on the establishment, which are "tantamount to a revocation of the existing CUP-285-96, because they preclude the profitable operation of the business." The owner/operator further states that Quyen, Inc., dba The CAN Restaurant & Club, "is willing to agree to some new conditions, as long as the new conditions do not have the effect of revoking the existing CUP-285-96 and will permit the profitable operation of the business."

City staff has documented in the staff report a history of criminal activity, problems, and CUP violations at The CAN. These violations occurred under the existing Conditional Use Permit. Over the years, a pattern of behavior has emerged in which the owner/operator operates her business with fewer violations for a period of time, but is unable or unwilling to maintain this permanently. The Police Department has records of many violations under the current operation of the business. Even after meeting in March of 2008 with City staff to discuss the violations at The CAN, no changes were made to the business operation by the owner/operator and there was no appreciable decline in the criminal activity, problems, and CUP violations.

After a second office meeting, held on October 28, 2008, with the Chief of Police, the Deputy Chief of Police, and the Community Development Director, the same type of violation occurred at The CAN. On Friday night, November 7, 2008 (continuing into the morning of November 8, 2008) a large-scale fight erupted at The CAN involving approximately 20 to 30 of The CAN's customers. The fight took place after a security guard was struck over the head with a beer bottle. The incident required an emergency response by approximately one dozen police officers.

The City of Garden Grove believes there is an urgent need to resolve the continuing problems with The CAN and delays cannot be accepted as the public's health, safety and welfare are put in serious jeopardy by allowing The CAN to continue to operate in the same manner. The City has determined that more stringent "Conditions of Approval" are required to ensure that the owner/operator operates the business in compliance and, therefore, has crafted a new set of "Conditions of Approval." The proposed changes to the conditions have been written to work together and comprehensively address the serious violations at The CAN. These changes were formulated by City staff and are based upon the demands for Police calls for service, crime reports, and Police staff experience. These conditions include the percentage of alcohol to food sales, the cessation of alcohol beverage sales and entertainment 30 minutes prior to closing, the restriction of no promoter/flyer parties, a permanent wall separating the restaurant from the bar/nightclub/patio, and changes to the hours of operation.

The City of Garden Grove is committed to working with business owners to develop an effective strategy for successful businesses that also comply with the City's requirements. To that end, senior City staff met a second time with the owner/operator on November 21, 2008 to further discuss the violations at the establishment, and the proposed changes in the new Conditional Use Permit. Through her attorney, the owner/operator expressed concerns with several changes to the conditions. To address her concerns, City staff revised the "cover charge" condition (Condition No. 20) and the "live entertainment" condition (Condition No. 17). The changes allow cover charges from 10:00 p.m., allow payment of the cover charge at the entrance to the bar/nightclub area and remove the restriction limiting "live entertainment" to music conducted by a disc jockey and dancing thereby allowing live bands and karaoke.

Violations continue at The CAN. There are Police reports for violations on December 14, 2008 and December 25, 2008. The violations included underage drinking, underage customers in areas where they are prohibited, and the kitchen being closed during operating hours. An attachment to this City Council memorandum is a Police report documenting violations at The CAN on January 29, 2009. On that night, Police officers were dispatched to the establishment for possible underage drinking. The officers found that the kitchen was open but there were no menus available to customers and therefore, no food was being prepared. In violation of the current restriction prohibiting persons under 21 years of age on the patio or dance floor, the Police found four girls under the age of 21 on the patio and numerous patrons without the "age 21" wristbands on the dance floor.

FINANCIAL IMPACTS

None.

COMMUNITY VISION IMPLEMENTATION

Public Safety, Goals: "Ensure that the Garden Grove Police and Fire departments remain efficient, high-quality public safety service providers" and "Make efforts to address safety-related quality-of-life issues to the greatest extent practicable."

RECOMMENDATION

It is recommended that the City Council:

- Adopt the attached Resolution denying the appeal of the Planning Commission approval of Conditional Use Permit No. CUP-253-08.




SUSAN EMERY
Community Development Director



By: Erin Webb
Senior Planner

Approved for Agenda Listing



Matthew Feral
City Manager

- Attachment 1: Draft City Council Resolution for approval
Attachment 2: Planning Commission Resolution No. 5665 with Exhibit "A" Revised Conditions of Approval
Attachment 3: Copy of Appeal
Attachment 4: Planning Commission Minute Excerpt of January 15, 2009
Attachment 5: Police Report for January 29, 2009

NOTE: The Planning Commission Staff Report including the Addendum Report, and all attachments thereto, were transmitted to the City Council under separate cover on February 17, 2009 and are incorporated into this memorandum.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, DENYING THE APPEAL, AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF CONDITIONAL USE PERMIT NO. CUP-253-08, FOR AN EXISTING BUSINESS, THE CAN RESTAURANT & CLUB, LOCATED AT 14241 EUCLID STREET, SUITE C-101, PARCEL NO. 099-183-03.

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

WHEREAS, the case, initiated by the City of Garden Grove, is a proposal to revise the "Conditions of Approval" through the approval of a new Conditional Use Permit No. CUP-253-08 to clarify the operational requirements to reduce criminal activity, nuisance problems, and CUP violations at The CAN Restaurant & Club, which operates under a State Alcoholic Beverage Control Type "47" (On-Sale General, Eating Place) License; and

WHEREAS, the Planning Commission, at a public hearing held January 15, 2009, voted 4-to-2, with Commissioner Nguyen absent, to approve the Conditional Use Permit under Municipal Code Section 9.24.030 (Conditional Use Permits). The two "no" votes were by Planning Commissioners who voted in favor of directing staff to bring the matter back for consideration of a CUP Revocation; and

WHEREAS, pursuant to Resolution No. 5665, the Planning Commission, at a public hearing held on January 15, 2009, approved Conditional Use Permit No. CUP-253-08; and

WHEREAS, on February 5, 2009, the owner/operator of The CAN Restaurant & Club filed an appeal of the Planning Commission's approval of the Conditional Use Permit; and

WHEREAS, pursuant to a legal notice, a public hearing was held by the City Council on March 10, 2009, and all interested persons were given an opportunity to be heard; and

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

NOW, THEREFORE, the City Council hereby finds and determines as follows:

1. The appeal of the Planning Commission's approval of Conditional Use Permit No. CUP-253-08 is hereby denied.

2. The basis for the Council's decision includes the same basis upon which the Planning Commission approved the Conditional Use Permit request as set forth in Planning Commission Resolution No. 5665. Accordingly, the Facts and the Findings and Reasons set forth in Resolution No. 5665 are incorporated herein by reference in support of the City Council's decision.
3. In addition, the City Council further makes the following FINDINGS AND REASONS:

Conditional Use Permit (Section 9.24.030 Land Use Actions, Subsection 4. Conditional Use Permit, b. Required Findings.)

- i. The proposed "Conditions of Approval" are intended to ensure the compatibility of the establishment with the surrounding uses and community. A business that operates in compliance with its land use definition, Eating Place/Restaurant with Entertainment, and its "Conditions of Approval" is consistent with the General Plan Land Use Designation of Industrial/Commercial Mixed Use.
- ii. Based upon a long history of problems at the establishment, the new "Conditions of Approval" are required to clarify the operational requirements of the business to reduce criminal activities, nuisance problems, and CUP violations. These new "Conditions of Approval" are set forth in Exhibit "A". The criminal activity, nuisance problems, and CUP violations occurring at The CAN include but are not limited to public disturbances, assaults, serving alcohol to "obviously intoxicated" customers, serving alcohol to minors, "adult oriented" activities, underage customers in the nightclub/bar/patio and not operating as a bona fide eating-place. These activities, problems, and violations are more particularly put forth in the Police reports included as attachments to the Staff Report, Addendum Report and the City Council Memorandum.

In violation of the existing CUP, the owner/operator has changed the design of the floor plan in various ways that have expanded and intensified the nightclub use. The separation between the restaurant and bar/nightclub has been removed which has allowed the dance floor area to be expanded and the nightclub use to be intensified. The removal of this separation has created an environment where ongoing, continuous violations of Condition "CC" occur. This condition prohibits customers under 21 years of age anywhere but the segregated restaurant area.

There are other ways the floor plan has been changed in violation of the CUP, such as the tables and chairs in the restaurant have been pushed up against the sidewalls further expanding the dance floor and nightclub use. The nightclub use has been expanded and intensified by the installation of a "foam dance pit" installed on certain nights that is larger than the approved dance floor and the installation by the owner/operator of installed raised platforms for "go-go" dancers employed by The CAN. The "go-go" dancers are also in violation of the condition that prohibits uses or activities of an "adult-oriented" nature (Condition "L").

The owner/operator of the CAN Restaurant & Club must comply with the proposed "Conditions of Approval" to ensure the operation of the business "will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area" or "unreasonably interfere with the use enjoyment, or valuation of property of other persons located within the vicinity of the site".

The Police Department has increasing concerns over the last several years about the continuing criminal activities, nuisance problems and reoccurring CUP violations at The CAN. The Police Department frequently dispatches officers to The CAN in response to fights, assaults and disturbances occurring inside and outside of the business. Patrol and Gang Unit officers routinely monitor the egress of customers from the business to discourage such events. The City of Garden Grove believes that the public's health, safety and welfare are put in serious jeopardy by allowing The CAN to continue to operate in the same manner. Therefore, the City has crafted a new set of "Conditions of Approval" to reduce or eliminate the criminal activities, nuisance problems, and prior CUP violations and to ensure the owner/operator operates the business in a manner to protect the public health, safety and welfare of the community.

4. In addition, the City Council further finds that the Appellant presented no significant evidence during the public hearing to rebut the findings in the Resolution and in the Planning Commission Resolution No. 5665.

RESOLUTION NO. 5665

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-253-08.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on December 4, 2008, approved Conditional Use Permit No. CUP-253-08 for the property located on the west side of Euclid Street, between Forbes Avenue and Business Center Parkway, at 14241 Euclid Street, Suite C-101, Assessor's Parcel No. 099-183-03.

BE IT FURTHER RESOLVED that the Planning Commission has considered the Exempt status under CEQA for the proposed Conditional Use Permit 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 that the request is Exempt from further environmental analysis due to the basis that the proposal is in an Existing Facility and does not involve an expansion of an existing use (15301).

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-253-08, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by The City of Garden Grove.
2. The City of Garden Grove is requesting approval of revised "Conditions of Approval" through the approval of a new Conditional Use Permit No. CUP-253-08 for an existing restaurant and nightclub (The CAN Restaurant and Club). The restaurant is operating under an existing Conditional Use Permit No. CUP-285-96 with a Type "47" (On-Sale General, Eating Place) State Alcoholic Beverage Control (ABC) license. The City requests the changes to the "Conditions of Approval" to clarify the requirements of the business and implement new strategies to reduce criminal activity, problems, and CUP violations.
3. The Community Development Department has determined that this request is exempt from CEQA environmental review because the business is in an "Existing Facility" and does not involve an expansion of an existing use per the California Environmental Quality Act (CEQA), Article 18 "Statutory Exemptions" Section 15301. The property at 9140 Trask Avenue has a General Plan Designation of Industrial/Commercial Mixed Use and is within the PUD-104-81/Rev. 86/Rev. 90/Rev. 91 (Planned Unit Development) zone. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
4. Report submitted by City Staff was reviewed.

5. Pursuant to a legal notice, a public hearing was held on December 4, 2008, and all interested persons were given an opportunity to be heard.
6. The Planning Commission gave due and careful consideration to the matter at its meeting on December 4, 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 business is part of a Planned Unit Development No. PUD-104-81/Rev. 91. The PUD is mainly intended for industrial, research & development, and office uses except for those properties that are adjacent to Euclid Street. The properties that front on Euclid Street are designated as Area III. Area III tenant spaces are intended to utilize their location adjacent to Euclid Street for offices and research/development businesses and also to allow for limited retail. The allowed commercial uses in Area III are administrative offices, barber/beauty shops, delis/coffee shops, Savings & Loans, health clubs and restaurants. Only in a particular section of Area III, between Forbes Avenue and Business Center Parkway, is there one additional permitted use. This use is described as "live entertainment in conjunction with a bona fide eating establishment subject to Conditional Use Permit approval".

The City of Garden Grove is proposing revised "Conditions of Approval" for The CAN Restaurant & Club to reduce criminal activity, problems, CUP violations, and the demands on Police resources. The problems with The CAN restaurant and its operation have occurred over many years. The continued problems at the establishment include; not operating as a bona fide eating-place, serving alcohol to minors, serving "obviously intoxicated" customers, public disturbances, assaults, underage patrons in the nightclub/bar/patio area, and "adult-oriented" activities.

In collaboration with the Orange County, Alcohol and Drug Education and Prevention Team (ADEPT), the Police Department received a study from CLEW Associates showing the patterns for crimes associated with businesses having ABC licenses. The CLEW study found that 10% of alcohol outlets in the City generate 50% of the Police "calls for service". The CAN is one of the outlets included in the 10% that generates 50% of the Police "calls for service". The study found that Type "47" (On-Sale General, Eating Place - Restaurant) establishments generate more Police activity and were found to be similar in "calls for service" to establishments operating under a Type "48" license (On-Sale General, Public Premises -Bar/Nightclub) in that regard. CLEW Associates determined through their study that evening and late-night hours are the times at which the greatest Police activity occurs.

The CLEW study provided a list of the "top ten" on-sale alcohol outlets; those ABC licensed facilities that had the most police events ("calls for service") in the City of Garden Grove for the year 2007. The CAN is at the top of the list for number of arrests with 46, also at the top for AOD (Alcohol and Other Drug) events, and third for total Police events.

The City of Garden Grove believes that there is an urgent need to resolve the continuing problems with The CAN and that the public's health, safety, and welfare are put in serious jeopardy by allowing The CAN to continue to operate in the same manner. The implementation of all the proposed changes to the CUP will comprehensively address the criminal activity, problems, and CUP violations that have occurred and continue to occur at The CAN.

FINDINGS AND REASONS:

Conditional Use Permit:

1. The proposed "Conditions of Approval" are intended to ensure the compatibility of the continued operation of a restaurant with entertainment with the surrounding uses. The use is consistent with the City's General Plan that allows for a mix of industrial and commercial uses in this area.
2. The proposed "Conditions of Approval" are intended to reduce criminal activity, problems, CUP violations, and the demands on Police resources. If the owner/operator complies with the "Conditions of Approval" the continued operation of a restaurant with entertainment will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area.
3. The proposed "Conditions of Approval" are intended to reduce any problems caused by the business for the neighboring tenants, the Property Management Company, property owner, and surrounding neighborhoods. If the owner/operator complies with the "Conditions of Approval", the continued operation of a restaurant with entertainment will not unreasonably interfere with the use, enjoyment, or valuation of property of other persons located within the vicinity of the site.
4. The proposed "Conditions of Approval" are intended to reduce criminal activity, problems, CUP violations, and the demands on Police resources. If the owner/operator complies with the "Conditions of Approval", the continued operation of a restaurant with entertainment will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.
5. The business is in an existing building that was developed as part of a Planned Unit Development. In 1990, it was determined that the site and existing building could accommodate the use of a restaurant with entertainment with no impact to other uses in the surrounding area. The proposed "Conditions of

Approval" would ensure that the use integrated with uses in the surrounding area.

6. The site layout of parking and vehicular access was approved as part of the original PUD entitlements. The proposed changes to the "Conditions of Approval" do not affect the sites adequacy in regard to parking, vehicular access, and other public or private service facilities.

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-253-08.

ADOPTED this 15th day of January, 2009.

/s/ RON PIERCE
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly Adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on January 15th, 2009, by the following votes:

AYES: COMMISSIONERS: (4) BANKSON, BEARD, PAK, PIERCE

NOES: COMMISSIONERS: (2) BRIETIGAM, KIRKHAM

ABSENT: COMMISSIONER: (1) NGUYEN

/s/ JUDITH MOORE
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6)

A decision becomes final if it is not timely appealed to the City Council. The Appeal deadline is February 5, 2009.

EXHIBIT "A"

Conditional Use Permit No. CUP-253-08

The Can Restaurant and Club, 14241 Euclid Street, Suite C-101

CONDITIONS OF APPROVAL with Revisions from the Addendum Report

Asterisks indicate New or Updated Conditions

** = New Condition of Approval

* = Updated Condition of Approval

- ** 1. The owner/operator shall sign with a notarized signature and provide the City of Garden Grove for recordation a "Notice of Agreement with Conditions of Approval and Discretionary Permit of Approval," as prepared by the City Attorney's Office, on the property required within 30 days of this approval. 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 No. CUP-253-08, (changing the conditions of the existing Conditional Use Permit No. CUP-285-96), 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 Garden Grove Municipal Code shall apply.
- * 3. All Modifications, including changes to the floor plan, shall be submitted to the Planning Department for review. Modifications that are considered to be minor, because they do not change the intent of the project, may be approved by the Community Development Director. If major modifications are made that result in the intensification of the project or create impacts that have not been previously addressed, a new Conditional Use Permit shall be filed for approval by the Planning Commission. The new Conditional Use Permit shall include all proposed revisions.
- ** 4. All requirements of the Garden Grove Building Division and Fire Department shall be met, including any required occupancy permits and inspections.
- ** 5. The owner/operator of the business shall provide a permanent, separation wall between the restaurant portion of the business and the bar/nightclub area. The bar/nightclub area includes the outdoor patio. The original, approved floor plan shows a low partition wall that separates these areas. The applicant/owner shall submit a detailed floor

plan to construct a full height wall that ties into an existing soffit or is a minimum of 8'-0" in height. This wall shall have two sets of doors that lead into the nightclub/bar/patio area. This wall shall provide visibility between the restaurant and bar areas, with four feet solid wall material at the bottom and above this, a minimum of 50% of the wall area covered in clear and transparent material. The applicant shall submit for review and approval by the Community Development Department a floor plan for a building permit to construct the separation wall within 30 days of the date of this approval and shall finish construction of this wall within 60 days from issuance of a building permit. All changes from the original, approved floor plan including the removal of any booths, counters, etc. that are proposed to remain, shall be included and clearly noted on the floor plan submitted for review and approval by the Community Development Department. Once the floor plan has been approved and a permit issued, a final copy of the floor plan shall be submitted to the Planning Department.

- * 6. The approved floor plan is an integral part of the decision approving this Conditional Use Permit. There shall be no change in the design of the floor plan without the approval of the Community Development Director. Any change in the approved floor plan that has the effect of expanding or intensifying the present use shall require a new Conditional Use Permit. With the exception of the dance floor shown on the approved floor plan, there shall be no platforms of any kind such as raised stages, go-go poles, etc., for use by patrons or performers in the establishment.

- * 7. At all times, there shall be no customers in the establishment under 21 years of age except in the segregated restaurant area. At no time shall the restaurant area be converted into a "club" area for use of bar/nightclub activities with the tables and chairs removed. At all times that the business is operating, the tables and chairs shall remain in place to accommodate dining within the restaurant area. Allowing any person under the age of 21 in the bar/nightclub area (which includes the outside patio) is expressly prohibited by this condition. The outside patio is currently not licensed for alcoholic beverages and there shall be no alcoholic beverages permitted in this area. The outside patio is reserved for smoking only and there shall be no congregating, eating or drinking allowed in this area.

- * 8. The establishment shall be operated as a "Bona-Fide Public Eating Place" that is regularly used and kept open for the serving of meals to guests. The restaurant shall contain sufficient space and equipment to assure 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 at various times of the day; the service of sandwiches and salads shall not be deemed in compliance with this requirement.

- ** 9. At all times when the premises are open for business, the sale of alcoholic beverages shall be incidental to the sale of food.
- * 10. The business shall operate as a restaurant with a segregated, attached bar/nightclub facility. Alcohol sales shall not exceed 35% of the business gross sales, with a minimum of 65% food sales. Any income or revenue derived from entrance fees, cover charges, sales of merchandise, and non-food related items, shall be excluded from the business gross sales in the calculation of the ratio of food to alcoholic beverage sales.
- ** 11. All Alcohol sales/service shall stop 30 minutes prior to the required closing time.
- * 12. By June 1st of each year, the owner of the establishment shall provide for review to the City of Garden Grove, an audited report of sales ratio of food to alcoholic beverage for the establishment's immediately preceding fiscal year that includes records of purchases from vendors for food and alcohol. The report shall be audited by a Certified Public Accountant firm and be submitted to the City's Community Development Director. In the event the City's Community Development Director finds the audited report to be insufficient to properly document compliance with the sales ratio requirements for food to alcoholic beverages, the City reserves the right to engage its own auditors to review the business for compliance with the sales ratio requirements for food to alcoholic beverages. The owner shall fully cooperate with any requests of the City of Garden Grove including, but not limited to, providing any document, record, report, receipt, and/or invoice requested by the City of Garden Grove to investigate and ensure compliance with the conditions of approval.
- 13. The sale of alcoholic beverages for consumption off of the premises is prohibited.
- * 14. The owner/operator of the business and all employees of the establishment shall not allow any alcoholic beverages to be consumed outside the premises including the outside patio.
- ** 15. No employee or agent shall solicit or accept any alcoholic or nonalcoholic beverage from any customer while in the business.
- * 16. No "B-girl" or "hostess" activity (as defined in Penal Code Section 303) shall occur within the establishment at any time. No employee or agent shall, be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the establishment, nor shall the business provide or permit, or make available either gratuitous or for compensation, male or

female persons who act as escorts, companions, or guests of and for the customers.

- ** 17. The owner/operator shall not lease space, enter into any agreements with promoters or otherwise allow the facility to be used by promoters for the purpose of promotional events such as live bands, flier events, promoter parties or any other type of similar entertainment. "Under 18" or "Under 21" promotion parties are prohibited. Exotic dancers, fashion shows, and special entertainers (i.e., Go-Go dancers, dance models, platform or pole dancers, lap dancers or any other form of adult-oriented entertainment) are expressly prohibited at this establishment. Live entertainment other than that prohibited above shall only be permitted in the bar/nightclub area of the establishment. Amplified music is permitted in compliance with the Municipal Code, "Noise Ordinance" and Condition No. 21 below. Examples of the types of prohibited promotional events are attached to these "conditions of approval" (Attachment No. 3, No. 4. and No. 7 from the Addendum Staff Report).

Any live entertainment at the establishment is the sole responsibility of the owner/operator of the establishment. Disc Jockeys shall be limited to regular employees of the establishment and shall not be independent contractors, volunteers, and/or any other person who is not a regular employee of the establishment. The owner/operator of the establishment shall be solely responsible for all bookings and contractual arrangements for any type of live entertainment allowed by Condition No. 17, except for Disc Jockeys as indicated above. Any advertisement (written, email, webpage, etc.) shall promote the establishment first with secondary/incidental listings of any live entertainment. Any such advertisement that is printed (handbill, flier, printed promotion) shall be limited to distribution within the City of Garden Grove.

- ** 18. Dancing shall only be permitted on the designated "dance floor" as shown on the approved floor plan (see Condition No. 5 above). There shall be no special entertainers (i.e., Go-Go dancers, "dance models", platform or pole dancers, lap dancers or any other form of adult-oriented entertainment) permitted to dance/perform in this business. The owner/operator of the business shall not permit "Taxi Dancing" or similar type of activity, where partners are provided for dancing or social purposes, to occur on the premises. Social purposes include, but are not limited to, the soliciting or accepting of any alcoholic beverages or any other form of gratuity from any customers within the business.
- ** 19. All entertainment, including dancing and all music, shall stop 30 minutes prior to the designated closing time.
- ** 20. No payment (entrance fee/cover charge) shall be charged to gain access

to the business before 10 p.m. at night. All such entrance fees or cover charges shall be charged or collected at the doors/openings to the bar/nightclub area. At no time shall any entrance fee/cover charge be collected at the main entry door or any other door that leads into the restaurant area. At no time, shall the collection of any such payment at the entrance to the bar/nightclub area disrupt the operation of the restaurant as a bona fide eating-place.

- * 21. The sound emitted from the premises shall not be audible outside the boundaries (walls) of the establishment. No amplified music shall be permitted outside of the fully enclosed building. In the event that noise from the business is a nuisance to surrounding properties and/or businesses, the owner/operator shall remedy the situation to the satisfaction of the Community Development Director.
- 22. 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.
- * 23. There shall be no pool tables on the premises at any time. A maximum of three (3) arcade games may be permitted provided that the devices do not block or obstruct interior paths of travel as required by the U.B.C. or the U.F.C.
- * 24. There shall be no uses or activities permitted of an adult-oriented nature as defined in City Code Section 9.04.060, Adult Entertainment Businesses and described in City Code Section 9.08.070, Adult Entertainment Uses. Additionally, the owner/operator shall not allow any employees, entertainers, patrons or any other person on the premises to remain when their clothing (or lack thereof) is in violation of the City of Garden Grove nudity laws as contained in Chapter 44, Title 8, of the Municipal Code.
- * 25. There shall be no enclosed booths or rooms excluding kitchen areas and bathrooms on the premises and the wall separating the restaurant area from the bar/nightclub area. Walls and/or partitions exceeding thirty-six (36) inches in height that partially enclose or separate booths shall be of a clear and transparent material. No item shall be placed in the area of booths to limit or decrease the visibility of the interior of the business from any location within the business.
- * 26. Hours of operation shall be permitted only between the following hours: Sunday through Wednesday 8:00 a.m. to 11:00 p.m. and Thursday through Saturday 8:00 a.m. to 1:00 a.m.
- 27. There shall be no deliveries from or to the premises before 8:00 a.m. and after 9:00 p.m. seven days a week.

28. There shall be no customers or patrons in or about the premises when the establishment is closed.
29. The rear doors shall be kept closed at all times during the operation of the premises except in case of emergency or to permit deliveries, or to allow the ingress or egress of employees. Panic hardware on doors shall comply with all City code requirements. Patrons shall enter through the main entry doors only.
30. Litter shall be removed daily from the premises, including adjacent public sidewalks and 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.
- * 31. All 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. Neon light may be permitted as part of an approved business sign. Neon lights shall not be used to highlight architectural features of the tenant space unless an overall design has been submitted to and approved by the Community Development Department to incorporate such details on the entire shopping center.
32. The owner/operator of the establishment and the owner of the property shall be responsible for providing lighting in the parking areas during the hours of darkness and the establishment is open. This lighting shall be a minimum of two (2) foot-candles of light on the parking surface and a minimum of one (1) foot-candle of light during all other hours of darkness. Lighting in the parking area shall be directed, positioned, or shielded in such manner as to not unreasonably illuminate adjacent properties.
- * 33. The owner/operator of the establishment shall at her/his own expense provide a minimum of two (2) California licensed, uniformed, security guards from 9:00 p.m. until closing time, on each day that the business is open. In the event, that a security issue arises within the facility and moves outside, the security guards shall continue to ensure the safety and security of the patrons. The owner/operator shall take reasonable steps to monitor and control the parking area. The Police Department may require additional security guards on the premises to address security problems. If it is determined by the Police Department that additional security guards are required, the Police Department shall notify the business owner/operator of the effective date of any required additional security guards. California State law requires licensed security guards to carry "guard cards" while performing their duties.

34. The trash bins shall be kept inside of the trash enclosure and the gates shall remain closed and latched except during disposal and pickup. Trash pickup shall be at least three (3) times a week.
35. Graffiti shall be removed from the premises and all parking lots under the control of the licensee within 120 hours of application.
36. 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 prior to the issuance of building permits. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
- * 37. All ground- or wall-mounted mechanical equipment shall be screened from view from any place on or off the site. The screening of wall-mounted equipment shall be the same material and color as the building wall.
- * 38. The owner/operator of the business and property owner shall be responsible for the continued maintenance of the building exterior, including repainting when needed. The owners are reminded that all building exteriors within the center shall be maintained as required by the PUD design guidelines and Title 9 property maintenance regulations.
- ** 39. The business shall provide 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. This training shall occur within 60 days of this approval.
- ** 40. The business owner/operator shall meet with members of the Planning Department and Police Department on a yearly basis, as determined by City Staff, to discuss operating conditions of the business.
- * 41. This Conditional Use Permit shall be reviewed annually from the date of approval. The Conditional Use Permit may be called for review before the Planning Commission by City staff, City Council, and/or Planning Commission, if complaints are filed and verified as valid by the Code Enforcement office or other City Departments concerning violation of the approved conditions, the Garden Grove Municipal Code, or any other applicable provision of law. For any violations of this Conditional Use Permit No. CUP-253-08, the Garden Grove Municipal Code, and/or any other applicable provision of law, the City may consider taking action up to and including modification, suspension and/or revocation of the Conditional Use Permit.

42. The owner/operator of the business shall submit a signed letter acknowledging receipt of the decision approving this Conditional Use Permit No. CUP-253-08 and his/her agreement with all conditions of approval.
- * 43. A copy of the resolution and conditions of approval for CUP-253-08 shall be kept on the premises at all times. The owner/operator of the business shall train all employees to operate the business in compliance with the conditions of approval.
- ** 44. Conditional Use Permit No. CUP-253-08, shall nullify the prior Conditional Use Permit No. CUP-285-96. The establishment located at 14241 Euclid Street, Suite C-101, shall be operated in compliance with the conditions of approval of CUP-253-08.
- ** 45. In the event that a California Department of Alcoholic Beverage Control (ABC) license is revoked or suspended at the premises for any period of time, the business owner/operator is fined for any ABC violation, a Petition for Offer in Compromise ("POIC") has been accepted by ABC, and/or any sustained violation of rules and regulations enforced by ABC, the Conditional Use Permit may be presented to the Planning Commission for review and/or further consideration as provided in Condition No. 41.

APPEAL

RECEIVED
CITY OF GARDEN GROVE
PLANNING COMMISSION

Request for City Council or Planning Commission
Public Hearing

2009 FEB -5 P 2:31

TO: CITY CLERK
CITY OF GARDEN GROVE

Pursuant to Section 9.24.110 of the Municipal Code (see reverse), I hereby appeal the decision of the CIRCLE ONE Planning Commission / Zoning Administrator) in Case No. CUP-253-08, and petition the CIRCLE ONE City Council Planning Commission) for a public hearing to consider CIRCLE ONE (approving denying modifying) the subject application for the following reasons:

Quyên, Inc., dba CAN Restaurant and Nightclub, presently holds CUP-285-96, for the operation of its restaurant and nightclub at 14241 Euclid St., Suite C101-106, which permits it to hold a Type 47 liquor license, and to have live entertainment and dancing. Quyên did not apply for any changes to its existing CUP-285-96. Instead, the City staff initiated the new CUP-253-08, imposing new conditions on Quyên. These new conditions are tantamount to a revocation of the existing CUP-285-96, because they preclude the profitable operation of the business.

On January 15, 2009, the Planning Commission adopted a resolution approving the new CUP-253-08, including an Addendum that was provided to Quyên on January 9, 2009, less than a week before the hearing. The Planning Commission denied Quyên's request for a postponement of the hearing, so that Quyên could prepare a response to the new CUP-253-08 as modified by the Addendum delivered on January 9, 2009. Quyên is willing to agree to some new conditions, as long as the new conditions
(Use additional sheets if necessary)

Date: February 5, 2009 Appeal Fee (see reverse): _____

Appellant: Quyên, Inc., by its President, Victoria Tieu

Address: 14241 Euclid St., Suite C101-106,

City & ZIP: Garden Grove, 92843 Daytime Phone No.: 714-791-0169



Attachment to Appeal by Quyen, Inc., to the City Council, appealing the decision of the Planning Commission approving the new CUP-253-08, and asking the City Council to deny that application initiated by the City Staff.

do not have the effect of revoking the existing CUP-285-96, and will permit the profitable operation of the business.

The operator seeks a hearing before the City Council, to ask the City Council to deny the application submitted by the City staff for the new CUP-253-08, as amended by the January 9, 2009, Addendum, thereby reinstating the existing CUP-285-96.

MINUTE EXCERPT

GARDEN GROVE PLANNING COMMISSION

CONTINUED
 PUBLIC HEARING: CONDITIONAL USE PERMIT NO. CUP-253-08
 APPLICANT: CITY OF GARDEN GROVE
 LOCATION: NORTH OF BUSINESS CENTER PARKWAY, SOUTH OF FORBES AVENUE ON WEST
 SIDE OF EUCLID STREET AT 14241 EUCLID STREET, SUITE C-101
 DATE: JANUARY 15, 2009

REQUEST: A request from the City of Garden Grove to revise the 'conditions of approval' for an existing restaurant with entertainment (The Can Restaurant and Club) that operates with a State Alcoholic Beverage Control Type "47" (On-Sale General, Eating Place) License. The conditions of approval shall be revised through the approval of a new Conditional Use Permit No. CUP-253-08, that replaces the existing Conditional Use Permit No. CUP-285-96. The proposed conditions will clarify the operational requirements of the business and add new strategies to reduce criminal activity, problems, and CUP violations. The site is in the PUD-104-81 Rev. 86, 90, 91/Planned Unit Development-Euclid Business Park zone.

At the December 4th, 2008 Planning Commission meeting, staff distributed a comprehensive staff report to the Planning Commissioners for their review. On January 8, 2009, and January 15, 2009, the Planning Commissioners received supplements to the staff report for their review.

Overview of staff report was read by staff.

Chief Joe Polisar stated that the purpose is to modify The CAN Conditional Use Permit (CUP); that the Staff Report lays out a pattern and practice of violating the CUP that requires nearly full time service from the Police Department; that there have been calls for service, liquor law violations, crime statistics, shootings, stabbings, fights, gang issues and more; that there are photographs of underage juveniles clothed in shorts, bikini tops and heels; that these juveniles are dropped off by family members and they change into their underwear in the bushes; that an undue concentration of liquor licenses in areas contributes to a host of problems; that the study identifies The CAN as the Police Department's number one problem; that two traffic accident fatalities are connected to The CAN; that the City has repeatedly tried to get The CAN to run a respectable and safe business, but to no avail; that the City wants The CAN to be successful, but there needs to be a willingness to do so; that meetings were held with attorneys, police, staff and the owner to discuss concerns; and that it is time for The CAN to be accountable and to abide by a new CUP.

Staff stated that the old Conditional Use Permit does not provide clear direction, therefore, modifications are recommended to clarify the use and requirements of the operation to help the owner to have a successful business; to remove the drain on Police resources; and to protect the public's health, safety and welfare.

Staff further stated that a pattern of behavior has emerged in which the owner/operator of The CAN makes the attempt to operate the business in compliance for a short period of time but is unable to maintain this permanently; that there were two office hearings, one in March of 2008 and one in October of 2008 as there had

been no change in the operation; that in October, the owner was given a draft copy of the new Conditions of Approval, that included, for example, Condition No. 20 regarding cover charges and Condition No. 5 regarding the dividing wall; that The CAN is a restaurant with entertainment, a bona fide eating place with a kitchen that is to be open and preparing food during all hours the establishment is open; that no one under 21 years of age is allowed in the bar area, therefore, Condition No. 5 instructs the owner/operator to provide a full height wall that clearly separates the areas; that the low wall partition has disappeared and the entire floor area is used for events; Condition No. 20 allows for a cover charge after 10:00 p.m. only at the bar and nightclub entrance; Condition No. 17 addresses live entertainment; Condition No. 10 addresses the ratio of food to alcohol sales; and also addressed, are the hours of operation and the cessation of alcohol sales and entertainment thirty minutes prior to closing.

Staff added that The CAN is allowed to have entertainment in the restaurant, however, flyer and promoter parties advertised as 18 and older or 'teen nights' have occurred along with adult oriented activities; that these parties are a direct cause of violations, therefore, Condition No. 17 prohibits promoter/flyer parties and defines the types of adult oriented entertainment that are expressly prohibited; that Staff modified the proposed condition to remove the restriction limiting live entertainment to music conducted by a DJ and dancing, therefore the operator is allowed to have live bands and karaoke; that the owner/operator is solely responsible for the live entertainment.

Staff explained that Condition No. 10, explains incidental alcoholic beverage sales in that alcohol sales shall not exceed 35%; that 35% is consistent with current approvals of Type "47" ABC licenses; and that the revenue from the sale of non-related food, cover charges, and merchandise are not included in the business gross sales.

Staff stated that the hours of operation have been reduced as Police records indicate that serious violations occurring at the CAN occur in the early morning hours; that the Police Watch Commander states that there is nightly monitoring of The CAN; that indoor and outdoor disturbances occur at or near the closing time of approximately 1:00 to 2:00 a.m.; that Police have monitored the egress of customers in order to prevent disturbances from occurring; that the CLEW study indicates that crime connected with ABC outlets increases in the late hours; and that stopping alcohol sales and entertainment thirty minutes before closing allows a more orderly exiting of the establishment.

Staff added that a packet of new statistics has been handed out regarding time, costs, and calls for Police service, along with a letter from the owner/operator's attorney, Mr. Andrew Couch, and the attorney representing the property owner, Catherine Weinberg.

Staff pointed out the location of The CAN restaurant at 14241 Euclid Street; that 365 man hours costing over \$16,000, from January 1 through December 31, 2008 is a documented minimum estimate of the cost for the year, not including officer time writing reports or spot checking and monitoring the business; that 153 out of 218 calls for service were for The CAN, the other 65 calls were for other businesses; that 31 calls were dispatch calls for issues such as noise issues, thefts of purses, cell phones, vehicles broken into in the parking lot, vehicles stolen, and assaults; that the 122 self-initiated calls were the Police monitoring the business; that eight significant arrests included:

March 22, 2008: Officers heard a fight and stopped, 25-30 suspects on patio, seven arrests for drunk in public, one arrest for assault on a Police officer.

July 7, 2008: Two females fighting in business, two arrests for fighting in public, one arrest for assault with a deadly weapon.

September 6, 2008: Patrons leaving The CAN, fight in parking lot, five arrests for drunk in public.

September 20, 2008: Patrons leaving The CAN, argument resulting in suspect hitting officer in face, pepper spray used, six arrests.

September 20, 2008: Two suspects fighting in front of business, batons used, one arrest for assault and battery.

October 18, 2008: Fight inside business, attempt to assault officer, two arrests for resisting arrest and drunk in public.

October 19, 2008: Two suspects fight, one arrest from drunk in public.

November 8, 2008: Suspect hit security guard, 25-30 people fighting in parking lot, one arrest for assault with a deadly weapon.

November 7, 2008: The kitchen is closed, no evidence of food being served, two 18-19 year olds on table on dance floor.

November 14, 2008: The kitchen is closed, no food being prepared, alcohol on the patio, 17 year old and 20 year old on patio, and the patio is unlicensed and not part of the original floor plan.

December 25, 2008: 19 year old inside being offered alcohol by a male subject.

Staff added that documentation includes undercover officers observing minors drinking and being handed alcohol; patrons placing dollar bills in go-go dancer's clothes, alcohol on the patio; fights on the dance floor; kitchen being closed with no evidence of food on tables; photographs of the 14 to 18 year old night in July and August of 2008; foam parties with young girls in the foam pit; that the bar area, though closed, was unsecured; and that the proposed conditions will help the business succeed and address the concerns.

Staff recommended approval of Conditional Use Permit No. CUP-253-08, subject to the conditions of approval, the addendum staff report, and the revisions to Condition Nos. 10, 12, 17, 20, 41, and 45.

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

Mr. Andy Couch, lawyer for the applicant, approached the Commission and asked for a two-week continuance of the hearing in order to study the addendum received the previous Friday and the CD of the raw data provided to CLEW, which he received just before the Planning Commission meeting; that an agreement is close regarding the modified CUP; that The CAN has retained a law enforcement consultant who is preparing a security plan for The CAN; that a new security director will be hired; that

more time is needed to complete the security plan and refine conditions of the CUP; that he sent a November 24th letter to the City and the response was the addendum from January 9, 2009; that the closing time is the biggest issue; that the new security plan would demonstrate the prospect for a reduced need for Police services in the early morning hours to allow The CAN to be open to 2:00 a.m. due to the competition; and that not all the photographs were taken at The CAN.

Commissioner Kirkham stated that he was not in favor of the extension as The CAN had ample time to change their behavior.

Commissioner Brietigam asked Staff to describe the new information provided to Mr. Couch.

Staff responded that on Sunday, January 11, 2008, Mr. Couch requested the raw data for the CLEW study from 2005, 2006, and 2007; that the data was provided by the Police Department for the CLEW study, which in turn, was provided to Mr. Couch on a CD; that the 2008 data in the staff report binder is not included in the CLEW study; that the CLEW study is a useful analytical tool to evaluate issues related to alcohol, however, the facts for calls for service are not in the CLEW study; and that Staff came to the recommendation based on the demands on the Police services, not based on the CLEW study.

Vice Chair Pak asked Mr. Couch if he followed up his request for the extension.

Mr. Couch responded that he contacted the applicant on January 9, 2008, the day he received the addendum; that on January 12, 2008, he spoke with the City attorney to discuss the addendum and further discussions followed, along with a fax this afternoon; that he received the staff report on December 4th; that a law enforcement expert was hired and the holidays intervened; that the City took seven weeks to respond to his November 4th request for information; that he has letters signed by City officials stating that The CAN is in compliance with the original conditions of approval; that The CAN has not been in violation of its CUP for the last ten years; and that The CAN CUP was updated in 1996.

Vice Chair Pak asked Mr. Couch if he agreed that the CLEW study is not the reason for modifying the CUP.

Mr. Couch replied that in the meetings, the CLEW study was mentioned repeatedly; that there are ten businesses at the 14241 Euclid Street address with no reference to suite numbers; and that in two weeks, the owner/operator may choose to accept the modified CUP as presented; that he was also present at an office meeting in October 26, 2006 at which activities in The CAN parking lot were discussed and addressed by installing security cameras; and that between October of 2006 and October of 2008, he could have been reached if there were issues to deal with at The CAN.

Commissioner Brietigam asked Mr. Couch if he represented the owner. Mr. Couch replied yes.

Commissioner Brietigam then asked Mr. Couch if it is the City's responsibility to notify him or to notify the owner/operator?

Mr. Couch replied yes, that it is the City's responsibility to notify the owner/operator, however, he could be reached and did not see much correspondence from the City concerning issues.

Chief Polisar stated that the Police Department gave their opinions regarding over concentration of liquor licenses in areas of the City and were subsequently asked to find studies to support their professional opinion; that an independent group did the CLEW study; that the bulk of the information provided deals with issues of responses and that the CLEW study is an addendum for staff to understand questions asked by City Council and Planning Commission regarding undue concentration of ABC licenses.

Vice Chair Pak asked staff for the number of businesses at 14241 Euclid Street that operate beyond 12:00 a.m.

Staff replied there are issues with at least one other business with regard to violating their CUP; that 153 service calls were for The CAN including the eight significant issues; and that all of the photographs are from The CAN.

Commissioner Brietigam asked Staff to explain why the applicant would abide by the new CUP?

Staff responded that the violations of the CUP are violations of the Municipal Code and could be prosecuted as misdemeanors; that the Code could be enforced by civil nuisance abatement and revocation proceedings on CUP's; and that the City's wish is to help the business be successful, and therefore, has revised the conditions.

Commissioner Brietigam commented that the City has been patient long enough and that a revocation should be processed.

Staff added that revocation is a different application process and a hearing would need to be properly noticed.

Commissioner Kirkham asked staff if the owner/operator is notified when major arrests occur?

Staff responded that it is not clear if the owner/operator is on the property when the business is open; that employees should notify the owner; that the owner is aware of the documents; that there is no 'report of service' left on the property after an incident; that the Code does not have administrative fines for the owner as that would be imposed by a court of law; and that sale of alcohol to a minor is within the State Code and not the Municipal Code.

Staff provided additional information to clarify the violations, as there are times when the owner has been present for CUP violations:

September 20, 2008: Alcohol drinking on patio, the kitchen was closed, the owner was present, a go-go dancer was present in violation of nudity laws.

September 20, 2008: Same day, owner present, under 21 on the patio drinking alcohol, dancers were employees of the promoter and were in violation of nudity laws.

August 15, 2008: Owner present, alcohol violations with under 21 on the dance floor, go-go dancers with nudity violations, male handed minor alcohol, dollar bills placed in go-go dancer's outfits, owner working the bar.

Mr. Couch reiterated that the closing time is a main concern and he would like a two-week postponement to study and talk with staff about a security plan.

Chair Pierce commented that the problems occur later at night.

Vice Chair Pak asked Mr. Couch if there were any promoter events in the next two weeks. Mr. Couch replied no.

Chief Polisar stated that businesses that give the City the most problems are the restaurants that act like nightclubs; that under the existing CUP, The CAN is required to have two security guards on duty all hours the restaurant is open; that the problems do not go away; and that there is no security plan that would change his position.

Commissioner Bankson asked Mr. Couch to explain that if the owner/operator and her representative had been in meetings with Staff since October of 2008, why was there another violation on December 24, 2008? He then commented that instead of ignoring the CUP, the owner/operator should show the City that she is trying to accommodate the City.

Mr. Couch stated that the business is trying to reinvent itself such as keeping alcohol and people under the age of 21 off the smoking patio; that there are conditions that have been complied with; that the existing CUP requires two unarmed licensed security guards; and that on a typical evening there are four to eight security guards.

Staff clarified that the existing CUP requires one licensed uniformed security officer and the revised conditions require a minimum of two security guards from 9:00 p.m. on.

Ms. Victoria Tieu, the owner/operator, approached the Commission and thanked the City and Staff. She stated that she has had the business for 20 years in the same location; that occasionally problems occur; that she would be willing to abide by the rules; and that two weeks are required to review the new information.

Commissioner Beard asked Ms. Tieu if she is the original ABC License holder and if the business is the same. Ms. Tieu replied yes, since 1983 and that she has no other businesses.

Commissioner Beard asked Ms. Tieu for a response to all she has read and heard. Ms. Tieu replied that she is surprised at the figures in the CLEW report; her suite is prominent in the area; the Police Department should investigate the two other clubs that serve alcohol; that one other business should close at 11:00 p.m. or 12:00 a.m. and they are open until 2:00 or 3:00 a.m.; that her business closes at 1:30 a.m.; that she considers her business a restaurant with entertainment and club; and that the alcohol sales are low compared to food sales as people are drinking more water and Red Bull, and that food is always available.

Commissioner Brietigam asked Ms. Tieu to explain why complying with the conditions is so inconsistent. Ms. Tieu replied that in 2006, security cameras were installed; that the business is closed on Mondays; that a promoter approached her to do 'teen'

parties and that when she saw the photographs, she stopped the 'teen' parties; that the Friday night parties have also been stopped.

Commissioner Beard asked if Ms. Tieu agreed with the condition to disallow outside promoters. Ms. Tieu replied yes.

Staff added these statistics regarding the kitchen being open:

March 7, 2008: Tables in restaurant area pushed back along wall to extend dance floor; under 21 at bar and appear intoxicated.

April 11, 2008: 18 and over night, the kitchen is closed and dark, cover charge at front door.

August 16, 2008: Tables are pushed back for extended dance floor, under 21 on dance floor, owner present, alcohol consumed on patio.

August 21, 2008: Go-go dancers nudity violations and working for The CAN, kitchen closed, under 21 on patio.

August 23, 2008: Go-go dancers nudity violations and working for The CAN, the kitchen is closed, under 21 at bar and at patio.

August 24, 2008: The kitchen is closed, 100-125 people on dance floor, over 21 had orange wristbands, two underage on patio.

August 25, 2008: Under 21 on dance floor and patio, Club Stars Night for 14 to 18 years old, no food being prepared in kitchen.

September 20, 2008: Drinking on the patio, kitchen closed, owner present, dancer walking around violating nudity laws.

September 24, 2008: No one working kitchen, patrons dancing on elevated box.

September 26, 2008: Kitchen closed, go-go dancer hired by promoter to dance, 19 year old near bar, no food seen.

September 28, 2008: Two go-go dancers on stage, one paid by business to dance, kitchen closed, under 21 on dance floor, 21 year old allowed inside without identification, no one eating food.

Ms. Teresa Pinon approached the Commission and expressed her concerns that the situation was not improving with regard to excessive noise, kids wandering disoriented, kids on lawn either high or intoxicated; that she cannot believe a business like this operates in Garden Grove; that the problems have progressively become worse over the last two years; and that she replaced her windows due to the loud noises, which could still be heard. She also stated that the owner of The CAN has shown a lack of respect to the community, the other tenants and the Police. She was asked the frequency of problems and replied that they called the Police four times last year and that the business is a nuisance.

Staff added that a current condition states that sound emitted from the premises shall not be audible outside the boundaries of the establishment.

Ms. Catherine Weinberg, the property owner's attorney, approached the Commission and stated that she supports the City's efforts; that the owner wants to protect property values; and that the property owner is in agreement with the City's revised conditions and would be willing to consent to all necessary modifications including the higher wall with proper permits.

Commissioner Kirkham stated that per Ms. Weinberg's letter, the tenant's lease expires on April 30, 2009 with a five-year option to extend.

Ms. Weinberg replied that the tenant has the option to lease the premises for an additional five years.

Ms. Blandina Bryant approached the Commission and expressed her concerns regarding the loud music; that she has called the police; that nothing has been done about it; that teens are all over the parking lot; that the kids should be inside the building especially at 1:00 a.m.; and that there is smoking and card playing.

Staff provided more information regarding the revocation, that under Title 9 of the Municipal Code Section 9.24.030 Subsection D, Subsection 10, a hearing body may initiate revocation proceedings for any land use action designated by this title, and require findings, the hearing body may revoke or modify the land use action if any one of the findings are made.

- 1) The approved use is being or recently has been exercised contrary to the terms of or conditions of such approval or in violation of any statute, ordinance or regulations.
- 2) The approved use was so exercised that to be detrimental to the public safety or so as to constitute a public nuisance.

Staff explained the four options available; to continue this matter asking Staff to return with additional information; to adopt Staff's recommendation to revise the CUP and/or to modify the Staff's recommendation; to deny Staff's recommendation and allowing the current CUP to stand; and to bring back the matter for a revocation hearing. If so, a 10-day notice would be provided to the property owner stating the Planning Commission's intention to revoke the CUP.

Mr. Couch approached the Commission and referenced the 2006 letter by Catherine Weinberg that was included in the December 4th staff report; that in 2004, The CAN filed a lawsuit against the landlord over the option to extend the lease; that the lawsuit was resolved, however, a letter was only sent to the City; and that any card playing or smoking inside a building was probably the coffee shop next door to The CAN.

Vice Chair Pak asked Ms. Tieu to clarify the Fire Department letter dated August 6, 2008 with regard to occupancy from 1999 to 2008, specifically that the counter and chair area has been removed and the food tables were moved to enlarge the dance floor.

Ms. Tieu stated that the rails and bar stools were removed so that people wouldn't sit around the dance floor and block the view; that tables replaced the stools; that a 36" flower box on wheels had divided the restaurant from the dance floor, and now a \$7000 wall has been installed.

Commissioner Beard asked Ms. Tieu to explain the employment of dancers, underage drinking, and how often she is on the premises.

Ms. Tieu eliminated the dancer after the office hearing; that wristbands are used for 21 and over; that on December 24th, two underage ladies came in with the band; that she is present every night; that the kitchen is always open and serving food; that when there is no food order, the kitchen area is dark.

Commissioner Brietigam stated that the Police reports indicated that underage people were intoxicated and asked Ms. Tieu if anyone that is intoxicated is allowed into the restaurant.

Ms. Tieu replied no; that drinking could occur in the car and they come back in unnoticed.

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

Chief Polisar stated that this is a critical and very important public safety issue; that Staff's recommendation is to modify the CUP; that the City wants The CAN to be successful, however, if past performance is any indication of future behavior, other recommendations would come back to the Planning Commission.

Commissioner Beard commented that The CAN is a big problem occurring now as is clear from the reports and testimony; that the pattern needs to be broken; that he supports Staff's recommendation; that the City Attorney shows there were findings; that they need to be supportive of the residents; and that this is The CAN's last chance.

Commissioner Brietigam commented that the City has been lenient with the business, however, revocation is necessary and imperative, especially with the assaults on the Police Department.

Commissioner Kirkham agreed with Commissioner Brietigam as there is a limited amount of Police officers; that there were 142 violations in 2008; that the owner knows this is happening; and that we want to save businesses, however, this is costing the City too much.

Commissioner Bankson asked Staff to clarify why they did not recommend the revocation process.

Chief Polisar replied that there were many discussions with legal counsel about how to handle this case; that the City's intent is to help make the business successful, and based on direction from the City Attorney, they chose to modify the Conditions of Approval. He also told the Commission there is a strong message that if the establishment does not comply with its requirements, Staff would be back with a case for revocation.

Commissioner Bankson commented that he supports Staff's recommendation, however, at a moment's notice, if there is one violation, he would support a revocation.

Vice Chair Pak agreed that Staff's recommendation should help the restaurant to be a nice dining venue with entertainment; that The CAN has gone beyond the limits of

being a restaurant and breached the trust of the public; and that the CUP should be followed for The CAN to succeed in the community.

Commissioner Beard asked staff if The CAN is pending a revocation of their liquor license. Staff replied that they are unaware of any pending issues; that the ABC has their own administrative board with investigators checking into noise violations.

Chair Pierce commented that he supports the City's recommendation.

Commissioner Brietigam moved to bring back a resolution for a revocation hearing on the original Conditional Use Permit No. CUP-285-96, seconded by Commissioner Kirkham. The motion failed with the following 3-3 vote:

AYES:	COMMISSIONERS:	BEARD, BRIETIGAM, KIRKHAM
NOES:	COMMISSIONERS:	BANKSON, PAK, PIERCE
ABSENT:	COMMISSIONERS:	NGUYEN

Vice Chair Pak moved to approve Conditional Use Permit No. CUP-253-08, seconded by Commissioner Bankson, pursuant to the facts and reasons contained in Resolution No. 5665. The motion received the following vote:

AYES:	COMMISSIONERS:	BANKSON, BEARD, PAK, PIERCE
NOES:	COMMISSIONERS:	BRIETIGAM, KIRKHAM
ABSENT:	COMMISSIONERS:	NGUYEN

GARDEN GROVE POLICE DEPARTMENT

Attachment 5

DISPATCH TIME: 2251
 ARRIVAL TIME: 2257
 CLEARED TIME: 2348

CRIME/INCIDENT REPORT
 DOMESTIC VIOLENCE
 BICYCLE REPORT

DR# 09-01408

JUVENILE
 HATE CRIME
 GSU
 CONFIDENTIAL

REPORTED TO POLICE ON: DAY Thursday DATE 01-29-09 TIME 2251 PRIMARY Officer's Report RELATED

ADDRESS OF OCCURRENCE 14241 Euclid St. BUSINESS NAME "The Can" PHONE 714-534-3001 DIVISION 2-3 DISTRICT 117

OCCURRED ON DAY Thursday DATE 01-29-09 TIME 2251 OR BETWEEN DAY DATE TIME

VIC / INF / DIS LAST (O) FIRST MIDDLE SOCIAL SECURITY # CDL NUMBER

RESIDENCE ADDRESS CITY Garden Grove STATE CA ZIP 92843 PHONE 714-534-3001

BUSINESS NAME / ADDRESS OR SCHOOL CITY STATE ZIP PHONE

"The Can" 14241 Euclid St. Garden Grove CA 92843 714-534-3001

#C101
 SEX RACE HEIGHT WEIGHT HAIR EYES DOB AGE CELL PHONE #

INTERPRETER NEEDED YES VICTIM PHYSICAL CONDITION
 LANGUAGE NO IMPAIRMENT YOUNG/SMALL ELDERLY EMOTIONALLY UPSET SICK/INJURED MENTAL/PHY DISB ALCOHOL/DRUG

VIC / INF / DIS LAST FIRST MIDDLE SOCIAL SECURITY # CDL NUMBER

RESIDENCE ADDRESS CITY STATE ZIP PHONE

BUSINESS NAME / ADDRESS OR SCHOOL CITY STATE ZIP PHONE

SEX RACE HEIGHT WEIGHT HAIR EYES DOB AGE CELL PHONE #

INTERPRETER NEEDED YES VICTIM PHYSICAL CONDITION
 LANGUAGE NO IMPAIRMENT YOUNG/SMALL ELDERLY EMOTIONALLY UPSET SICK/INJURED MENTAL/PHY DISB ALCOHOL/DRUG

VICTIM VEHICLE LICENSE STATE YEAR MAKE MODEL BODY COLOR

VEHICLE DAMAGE DISPOSITION OF VEHICLE PHOTO TAKEN YES NO

PROPERTY CODES S - STOLEN R - RECOVERED S/R - STOLEN & RECOVERED L - LOST

P/C QTY ARTICLE BRAND MODEL SERIAL # DESCRIPTIVE DETAIL VALUE

Officer's responded to location regarding underage girls that were intoxicated and being allowed inside of the business. The calling party believed that the girls were between the ages of 14 and 15 years old. While Officer's were inside of the businesses they noticed Conditional Use Permit (CUP) violations.

ADDITIONAL FORMS USED NARRATIVE ARREST P/E MO DATA VEH REPORT SUSPECT CSI OTHER COPY OF TEMP. RESTRAINING ORDER ADDITIONAL PERSONS

OFFICER / BADGE # DeGuire #3294 TIME BROADCAST PRINT SUPERVISOR NAME / INITIAL T. Roman #4209/1-31-09

GARDEN GROVE POLICE DEPARTMENT

NARRATIVE/PROPERTY

JUVENILE

DR 09-01408

CONTINUATION

SUPPLEMENT DATE _____ TIME _____ Hrs.

Officer's Report

TYPE OF REPORT

RECLASSIFICATION

PAGE 1 OF 1

INCIDENT / ARREST NARRATIVE

PROPERTY CODES: S = STOLEN R = RECOVERED S/R = STOLEN & RECOVERED L = LOST

P/C	ARTICLE	BRAND	MODEL	SERIAL #	DESCRIPTIVE DETAIL	VALUE
-----	---------	-------	-------	----------	--------------------	-------

On Thursday, January 29, 2009 at approximately 2251 hours Officer ELFARRA and I were dispatched to 14241 Euclid St. # C101 "The Can" nightclub in reference to underage intoxicated females being allowed inside of the business. Upon our arrival we approached the front door to the business, which was being manned by one security guard. The front door to the business was locked and he had to knock on the door to have an individual inside unlock the door and allow us inside of the business. All persons entering the business had to go through a door that was located directly next to the east bar. This door is located in an area where no persons under the age of 21 are allowed to be per the CUP.

Once inside of the business I noticed that there was a person in the kitchen however I saw no food being served and no menus that were accessible to the patrons. I noticed many individuals on the dance floor and standing next to the bar that did not have wristbands indicating that they were 21 years old. This is a violation of their CUP.

Officer ELFARRA and I spoke with four girls that were on the patio and all under the age of 21. Those girls, [REDACTED] and [REDACTED] said that they did not know they were not allowed to be on the patio and the dance floor.

I request that a copy of this report be forwarded to investigations for further review.

OFFICER / BADGE #:

APPROVED BY:

DeGuire #3294

GARDEN GROVE POLICE DEPARTMENT ADDITIONAL PERSONS REPORT

DR#: 09-01408

DATE: 01-29-2009

CODE	NAME (LAST, FIRST, MIDDLE)	SEX	RACE	D.O.B.	AGE	CDL/ID NUMBER
(O)	[REDACTED]	F	W	[REDACTED]	19	[REDACTED]
AKA'S/MONIKERS						
n/a						
RESIDENCE ADDRESS		CITY/STATE		ZIP	RES. PHONE	
[REDACTED]		Redondo Beach, CA		90278	[REDACTED]	
BUSINESS ADDRESS		CITY/STATE		ZIP	BUS. PHONE	
n/a		n/a		n/a	() n/a	
WHAT INFORMATION CAN THIS PERSON PROVIDE?						
<input type="checkbox"/> ELEMENTS OF THE CRIME <input type="checkbox"/> SUSP DESCRIPTION <input type="checkbox"/> VEH DESCRIPTION <input type="checkbox"/> CAN ID SUSPECT <input checked="" type="checkbox"/> OTHER <input type="checkbox"/> SUPPLEMENT						

CODE	NAME (LAST, FIRST, MIDDLE)	SEX	RACE	D.O.B.	AGE	CDL/ID NUMBER
(O)	[REDACTED]	F	W	[REDACTED]	19	[REDACTED]
AKA'S/MONIKERS						
n/a						
RESIDENCE ADDRESS		CITY/STATE		ZIP	RES. PHONE	
[REDACTED]		Auga Dulce, CA		91350	[REDACTED]	
BUSINESS ADDRESS		CITY/STATE		ZIP	BUS. PHONE	
n/a		n/a		n/a	() n/a	
WHAT INFORMATION CAN THIS PERSON PROVIDE?						
<input type="checkbox"/> ELEMENTS OF THE CRIME <input type="checkbox"/> SUSP DESCRIPTION <input type="checkbox"/> VEH DESCRIPTION <input type="checkbox"/> CAN ID SUSPECT <input checked="" type="checkbox"/> OTHER <input type="checkbox"/> SUPPLEMENT						

CODE	NAME (LAST, FIRST, MIDDLE)	SEX	RACE	D.O.B.	AGE	CDL/ID NUMBER
(O)	[REDACTED]	F	W	[REDACTED]	20	[REDACTED]
AKA'S/MONIKERS						
n/a						
RESIDENCE ADDRESS		CITY/STATE		ZIP	RES. PHONE	
[REDACTED]		Irvine, CA		92614	[REDACTED]	
BUSINESS ADDRESS		CITY/STATE		ZIP	BUS. PHONE	
n/a		n/a		n/a	() n/a	
WHAT INFORMATION CAN THIS PERSON PROVIDE?						
<input type="checkbox"/> ELEMENTS OF THE CRIME <input type="checkbox"/> SUSP DESCRIPTION <input type="checkbox"/> VEH DESCRIPTION <input type="checkbox"/> CAN ID SUSPECT <input checked="" type="checkbox"/> OTHER <input type="checkbox"/> SUPPLEMENT						

CODE	NAME (LAST, FIRST, MIDDLE)	SEX	RACE	D.O.B.	AGE	CDL/ID NUMBER
(O)	[REDACTED]	F	W	[REDACTED]	19	[REDACTED]
AKA'S/MONIKERS						
n/a						
RESIDENCE ADDRESS		CITY/STATE		ZIP	RES. PHONE	
[REDACTED]		Bonita, CA		91902	[REDACTED]	
BUSINESS ADDRESS		CITY/STATE		ZIP	BUS. PHONE	
n/a		n/a		n/a	() n/a	
WHAT INFORMATION CAN THIS PERSON PROVIDE?						
<input type="checkbox"/> ELEMENTS OF THE CRIME <input type="checkbox"/> SUSP DESCRIPTION <input type="checkbox"/> VEH DESCRIPTION <input type="checkbox"/> CAN ID SUSPECT <input checked="" type="checkbox"/> OTHER <input type="checkbox"/> SUPPLEMENT						
OFFICER / BADGE #		DeGuire #3294				

CODES: S-SUSPECT; V-VICTIM; W-WITNESS; I-INFORMANT; RO-REG. OWNER; LO-LEGAL OWNER; O-OTHER

GARDEN GROVE POLICE DEPARTMENT ADDITIONAL PERSONS REPORT

DR#: 09-01408

DATE: 01-29-2009

CODE	NAME (LAST, FIRST, MIDDLE)	SEX	RACE	D.O.B.	AGE	CDL/ID NUMBER
(O)	Officer ELFARRA #3740					
AKA'S/MONIKERS						
RESIDENCE ADDRESS			CITY/STATE		ZIP	RES. PHONE ()
BUSINESS ADDRESS			CITY/STATE		ZIP	BUS. PHONE (714) 741-5704
GGPD						
WHAT INFORMATION CAN THIS PERSON PROVIDE?						
<input type="checkbox"/> ELEMENTS OF THE CRIME <input type="checkbox"/> SUSP DESCRIPTION <input type="checkbox"/> VEH DESCRIPTION <input type="checkbox"/> CAN ID SUSPECT <input checked="" type="checkbox"/> OTHER <input type="checkbox"/> SUPPLEMENT						

CODE	NAME (LAST, FIRST, MIDDLE)	SEX	RACE	D.O.B.	AGE	CDL/ID NUMBER
AKA'S/MONIKERS						
RESIDENCE ADDRESS			CITY/STATE		ZIP	RES. PHONE ()
BUSINESS ADDRESS			CITY/STATE		ZIP	BUS. PHONE ()
WHAT INFORMATION CAN THIS PERSON PROVIDE?						
<input type="checkbox"/> ELEMENTS OF THE CRIME <input type="checkbox"/> SUSP DESCRIPTION <input type="checkbox"/> VEH DESCRIPTION <input type="checkbox"/> CAN ID SUSPECT <input type="checkbox"/> OTHER <input type="checkbox"/> SUPPLEMENT						

CODE	NAME (LAST, FIRST, MIDDLE)	SEX	RACE	D.O.B.	AGE	CDL/ID NUMBER
AKA'S/MONIKERS						
RESIDENCE ADDRESS			CITY/STATE		ZIP	RES. PHONE ()
BUSINESS ADDRESS			CITY/STATE		ZIP	BUS. PHONE ()
WHAT INFORMATION CAN THIS PERSON PROVIDE?						
<input type="checkbox"/> ELEMENTS OF THE CRIME <input type="checkbox"/> SUSP DESCRIPTION <input type="checkbox"/> VEH DESCRIPTION <input type="checkbox"/> CAN ID SUSPECT <input type="checkbox"/> OTHER <input type="checkbox"/> SUPPLEMENT						

CODE	NAME (LAST, FIRST, MIDDLE)	SEX	RACE	D.O.B.	AGE	CDL/ID NUMBER
AKA'S/MONIKERS						
RESIDENCE ADDRESS			CITY/STATE		ZIP	RES. PHONE ()
BUSINESS ADDRESS			CITY/STATE		ZIP	BUS. PHONE ()
WHAT INFORMATION CAN THIS PERSON PROVIDE?						
<input type="checkbox"/> ELEMENTS OF THE CRIME <input type="checkbox"/> SUSP DESCRIPTION <input type="checkbox"/> VEH DESCRIPTION <input type="checkbox"/> CAN ID SUSPECT <input type="checkbox"/> OTHER <input type="checkbox"/> SUPPLEMENT						
OFFICER / BADGE #	DeGuire #3294					

CODES: **S**-SUSPECT; **V**-VICTIM; **W**-WITNESS; **I**-INFORMANT; **RO**-REG. OWNER; **LO**-LEGAL OWNER; **O**-OTHER

GARDEN GROVE POLICE DEPARTMENT

PART II OFFENSES / ARRESTS
OTHER REPORTED EVENTS

DR 09-01408

DO NOT COMPLETE THIS FORM ON THE FOLLOWING:

STORED/IMPOUNDED/RECOVERED VEHICLE REPORTS
COURTESY REPORTS
SUPPLEMENTAL ARRESTS

CATEGORY: (SELECT ONE)	SEX CRIMES: Complete sex crimes MO below * (SELECT ONE)
8 Other Numbered Events	

PART II OFFENSES (SELECT ONE)

OTHER NUMBERED EVENTS	OUTSIDE WANT / WARRANTS
87 Officer's Report	

WHEN EVENT OCCURRED (SELECT ONE)

<u>Month</u>	<u>HOURLY TIMESPANS</u>			
01 Jan	<u>2HR SPAN</u>	<u>4HR SPAN</u>	<u>8HR SPAN</u>	<u>12HR SPAN</u>
<u>Day of Week</u>	58 2200-2359			
25 Thu	<u>OVERNIGHT</u>	* For overnight timespan, mark day discovered		

TYPE OF PREMISES (SELECT ONE)	CONCLUSION OF EVENT (SELECT ONE)
HIGHWAY	
PARKING LOT	
RESIDENCE	
FOOD/AMUSEMENT 33 Bar/Nightclub	9 Not A Crime
SALES	
SERVICES	
MISCELLANEOUS	
	If Other:

SEX CRIMES MO INFORMATION (SELECT ALL THAT APPLY)

- OCCURRED IN VEH
- INITIAL CONTACT
- ENTICEMENT
- FORCE
- OTHER MEANS
- SUSPECT WAS
- MASTURBATION
- ORAL COPULATION
- ABNORMAL ACTS

(Describe Other Unusual Acts, Statements, or Trademarks)

OFFICER/ BADGE # DeGuire #3294