



GARDEN GROVE

AGENDA

ZONING ADMINISTRATOR MEETING

Garden Grove Community Meeting Center
11300 Stanford Avenue

Thursday, June 9, 2022

9:00 a.m.

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

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

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Comments by the Public. Each speaker shall be limited to three (3) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

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

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

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

1. PUBLIC HEARING ITEM(S):

a. CONDITIONAL USE PERMIT NO. CUP-221-2022

APPLICANT: Off Duty Garden Grove, L.P.

LOCATION: 12900 Euclid Street #110 within SteelCraft

REQUEST: To operate a new wine bar, Off Duty, with a new original Alcoholic Beverage Control (ABC) "Type 47" (On-Sale, General) License. The site is in the CC-3 (Civic Center Core) 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-222-2022

APPLICANT: BR Restaurant Solutions, Inc., dba La Taqueria
LOCATION: 12900 Euclid Street #120 within SteelCraft

REQUEST: To operate an existing restaurant, La Taqueria, with a new original Alcoholic Beverage Control (ABC) "Type 47" (On-Sale, General) License. The site is in the CC-3 (Civic Center Core) 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.

c. CONDITIONAL USE PERMIT NO. CUP-224-2022

APPLICANT: Tuanh Enterprises
LOCATION: 12761 Harbor Boulevard #I-1

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

2. COMMENTS BY THE PUBLIC

3. ADJOURNMENT

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

Meeting Minutes
Thursday, March 24, 2022

CALL TO ORDER: 9:00 a.m.

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-217-2022

Applicant: Hedra Mamlouk
Location: 8725 Garden Grove Boulevard
Date: March 24, 2022

Request: To allow a new convenience store, Crazy Beer & Wine Market, to operate with an original State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) 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.

Action: Public Hearing Held. Speaker(s): Martina (Applicant's Representative), Maureen Blackmun, Derrick Grayer, Matthew Hickam. Though the proposed business is a market with beer and wine sales, concerns mentioned related to high crime in the area, drugs, transients, narcotics, stolen vehicles, ID theft, weapons, smoke shop clientele, signage, area already saturated with liquor availability, trespassing, sex offenders, and vandalism.

Action: Due to public concerns, the Zoning Administrator remanded Conditional Use Permit No. CUP-217-2022 to the Planning Commission. The project would be re-noticed for the next available regular meeting.

ORAL COMMUNICATIONS – PUBLIC: None.

ADJOURNMENT: The Zoning Administrator adjourned the meeting at 9:22 a.m.

Judith Moore, Recording Secretary

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.a.	SITE LOCATION: East side of Euclid Street, between Acacia Parkway and Garden Grove Boulevard, at 12900 Euclid Street, Suite 110
HEARING DATE: June 9, 2022	GENERAL PLAN: CC (Civic Center Mixed-Use)
CASE NO.: Conditional Use Permit No. CUP-221-2022	ZONE: CC-3 (Civic Center Core)
APPLICANT: Off Duty Garden Grove L.P. (ATTN: William Burkett)	CEQA DETERMINATION: Exempt - Section 15301 - Existing Facilities
PROPERTY OWNER: City of Garden Grove GROUND LESSEE: SteelCraft Garden Grove, L.P.	APN: 090-164-37

REQUEST:

The applicant is requesting approval of a Conditional Use Permit to operate a new wine bar, Off Duty, located within SteelCraft, at 12900 Euclid Street, Suite 110, to operate with an original State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License. Also, a request to revoke Conditional Use Permit No. CUP-173-19, which previously allowed the operation of a wine tasting establishment with a State Alcoholic Beverage Control (ABC) Type "02" (Winemaker) License.

BACKGROUND:

The subject property is a 1.86-acre City-owned lot, located on the east side of Euclid Street, just south of Acacia Parkway, improved with the SteelCraft food-focused multi-tenant development. The property has a General Plan Land Use Designation of CC (Civic Center Mixed Use), and is zoned CC-3 (Civic Center Core). The property is near the Community Center Park, the Garden Grove Police Department, the Orange County Fire Authority, City Hall, and various office buildings. The property is adjacent to CC-3 zoned properties to the north, across Acacia Parkway, south, east, and west, across Euclid Street.

In 1977, the Garden Grove Planning Commission approved Site Plan No. SP-188-77, to allow the construction of an approximately 10,940 square foot restaurant pad building on the subject property. In 1978, the newly constructed building was occupied by a restaurant until its closure in 2002. The restaurant

space remained vacant following its closure. In 2014, a demolition permit was obtained and all existing improvements were removed from the property.

In November of 2017, the City of Garden Grove approved Site Plan No. SP-044-2017, Variance No. V-017-2017, and Conditional Use Permit No. CUP-116-2017, which allowed the development of a food-focused multi-tenant project, known as SteelCraft. This included a proposal to construct a new 9,532 square foot two-story building, consisting primarily of recycled and repurposed metal shipping containers, along with other associated site improvements. A variance was approved to allow a deviation from the maximum setback requirement along the Euclid Street frontage, and from the minimum ground floor height requirement for commercial ground floor spaces. A Conditional Use Permit was approved to allow entertainment and/or alcohol sales and consumption within the communal dining areas of the SteelCraft development.

In September of 2019, the City of Garden Grove approved modifications to Site Plan No. SP-044-2017, and another variance to allow for retail uses in the front setback along Euclid Street, and to allow for eight-foot tall perimeter fencing.

In December 2019, the City of Garden Grove approved Conditional Use Permit No. CUP-173-2019 for the subject tenant space in unit #110. CUP-173-2019 allowed for the operation of a wine-tasting establishment under a State Alcoholic Beverage Control (ABC) Type "02" (Winemaker) License. The license allowed for the on- and off-sale of wine. While the CUP was approved, the approval was never fully exercised. Upon the approval of the subject request, CUP-173-2019 will be revoked.

SteelCraft currently houses nine (9) businesses, including: local craft food and dessert eateries, a coffee shop, and a brew pub/micro-brewery.

DISCUSSION:

Off Duty, a tenant of SteelCraft, will occupy Container/Suite 110, located on the first floor. The floor area will use an 8-foot by 20-foot (160 square feet) repurposed shipping container. Off Duty will operate with a new original State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, which allows for on-sales of alcohol to accompany meals. Title 9 of the Municipal Code requires the approval a new Conditional Use Permit when there is an application for a new original ABC license.

In Container or Suite 110 (an 8-foot by 20-foot container), Off Duty will serve meals, craft wine, and wine cocktails by the glass for on-site consumption. All wine will be produced off-site at various wineries; winemaking will not be conducted on-site. Off Duty, under an ABC Type "47" License, is required to serve food or operate as a bona-fide public eating place (i.e., restaurant). It is anticipated that the sale of alcohol from its operation will be incidental to, and accompany the sale and consumption of, food.

To operate under a Type "47" License, the applicant shall provide a commercial kitchen. The kitchen shall remain open during all business hours for the preparation of meals, in accordance with ABC definitions for bona-fide public eating establishments. The project has been conditioned as such.

As a tenant of SteelCraft, Off Duty's customers will utilize the outdoor communal dining areas within the confines of SteelCraft. All applicable requirements under the approval of the Conditional Use Permit for the overall SteelCraft development (Conditional Use Permit No. CUP-116-2017), including any additional Conditions of Approval as part of this Conditional Use Permit (CUP-221-2022), will apply to the Off Duty operation.

Off Duty will demonstrate to the Police Department, on an ongoing and as needed basis, that all members of the staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through the Department of Alcoholic Beverage Control (ABC), or an ABC approved "Responsible Beverage Service (RBS) Training" program to ensure the responsible serving of alcoholic beverages to customers.

The hours of operation of SteelCraft are permitted between 6:00 a.m. to 12:00 a.m., seven (7) days a week. Off Duty will have hours of operation within those allowances, and anticipates operation from 6:00 a.m. to 11:00 p.m., Sunday through Thursday, and 6:00 a.m. to 12:00 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 Chief of the Police Department.

The establishment is located in a high-crime district, and with the concurrent additions of two licenses at SteelCraft, under separate entitlements (CUP-221-2022 and CUP-222-2022), it will be in an area with an over-concentration of Alcoholic Beverage Control (ABC) 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. 1818-22 for Conditional Use Permit No. CUP-221-2022.

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 "47" 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 the wine bar. The wine bar is a permitted use, and the addition of the ABC license does not involve the intensification or expansion of said use. Therefore, the proposed project is exempt from CEQA.

RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following action:

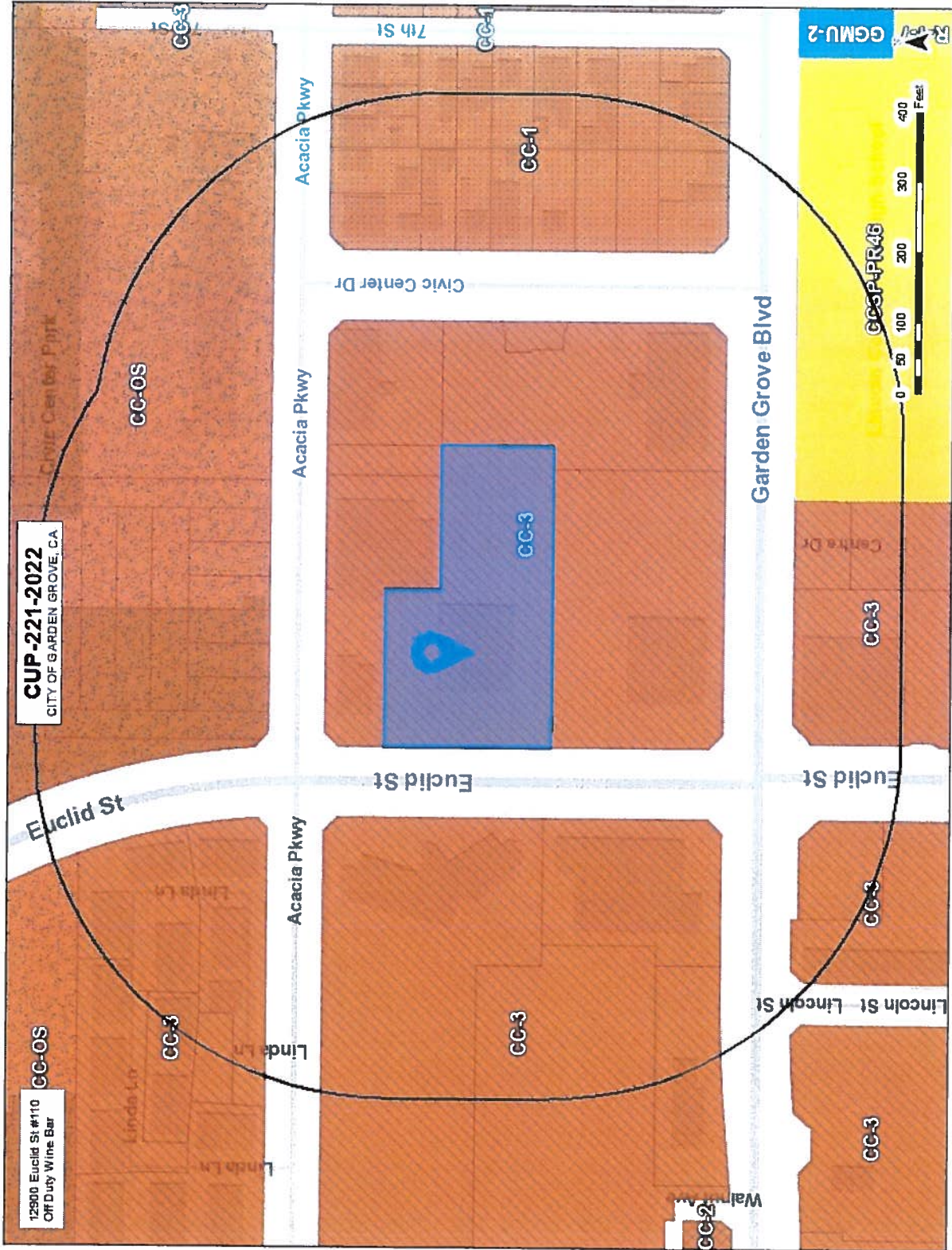
1. Adopt Decision No. 1818-22, approving Conditional Use Permit No. CUP-221-2022, subject to the recommended conditions of approval.



LEE MARINO
Planning Services Manager



By: Priit Kaskla
Assistant Planner



DECISION NO. 1818-22

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-221-2022 AND REVOKING CONDITIONAL USE PERMIT NO. CUP-173-2019 FOR PROPERTY AT 12900 EUCLID STREET, SUITE 110, ASSESSOR'S PARCEL NO. 090-164-37.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-221-2022 and revoke Conditional Use Permit No. CUP-173-2019 for property located on the east side of Euclid Street, between Acacia Parkway and Garden Grove Boulevard, at 12900 Euclid Street, Suite 110, Assessor's Parcel No. 090-164-37.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-221-2022, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by William Burkett of Off Duty Garden Grove, L.P.
2. The applicant is requesting approval of a Conditional Use Permit to allow a new wine bar, Off Duty, located within SteelCraft, at 12900 Euclid Street, Suite 110, to operate with an original State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License. Also, a request to revoke Conditional Use Permit No. CUP-173-2019, which previously allowed the operation of a restaurant with a State Alcoholic Beverage Control (ABC) Type "02" (Winemaker) 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 Civic Center Mixed Use, and is zoned CC-3 (Civic Center Core). The subject property is currently improved with the SteelCraft food hall establishment.
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 June 9, 2022, 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 June 9, 2022, 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 the SteelCraft food-focused multi-tenant development, located on the east side of Euclid Street, between Acacia Parkway and Garden Grove Boulevard, at 12900 Euclid Street. The site has a General Plan Land Use designation of CC (Civic Center Mixed Use), and is zoned CC-3 (Civic Center Core). The property is near the Community Center Park, the Garden Grove Police Department, the Orange County Fire Authority, City Hall, and various office buildings. The property is adjacent to CC-3 zoned properties to the north, across Acacia Parkway, south, east, and west, across Euclid Street.

Off Duty will serve meals, and craft wine and wine cocktails by the glass for on-site consumption. All wine will be produced off-site at various wineries; winemaking will not be conducted on-site. Off Duty, under an ABC Type "47" License, is required to serve food or operate as a bona-fide public eating place (i.e., restaurant). It is anticipated that the sale of alcohol from its operation will be incidental to, and accompany the sale and consumption of, food.

To operate under a Type "47" License, the applicant shall submit tenant improvement plans for the installation of a commercial kitchen. The kitchen shall remain open during all business hours for the preparation of meals, in accordance with ABC definitions for bona-fide public eating establishments. The project has been conditioned as such. As a tenant of SteelCraft, Off Duty's customers will utilize the outdoor communal dining areas within the confines of SteelCraft.

The hours of operation of SteelCraft are permitted between 6:00 a.m. to 12:00 a.m., seven (7) days a week. Off Duty will have hours of operation within those allowances, and anticipates operation from 6:00 a.m. to 11:00 p.m., Sunday through Thursday, and 6:00 a.m. to 12:00 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 Chief of the Police Department.

The restaurant is located in a high-crime district. With the approval of the requested license, and the concurrent license under a separate entitlement, CUP-222-2022, the restaurant will also be 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. 124.

- The crime count for the District is 246.
- Average crime count per district in the City is 91.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 170% 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. 886.02.
- ABC Census Reporting District No. 886.02 allows for seven (7) on-sale licenses within the District. Currently, there are six (6) on-sale licenses in the District. The approval of this CUP will add a new ABC Type "47" (On-Sale, General, 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). Along with the concurrent request considered under CUP-222-2022, if approved, the total number of on-sale licenses in the District will be eight (8).

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 wine bar with an ABC Type "47" (On-Sale, General, Public Eating Place) License. The addition of the new ABC Type "47" 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.

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 CC (Civic Center Mixed Use), and is zoned CC-3 (Civic Center Core). The Civic Center Mixed Use land use designation is intended to provide for a mix of civic, institutional, commercial, higher density residential, and open space uses. The Civic Center Core zone is intended to encourage civic, educational, commercial, high-density residential, and compatible uses that enliven the City's core and work together to create a walkable, lively district that encourages interaction and engagement in community activities. In particular, the subject proposal is consistent with the following General Plan Goals, Policies, and Implementation Measures:

Policy LU-1.4 Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts / entertainment, in appropriate locations. The subject wine bar is located within the SteelCraft food hall facility. The subject use, with the proposed service of alcohol, can further enhance the development, and the surrounding Civic Center area.

Goal LU-4 Uses compatible with one another. The proposed use is a wine bar providing incidental service of alcohol within the communal dining area of the SteelCraft establishment. The location of SteelCraft is in an area of the City that incorporates a variety of uses. Directly adjacent to the subject use are civic, open space, and commercial office uses. Dining establishments with on-

site sale and consumption of alcohol are compatible with these uses, and other lighter, commercial uses. Furthermore, provided the conditions of approval are adhered to for the life of the project, the use will be compatible with other adjacent uses.

Goal LU-5 Economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community. Restaurant uses, in a variety of different cuisines and services, can enhance the vitality of the City's commercial centers. The proposed Conditional Use Permit would allow for the service of alcohol to accompany the existing food uses at SteelCraft. The service of alcohol is intended to enhance the dining experience. This enhances the community, by providing another unique dining opportunity.

Policy LU-6.2 Encourage a mix of retail shops and services along the major corridors and in centers that better meet the community's needs. The subject request for a Conditional Use Permit allowing the service of alcohol at Off Duty, within the SteelCraft development, would add a new use to a major commercial corridor. The area surrounding SteelCraft already features a wide variety of commercial uses. With the subject request, the proposed use will further enhance the variety of uses in the area. By providing a vast variety of commercial uses, the shopping center, and the Garden Grove Boulevard commercial corridor can become more resilient to any future community needs.

Goal ED-2 The City must attract new businesses, while supporting and assisting those already located within Garden Grove. The proposed wine bar, Off Duty, and its Conditional Use Permit is intended to enhance the dining experience at the SteelCraft establishment. Should the Conditional Use Permit be approved, the City is providing new businesses all the resources they need to be successful.

SAF-IMP-2C Involve law enforcement agencies in the design and planning phases of ABC licensed establishments to reduce design elements that conceal or encourage criminal activity. The Garden Grove Police Department has reviewed all relevant data pertaining to the proposed Conditional Use Permit. The intent of their review is to reduce the number of alcohol-related crimes, and promote the safe operation of the restaurant. No concerns were raised by the Police Department regarding the addition of an ABC License to the restaurant, and are therefore supportive of the Conditional Use Permit request.

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 can minimize potential impacts to the adjoining area. The hours of operation of SteelCraft are permitted between 6:00 a.m. to 12:00 a.m., seven (7) days a week. Off Duty will have hours of operation within those allowances, and anticipates operation from 6:00 a.m. to 11:00 p.m., Sunday through Thursday, and 6:00 a.m. to 12:00 a.m., Friday and Saturday. Limitations on the hours of alcohol sales can limit any impacts on the surrounding area.

The use will not unreasonably interfere with the use, enjoyment, or valuation of other property located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project. By operating as a wine bar, with wine sales for on-site consumption only, the use will be compatible with the SteelCraft development, and the surrounding uses.

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

The site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed uses within the surrounding area. No modifications are required to any of the existing site development features on site. This includes any buildings, yards, walls, fences, parking and loading facilities, and landscaping. The subject tenant space has not been occupied by a previous use. The subject tenant space will undergo tenant improvements to convert the space into the proposed use. Once the interior modifications are complete, the space will be of adequate size to accommodate the proposed use within the surrounding development and 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 on the east side of Euclid Street, between Acacia Parkway and Garden Grove Boulevard. The development is adequately accessed from Euclid Street. On-site circulation is adequate to serve all the establishments within SteelCraft. 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 SteelCraft. 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-221-2022.

Dated: June 9, 2022

DAVID DENT
ZONING ADMINISTRATOR

EXHIBIT "A"

Conditional Use Permit No. CUP-221-2022

12900 Euclid Street, Suite 110

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, Off Duty Garden Grove L.P., 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 160 square foot restaurant kiosk with an Alcoholic Beverage Control Type "47" (On-Sale, General, Public Eating Place) License as identified on the floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Director.
5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in

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

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

Police Department

7. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
8. Hours of operation for the wine bar establishment shall be permitted between 6:00 a.m. to 12:00 a.m., seven (7) days a week. The City of Garden Grove reserves the right to reduce hours of operation of the establishment, by order of the Chief of the Police Department, in the event problems arise concerning the operation of this business.
9. Alcoholic beverages shall only be sold and served in cups/containers that are distinct and different than cups/containers of non-alcoholic beverages. In the event there are multiple (more than one) vendors selling and/or serving alcoholic beverages within the SteelCraft establishment, said alcoholic beverages shall only be sold and served in distinctive cups/containers, different than cups/containers of non-alcoholic beverages, and with a logo from the location they have been dispensed from.
10. 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.
11. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation up to \$1,000 pursuant to GGMC 1.22.010(a).
12. In the event that an 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 Hearing Body for review or further consideration.

Community and Economic Development Department

13. The establishment shall be operated as a wine bar establishment, and within the privileges and restrictions for an Alcoholic Beverage Control (ABC) Type "47" License, as defined by the California Department of Alcoholic Beverage Control. As a tenant of SteelCraft, the establishment's customers will utilize the outdoor communal dining areas within the enclosed confines of the SteelCraft development. All applicable requirements under the approval of the Conditional Use Permit for the overall SteelCraft development (under Conditional Use Permit No. CUP-116-2017), including any additional Conditions of Approval included herein, as part of Conditional Use Permit No. CUP-221-2022, will apply to the wine bar establishment.
14. The applicant shall submit plans, and shall obtain permits, for tenant improvement, including any installation of commercial kitchen equipment. The establishment 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.
15. 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.
16. 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.
17. The applicant shall, upon request, provide the City of Garden Grove with an audited report of sales ratio of food to alcoholic beverages.
18. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.16.020.070
19. No outdoor storage or display shall be permitted outside of the enclosed confines of the SteelCraft establishment, including, but not limited to, storage and display of merchandise, cardboard, pallets, or boxes.
20. In the event the parking demand generated by the wine bar establishment, at any given time, causes a nuisance, hindrance, and/or problem with

parking and/or circulation within the areas on-site, or any adjacent areas off-site, the applicant shall devise and implement a plan approved by the City to relieve the situation.

Upon written request by the City, the applicant shall submit a plan to manage parking issues for review and approval by the Community and Economic Development Department. The plan may include, but is not be limited to: reducing the hours of operation, instituting an off-site parking arrangement; having on-site parking control personnel; and/or others actions that may be deemed applicable to the situation.

If the City's Community and Economic Development Director deems such action is necessary to address parking and circulation problems, such action shall be implemented within 30 days of written notice. Failure to take appropriate action shall be deemed a violation of these Conditions of Approval and may result in the City restricting the overall use of the facility.

21. No roof-mounted mechanical equipment, including exhaust vents, 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.
22. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Services Division. No advertising material shall be placed thereon.
23. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
24. 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.
25. 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.

26. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-221-2022 shall be kept on the premises at all times.
27. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-221-2022 and his/her agreement with all conditions of the approval.
28. 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.
29. 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.
30. 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-221-2022. 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.
31. 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-221-2022 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.
32. 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.

33. No alcoholic beverages shall be sold until all conditions of approval have been met, as determined by the Planning Services Division, and the State Alcoholic Beverage Control Board (ABC) has approved the release of the ABC License.

Orange County Fire Authority

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

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.b.	SITE LOCATION: East side of Euclid Street, between Acacia Parkway and Garden Grove Boulevard, at 12900 Euclid Street, Suite 120
HEARING DATE: June 9, 2022	GENERAL PLAN: CC (Civic Center Mixed-Use)
CASE NO.: Conditional Use Permit No. CUP-222-2022	ZONE: CC-3 (Civic Center Core)
APPLICANT: BR Restaurant Solutions, Inc. (ATTN: Ricardo Mosqueda)	CEQA DETERMINATION: Exempt – Section 15301 – Existing Facilities
PROPERTY OWNER: City of Garden Grove GROUND LESSEE: SteelCraft Garden Grove, L.P.	APN: 090-164-37

REQUEST:

The applicant is requesting approval of a Conditional Use Permit to operate an existing restaurant, La Taqueria, located within Steelcraft, at 12900 Euclid Street, Suite 120, to operate with an original State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License.

BACKGROUND:

The subject property is a 1.86-acre City-owned lot, located on the east side of Euclid Street, just south of Acacia Parkway, improved with the SteelCraft food-focused multi-tenant development. The property has a General Plan Land Use Designation of Civic Center Mixed Use, and is zoned CC-3 (Civic Center Core). The property is near the Community Center Park, the Garden Grove Police Department, the Orange County Fire Authority, City Hall, and various office buildings. The property is adjacent to CC-3 zoned properties to the east, south, and to the west, across Euclid Street, and CC-OS (Civic Center – Open Space) zoned properties to the north, across Acacia Parkway.

In 1977, the Garden Grove Planning Commission approved Site Plan No. SP-188-77, to allow the construction of an approximately 10,940 square foot restaurant pad building on the subject property. In 1978, the newly constructed building was occupied by a restaurant until its closure in 2002. The restaurant space remained vacant following its closure. In 2014, a demolition permit was obtained and all existing improvements were removed from the property.

In November of 2017, the City of Garden Grove approved Site Plan No. SP-044-2017, Variance No. V-017-2017, and Conditional Use Permit No. CUP-116-2017, which allowed the development of a food-focused multi-tenant project, known as SteelCraft. This included a proposal to construct a new 9,532 square foot two-story building, consisting primarily of recycled and repurposed metal shipping containers, along with other associated site improvements. A variance was approved to allow a deviation from the maximum setback requirement along the Euclid Street frontage, and from the minimum ground floor height requirement for commercial ground floor spaces. A Conditional Use Permit was approved to allow entertainment and/or alcohol sales and consumption within the communal dining areas of the SteelCraft development.

In September of 2019, the City of Garden Grove approved modifications to Site Plan No. SP-044-2017, and another variance to allow for retail uses in the front setback along Euclid Street, and to allow for eight-foot tall perimeter fencing.

SteelCraft currently houses eight (8) businesses, including: local craft food and dessert eateries, a coffee shop, and a brew pub/micro-brewery. The subject restaurant, La Taqueria, opened in 2021.

DISCUSSION:

La Taqueria, a tenant of SteelCraft, occupies Container/Suite 120, located on the first floor. The floor area uses an 8-foot by 40-foot (320 square feet) repurposed shipping container. La Taqueria will operate with a new original State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, which allows for on-sales of alcohol. Title 9 of the Municipal Code requires the approval a new Conditional Use Permit when there is an application for a new original ABC license.

La Taqueria specializes in Mexican cuisine. With the proposed ABC Type "47" license, the restaurant proposes to also serve beer, wine, and mixed drinks, such as margaritas. Under an ABC Type "47" License, is required to serve food or operate as a bona-fide public eating place (i.e., restaurant). It is anticipated that the sale of alcohol from its operation will be incidental to the sale and consumption of food.

As a tenant of SteelCraft, La Taqueria's customers will utilize the outdoor communal dining areas within the confines of SteelCraft. All applicable requirements under the approval of the Conditional Use Permit for the overall SteelCraft development (Conditional Use Permit No. CUP-116-2017), including any additional Conditions of Approval as part of this Conditional Use Permit (CUP-222-2022), will apply to the Off Duty operation.

La Taqueria will demonstrate to the Police Department, on an ongoing and as needed basis, that all members of the staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through the Department of Alcoholic Beverage Control (ABC), or an ABC approved "Responsible Beverage Service (RBS) Training" program to ensure the responsible serving of alcoholic beverages to customers.

The hours of operation of SteelCraft are permitted between 6:00 a.m. to 12:00 a.m., seven (7) days a week. La Taqueria will have hours of operation within those allowances, and anticipates operation from 9:00 a.m. to 10:00 p.m., Sunday through Thursday, and 9:00 a.m. to 12:00 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 Chief of the Police Department.

The establishment is located in a high-crime district, and with the concurrent additions of two licenses at SteelCraft, under separate entitlements (CUP-221-2022 and CUP-222-2022), it will be in an area with an over-concentration of Alcoholic Beverage Control (ABC) 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. 1819-22 for Conditional Use Permit No. CUP-222-2022.

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 "47" 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 the restaurant. The restaurant is a permitted use, and the addition of the ABC license does not involve the intensification or expansion of said use. Therefore, the proposed project is exempt from CEQA.

RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following action:

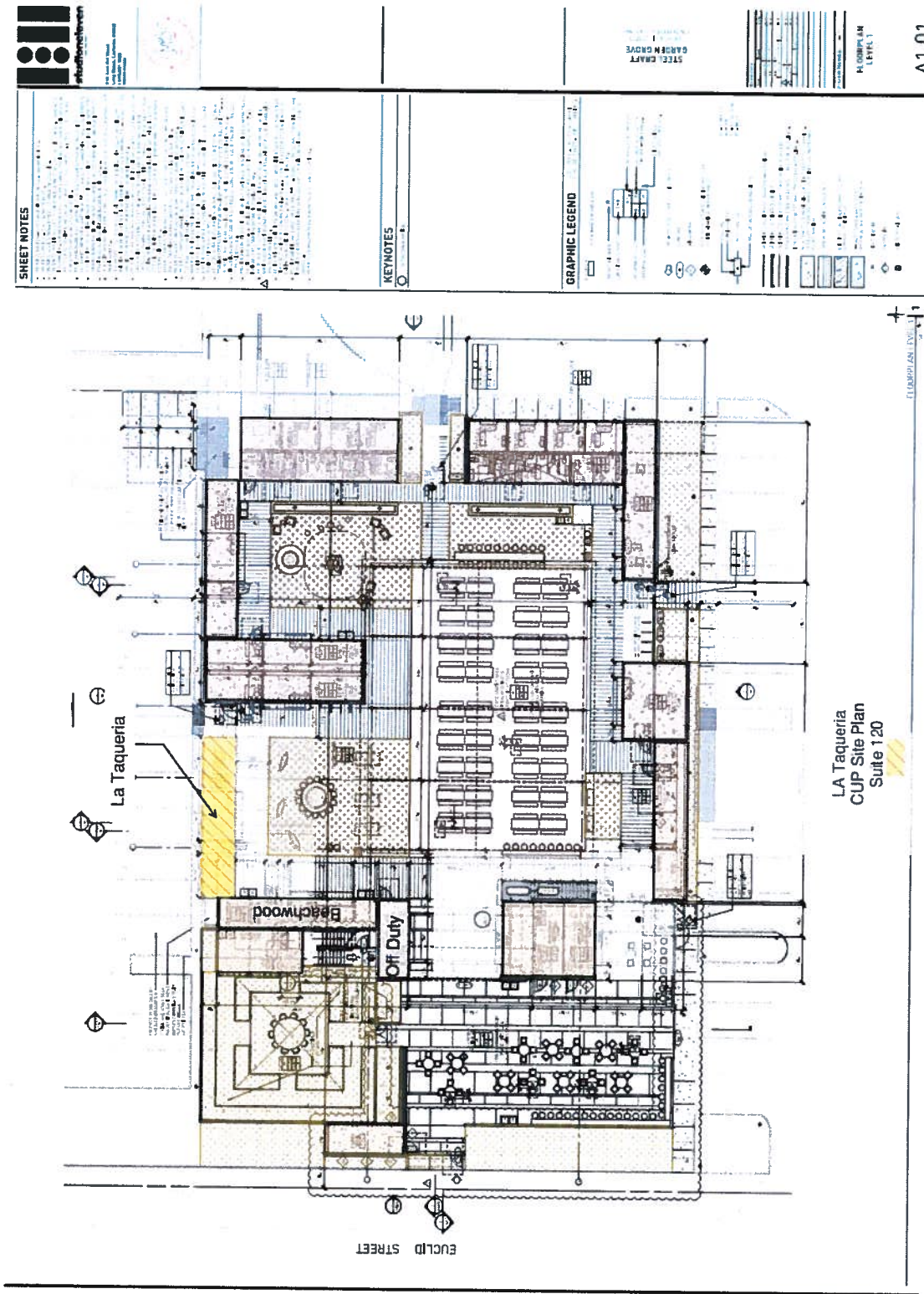
1. Adopt Decision No. 1819-22, approving Conditional Use Permit No. CUP-222-2022, subject to the recommended conditions of approval.



LEE MARINO
Planning Services Manager



By: Priit Kaskla
Assistant Planner



DECISION NO. 1819-22

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-222-2022 FOR 12900 EUCLID STREET, SUITE 120, ASSESSOR'S PARCEL NO. 090-164-37.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-222-2022 for property located on the east side of Euclid Street, between Acacia Parkway and Garden Grove Boulevard, at 12900 Euclid Street, Suite 120, Assessor's Parcel No. 090-164-37.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-222-2022, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Ricardo Mosqueda of BR Restaurant Solutions, Inc.
2. The applicant is requesting approval of a Conditional Use Permit to allow an existing restaurant, La Taqueria, to operate with an original State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, 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 Civic Center Mixed Use, and is zoned CC-3 (Civic Center Core). The subject property is currently improved with the SteelCraft food hall establishment.
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 June 9, 2022, 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 June 9, 2022, 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 the SteelCraft food-focused multi-tenant development, located on the east side of Euclid Street, between Acacia Parkway and Garden Grove Boulevard, at 12900 Euclid Street. The site has a General Plan Land Use designation of CC (Civic Center Mixed Use), and is zoned CC-3 (Civic Center Core). The property is near the Community Center Park, the Garden Grove Police Department, the Orange County Fire Authority, City Hall, and various office buildings. The property is adjacent to CC-3 zoned properties to the north, across Acacia Parkway, south, east, and west, across Euclid Street.

La Taqueria, a tenant of SteelCraft, occupies Container/Suite 120, located on the first floor. The floor area uses an 8-foot by 40-foot (320 square feet) repurposed shipping container. La Taqueria will operate with a new original State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, which allows for on-sales of alcohol.

Under an ABC Type "47" License, La Taqueria is required to serve food or operate as a bona-fide public eating place (i.e., restaurant), it is anticipated that the sale of alcohol from its operation will be incidental to, and accompany the sale and consumption of, food. As a tenant of SteelCraft, La Taqueria's customers will utilize the outdoor communal dining areas within the confines of SteelCraft.

La Taqueria will have hours of operation within those allowances, and anticipates operation from 9:00 a.m. to 10:00 p.m., Sunday through Thursday, and 9:00 a.m. to 12:00 a.m., Friday and Saturday. These hours are consistent with SteelCraft's overall standard operating hours of 6:00 a.m. to 12:00 a.m., seven (7) days a week. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

The restaurant is located in a high-crime district. With the approval of the requested license, and the concurrent license under a separate entitlement, CUP-221-2022, the restaurant will also be 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. 124.
- The crime count for the District is 246.
- Average crime count per district in the City is 91.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 170% 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. 886.02.
- ABC Census Reporting District No. 886.02 allows for seven (7) on-sale licenses within the District. Currently, there are six (6) on-sale licenses in the District. The approval of this CUP will add a new ABC Type "47" (On-Sale, General,

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). Along with the concurrent request considered under CUP-221-2022, if approved, the total number of on-sale licenses in the District will be eight (8).

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 "47" (On-Sale, General, Public Eating Place) License. The addition of the new ABC Type "47" 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 SteelCraft establishment provides an assortment of foods normally offered in restaurants. The restaurant shall be open and preparing food during all hours of operation. 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.

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 CC (Civic Center Mixed Use), and is zoned CC-3 (Civic Center Core). The Civic Center Mixed Use land use designation is intended to provide for a mix of civic, institutional, commercial, higher density residential, and open space uses. The Civic Center Core zone is intended to encourage civic, educational, commercial, high-density residential, and compatible uses that enliven the City's core and work together to create a walkable, lively district that encourages interaction and engagement in community activities. In particular, the subject proposal is consistent with the following General Plan Goals, Policies, and Implementation Measures:

Policy LU-1.4 Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts / entertainment, in appropriate locations. The subject restaurant is located within the SteelCraft food hall facility. The subject use, with the proposed service of alcohol, can further enhance the development, and the surrounding Civic Center area.

Goal LU-4 Uses compatible with one another. The proposed use is a food vendor with incidental sales of alcohol within the communal dining area of the SteelCraft establishment. The location of SteelCraft is in an area of the City that incorporates a variety of uses. Directly adjacent to the subject use are civic, open space, and commercial office uses. Dining establishments with on-site sale and consumption of alcohol are compatible with these uses, and other lighter, commercial uses. Furthermore, provided the conditions of approval are adhered to for the life of the project, the use will be compatible with other adjacent uses.

Goal LU-5 Economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community. Restaurant uses, in a variety of different cuisines and services, can enhance the vitality of the City's commercial centers. The proposed Conditional Use Permit would allow

for the service of alcohol to accompany the existing food served by the restaurant. The service of alcohol is intended to enhance the dining experience. This enhances the community, by providing another unique dining opportunity.

Policy LU-6.2 Encourage a mix of retail shops and services along the major corridors and in centers that better meet the community's needs. The subject request for a Conditional Use Permit allowing the service of alcohol at La Taqueria, within the SteelCraft development, would add a new use to a major commercial corridor. The area surrounding the subject restaurant already features a wide variety of commercial uses. With the subject request, the proposed use will further enhance the variety of uses in the area. By providing a vast variety of commercial uses, the shopping center, and the Garden Grove Boulevard commercial corridor can become more resilient to any future community needs.

Goal ED-2 The City must attract new businesses, while supporting and assisting those already located within Garden Grove. The restaurant, La Taqueria, and its Conditional Use Permit is intended to enhance the dining experience at the SteelCraft establishment. Should the Conditional Use Permit be approved, the City is providing new businesses all the resources they need to be successful.

SAF-IMP-2C Involve law enforcement agencies in the design and planning phases of ABC licensed establishments to reduce design elements that conceal or encourage criminal activity. The Garden Grove Police Department has reviewed all relevant data pertaining to the proposed Conditional Use Permit. The intent of their review is to reduce the number of alcohol-related crimes, and promote the safe operation of the restaurant. No concerns were raised by the Police Department regarding the addition of an ABC License to the restaurant, and are therefore supportive of the Conditional Use Permit request.

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 can minimize potential impacts to the adjoining area. The hours of operation of SteelCraft are permitted between 6:00 a.m. to 12:00 a.m., seven (7) days a week. La Taqueria will have hours of operation within those allowances, and anticipates operation from 9:00 a.m. to 10:00 p.m., Sunday through Thursday, and 9:00 a.m. to 12:00 a.m., Friday and Saturday.

Limitations on the hours of alcohol sales can limit any impacts on the surrounding area.

The use will not unreasonably interfere with the use, enjoyment, or valuation of other property located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project. By operating as a restaurant, with alcohol sales for on-site consumption only, the use will be compatible with the SteelCraft development, and the surrounding uses.

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

The site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed uses within the surrounding area. No modifications are required to any of the existing site development features on site. This includes any buildings, yards, walls, fences, parking and loading facilities, and landscaping. The subject tenant space is currently in operation as a restaurant, and is of adequate size to accommodate the proposed use within the surrounding development and 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 on the east side of Euclid Street, between Acacia Parkway and Garden Grove Boulevard. The development is adequately accessed from Euclid Street. On-site circulation is adequate to serve all the establishments within SteelCraft. 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 SteelCraft. 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-222-2022.

Dated: June 9, 2022

DAVID DENT
ZONING ADMINISTRATOR

EXHIBIT "A"

Conditional Use Permit No. CUP-222-2022

12900 Euclid Street, Suite 120

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, BR Restaurant Solutions, Inc., the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. This Conditional Use Permit only authorizes the operation of a 320 square foot restaurant kiosk with an Alcoholic Beverage Control Type "47" (On-Sale, General, Public Eating Place) License as identified on the floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Director.
5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the

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

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

Police Department

7. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
8. Hours of operation for the restaurant establishment shall be permitted between 6:00 a.m. to 12:00 a.m., seven (7) days a week. The City of Garden Grove reserves the right to reduce hours of operation of the establishment, by order of the Chief of the Police Department, in the event problems arise concerning the operation of this business.
9. The sale or service of alcohol shall cease thirty (30) minutes prior to the required closing time.
10. Alcoholic beverages shall only be sold and served in cups/containers that are distinct and different than cups/containers of non-alcoholic beverages. In the event there are multiple (more than one) vendors selling and/or serving alcoholic beverages within the SteelCraft establishment, said alcoholic beverages shall only be sold and served in distinctive cups/containers, different than cups/containers of non-alcoholic beverages, and with a logo from the location they have been dispensed from.
11. 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.
12. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation up to \$1,000 pursuant to GGMC 1.22.010(a).

13. In the event that an 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 Hearing Body for review or further consideration.

Community and Economic Development Department

14. The establishment shall be operated as a restaurant, and within the privileges and restrictions for an Alcoholic Beverage Control (ABC) Type "47" License, as defined by the California Department of Alcoholic Beverage Control. As a tenant of SteelCraft, the establishment's customers will utilize the outdoor communal dining areas within the enclosed confines of the SteelCraft development. All applicable requirements under the approval of the Conditional Use Permit for the overall SteelCraft development (under Conditional Use Permit No. CUP-116-2017), including any additional Conditions of Approval included herein, as part of Conditional Use Permit No. CUP-222-2022, will apply to the restaurant establishment.
15. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.16.020.070
16. No outdoor storage or display shall be permitted outside of the enclosed confines of the SteelCraft establishment, including, but not limited to, storage and display of merchandise, cardboard, pallets, or boxes.
17. In the event the parking demand generated by the restaurant, at any given time, causes a nuisance, hindrance, and/or problem with parking and/or circulation within the areas on-site, or any adjacent areas off-site, the applicant shall devise and implement a plan approved by the City to relieve the situation.

Upon written request by the City, the applicant shall submit a plan to manage parking issues for review and approval by the Community and Economic Development Department. The plan may include, but is not be limited to: reducing the hours of operation, instituting an off-site parking arrangement; having on-site parking control personnel; and/or others actions that may be deemed applicable to the situation.

If the City's Community and Economic Development Director deems such action is necessary to address parking and circulation problems, such action shall be implemented within 30 days of written notice. Failure to take

appropriate action shall be deemed a violation of these Conditions of Approval and may result in the City restricting the overall use of the facility.

18. No roof-mounted mechanical equipment, including exhaust vents, 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.
19. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Services Division. No advertising material shall be placed thereon.
20. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
21. 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.
22. 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.
23. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-222-2022 shall be kept on the premises at all times.
24. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-222-2022 and his/her agreement with all conditions of the approval.
25. 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.

Conditional Use Permit No. CUP-222-2022
Conditions of Approval

26. 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.
27. 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-222-2022. 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.
28. 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-222-2022 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.
29. 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.
30. No alcoholic beverages shall be sold until all conditions of approval have been met, as determined by the Planning Services Division, and the State Alcoholic Beverage Control Board (ABC) has approved the release of the ABC License.

Orange County Fire Authority

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

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.c.	SITE LOCATION: Northeast corner of Harbor Boulevard and Buaro Street, at 12761 Harbor Boulevard, Unit #I-1
HEARING DATE: June 9, 2022	GENERAL PLAN: IW (International West Mixed Use)
CASE NO.: Conditional Use Permit No. CUP-224-2022	ZONE: Planned Unit Development No. PUD-121-98
APPLICANT: Tuanh Enterprises	CEQA DETERMINATION: Exempt – Section 15301 – Existing Facilities
PROPERTY OWNER: Lakeview Village Corporation	APN: 231-421-05

REQUEST:

The applicant is requesting approval of a Conditional Use Permit to allow a new restaurant, Cajun Crack'n, to operate with an original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License, at 12761 Harbor Boulevard, Unit #I-1.

BACKGROUND:

The subject tenant space is an approximately 7,000 square foot tenant space within the Harbor Town and Country Shopping Center, located on the northeast corner of Harbor Boulevard and Buaro Street, at 12761 Harbor Boulevard, Unit #I-1. The subject shopping center is currently occupied by a variety of uses, including retail, restaurants, medical offices, a bank, and personal service businesses. The subject shopping center is located along Harbor Boulevard, within the Grove District.

The subject property has a General Plan Land Use Designation of IW (International West Mixed Use), and is zoned Planned Unit Development No. PUD-121-98. Planned Unit Development No. PUD-121-98 was adopted for the subject location, but the PUD zoning was never fully exercised. Therefore, the zoning is implemented via the previous zoning of HCSP-DC (Harbor Corridor Specific Plan – District Commercial). The subject shopping center is adjacent to Planned Unit Development Nos. PUD-121-98 and PUD-126-10 to the north. To the west, across Buaro Street, the shopping center is adjacent to R-1 (Single-Family Residential) zoned properties. Across Harbor Boulevard to the south, the center is adjacent to HCSP-DC (Harbor Corridor Specific Plan – District Commercial), HCSP-SDS (Harbor Corridor Specific Plan – Swing District South), and Planned Unit Development No. PUD-103-72 zoned properties. To the east, across Harbor Boulevard, the shopping center property is

adjacent to HCSP-OP (Harbor Corridor Specific Plan – Office Professional), and R-1 zoned properties.

The specific tenant space under application is an approximately 7,000 square-foot tenant space, on the northern side of the shopping center. According to Business Tax records, the subject location was previously occupied by another restaurant, Harbor Seafood Buffet. The previous restaurant closed in 2020, and the subject tenant space has remained vacant since. A new restaurant, Cajun Crack'n, is proposing to occupy the tenant space. The applicant has submitted construction documents for plan check for interior tenant improvements.

The applicant for the new restaurant is also requesting Conditional Use Permit approval to operate 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 9.18.020.030 requires a Conditional Use Permit for the addition of a new ABC License to a new restaurant.

DISCUSSION:

The restaurant tenant space has a total floor area of approximately 7,000 square feet. As of this writing, tenant improvement plans have been submitted for plan check review to remodel the restaurant from a buffet-style restaurant to a full-service restaurant. The permits call for the installation of a seafood prep area, drink service area, remodeled reception area, and a remodeled dining room. No additional parking is required for the new restaurant, because it is replacing a previous restaurant.

Cajun Crack'n will operate as a full-service restaurant, specializing in Cajun-style, peel-and-eat seafood dishes. Beer and wine sales will be permitted only for on-site consumption. The service of beer and wine is intended to complement meals, and enhance the dine-in experience. Sales of alcohol will be incidental to the service of food. At no time shall the quarterly sales of alcohol exceed 35% of the quarterly sales of food.

Cajun Crack'n's hours of operation will be 11:00 a.m. to 10:00 p.m., seven (7) days a week. These hours are consistent with the City's standard operating hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

The restaurant is located in a high-crime district, and in an area with an over-concentration of Alcoholic Beverage Control "on-sale" licenses. In order to approve the request, a Finding of Public Convenience or Necessity is required. A summary of the district and the Findings of Public Convenience or Necessity can be found in Decision No. 1821-22 for Conditional Use Permit No. CUP-224-2022.

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 a permitted use, and the addition of the ABC license does not involve the intensification or expansion of said use. Therefore, the proposed project is exempt from CEQA.

RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following action:

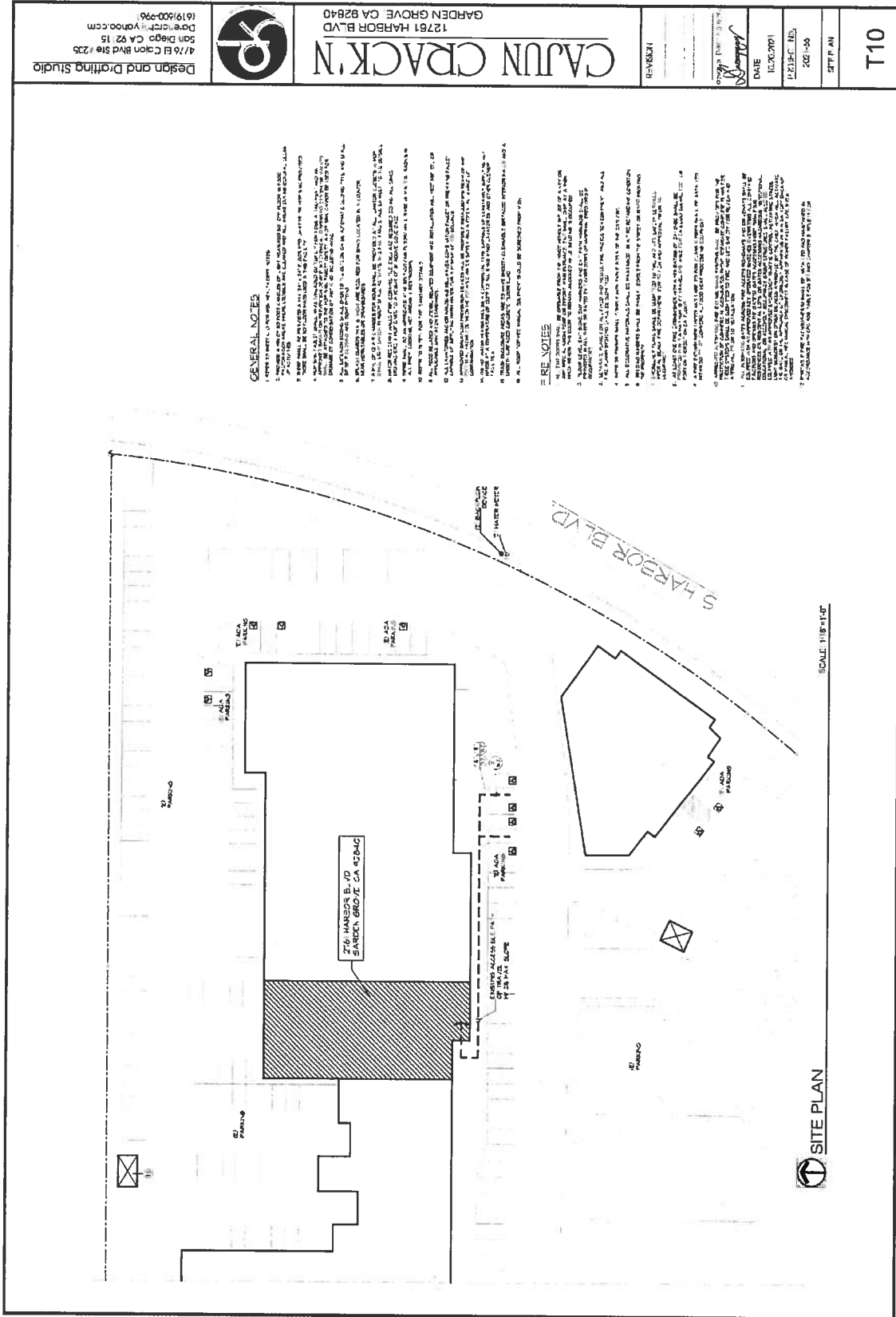
1. Adopt Decision No. 1821-22, approving Conditional Use Permit No. CUP-224-2022, subject to the recommended conditions of approval.



LEE MARINO
Planning Services Manager



By: Preet Kaskla
Assistant Planner



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San Diego, CA 92115
Doe@design.com
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CAJUN CRACK 'N'
12781 HARBOR BLVD
GARDEN GROVE, CA 92640

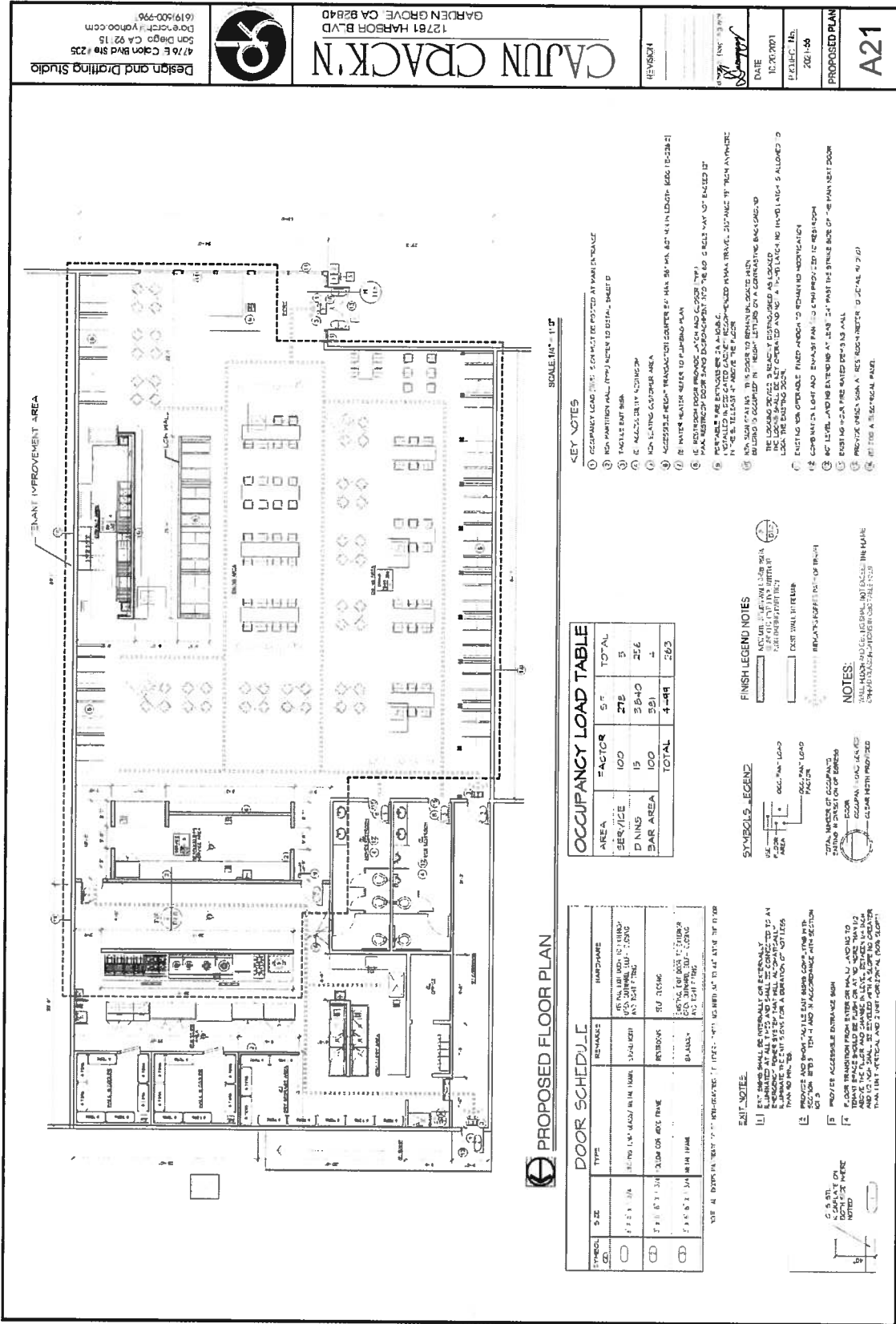
DATE	12/02/2021
PROJECT NO.	2021-00
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- GENERAL NOTES**
1. REFER TO SHEET CUP-224-2022-01 FOR ALL NOTES.
 2. PROVIDE ALL NECESSARY PERMITS AND APPROVALS PRIOR TO CONSTRUCTION.
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF GARDEN GROVE ORDINANCES AND THE CALIFORNIA BUILDING CODE.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 5. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 6. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
 7. THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY RECORDS AND DOCUMENTATION.
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- REFERENCE NOTES**
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 20. THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY RECORDS AND DOCUMENTATION.

SCALE: 1/8" = 1'-0"

SITE PLAN



DECISION NO. 1821-22

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-224-2022 FOR PROPERTY AT 12761 HARBOR BOULEVARD, UNIT #I-1, ASSESSOR'S PARCEL NO. 231-421-05.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-224-2022 for property located on the northeast corner of Harbor Boulevard and Buaro Street, at 12761 Harbor Boulevard, Unit #I-1, Assessor's Parcel No. 231-421-05.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-224-2022, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Tuanh Enterprises.
2. The applicant is requesting approval of a Conditional Use Permit to allow a new restaurant, Cajun Crack'n, to operate with an original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Wine and Beer, Public Eating Place) License.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the Zoning Administrator hereby determines that the proposed project is categorically exempt from the CEQA pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines (14 Cal. Code Regs., Section §15301).
4. The subject property has a General Plan Land Use Designation of IW (International West Mixed Use), and is zoned Planned Unit Development No. PUD-121-98. Planned Unit Development No. PUD-121-98 was adopted for the subject location, but the PUD zoning was never fully exercised. Therefore, the zoning is implemented via the previous zoning of HCSP-DC (Harbor Corridor Specific Plan – District Commercial). The subject property is currently improved with a multi-tenant shopping center.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on June 9, 2022, 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 June 9, 2022, 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 commercial center located on the northeast corner of Harbor Boulevard and Buaro Street, at 12761 Harbor Boulevard, Unit #I-1. The site has a General Plan Land Use designation of IW (International West Mixed Use), and is zoned Planned Unit Development No. PUD-121-98. The subject PUD zoning was never fully exercised. Therefore, the zoning is implemented via the previous zoning of HCSP-DC (Harbor Corridor Specific Plan – District Commercial).

The subject shopping center is adjacent to Planned Unit Development Nos. PUD-121-98 and PUD-126-10 to the north. To the west, across Buaro Street, the shopping center is adjacent to R-1 (Single-Family Residential) zoned properties. Across Harbor Boulevard to the south, the center is adjacent to HCSP-DC (Harbor Corridor Specific Plan – District Commercial), HCSP-SDS (Harbor Corridor Specific Plan – Swing District South), and Planned Unit Development No. PUD-103-72 zoned properties. To the east, across Harbor Boulevard, the shopping center property is adjacent to HCSP-OP (Harbor Corridor Specific Plan – Office Professional), and R-1 zoned properties.

The specific tenant space under application is an approximately 7,000 square foot space fronting Garden Grove Boulevard, toward the northern end of the shopping center. According to Business Tax records, the subject location was previously occupied by another restaurant, Harbor Seafood Buffet. The previous restaurant closed in 2020, and the subject tenant space has remained vacant since. A new restaurant, Cajun Crack'n, is proposing to occupy the tenant space. The applicant has submitted construction documents for plan check for interior tenant improvements. The applicant for the new restaurant is also requesting Conditional Use Permit approval to operate 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 9.18.020.030 requires a Conditional Use Permit for the addition of a new ABC License to a new restaurant.

Cajun Crack'n's hours of operation will be 11:00 a.m. to 10:00 p.m., seven (7) days a week. These hours are consistent with the City's standard operating hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

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

- The subject site is located in Crime Reporting District No. 144.
- The crime count for the District is 168.
- Average crime count per district in the City is 71.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 137% above the Citywide average; therefore, it is considered a high-crime area.
- The subject site is located in Alcoholic Beverage Control Census Report District No. 885.02.
- ABC Census Reporting District No. 885.02 allows for six (6) on-sale licenses within the District. Currently, there are thirteen (13) on-sale licenses in the District. The approval of this CUP will add a new ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The approval of this Conditional Use Permit will increase the number of on-sale ABC Licenses in District 885.02 by one (1), and the total number of on-sale licenses in the District will be fourteen (14).

PUBLIC CONVENIENCE OR NECESSITY:

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

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

Business and Professions Code Section 23958.4 provides the following exception:

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

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within ninety (90) days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day

period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

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

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

FINDINGS AND REASONS:

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

The subject property has a General Plan Land Use designation of IW (International West Mixed Use), and is zoned HCSP-DC (Harbor Corridor Specific Plan – District Commercial). The International West Mixed Use designation is intended to provide for a mix of uses, including resort, entertainment, retail, hotel, and some higher density residential that are appropriate for a major entertainment and tourism destination. Planned Unit Development No. PUD-121-98 was adopted for the subject location, but the PUD zoning was never fully exercised. Therefore, the zoning is implemented via the previous zoning of HCSP-DC (Harbor Corridor Specific Plan – District Commercial). The Harbor Corridor Specific Plan – District Commercial zone is intended as an area of Citywide significance for the retail commercial sales of a selected variety of products and provision of consumer services. In particular, the subject proposal is consistent with the following General Plan Goals, Policies, and Implementation Measures:

Policy LU-1.4 Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts / entertainment, in appropriate locations. The subject restaurant is located on Harbor Boulevard, in an area already developed with restaurant, retail, tourist, and other commercial services. The subject restaurant, with the proposed service of alcohol, can further enhance the commercial district. Particularly, the restaurant can serve the guests visiting the various hotels and resorts along Harbor Boulevard, as well as local clientele from the surrounding neighborhood.

Goal LU-4 Uses compatible with one another. The proposed use is a restaurant with the incidental service of alcohol. The location of the restaurant is in a previously developed commercial center, with a variety of uses. Directly adjacent to the subject use are retail, restaurant, and personal service uses. Restaurant uses are compatible with these uses, and other lighter, commercial uses. Furthermore, provided the conditions of approval are adhered to for the life of the project, the use will be compatible with other commercial uses.

Goal LU-5 Economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community. Restaurant uses, in a variety of different cuisines and services, can enhance the vitality of the City's commercial centers. The proposed Conditional Use Permit would allow for the service of alcohol at a new restaurant, Cajun Crack'n. The service of alcohol is intended to enhance the dining experience at the restaurant. This enhances the community, by providing another unique dining opportunity.

Policy LU-6.2 Encourage a mix of retail and commercial services along the major corridors and in centers to meet the community's needs. The subject request for a Conditional Use Permit allowing the service of alcohol at Cajun Crack'n would add a new use to a major commercial corridor. The area surrounding the subject restaurant already features a wide variety of commercial uses. With the subject request, the proposed use will further enhance the variety of uses in the area. By providing a vast variety of commercial uses, the shopping center, and the Garden Grove Boulevard commercial corridor can become more resilient to any future demands.

Policy LU-9.2 Support and enhance the commercial centers at the intersection of Harbor Boulevard and Garden Grove Boulevard. The subject shopping center is just north of the intersection of Garden Grove Boulevard and Harbor Boulevard. The proposed restaurant can help enhance the center by filling a major tenant space that was previously occupied by another restaurant. With one less vacancy, the center can become a benefit to locals and visitors alike.

Goal ED-2 The City must attract new businesses, while supporting and assisting those already located within Garden Grove. The proposed Conditional Use Permit is intended to enhance the dining experience at a new restaurant,

Cajun Crack'n. Should the Conditional Use Permit be approved, the City is providing new businesses all the resources they need to be successful.

SAF-IMP-2C Involve law enforcement agencies in the design and planning phases of ABC licensed establishments to reduce design elements that conceal or encourage criminal activity. The Garden Grove Police Department has reviewed all relevant data pertaining to the proposed Conditional Use Permit. The intent of their review is to reduce the number of alcohol-related crimes, and promote the safe operation of the restaurant. No concerns were raised by the Police Department regarding the addition of an ABC License to the restaurant; they are supportive of the Conditional Use Permit request.

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 can minimize potential impacts to the adjoining area. Hours of operation will be limited to between 11:00 a.m. to 10:00 p.m., seven (7) days a week. Limitations on the hours of alcohol sales can limit any impacts on the surrounding area.

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

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

The site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed uses within the surrounding area. No modifications are required to any of the existing site development features on site. This includes any buildings, yards, walls, fences, parking and loading facilities, and landscaping. The subject tenant space has been occupied by restaurant uses since 2005. The subject tenant space is currently undergoing plan check for tenant improvements to convert the space from a buffet-style restaurant into a standard, full-service restaurant use. Once the modifications

are complete, the space will 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 subject site is located on the northeast corner of Harbor Boulevard and Buaro Street. The commercial center is adequately accessed by four (4) driveways along Harbor Boulevard, and two (2) driveways along Buaro Street. On-site circulation is adequate to serve all the uses in the commercial center. The site is also sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities. As a part of this request, no changes are proposed for the design and function of the subject restaurant, or shopping center. Therefore, the site will continue to be adequately served by all existing highways, streets, and other public and private service facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. The Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-224-2022.

Dated: June 9, 2022

DAVID DENT
ZONING ADMINISTRATOR

EXHIBIT "A"

Conditional Use Permit No. CUP-224-2022

12761 Harbor Boulevard, #I-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, Tuanh Enterprises, 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 7,000 square foot restaurant with an Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Eating Place) License as identified on the floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Director.
5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the

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

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

Police Department

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

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

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

Community and Economic Development Department

22. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by Alcoholic Beverage Control (ABC) License. The restaurant shall

contain sufficient space and equipment to accommodate a full restaurant kitchen, and the kitchen shall be open and preparing food during all hours the establishment is open. The establishment shall provide an assortment of foods normally offered in restaurants. The service of only appetizers, sandwiches and/or salads shall not be deemed in compliance with this requirement.

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

Conditional Use Permit No. CUP-224-2022
Conditions of Approval

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-224-2022 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-224-2022 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.

Conditional Use Permit No. CUP-224-2022
Conditions of Approval

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-224-2022. 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-224-2022 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.
52. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division. In the event the use(s) authorized by the CUP cease and the property owner no longer desires to continue such use(s) on the property, property owner may voluntarily terminate the CUP and all rights and obligations thereunder by executing and recording a request for voluntary revocation and termination of the CUP in a form acceptable to the City.
53. No alcoholic beverages shall be sold until all conditions of approval have been met, as determined by the Planning Services Division, and the State Alcoholic Beverage Control Board (ABC) has approved the release of the ABC License.

Orange County Fire Authority

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