



GARDEN GROVE

AGENDA

ZONING ADMINISTRATOR MEETING

Garden Grove Community Meeting Center
11300 Stanford Avenue

Thursday, January 28, 2021
Council Chamber

9:00 a.m.

In an effort to protect public health and prevent the spread of the Coronavirus (COVID-19), the Planning Commission members will be teleconferencing and the meeting recorded. Members of the public who wish to comment on matters before the Zoning Administrator, in lieu of doing so in person, may submit comments by emailing planning@ggcity.org no later than 3:00 p.m. the day prior to the meeting. The comments will be provided to the Zoning Administrator as part of the meeting record and will be uploaded to the City's website. Members of the public are asked to consider very carefully before attending this meeting in person and are required to wear face masks and maintain a six foot distance from others. Please do not attend this meeting if you have traveled and/or have had direct contact with someone who has travelled to places experiencing high rates of infection or tested positive for COVID-19, or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.

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

Meeting Assistance: Any person requiring auxiliary aids and services, due to a disability, should contact the Department of of Community & Economic Development at (714) 741-5312 or email planning@ggcity.org 72 hours prior to the meeting to arrange for special accommodations. (Government Code §5494.3.2).

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

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

1. PUBLIC HEARING ITEM(S):
 - a. CONDITIONAL USE PERMIT NO. CUP-196-2021

APPLICANT: A N Food World Corp.
LOCATION: 9828 Garden Grove Boulevard #104

REQUEST: To operate an existing restaurant, Mokkoji Shabu Shabu Bar, with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Eating Place) License. The site is in the GGMU-2 (Garden Grove Boulevard Mixed Use 2) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 - Existing Facilities - of the State CEQA Guidelines.

b. CONDITIONAL USE PERMIT NO. CUP-199-2021

APPLICANT: Thai Avenue
LOCATION: 10130 Garden Grove Boulevard #121

REQUEST: To operate an existing restaurant, Thai Avenue, with a new original Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine) License. The site is in GGMU-1 (Garden Grove Boulevard Mixed Use 1) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 - Existing Facilities - of the State CEQA Guidelines.

2. COMMENTS BY THE PUBLIC

3. ADJOURNMENT

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.a.	SITE LOCATION: South side of Garden Grove Boulevard, between Cannery Street and Casa Linda Lane, located at 9240 Garden Grove Boulevard #1
HEARING DATE: January 28, 2021	GENERAL PLAN: Residential/Commercial Mixed Use 2 (RC2)
CASE NO.: Conditional Use Permit No. CUP-196-2021	ZONE: Garden Grove Boulevard Mixed Use 2 (GGMU2)
APPLICANT: A N Food World Corp.	CEQA DETERMINATION: Exempt - 15301 - Existing Facilities
PROPERTY OWNER: Wang Family Investment	APN: 098-571-04

REQUEST:

The applicant is requesting Conditional Use Permit (CUP) approval to operate an existing 1,300 square foot restaurant, Mokkoji Shabu Shabu Bar, with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License.

BACKGROUND:

The site is improved with a multi-tenant shopping center located on the south side of Garden Grove Boulevard, between Cannery Street and Casa Linda Lane. The multi-tenant shopping center includes retail stores, personal services, and restaurants. The specific space under application is a 1,300 square foot tenant space located on the west side of the shopping center. According to Business License records, the tenant space has been occupied by Mokkoji Shabu Shabu Bar, a full-service, Japanese-style lunch and dinner restaurant, since February 2020.

The property is located in the Garden Grove Boulevard Mixed Use 2 (GGMU2) zone and has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2 (RC2). The subject property abuts GGMU2 (Garden Grove Boulevard Mixed Use 2) commercial uses to the east and west, R-1 (Single-Family Residential) and C-1 (Neighborhood Commercial) uses to the north, and R-3 (Multiple-Family Residential) residential uses to the south.

DISCUSSION:

Mokkoji Shabu Shabu Bar will operate as a full-service, sit-down, family-style restaurant specializing in Japanese-style lunch and dinner shabu shabu dishes. The restaurant tenant space is a total of 1,300 square feet and consists of the following areas: a dining area, a kitchen, a service area, a storage area, and a gender-neutral restroom.

Mokkoji Shabu Shabu Bar operates for lunch and dinner from 11:30 a.m. to 2:00 p.m., and 5:00 p.m. to 10:00 p.m., seven days a week. These hours of operation are within the City's approved hours for an approved State ABC Type "41" licensed establishment. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Chief of the Police Department. The restaurant is required to serve meals during all hours of operation. No live entertainment is being requested.

The restaurant is located in a high-crime district, and is in an area with an over-concentration of Alcoholic Beverage Control on-sale licenses. A summary of the district, along with findings for public convenience or necessity, can be found in Decision No. 1797-21 for Conditional Use Permit No. CUP-196-2021.

The Community and Economic Development Department and the Police Department have reviewed the request and are in support of the proposal. All standard conditions of approval for a State ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License will apply.

RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following action:

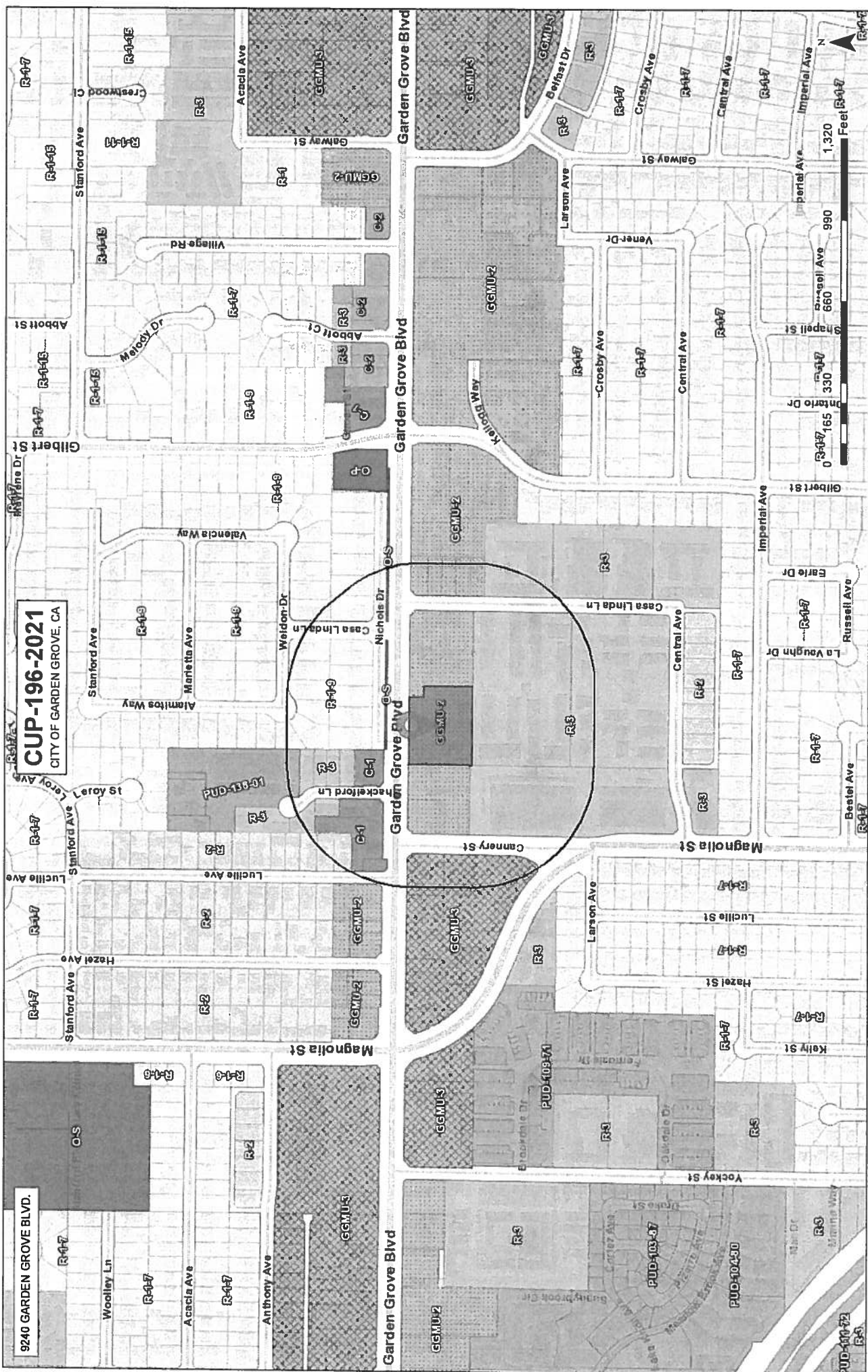
1. Approve the attached Decision No. 1797-21 approving Conditional Use Permit No. CUP-196-2021, subject to the recommended conditions of approval.



Lee Marino
Planning Services Manager



By: Mary Martinez
Associate Planner



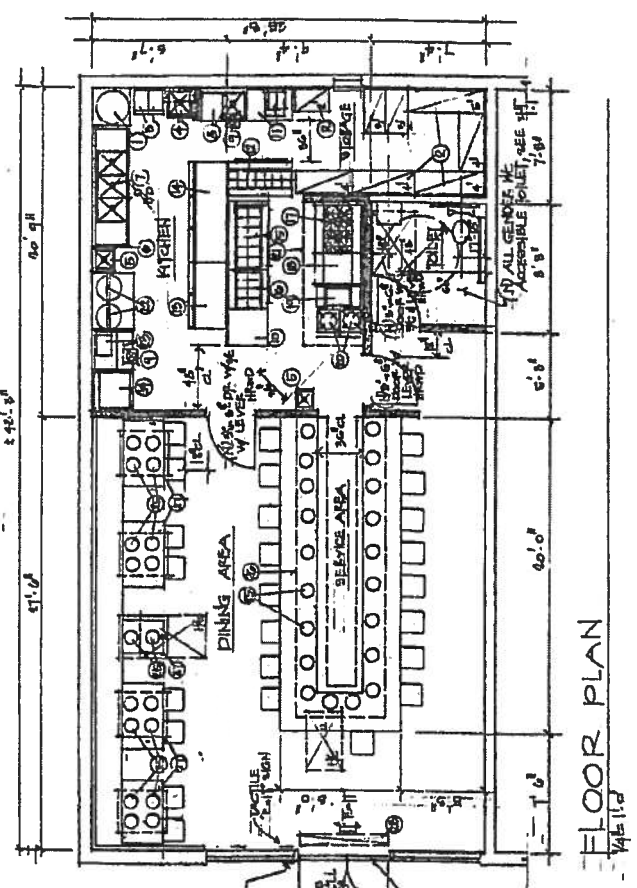
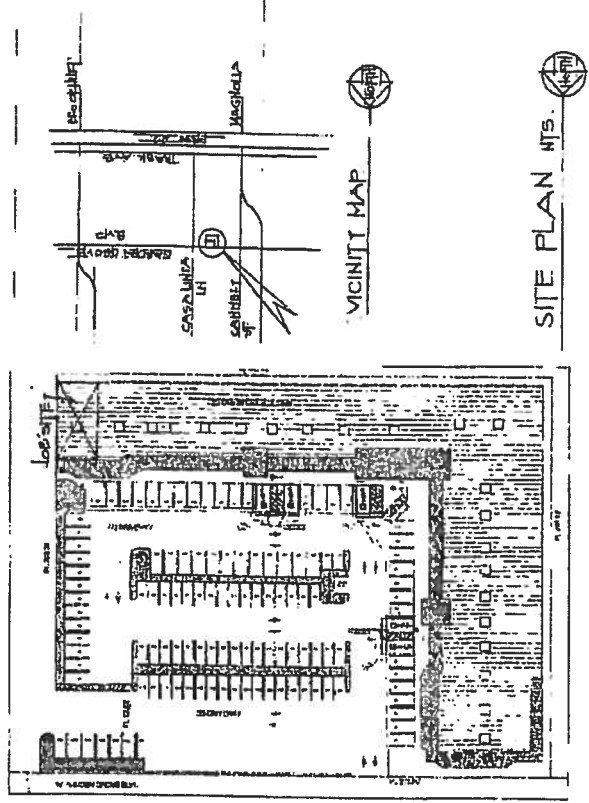
CUP-196-2021
CITY OF GARDEN GROVE, CA

9240 GARDEN GROVE BLVD.



Project:
MOKKOJI SHAPU SHAPU
 9240 GARDEN GROVE BLVD # 1
 GARDEN GROVE CA 92644

Frank Nguyen & Associates
 1711 Magnolia St.
 Gardena, CA 90247
 (310) 325-1324 (310) 431-7213
 Fax: (310) 431-0801
 www.fna.com



OCCUPANT LOAD:
 1. DINING ROOM: 1500 SEAT
 2. KITCHEN: 1500 SEAT
 3. SERVICE AREA: 1500 SEAT
 4. TOTAL: 4500 SEAT

BLDG. CODE: 1909
 TYPE OF BLDG.: 100
 TYPE OF USE: 100
 9. FLOOR AREA: 1300

4. OCC. LOAD: 1500 SEAT
 5. OCC. LOAD: 1500 SEAT
 6. OCC. LOAD: 1500 SEAT

FINISH SCHEDULE

ROOM NAME	FLOOR	WALL	CEILING	REMARK
KITCHEN	1st	1/2" GYP BOARD	1/2" GYP BOARD	1/2" GYP BOARD
TOILET	1st	1/2" GYP BOARD	1/2" GYP BOARD	1/2" GYP BOARD
DINING AREA	1st	1/2" GYP BOARD	1/2" GYP BOARD	1/2" GYP BOARD

EQUIPMENT SCHEDULE

1. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT
2. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT
3. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT
4. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT
5. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT
6. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT
7. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT
8. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT
9. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT
10. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT
11. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT
12. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT
13. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT
14. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT
15. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT
16. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT
17. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT
18. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT
19. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT
20. EQUIPMENT WATER HEATER, 1500 SEAT, 1500 SEAT

NOTE: 1. ALL EQUIPMENT SHALL BE NEW APPROVED

CUP-196-2021

DECISION NO. 1797-21

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-196-2021.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-196-2021 for a parcel of land located between Cannery Street and Casa Linda Lane, at 9240 Garden Grove Boulevard, # 1, Parcel No. 098-571-04.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-196-2021, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by A N Food World Corporation (Mokkoji Shabu Shabu Bar).
2. The applicant is requesting Conditional Use Permit approval to operate an existing 1,300 square foot restaurant, Mokkoji Shabu Shabu Bar, with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act.
4. The property has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2 (RC2), and is zoned GGMU2 (Garden Grove Boulevard Mixed Use 2). The restaurant occupies a 1,300 square foot, in-line tenant space, in a multi-tenant shopping center that includes retail stores and restaurants.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on January 28, 2021, and all interested persons were given an opportunity to be heard.
8. The Zoning Administrator gave due and careful consideration to the matter at its meeting on January 28, 2021, and

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

FACTS:

The site is improved with a multi-tenant shopping center located on the south side of Garden Grove Boulevard, between Cannery Street and Casa Linda Lane. The multi-tenant shopping center includes retail stores, personal services, and restaurants. The specific space under application is a 1,300 square foot tenant space located on the west side of the shopping center. According to Business License records, the tenant space has been occupied by Mokkoji Shabu Shabu Bar, a full-service, Japanese-style lunch and dinner restaurant, since February 2020.

The property is located in the Garden Grove Boulevard Mixed Use 2 (GGMU2) zone and has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2 (RC2). The subject property abuts GGMU2 (Garden Grove Boulevard Mixed Use 2) commercial uses to the east and west, R-1 (Single-Family Residential) and C-1 (Neighborhood Commercial) uses to the north, and R-3 (Multiple-Family Residential) residential uses to the south.

Mokkoji Shabu Shabu Bar operates for lunch and dinner from 11:30 a.m. to 2:00 p.m., and 5:00 p.m. to 10:00 p.m., seven days a week. These hours of operation are within the City's approved hours for an approved State ABC Type "41" licensed establishment. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Chief of the Police Department. The restaurant is required to serve meals during all hours of operation. No live entertainment is being requested.

The restaurant is located in a high-crime district, and is 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. 85.
- The crime count for the District is 126.
- Average crime count per district in the City is 97.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 23% 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. 888.01.
- ABC Census Reporting District No. 888.01 allows for ten (10) on-sale licenses within the District. Currently, there are twelve (12) on-sale licenses in the District. The approval of this new State ABC on-sale license will increase the number of licenses in the District to thirteen (13).

FINDING OF PUBLIC CONVENIENCE OR NECESSITY:

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

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

Business and Professions Code Section 23958.4 provides the following exception:

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

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

Although the proposed establishment is located in a high-crime area with an over-concentration of on-sale State ABC licenses, Staff is able to support a finding for public convenience or necessity given the potential community benefit through the addition of a beer and wine license, which would provide an additional amenity that would enhance the dining experience at Mokkoji Shabu Shabu Bar. The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The conditions of approval will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

Furthermore, the establishment shall provide an assortment of foods normally offered in restaurants, and the kitchen shall be open and preparing food during all hours that the establishment is open. At all times the establishment is open, the sale of alcohol shall be incidental to the sale of food; and the quarterly gross sales of alcoholic beverages shall not exceed 35% of the total gross sale of food during the same period. Lastly, no live entertainment, (karaoke, one-man band, solo

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

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

FINDINGS AND REASONS:

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

The subject property has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2 (RC2) and is zoned Garden Grove Boulevard Mixed Use 2 (GGMU2). Eating establishments with alcohol sales are conditionally permitted in the GGMU2 zone. This approval will allow the existing Mokkoji Shabu Shabu Bar to operate with a new State ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) license to sell beer and wine. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

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

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, as the sale of alcohol will be ancillary to the sale of food. The restaurant is required to operate as a family-style restaurant that operates with the standard hours of operation that are applied to State ABC Type "41" licensed establishments. Food is required to be served during all hours of operation, and the sale of beer and wine will be incidental to the sale of food. The conditions of approval will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

The use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project.

3. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other

development features prescribed in this title or as is otherwise required in order to integrate such use with the uses in the surrounding area.

The site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed uses within the surrounding area.

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

The site is adequately served by two (2) main driveways, located on Garden Grove Boulevard. The site is also adequately served by the public service facilities required such as public utilities: gas, electric, water, and sewer facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. Conditional Use Permit No. CUP-196-2021 does possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030 (Conditional Use Permits) and 9.16.020.080 (Alcoholic Beverage Sales).
2. In order to fulfill the purpose and intent of the Municipal Code, and thereby promote the health, safety, and general welfare, the following conditions of approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-196-2021.

EXHIBIT "A"

Conditional Use Permit No. CUP-196-2021

9240 Garden Grove Boulevard #1

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, A N Food World Corp., the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. This Conditional Use Permit only authorizes the operation of a 1,300 square foot restaurant with an Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Eating Place) License as identified on the floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Director.
5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in

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

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

Police Department

7. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
8. Hours of operation shall be permitted only between the hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. The hours of operation shall be applicable to the entire premises. The City of Garden Grove reserves the right to reduce hours of operation by order of the Chief of the Police Department, in the event problems arise due to noise, disturbances or other problems that may be resolved by modifying the hours of operation.
9. There shall be no customers or patrons in or about the premises when the establishment is closed.
10. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
11. The sale of alcoholic beverages for consumption off the premises is prohibited. Consumption of alcoholic beverages shall not occur anywhere outside of the establishment at any time.
12. The sale or service of alcohol shall cease thirty (30) minutes prior to the required closing time.
13. There shall be no enclosed booths on the premises at any time. Walls and/or partitions exceeding thirty-six (36) inches in height, which partially enclose or separate booths, shall be of a clear and transparent material. No item shall be placed in the area of the booths that would limit or decrease the visibility of the interior of the business from any location within the business.

14. The applicant shall maintain a level of lighting in the establishment sufficient to ensure that individuals inside the restaurant can be clearly seen and identified by an observer at all times. Low-level lighting that does not enable an observer to clearly see and identify individuals inside the restaurant is prohibited.
15. No payment (entrance fee/cover charge) shall be charged to gain access to the business at any time.
16. No "B-girl" or "hostess" activity (as defined in Penal Code Section 303) shall occur within the establishment at any time.
17. No employee or agent shall, be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the establishment, nor shall the business provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or nonalcoholic beverage from any customer while in the business.
19. The business shall show proof to the Police Department that all members of the business staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through Alcoholic Beverage Control (ABC) or an ABC approved "Responsible Beverage Service (RBS) Training" program.
20. In the event that the Alcoholic Beverage Control (ABC) License is suspended for any period of time and/or fined for any ABC violation as a result of disciplinary action, the Conditional Use Permit shall be presented to the Planning Commission for review or further consideration.
21. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010 (a).

Community and Economic Development Department

22. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by Alcoholic Beverage Control (ABC) License. The restaurant shall contain sufficient space and equipment to accommodate a full restaurant kitchen, and the kitchen shall be open and preparing food during all hours the

- establishment is open. The establishment shall provide an assortment of foods normally offered in restaurants. The service of only appetizers, sandwiches and/or salads shall not be deemed in compliance with this requirement.
23. At all time when the establishment is open for business, the sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall not exceed 35% of the quarterly gross sales of food.
 24. Food service shall be provided during all hours the restaurant is open, and shall also be available at all times when alcoholic beverages are being served.
 25. The applicant shall, upon request, provide the City of Garden Grove with an audited report of sales ratio of food to alcoholic beverages.
 26. No outdoor storage or display shall be permitted outside of the building, including, but not limited to, storage and display of merchandise, cardboard, pallets, or boxes.
 27. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the entrance, and shall also be visible to the public.
 28. There shall be no live entertainment, dancing, karaoke, or disc jockey (DJ) entertainment permitted on the premises at any time. Amplified background music emitted from a jukebox or other amplified stereo system may be permitted to enhance the dining experience, but the sound emitted from the premises shall not be audible outside of the establishment.
 29. There shall be no raised platform, stage or dance floor allowed on the premises at any time.
 30. There shall be no amusement devices permitted on the premises at any time.
 31. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
 32. There shall be no deliveries to or from the premises before 7:00 a.m. and after 10:00 p.m., seven days a week.

33. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
34. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
35. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least three (3) times a week.
36. The applicant/property owner shall maintain all existing landscaped areas in a neat and healthy condition. Landscaping maintenance shall include pruning or removal of overgrown weeds and vegetation.
37. The applicant/property owner shall abate all graffiti vandalism within the premises. The applicant/property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant/property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
38. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
39. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
40. The applicant shall be responsible for providing adequate parking area lighting in compliance with City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate adjacent properties.

41. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.
42. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
43. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
44. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows. Any opaque material applied to the store front, such as window tint, shall count toward the maximum window coverage area.
45. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
46. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-196-2021 shall be kept on the premises at all times.
47. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-196-2021 and his/her agreement with all conditions of the approval.
48. The Conditional Use Permit may be called for review by City staff, the City Council, or Planning Commission, if noise or other complaints are filed and verified as valid by the Code Enforcement office or other City department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
49. If deemed necessary by the Community and Economic Development Director, the Conditional Use Permit may be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.
50. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents

and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Conditional Use Permit No. CUP-196-2021. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

51. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-196-2021 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.
52. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division. In the event the use(s) authorized by the CUP cease and the property owner no longer desires to continue such use(s) on the property, property owner may voluntarily terminate the CUP and all rights and obligations thereunder by executing and recording a request for voluntary revocation and termination of the CUP in a form acceptable to the City.
53. No alcoholic beverages shall be sold until all conditions of approval have been met, as determined by the Planning Services Division, and the State Alcoholic Beverage Control Board (ABC) has approved the release of the ABC License.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.b.	SITE LOCATION: Southwest corner of Brookhurst Street and Garden Grove Boulevard, at 10130 Garden Grove Boulevard #121
HEARING DATE: January 28, 2021	GENERAL PLAN: Residential/Commercial Mixed Use 1
CASE NO.: Conditional Use Permit No. CUP-199-2021	ZONE: GGMU-1 (Garden Grove Boulevard Mixed Use 1)
APPLICANT: Thai Avenue	CEQA DETERMINATION: Exempt - Section 15301 - Existing Facilities
PROPERTY OWNER: TN Investment Group, LLC	APN: 098-070-65

REQUEST:

The applicant is requesting approval of a Conditional Use Permit to allow an existing restaurant, Thai Avenue, located at 10130 Garden Grove Boulevard #121, to operate with an original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License.

BACKGROUND:

The subject site is developed with a multi-tenant shopping center located on the southwest corner of Brookhurst Street and Garden Grove Boulevard. The site has a General Plan Land Use designation of Residential/Commercial Mixed Use 1, and is zoned GGMU-1 (Garden Grove Boulevard Mixed Use 1). The shopping center is adjacent to GGMU-1 zoned properties to the west and south, GGMU-3 (Garden Grove Boulevard Mixed Use 3) zoned properties, across Brookhurst Street, to the east, and PUD-123-09 (Planned Unit Development No. PUD-123-09) zoned properties, across Garden Grove Boulevard, to the north.

The specific tenant space under application is an approximately 1,123 square foot space facing Garden Grove Boulevard. According to Business Tax records, the Thai Avenue restaurant has been in operation at the subject location since 2017. The applicant is requesting Conditional Use Permit approval to operate the existing restaurant, Thai Avenue, with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. Garden Grove Municipal Code Section 9.18.060.030. requires a Conditional Use Permit for the addition of a new ABC License to an existing restaurant.

DISCUSSION:

Thai Avenue operates as a full-service restaurant specializing in Thai cuisine. The restaurant tenant space has a total floor area of approximately 1,123 square feet. There are no proposed changes to the floor plan of the existing restaurant at this time. Thai Avenue is approved as a take-out restaurant, with a maximum customer dining area of 300 square feet, and a maximum of 16 seats. The interior of the restaurant will continue to consist of four (4) tables, seating for approximately 16 patrons, a cashier counter, kitchen, food prep area, and a unisex restroom. The requested sales of alcohol is intended to enhance the dine-in experience of the restaurant's patrons.

Other than the addition of the ABC License, Thai Avenue's operation will remain the same. Hours of operation will continue to be from 11:30 a.m. to 9:00 p.m., six (6) days a week, with Wednesdays closed. These hours of operation comply with the City's standard hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

The Thai Avenue restaurant is located in a high-crime district, and in an area of an over-concentration of Alcoholic Beverage Control on-sale licenses. In order to approve the request, a Finding of Public Convenience or Necessity is required. A summary of the district and the Findings of Public Convenience or Necessity can be found in Decision No. 1798-21 for Conditional Use Permit No. CUP-199-2021.

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

CEQA

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

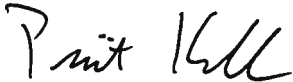
RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following action:

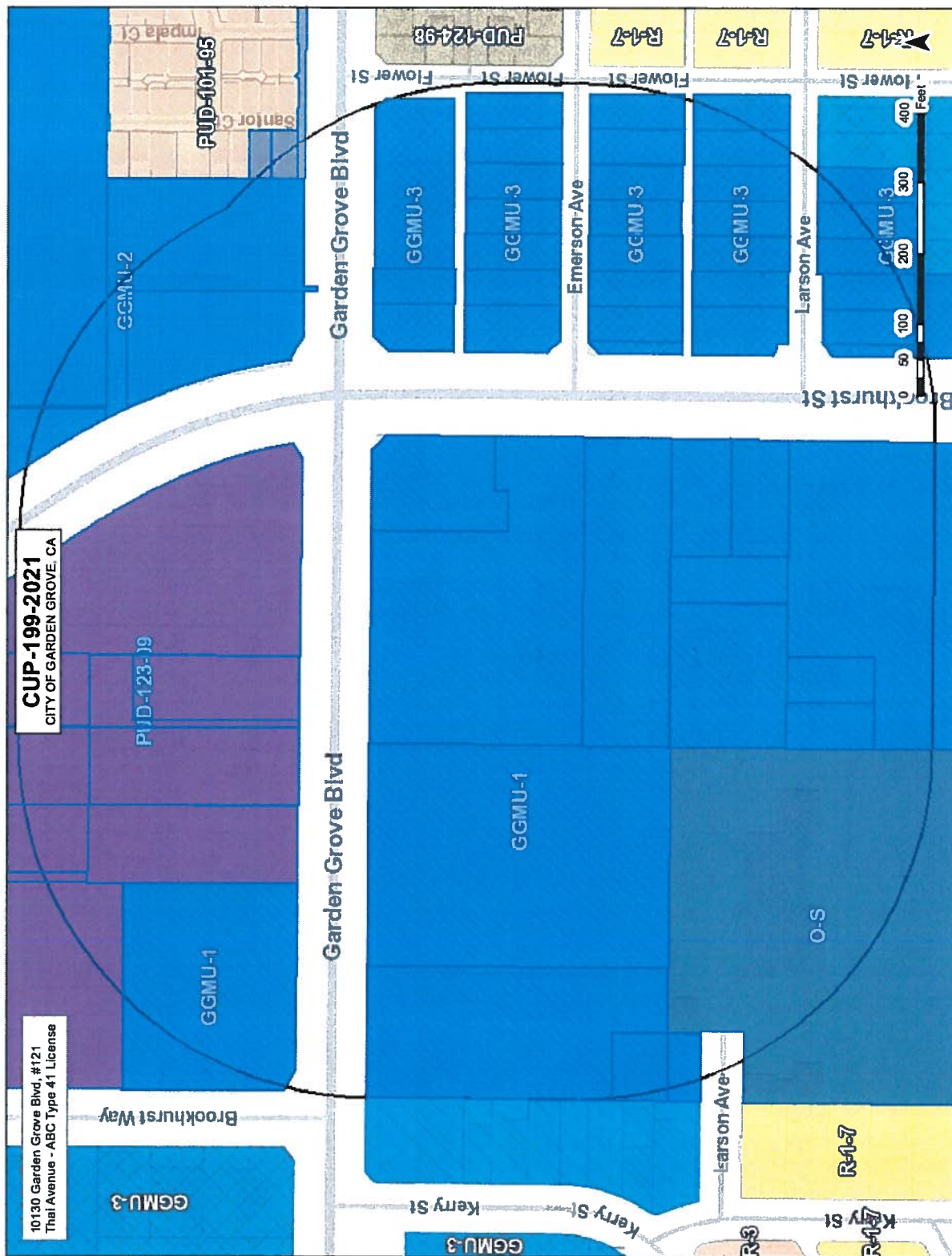
1. Adopt Decision No. 1798-21, approving Conditional Use Permit No. CUP-199-2021, subject to the recommended conditions of approval.

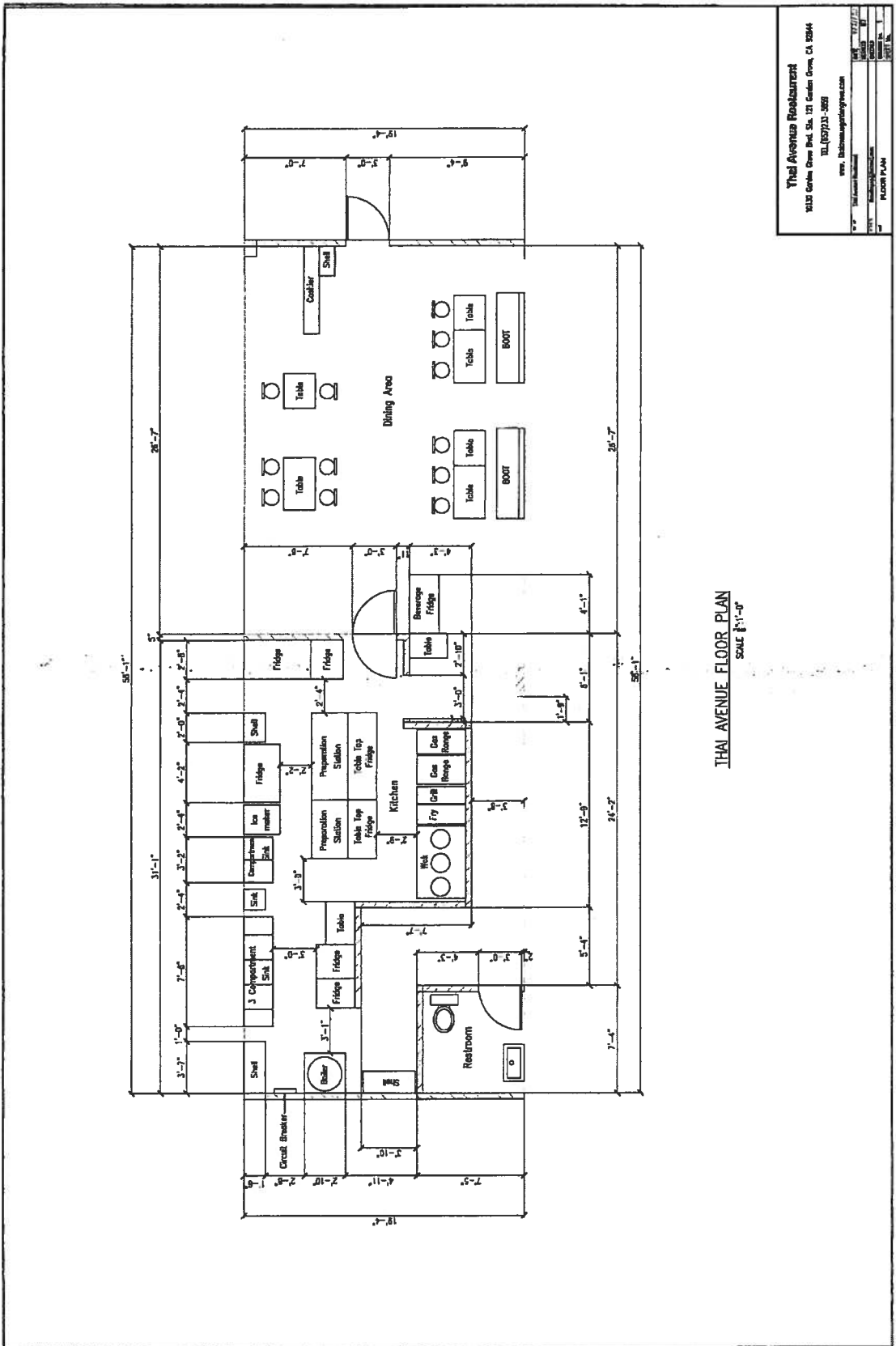


LEE MARINO
Planning Services Manager



By: Priit Kaskla
Assistant Planner





THAI AVENUE FLOOR PLAN
 SCALE 1/4"=1'-0"

Thai Avenue Restaurant
 9310 Garden Grove Blvd. Ste. 120 Garden Grove, CA 92644
 TEL: (949) 231-5892
 www.thaiavenuerepair.com

DATE	11/17/21
BY	ML
CHECKED	ML
REVISIONS	
NO.	
DATE	
BY	
CHECKED	
NO.	
DATE	
BY	
CHECKED	
NO.	
DATE	

FLOOR PLAN

DECISION NO. 1798-21

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-199-2021.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-199-2021, for a property located on the southwest corner of Garden Grove Boulevard and Brookhurst Street, at 10130 Garden Grove Boulevard #121, Assessor's Parcel No. 098-070-65.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-199-2021, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Thai Avenue.
2. The applicant is requesting approval of a Conditional Use Permit to allow an existing restaurant, Thai Avenue, to operate with an original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the Zoning Administrator hereby determines that the proposed project is categorically exempt from the CEQA pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines (14 Cal. Code Regs., Section §15301).
4. The property has a General Plan Land Use designation of Residential/Commercial Mixed Use 1, and is zoned GGMU-1 (Garden Grove Boulevard Mixed Use 1). The subject property is currently an approximately 3-acre lot, improved with a multi-tenant shopping center.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on January 28, 2021, and all interested persons were given an opportunity to be heard.
8. The Zoning Administrator gave due and careful consideration to the matter during its meeting of January 28, 2021 and

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

FACTS:

The subject site is developed with a multi-tenant shopping center located on the southwest corner of Brookhurst Street and Garden Grove Boulevard. The site has a General Plan Land Use designation of Residential/Commercial Mixed Use 1, and is zoned GGMU-1 (Garden Grove Boulevard Mixed Use 1). The shopping center is adjacent to GGMU-1 zoned properties to the west and south, GGMU-3 (Garden Grove Boulevard Mixed Use 3) zoned properties, across Brookhurst Street, to the east, and PUD-123-09 (Planned Unit Development No. PUD-123-09) zoned properties, across Garden Grove Boulevard, to the north.

The specific tenant space under application is an approximately 1,123 square foot space fronting Garden Grove Boulevard. According to Business Tax records, the Thai Avenue restaurant has been in operation at the subject location since 2017. Thai Avenue is approved as a take-out restaurant, with a maximum customer dining area of 300 square feet, and a maximum of 16 seats. The applicant is requesting Conditional Use Permit approval to operate the existing restaurant, Thai Avenue, with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. Garden Grove Municipal Code Section 9.18.060.030. requires a Conditional Use Permit for the addition of a new ABC License to an existing restaurant.

Other than the addition of the ABC License, Thai Avenue's operation will remain the same. Hours of operation will continue to be from 11:30 a.m. to 9:00 p.m., six (6) days a week, with Wednesdays closed. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

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

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

- The subject site is located in Crime Reporting District No. 95.
- The crime count for the District is 160.
- Average crime count per district in the City is 97.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 65% above the Citywide average; therefore, it is considered a high-crime area.
- The subject site is located in Alcoholic Beverage Control Census Report District No. 887.02.
- ABC Census Reporting District No. 887.02 allows for seven (7) on-sale licenses within the District. Currently, there are 24 on-sale licenses in the District. The

approval of this CUP will add a new ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The approval of this Conditional Use Permit will increase the number of on-sale ABC Licenses in District 887.02 by one (1), and the total number of on-sale licenses in the District will be twenty-five (25).

PUBLIC CONVENIENCE OR NECESSITY:

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

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

Business and Professions Code Section 23958.4 provides the following exception:

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

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

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

Furthermore, the establishment shall provide an assortment of foods normally offered in restaurants, and the kitchen shall be open and preparing food during all hours that the establishment is open. At all times the establishment is open, the sale of alcohol shall be incidental to the sale of food; and the quarterly gross sales of alcoholic beverages shall not exceed 35% of the total gross sale of food during the same period. Lastly, no live entertainment, (karaoke, one-man band, solo performer, live music, etc.) including amplified music, shall be permitted on the premises.

FINDINGS AND REASONS:

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

The property has a General Plan Land Use designation of Residential/Commercial Mixed Use 1 (RC1), and is zoned GGMU-1 (Garden Grove Boulevard Mixed Use 1). The Residential/Commercial Mixed Use 1 land use designation is intended to provide for a mix of higher density residential and commercial uses. The GGMU-1 zoning is intended to encourage vibrant, urban-scale districts that attract visitors. Restaurants serving alcoholic beverages are conditionally permitted in the GGMU-1. This approval will allow the restaurant to operate with an ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. Furthermore, the location of the property on the intersection of Garden Grove Boulevard and Brookhurst Street serves both local residential neighborhoods and the larger community. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

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

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The conditions of approval will minimize potential impacts to the adjoining area. Hours of operation will be limited to between 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. Limitations on the hours of alcohol sale further limits any impacts on the surrounding area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

The use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided

the conditions of approval are adhered to for the life of the project. By operating as a restaurant, with ancillary beer and wine sales for on-site consumption only, the use will be compatible with the surrounding uses. There are no proposed changes to the operation of the restaurant, other than the addition of the license. The hours of operation will remain the same.

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

The site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed uses within the surrounding area. No modifications are required to any of the existing site development features on site. This includes any buildings, yards, walls, fences, parking and loading facilities, or landscaping. The existing site improvements and modifications, have been, and continue to be of adequate size to accommodate the proposed use within the surrounding area.

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

The site is located at the southwest corner of Garden Grove Boulevard and Brookhurst Street, which are fully developed streets that provide adequate traffic circulation and driveway access to parking areas. The site is adequately served by two (2) driveways along Garden Grove Boulevard, and two (2) driveways located along Brookhurst Street. The site is also sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities. As a part of this request, no changes are proposed for the design and function of the subject restaurant, or shopping center. Therefore, the site will continue to be adequately served by all existing highways, streets, and other public and private service facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. The Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-199-2021.

Dated: January 28, 2021

DAVID DENT
ZONING ADMINISTRATOR

EXHIBIT "A"

Conditional Use Permit No. CUP-199-2021

10130 Garden Grove Boulevard #121

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Thai Avenue, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. This Conditional Use Permit only authorizes the operation of a 1,123 square foot restaurant with an Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Eating Place) License as identified on the floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Director.
5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in

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

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

Police Department

7. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
8. Hours of operation shall be permitted only between the hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. The hours of operation shall be applicable to the entire premises. The City of Garden Grove reserves the right to reduce hours of operation by order of the Chief of the Police Department, in the event problems arise due to noise, disturbances or other problems that may be resolved by modifying the hours of operation.
9. There shall be no customers or patrons in or about the premises when the establishment is closed.
10. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
11. The sale of alcoholic beverages for consumption off the premises is prohibited. Consumption of alcoholic beverages shall not occur anywhere outside of the establishment at any time.
12. The sale or service of alcohol shall cease thirty (30) minutes prior to the required closing time.
13. There shall be no enclosed booths on the premises at any time. Walls and/or partitions exceeding thirty-six (36) inches in height, which partially enclose or separate booths, shall be of a clear and transparent material. No item shall be placed in the area of the booths that would limit or decrease the visibility of the interior of the business from any location within the business.

14. The applicant shall maintain a level of lighting in the establishment sufficient to ensure that individuals inside the restaurant can be clearly seen and identified by an observer at all times. Low-level lighting that does not enable an observer to clearly see and identify individuals inside the restaurant is prohibited.
15. No payment (entrance fee/cover charge) shall be charged to gain access to the business at any time.
16. No "B-girl" or "hostess" activity (as defined in Penal Code Section 303) shall occur within the establishment at any time.
17. No employee or agent shall, be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the establishment, nor shall the business provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or nonalcoholic beverage from any customer while in the business.
19. The business shall show proof to the Police Department that all members of the business staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through Alcoholic Beverage Control (ABC) or an ABC approved "Responsible Beverage Service (RBS) Training" program.
20. In the event that the Alcoholic Beverage Control (ABC) License is suspended for any period of time and/or fined for any ABC violation as a result of disciplinary action, the Conditional Use Permit shall be presented to the Planning Commission for review or further consideration.
21. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010 (a).

Community and Economic Development Department

22. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by Alcoholic Beverage Control (ABC) License. The restaurant shall contain sufficient space and equipment to accommodate a full restaurant kitchen, and the kitchen shall be open and preparing food during all hours the establishment is open. The establishment shall provide an assortment of

- foods normally offered in restaurants. The service of only appetizers, sandwiches and/or salads shall not be deemed in compliance with this requirement.
23. At all time when the establishment is open for business, the sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall not exceed 35% of the quarterly gross sales of food.
 24. Food service shall be provided during all hours the restaurant is open, and shall also be available at all times when alcoholic beverages are being served.
 25. The applicant shall, upon request, provide the City of Garden Grove with an audited report of sales ratio of food to alcoholic beverages.
 26. No outdoor storage or display shall be permitted outside of the building, including, but not limited to, storage and display of merchandise, cardboard, pallets, or boxes.
 27. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the entrance, and shall also be visible to the public.
 28. There shall be no live entertainment, dancing, karaoke, or disc jockey (DJ) entertainment permitted on the premises at any time. Amplified background music emitted from a jukebox or other amplified stereo system may be permitted to enhance the dining experience, but the sound emitted from the premises shall not be audible outside of the establishment.
 29. There shall be no raised platform, stage or dance floor allowed on the premises at any time.
 30. There shall be no amusement devices permitted on the premises at any time.
 31. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
 32. There shall be no deliveries to or from the premises before 7:00 a.m. and after 10:00 p.m., seven days a week.

33. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
34. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
35. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least three (3) times a week.
36. The applicant/property owner shall maintain all existing landscaped areas in a neat and healthy condition. Landscaping maintenance shall include pruning or removal of overgrown weeds and vegetation.
37. The applicant/property owner shall abate all graffiti vandalism within the premises. The applicant/property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant/property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
38. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
39. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
40. The applicant shall be responsible for providing adequate parking area lighting in compliance with City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate adjacent properties.

41. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.
42. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
43. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
44. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows. Any opaque material applied to the store front, such as window tint, shall count toward the maximum window coverage area.
45. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
46. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-199-2021 shall be kept on the premises at all times.
47. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-199-2021 and his/her agreement with all conditions of the approval.
48. The Conditional Use Permit may be called for review by City staff, the City Council, or Planning Commission, if noise or other complaints are filed and verified as valid by the Code Enforcement office or other City department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
49. If deemed necessary by the Community and Economic Development Director, the Conditional Use Permit may be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.
50. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its

officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Conditional Use Permit No. CUP-199-2021. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

51. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-199-2021 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.
52. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division. In the event the use(s) authorized by the CUP cease and the property owner no longer desires to continue such use(s) on the property, property owner may voluntarily terminate the CUP and all rights and obligations thereunder by executing and recording a request for voluntary revocation and termination of the CUP in a form acceptable to the City.
53. No alcoholic beverages shall be sold until all conditions of approval have been met, as determined by the Planning Services Division, and the State Alcoholic Beverage Control Board (ABC) has approved the release of the ABC License.