



GARDEN GROVE

AGENDA

ZONING ADMINISTRATOR MEETING

Garden Grove Community Meeting Center
11300 Stanford Avenue

Thursday, November 10, 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 public-comment@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-229-2022

APPLICANT: Jose Estrada

LOCATION: 12582 Valley View Street

REQUEST: Conditional Use Permit approval to allow a new restaurant, Estrada's Café, to operate with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License within an existing vacant restaurant tenant space. Upon approval and exercising of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-179-06, shall be revoked and become null and void. The site is in the PUD-102-76 (Planned Unit Development) 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-231-2022

APPLICANT: Jiyeon Kim

LOCATION: 9760 Garden Grove Boulevard

REQUEST: Conditional Use Permit approval to operate an existing restaurant, Mochinut Chungchun Hotdog, with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The site is in the GGMU-3 (Garden Grove Boulevard Mixed Use 3) 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, October 13, 2022

CALL TO ORDER: 9:03 a.m.

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-284-09(REV. 10)
(SUPPLEMENTAL PARKLET)

Applicant: Andrew Nguyen
Location: 12941 Main Street
Date: October 13, 2022

Request: To allow an existing restaurant, The Wharf, currently operating under Conditional Use Permit No. CUP-284-09(REV. 10) with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, to extend the sale of alcoholic beverages to a temporary parklet located within the public street. The site is in the CC-2 (Civic Center Main Street) 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 Sections 15301 – Existing Facilities and 15303 – New Construction or Conversion of Small Structures – of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): Tanya Tra was not present, however, via a phone call, and in writing, she agreed to the Conditions of approval with the modification to #8d.

Action: The Zoning Administrator adopted Decision No. 1827-22 with a modification to Condition of Approval #8d to read: All alcoholic beverages shall be served, delivered, and removed to and from the outdoor dining area by the staff of associated eating establishment. Alcoholic beverages are prohibited outside of the parklet limits. The permittee shall install signage indicating "No Alcohol Beyond This Point".

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-143-2018
(SUPPLEMENTAL PARKLET)

Applicant: AUM Beer House
Location: 12900 Main Street
Date: October 13, 2022

Request: Conditional Use Permit approval to allow an existing restaurant, AUM Beer House, currently operating under Conditional Use Permit No.

Zoning Administrator Minutes

CUP-143-2018 with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating place) License, to extend the sale of alcoholic beverages to a temporary parklet located within the public street. The site is in the CC-2 (Civic Center Main Street) 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 Sections 15301 – Existing Facilities and 15303 – New Construction or Conversion of Small Structures – of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): Son Quach

Action: The Zoning Administrator adopted Decision No. 1828-22 with a modification to Condition of Approval #8d to read: All alcoholic beverages shall be served, delivered, and removed to and from the outdoor dining area by the staff of associated eating establishment. Alcoholic beverages are prohibited outside of the parklet limits. The permittee shall install signage indicating "No Alcohol Beyond This Point". Staff also noted that the City's Department Director would decide if the parklet program would extend beyond two-years. If so, a letter would be issued to the current applicants to require new permits or to renew existing building permits prior to the two-year term's expiration date.

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-268-09
(SUPPLEMENTAL PARKLET)

Applicant: Jennifer Stewart
Location: 12911 Main Street
Date: October 13, 2022

Request: Conditional Use Permit approval to allow an existing restaurant, Azteca Restaurant and Lounge, currently operating under Conditional Use Permit No. CUP-268-09 with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating place) License, to extend the sale of alcoholic beverages to a temporary parklet located within the public street. The site is in the CC-2 (Civic Center Main Street) 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 Sections 15301 – Existing Facilities and 15303 – New Construction or Conversion of Small Structures – of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): Jennifer Stewart

Zoning Administrator Minutes

Action: The Zoning Administrator adopted Decision No. 1829-22 with a modification to Condition of Approval #8d to read: All alcoholic beverages shall be served, delivered, and removed to and from the outdoor dining area by the staff of associated eating establishment. Alcoholic beverages are prohibited outside of the parklet limits. The permittee shall install signage indicating "No Alcohol Beyond This Point".

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-057-2016(REV. 19)
(SUPPLEMENTAL PARKLET)

Applicant: Angelo Tavlarides
Location: 12942 Main Street
Date: October 13, 2022

Request: Conditional Use Permit approval to allow an existing restaurant, Louie's On Main, currently operating under Conditional Use Permit No. CUP-057-2016(REV. 19) with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating place) License, to extend the sale of alcoholic beverages to a temporary parklet located within the public street. The site is in the CC-2 (Civic Center Main Street) 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 Sections 15301 – Existing Facilities and 15303 – New Construction or Conversion of Small Structures – of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): Andrew Mai was not present, however, via a phone call, he agreed to the Conditions of Approval with the modification to #8d.

Action: The Zoning Administrator adopted Decision No. 1830-22 with a modification to Condition of Approval #8d to read: All alcoholic beverages shall be served, delivered, and removed to and from the outdoor dining area by the staff of associated eating establishment. Alcoholic beverages are prohibited outside of the parklet limits. The permittee shall install signage indicating "No Alcohol Beyond This Point".

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-230-2022

Applicant: Power Tran
Location: 10912 Westminster Avenue
Date: October 13, 2022

Zoning Administrator Minutes

Request: Conditional Use Permit approval to operate an existing restaurant, Tran Co Nuong Kitchen, with a new original Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer & Wine, Public Eating Place) License. The site is in the C-2 (Community 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 Sections 15301 - Existing Facilities - of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): Power Tran

Action: The Zoning Administrator adopted Decision No. 1831-22. The applicant noted the alcoholic beverages would be stored in a rear storage area.

ORAL COMMUNICATIONS – PUBLIC: None.

ADJOURNMENT: The Zoning Administrator adjourned the meeting at 9:39 a.m.

Judith Moore, Recording Secretary

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.a.	SITE LOCATION: Northeast corner of Valley View Street and Cerulean Avenue at 12582 Valley View Street.
HEARING DATE: November 10, 2022	GENERAL PLAN: Light Commercial
CASE NO.: Conditional Use Permit No. CUP-229-2022	ZONE: Planned Unit Development No. PUD-102-76
APPLICANT: Jose Estrada	CEQA DETERMINATION: Exempt - Section 15301 - Existing Facilities
PROPERTY OWNER: Sandra Munson (Valley View Village LLC)	APN: 217-064-04

REQUEST:

The applicant is requesting approval of a Conditional Use Permit to allow a new restaurant, Estrada’s Café, to operate with an original State Alcoholic Beverage Control (ABC) Type “41” (On-Sale, Beer and Wine, Public Eating Place) License, at 12582 Valley View Street, within an existing vacant restaurant tenant space. Upon the approval and exercising of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-179-06, shall be revoked and become null and void.

BACKGROUND:

The subject site is approximately 5.9 acres and is improved with a multi-tenant commercial shopping center, Valley View Village Shopping Center, comprised of two (2) main commercial buildings and three (3) commercial pad buildings. The subject tenant space is an approximately 5,400 square foot existing restaurant pad building located on the southwestern end of the shopping center, at 12582 Valley View Street. The subject shopping center is currently occupied by a variety of uses, including medical and dental offices, retail, restaurants, a dry cleaner, a bakery, personal service businesses, and a number of vacant tenant spaces.

The subject property has a General Plan Land Use Designation of Light Commercial, and is zoned Planned Unit Development No. PUD-102-76. The subject shopping center is adjacent to C-2 (Community Commercial) and R-1 (Single-Family Residential) zoned properties to the north, C-1 (Neighborhood Commercial) zoned properties to the west, across Valley View Street, PUD-102-76 zoned properties to the south, across Cerulean Avenue, and R-1 (Single-Family Residential) zoned properties, to the east, across Adams Street. Existing surrounding uses include a mix of single-family residences, townhomes, and various commercial uses.

According to Business Tax records, the subject existing restaurant space was previously occupied by another restaurant, Coco's Restaurant Inc. The previous restaurant closed in 2015, and the subject tenant space has remained vacant since. A new restaurant, Estrada's Café, is proposing to occupy the existing restaurant tenant space.

The applicant has obtained a building permit (Permit No. 22-1655) for interior tenant improvements, currently under construction, which do not include substantial changes to the existing floor plan, nor any proposed expansion of the existing floor area/building. The scope of work for said permit consists of various interior tenant improvements which include, but may not be limited to, new seating and countertops, new flooring and interior finishes, new interior lighting, like-for-like replacement of existing mechanical equipment, and refurbishing of existing restrooms for ADA (American's with Disability Act) accessibility, and ADA path-of-travel.

The applicant is requesting Conditional Use Permit approval to operate the new restaurant with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. Garden Grove Municipal Code Section 9.16.020.080 requires approval of a Conditional Use Permit for the addition of a new original ABC License to a restaurant.

DISCUSSION:

The restaurant tenant space has a total floor area of approximately 5,400 square feet. As mentioned prior, the existing restaurant space is undergoing minor interior tenant improvements that do not substantially change the existing floor plan nor expand the existing restaurant/building. Because the proposed new restaurant, Estrada's Café, is replacing a previously existing restaurant, there is no anticipated change to the existing parking demand of the shopping center. Therefore, no further parking analysis is required.

Estrada's Café will operate as a full-service restaurant, specializing in home-style Mexican food and traditional American food items. 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.

The City's standard hours of operation for ABC Type "41" restaurant establishments are from 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. Estrada's Café's hours of operation will be from 7:00 a.m. to 9:00 p.m., Sunday through Thursday, and 7:00 a.m. to 10:00 p.m., Friday and Saturday. The Police Department is supportive of the restaurant's proposed opening hour, and commencement for the sale and service of alcohol, to begin at 7:00 a.m. 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 low-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. 1832-22 for Conditional Use Permit No. CUP-229-2022.

The previous restaurant, Coco's Restaurant and Bakery, had operated under Conditional Use Permit No. CUP-179-06, which allowed the restaurant to operate with an ABC Type "47" (On-Sale, General, Public Eating Place) License. Upon approval and exercising of Conditional Use Permit No. CUP-229-2022, for the new original ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License, CUP-179-06 shall be revoked, and become null and void.

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.

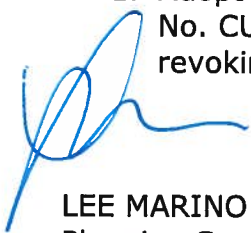
California Environmental Quality Act (CEQA):

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. 1832-22, approving Conditional Use Permit No. CUP-229-2022, subject to the recommended Conditions of Approval, and revoking Conditional Use Permit No. CUP-179-06.



LEE MARINO
Planning Services Manager



By: Shehriyar Khan
Contract Planner

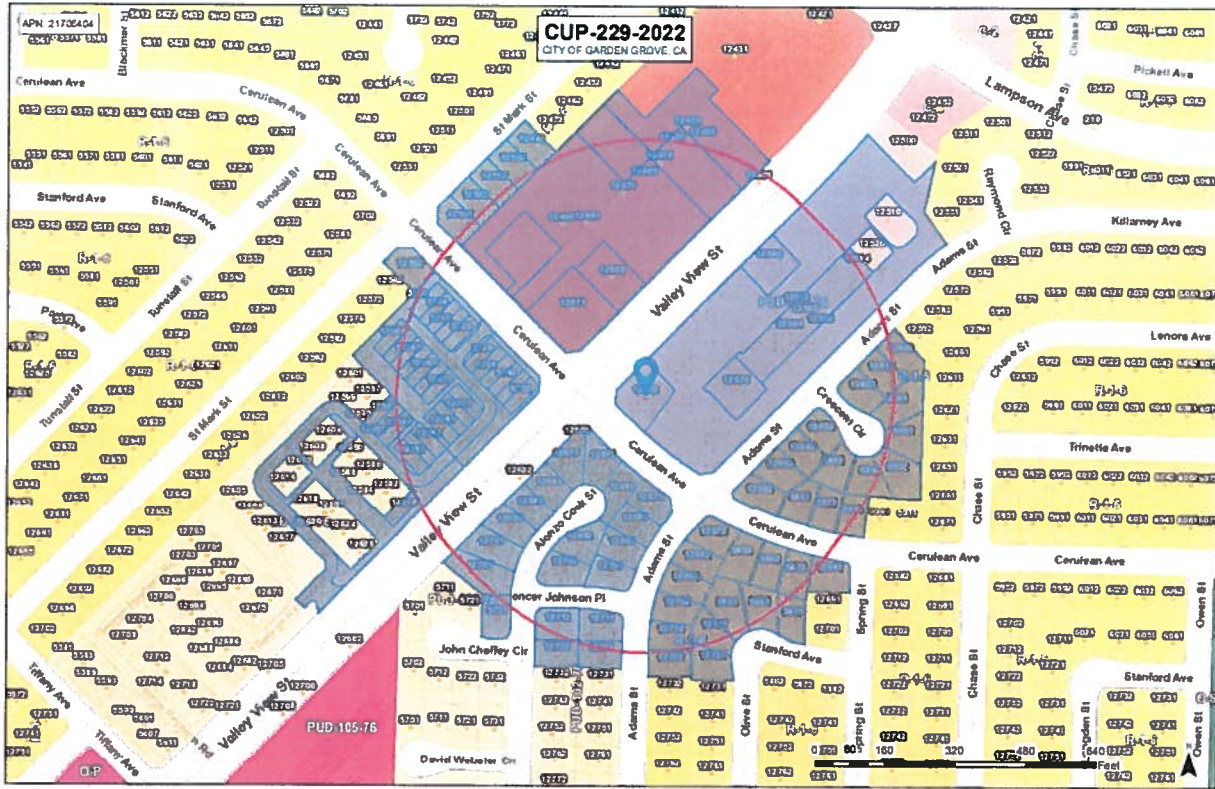


FIGURE 1 – Vicinity Map (Source: Garden Grove GIS)

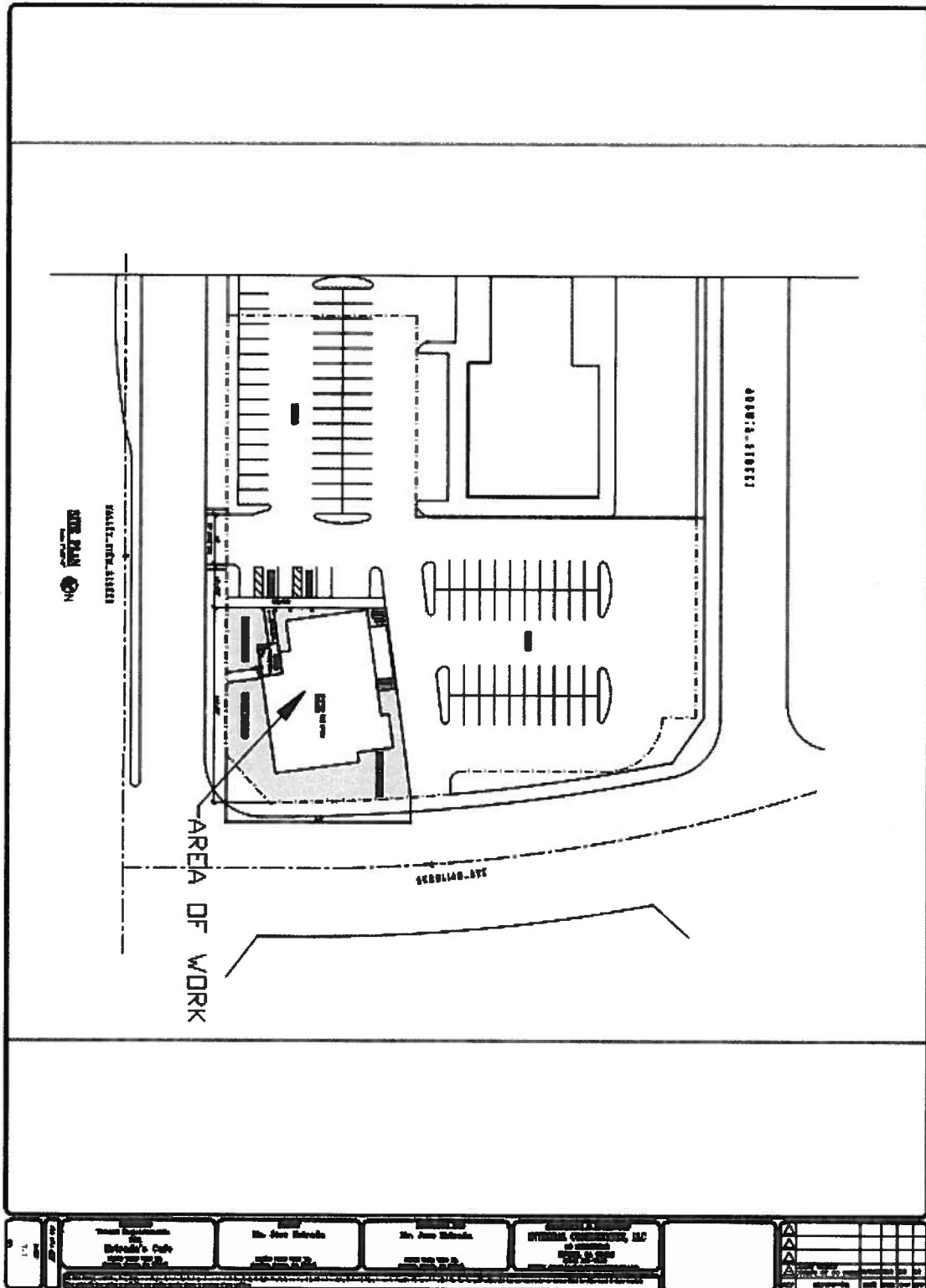


FIGURE 2 – Site Plan

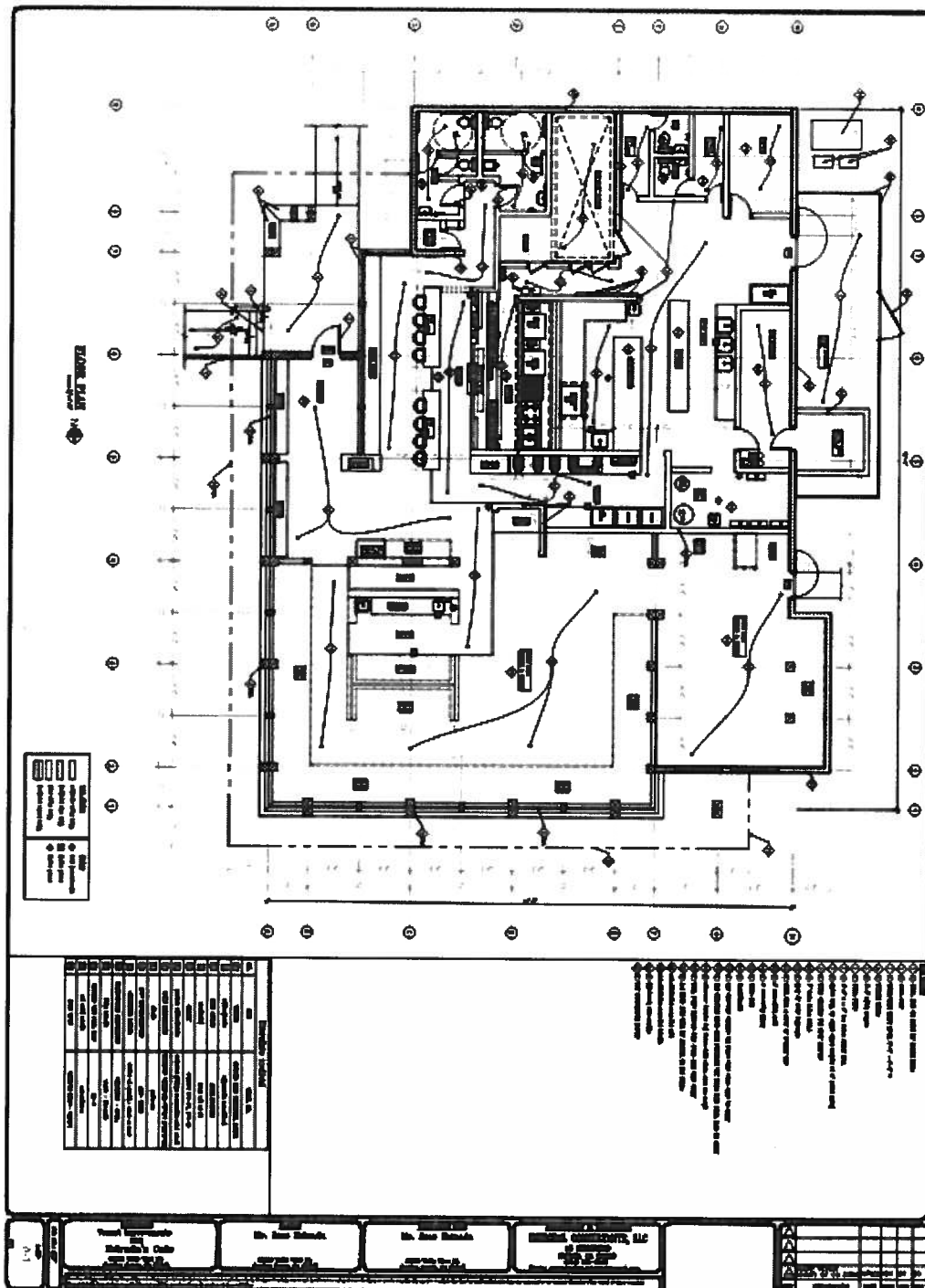


FIGURE 3 – Floor Plan

DECISION NO. 1832-22

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-229-2022 AND REVOKING CONDITIONAL USE PERMIT NO. CUP-179-06, FOR PROPERTY LOCATED AT 12582 VALLEY VIEW STREET, ASSESSOR'S PARCEL NO. 217-064-04.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-229-2022 and revoke Conditional Use Permit No. CUP-179-06, for property located on the northeast corner of Valley View Street and Cerulean Avenue, at 12582 Valley View Street, Assessor's Parcel No. 217-064-04.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-229-2022, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Jose Estrada, with the authorization of the property owner, Sandra Munson (Valley View Village LLC).
2. The applicant is requesting approval of a Conditional Use Permit to allow a new restaurant, Estrada's Café, to operate with an original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License, at 12582 Valley View Street, within an existing vacant restaurant tenant space. Upon the approval and exercising of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-179-06, shall be revoked and become null and void.
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 Light Commercial, and is zoned Planned Unit Development No. PUD-102-76. The subject property is currently improved with a multi-tenant commercial shopping center, Valley View Village Shopping Center, comprised of two (2) main commercial buildings and three (3) commercial pad buildings.
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 November 10, 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 November 10, 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 approximately 5.9 acres and is improved with a multi-tenant commercial shopping center, Valley View Village Shopping Center, comprised of two (2) main commercial buildings and three (3) commercial pad buildings. The subject tenant space is an approximately 5,400 square foot existing restaurant pad building located on the southwestern end of the shopping center, at 12582 Valley View Street. The subject shopping center is currently occupied by a variety of uses, including medical and dental offices, retail, restaurants, a dry cleaner, a bakery, personal service businesses, and a number of vacant tenant spaces.

The subject property has a General Plan Land Use Designation of Light Commercial, and is zoned Planned Unit Development No. PUD-102-76. The subject shopping center is adjacent to C-2 (Community Commercial) and R-1 (Single-Family Residential) zoned properties to the north, C-1 (Neighborhood Commercial) zoned properties to the west, across Valley View Street, PUD-102-76 zoned properties to the south, across Cerulean Avenue, and R-1 (Single-Family Residential) zoned properties, to the east, across Adams Street. Existing surrounding uses include a mix of single-family residences, townhomes, and various commercial uses.

According to Business Tax records, the subject existing restaurant space was previously occupied by another restaurant, Coco's Restaurant Inc. The previous restaurant closed in 2015, and the subject tenant space has remained vacant since. A new restaurant, Estrada's Café, is proposing to occupy the existing restaurant tenant space. The applicant has obtained a building permit (Permit No. 22-1655) for interior tenant improvements, currently under construction, which do not include substantial changes to the existing floor plan, nor any proposed expansion of the existing floor area/building. The scope of work for said permit consists of various interior tenant improvements which include, but may not be limited to, new seating and countertops, new flooring and interior finishes, new interior lighting, like-for-like replacement of existing mechanical equipment, and refurbishing of existing restrooms for ADA (American's with Disability Act) accessibility, and ADA path-of-travel.

The applicant is requesting Conditional Use Permit approval to operate the new restaurant with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. Garden Grove Municipal Code Section 9.16.020.080 requires approval of a Conditional Use Permit for the addition of a new original ABC License to a restaurant.

Estrada's Café will operate as a full-service restaurant, specializing in home-style Mexican food and traditional American food items. The City's standard hours of operation for ABC Type "41" restaurant establishments are from 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. Estrada's Café's hours of operation will be from 7:00 a.m. to 9:00 p.m., Sunday through Thursday, and 7:00 a.m. to 10:00 p.m., Friday and Saturday. The Police Department is supportive of the restaurant's proposed opening hour, and commencement for the sale and service of alcohol, to begin at 7:00 a.m. 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 low-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. 14.
- The crime count for the District is 37.
- Average crime count per district in the City is 70.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 47% below the Citywide average; therefore, it is considered a low-crime area.
- The subject site is located in Alcoholic Beverage Control Census Report District No. 1100.04.
- ABC Census Reporting District No. 1100.04 allows for five (5) on-sale licenses within the District. Currently, there are nine (9) 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 1100.04 by one (1), and the total number of on-sale licenses in the District will be ten (10).

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 low-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.) shall be permitted on the premises.

FINDINGS AND REASONS:

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

The subject property has a General Plan Land Use Designation of Light Commercial, and is zoned Planned Unit Development No. PUD-102-76. The Light Commercial designation is intended to allow a range of commercial activities that serve local residential neighborhoods and the larger community.

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 Valley View Street, in an area developed with existing restaurant, retail, and other commercial services. The subject restaurant, with the proposed service of alcohol, will add an additional amenity to the restaurant that enhances the customer dining experience and maintains the intent of being a business serving the local community.

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 within an existing multi-tenant commercial shopping center, with a variety of commercial uses. Directly adjacent to the subject use are retail, restaurant, medical offices 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, and will be harmonious with the persons who work and live in the area.

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, Estrada's Café. The service of alcohol is intended to enhance the dining experience at the restaurant. This enhances the community, by providing another unique dining opportunity.

Goal LU-6 Revitalization of aging, underused or deteriorated commercial corridors, centers, and properties. The subject request for a Conditional Use Permit allowing the service of alcohol at Estrada's Café would encourage the introduction of related or complimentary uses within the Valley View Village shopping center which currently has multiple vacant tenant spaces.

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 to allow the service of alcohol at Estrada's Café would add a new restaurant use to a major commercial corridor. The area surrounding the subject restaurant features a wide variety of existing 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 Valley View Street commercial corridor can become more resilient to any future demands.

Policy LU-6.3 Encourage properties along corridors and in centers to be improved through maintenance or rehabilitation to prevent decline or

encourage redevelopment. The subject request for a Conditional Use Permit allowing the service of alcohol at Estrada's Café would prevent the decline of the Valley View Village shopping center that is situated along the major arterial corridor of Valley View Street.

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, Estrada's Café. Approval of the Conditional Use Permit would provide the new restaurant with additional resources 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. Standard Conditions of Approval for ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) licensed establishments have been incorporated, which in part, address hours of operation, loitering, on-site security, the sale of alcoholic beverages for off-site consumption, parking lot lighting, and graffiti abatement. The Police Department has reviewed the request and is supportive of the proposal.

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

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The Conditions of Approval will minimize potential impacts to the adjoining area. Hours of operation will be limited to between 7:00 a.m. to 11:00 p.m., Sunday through Thursday, and 7:00 a.m. to 12:30 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 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, is of adequate size to accommodate the proposed use within the surrounding area. No modifications are required to any of the existing site development features on site, which includes any buildings, yards, walls, fences, parking and loading facilities, and landscaping. The applicant has obtained a building permit (Permit No. 22-1655) for interior tenant improvements, currently under construction, which do not include substantial changes to the existing floor plan, nor any proposed expansion of the existing floor area/building.
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 Valley View Street and Cerulean Avenue. The commercial center is adequately accessed by three (3) driveways along Valley View Street, and one (1) driveway along Cerulean Avenue. 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-229-2022.

Dated: November 10, 2022

DAVID DENT
ZONING ADMINISTRATOR

EXHIBIT "A"

Conditional Use Permit No. CUP-229-2022

12582 Valley View Street

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Jose Estrada, 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 5,400 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 7:00 a.m. to 11:00 p.m., Sunday through Thursday, and 7:00 a.m. to 12:30 a.m. on 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.
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.

Conditional Use Permit No. CUP-229-2022
Conditions of Approval

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-229-2022 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-229-2022 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.

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-229-2022. 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-229-2022 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.

Public Works Environmental Services Division

55. Commercial food use of any type shall require the installation of an approved grease interceptor (grease control device), per the requirements of the Environmental Services Division, if such a device does not already exist, prior to obtaining a business license and prior to commencement of operation. A properly sized grease interceptor shall be installed on the sewer lateral and maintained by the property owner. There shall be a separate sanitary waste line that will connect to the sewer lateral downstream of the grease interceptor. All other waste lines shall be drained through the grease interceptor. Grease interceptor shall be located outside of the building and accessible for routine maintenance. Owner shall maintain comprehensive grease interceptor maintenance records and shall make them available to the City of Garden Grove upon demand. Plumbing plan for grease interceptor shall be routed to the Environmental Services Division for review and approval.
56. All trash container areas shall meet the following requirements per State mandated commercial organic recycling laws, including AB 1826 and SB 1383 and their implementing regulations, and any other applicable State recycling laws related to refuse, recyclables, and/or organics (web-link reference: <https://ggcity.org/index.php/pw/trash-recycling>):
- a. Pursuant to state mandated commercial organic recycling laws AB 1826 and SB 1383, the applicant is required to coordinate storage and removal of the organics waste with local recycling/trash company.
 - b. Pursuant to applicable state mandated laws, the applicant is required to contact and coordinate with the operations manager of the local recycling/trash company (Republic Services, 800-700-8610) to ensure the trash enclosure includes the appropriate size and number of containers for the disposal of items such as, but may not limited to, municipal solid waste (MSW), recyclables, and organic green waste.
 - c. Based on the amount of waste disposed, per week, the applicant shall coordinate with the local recycling/trash company to ensure the adequate frequency (no less than three times per week) of trash pick-

up is serviced to the site for municipal solid waste (MSW), recyclables, and organic green waste, including any other type of waste.

- d. The applicant shall ensure large bulk items, intended for coordinated and scheduled pick-up by the local recycling/trash company, are not placed in areas that encroach into drive aisles, parking spaces, pedestrian pathways, or areas in the front of the property including areas public right-of-way (e.g., street, sidewalk), during and after construction. Any large bulk items shall be out of public vantage points.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.b.	SITE LOCATION: South side of Garden Grove Boulevard, between Kerry Street and Galway Street, at 9760 Garden Grove Boulevard
HEARING DATE: November 10, 2022	GENERAL PLAN: RC3 (Residential/Commercial Mixed Use 3)
CASE NO.: Conditional Use Permit No. CUP-231-2022	ZONE: GGMU-3 (Garden Grove Boulevard Mixed Use 3)
APPLICANT: Jiyeon Kim	CEQA DETERMINATION: Exempt – Section 15301 – Existing Facilities
PROPERTY OWNER: Yeon Hee Suh	APN: 098-205-19

REQUEST:

A request to operate an existing restaurant, Mochinut / Chung Chun Rice Hot Dogs, with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-sale, Beer & Wine, Public Eating Place) License, located at 9760 Garden Grove Boulevard.

BACKGROUND:

The subject tenant space is an approximately 800 square foot tenant space within an existing shopping center, located on the south side of Garden Grove Boulevard, between Kerry Street and Galway Street, at 9760 Garden Grove Boulevard. The subject shopping center is currently occupied by a variety of uses, including retail, restaurants, a supermarket, offices, and personal service businesses.

The subject property has a General Plan Land Use Designation of RC3 (Residential/Commercial Mixed Use 3), and is zoned GGMU-3 (Garden Grove Boulevard Mixed Use 3). The property is adjacent to GGMU-3 zoned properties to the east, south, and north, across Garden Grove Boulevard. To the west, across Galway Street, the property is adjacent to GGMU-2 (Garden Grove Boulevard Mixed Use 2) zoned properties.

The specific tenant space under application is an approximately 800 square-foot tenant space, on the southern side of the shopping center. According to Business Tax records, Mochinut / Chung Chun Rice Hot Dogs has occupied the space since 2019. Prior to their operation, the subject location was previously occupied by a variety of other to-go restaurants, since 1975.

The applicant for the restaurant is now 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. None of the previous restaurant uses have applied for, or received, a CUP for the sale and service of alcohol. Garden Grove Municipal Code Section 9.18.060.030 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 800 square feet. Within the tenant space, the restaurant provides a kitchen and food preparation area, a service counter, a restroom, and a seating area for approximately sixteen (16) patrons. The subject tenant space has a history of being used as a to-go restaurant, with a customer service area of 300 square feet, and a maximum of sixteen (16) seats. By operating under these parameters as a to-go restaurant, no additional parking is required.

Mochinut / Chung Chun Rice Hot Dogs operates as a full-service restaurant, primarily serving food to-go. Included on the menu are mochinuts (mochi donuts), rice hot dogs (rice corndogs), fried chicken, and teokbokki (simmered rice cake) dishes. State Alcohol Beverage Control (ABC) has confirmed, and informed City staff that the menu qualifies the restaurant as a "bona fide eating place," per ABC guidelines. Therefore, the restaurant, as proposed, qualifies for an ABC Type "41" License.

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 experience of dine-in customers. 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. Entertainment is not a part of the subject request, and is not permitted as a part of this Conditional Use Permit. Non-live ambient music, not audible outside of the restaurant, is permissible.

Mochinut / Chung Chun Rice Hot Dogs' hours of operation will be 11:00 a.m. to 11:00 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 restaurant has been conditioned to allow for operating hours consistent with the City's standard hours. 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. 1833-22 for Conditional Use Permit No. CUP-231-2022.

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:

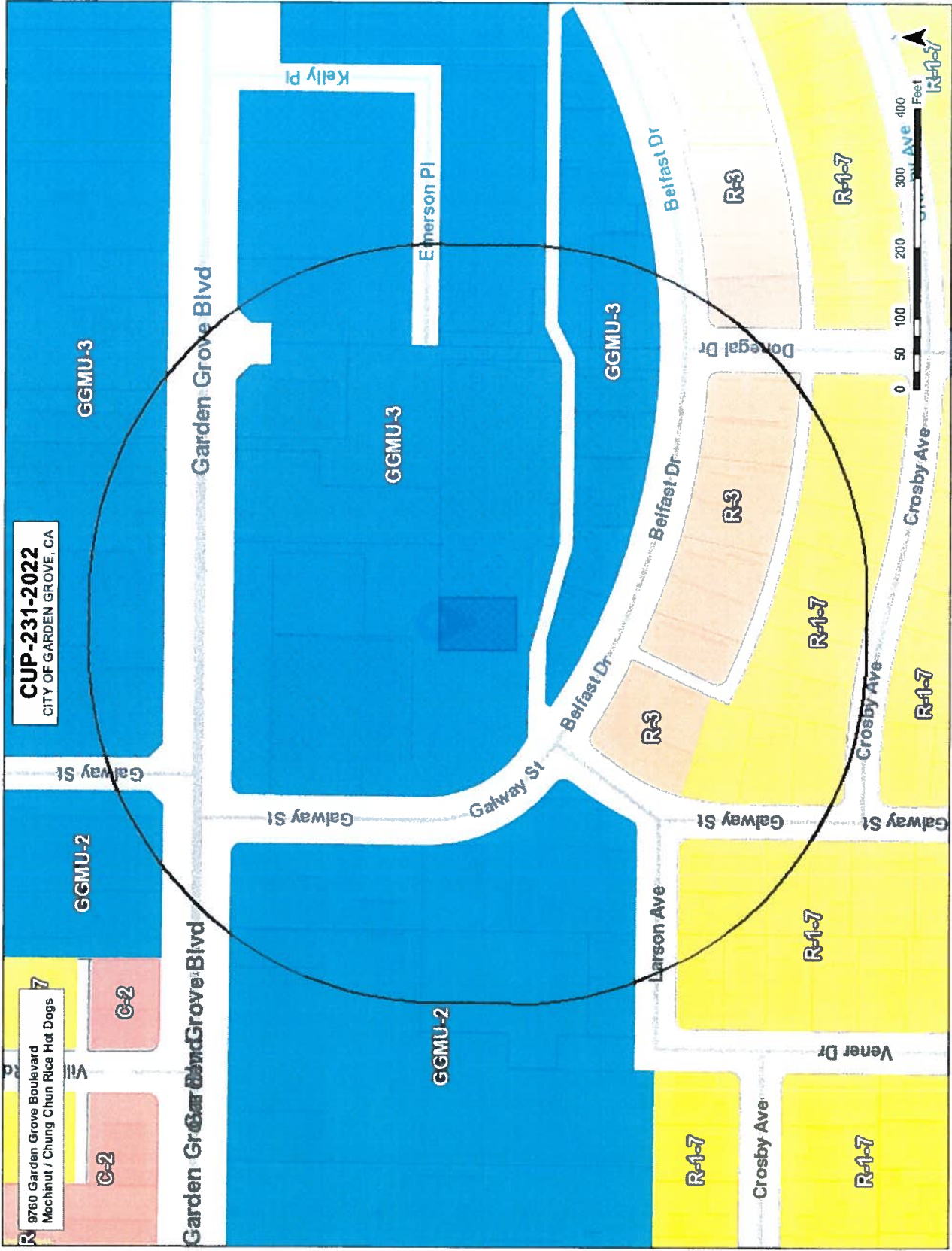
1. Adopt Decision No. 1833-22, approving Conditional Use Permit No. CUP-231-2022, subject to the recommended conditions of approval.



LEE MARINO
Planning Services Manager



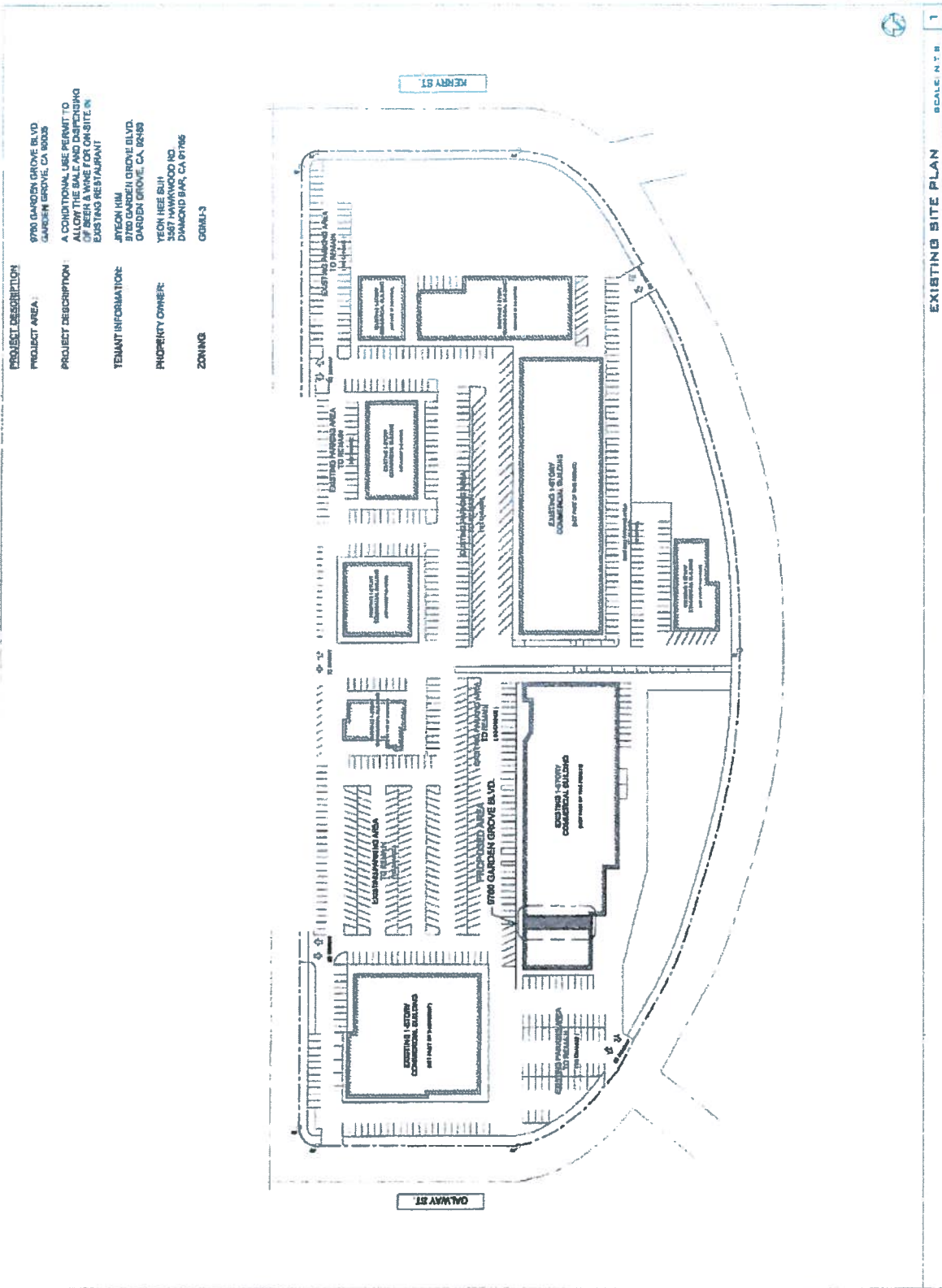
By: Priit Kaskla
Assistant Planner



MRG. JUYEON KIM
9760 GARDEN GROVE BLVD.
GARDEN GROVE, CA 92844
BUSINESS OWNERS

MOCHINUT CHUNGCHEUN HOTDOG
9760 GARDEN GROVE BLVD. GARDEN GROVE, CA 92844

DATE: JULY 2022
DRAWN BY: AB BROWN
SHEET: 1
SITE PLAN
SCALE: A-1-D



PROJECT DESCRIPTION
PROJECT AREA: 9760 GARDEN GROVE BLVD
GARDEN GROVE, CA 92844
PROJECT DESCRIPTION: A CONDITIONAL USE PERMIT TO
ALLOW THE SALE AND DISPENSING
OF BEER & WINE FOR ON-SITE IN
EXISTING RESTAURANT

TENANT INFORMATION:
JUYEON KIM
9760 GARDEN GROVE BLVD.
GARDEN GROVE, CA 92844

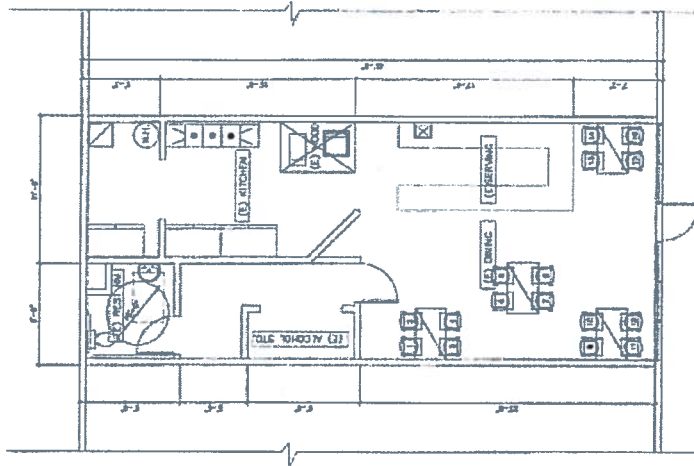
PROPERTY OWNER:
JUYEON KIM
1507 HAWKWOOD RD
DAMOND BAY, CA 94766

ZONING:
CDBL1.5

EXISTING SITE PLAN SCALE: A-1-D

9760 GARDEN GROVE BLVD., GARDEN GROVE, CA 92644
 MOCHINUT CHUNGGHUN HOTDOG
 BUSINESS OWNER:
 MRS. JAYSON KIM
 9760 GARDEN GROVE BLVD.
 GARDEN GROVE, CA 92644

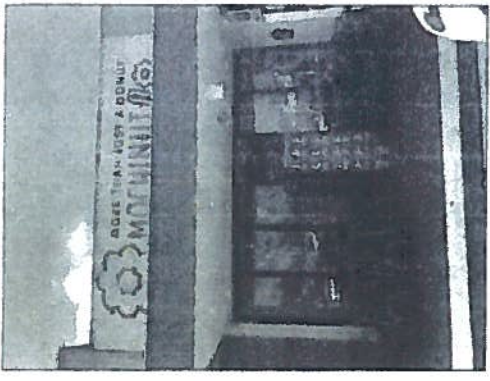
DATE: JULY 2022
 DRAWN BY: AB BHOWAN
 PROJECT: EXISTING FLOOR PLAN
 SCALE: A-2.0



ROOM	AREA (SQ. FT.)
STORAGE	32.0
KITCHEN	223.0
DINING	200.0
SERVICE (W/ COUNTER)	100.0
RESTROOM	54.0
MISC. (HALLWAY)	170.0
TOTAL	777.0

TOTAL # OF SEATS
 18 SEATS
 (INDOOR SEATS ONLY)

EXISTING FLOOR PLAN SCALE: 1/4"=1'-0" 1



DECISION NO. 1833-22

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-231-2022 FOR PROPERTY AT 9760 GARDEN GROVE BOULEVARD, ASSESSOR'S PARCEL NO. 098-205-19.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-231-2022 for property located on the south side of Garden Grove Boulevard, between Kerry Street and Galway Street, at 9760 Garden Grove Boulevard, Assessor's Parcel No. 098-205-19.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-231-2022, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Jiyeon Kim for Mochinut / Chung Chun Rice Hot Dogs.
2. The applicant is requesting approval of a Conditional Use Permit to allow an existing restaurant, Mochinut / Chung Chun Rice Hot Dogs, to operate with a new 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 RC3 (Residential/Commercial Mixed Use 3), and is zoned GGMU-3 (Garden Grove Boulevard Mixed Use 3). 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 November 10, 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 November 10, 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 south side of Garden Grove Boulevard, between Kerry Street and Galway Street, at 9760 Garden Grove Boulevard. The subject property has a General Plan Land Use Designation of RC3 (Residential/Commercial Mixed Use 3), and is zoned GGMU-3 (Garden Grove Boulevard Mixed Use 3). The property is adjacent to GGMU-3 zoned properties to the east, south, and north, across Garden Grove Boulevard. To the west, across Galway Street, the property is adjacent to GGMU-2 (Garden Grove Boulevard Mixed Use 2) zoned properties.

The specific tenant space under application is approximately 800 square feet, toward the southern end of the shopping center. According to Business Tax records, the subject location was previously occupied by numerous to-go restaurants, dating back to 1975. The current restaurant opened in 2019. The applicant for the restaurant is now 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 9.18.060.030 requires a Conditional Use Permit for the addition of a new ABC License to an existing restaurant.

Mochinut / Chung Chun Rice Hot Dogs' hours of operation will be 11:00 a.m. to 11:00 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. 95.
- The crime count for the District is 104.
- Average crime count per district in the City is 70.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 49% above the Citywide average; therefore, it is considered a high-crime area.
- The subject site is located in Alcoholic Beverage Control Census Report District No. 887.02.
- ABC Census Reporting District No. 887.02 allows for seven (7) on-sale licenses within the District. Currently, there are twenty-six (26) on-sale licenses in the

District. The approval of this CUP will add a new ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The approval of this Conditional Use Permit will increase the number of on-sale ABC Licenses in District 887.02 by one (1), and the total number of on-sale licenses in the District will be twenty-seven (27).

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 RC3 (Residential/Commercial Mixed Use 3), and is zoned GGMU-3 (Garden Grove Boulevard Mixed Use 3). The Residential/Commercial Mixed Use 3 designation is intended to provide a mix of residential and commercial uses. The GGMU-3 zone is intended to integrate developments either on a single development site or as complementary uses within a district, such as commercial uses that provide goods and services for adjacent or integrated residential units. 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 along Garden Grove Boulevard, in an area already developed with a variety of commercial businesses. The subject restaurant, with the proposed service of alcohol, can further enhance the commercial district along Garden Grove Boulevard. Particularly, the restaurant can serve the local clientele in the nearby residential neighborhoods, as well as visitors from further destinations.

Goal LU-4 Uses compatible with one another. The proposed use is a restaurant with the incidental service of alcohol. The subject restaurant has been in operation since 2019, in a previously developed commercial center with a variety of uses. Various restaurants have previously occupied the subject tenant space. 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 an existing restaurant, Mochinut / Chung Chun Rice Hot Dogs. The service of alcohol is intended to enhance the dine-in experience at the restaurant. This can enrich 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 tenant space is located in a shopping center on the south side of Garden Grove Boulevard, a major corridor. The subject request for a Conditional Use Permit allowing the service of alcohol at Mochinut / Chung Chun Rice Hot Dogs would expand the use of the restaurant by allowing sales of alcohol incidental to the sale of food. With the subject request, the proposed use will further enhance the variety of commercial uses already in the area. By approving the subject request, the shopping center, and the commercial district centered along Garden Grove Boulevard would provide an even greater variety of commercial services to meet the community's needs.

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 an existing restaurant, Mochinut / Chung Chun Rice Hot Dogs. The sale and service of alcohol is to be incidental to the service of food at the restaurant. Should the Conditional Use Permit be approved, the City is providing an existing business 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. As a result, they are supportive of the Conditional Use Permit request, and recommend approval, subject to the recommended conditions of approval.

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. Proposed hours of operation for the restaurant will be between 11:00 a.m. to 11:00 p.m., seven (7) days a week. The restaurant has been conditioned to allow for operating hours between the City standard hours. Limitations on the hours of operation, and 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 subject shopping center site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed use 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 to-go restaurant uses since 1975. The space will be of adequate size to accommodate the 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 south side of Garden Grove Boulevard, between Kerry Street and Galway Street. The commercial center is adequately accessed by three (3) driveways along Garden Grove Boulevard, three (3) driveways along Galway Street, and two (2) driveways along Kerry 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-231-2022.

Dated: November 10, 2022

DAVID DENT
ZONING ADMINISTRATOR

EXHIBIT "A"

Conditional Use Permit No. CUP-231-2022

9760 Garden Grove Boulevard

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, Jiyeon Kim, 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 an approximately 800 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.

Orange County Fire Authority

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

Police Department

8. There shall be no gaming tables or gaming machines, as outlined in Municipal Code Sections 8.20.010 and 8.20.050, on the premises at any time.
9. Hours of operation shall be permitted only between the hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. The hours of operation shall be applicable to the entire premises. The City of Garden Grove reserves the right to reduce hours of operation by order of the Chief of the Police Department, in the event problems arise due to noise, disturbances or other problems that may be resolved by modifying the hours of operation.
10. There shall be no customers or patrons in or about the premises when the establishment is closed.
11. 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.
12. 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.
13. The sale or service of alcohol shall cease thirty (30) minutes prior to the required closing time.

Conditional Use Permit No. CUP-231-2022

Conditions of Approval

14. 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.
15. 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.
16. No payment (entrance fee/cover charge) shall be charged to gain access to the business at any time.
17. No "B-girl" or "hostess" activity (as defined in Penal Code Section 303) shall occur within the establishment at any time.
18. 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.
19. No employee or agent shall solicit or accept any alcoholic or nonalcoholic beverage from any customer while in the business.
20. 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.
21. 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.
22. 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

23. 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.
24. 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.
25. 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.
26. The applicant shall, upon request, provide the City of Garden Grove with an audited report of sales ratio of food to alcoholic beverages.
27. 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.
28. 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.
29. 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.
30. There shall be no raised platform, stage or dance floor allowed on the premises at any time.
31. There shall be no amusement devices permitted on the premises at any time.

32. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
33. 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.
34. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
35. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
36. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least three (3) times a week.
37. 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.
38. 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.
39. 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.
40. 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.

Conditional Use Permit No. CUP-231-2022
Conditions of Approval

41. 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.
42. 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.
43. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
44. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
45. 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.
46. 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.
47. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-231-2022 shall be kept on the premises at all times.
48. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-231-2022 and his/her agreement with all conditions of the approval.
49. 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.
50. 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.

51. 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-231-2022. 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.
52. 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-231-2022 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.
53. 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.
54. 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.

Environmental Services Division

55. The applicant shall install a Grease Control Device per the requirements of the Environmental Services Division, if such a device is not already installed.
56. The applicant shall comply with all applicable trash enclosure, and Garden Grove Sanitary District and California State recycling requirements for commercial developments.

Engineering Division

57. At the time of any future tenant improvements, the applicant may be subject to traffic mitigation fees, as identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.