



GARDEN GROVE

AGENDA

ZONING ADMINISTRATOR MEETING

Garden Grove Community Meeting Center
11300 Stanford Avenue

Thursday, August 25, 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-227-2022

APPLICANT: Tam M. Pham
LOCATION: 12442 Lampson Avenue

REQUEST: Conditional Use Permit approval to allow an existing convenience store, Express Food Store, to operate with a new State Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, General) License. The existing liquor store is currently operating with an ABC Type "20" (Off-Sale, Beer and Wine) License under approval of Conditional Use Permit No. CUP-586-02. Upon approval and exercising of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-586-02, shall be revoked and become null and void. The site is in the PUD-121-98 (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-223-2022

APPLICANT: Elizabeth Dang
LOCATION: 12865 Main Street

REQUEST: Conditional Use Permit approval to allow an existing restaurant, Chez Liz, to operate with a new original Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer & Wine, Public Eating Place) License. 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 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, July 28, 2022

CALL TO ORDER: 9:04 a.m.

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-226-2022

Applicant: Khanh Le, LLC
Location: 10130 Garden Grove Boulevard #133
Date: July 28, 2022

Request: Conditional Use Permit approval to allow an existing restaurant, King Street Food, to operate with a State Alcohol Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine) License. The site is in the GGMU-1 (Garden Grove Boulevard Mixed Use 1) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): Rose Bui

Action: The Zoning Administrator adopted Decision No. 1824-22.

ORAL COMMUNICATIONS – PUBLIC: None.

ADJOURNMENT: The Zoning Administrator adjourned the meeting at 9:10 a.m.

Judith Moore, Recording Secretary

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.a.	SITE LOCATION: South side of Lampson Avenue and west of Harbor Boulevard, at 12442 Lampson Avenue
HEARING DATE: August 25, 2022	GENERAL PLAN: International West
CASE NO.: Conditional Use Permit No. CUP-227-2022	ZONE: PUD-121-98 (Planned Unit Development)
APPLICANT: Tam M. Pham (Express Food Store)	CEQA DETERMINATION: Exempt - Section 15301 - Existing Facilities
PROPERTY OWNER: Chih-Min Chung	APN: 231-441-35

REQUEST:

A request for Conditional Use Permit approval to allow an existing convenience store, Express Food Store, located at 12442 Lampson Avenue, to operate with a new State Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, General) License. The existing convenience store is currently operating with an ABC Type "20" (Off-Sale, Beer and Wine) License, under the approval of Conditional Use Permit No. CUP-586-02. Upon approval and exercising of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-586-02, shall be revoked and become null and void.

BACKGROUND:

The subject site is 16,200 square feet in area and is improved with an approximately 5,350 square foot multi-tenant commercial building located on the south side of Lampson Avenue and west of Harbor Boulevard. The specific tenant space under application is a 3,000 square foot space.

The property is zoned PUD-121-98 (Planned Unit Development) and has a General Plan Land Use Designation of International West. The property is adjacent to PUD-121-98 zoned properties to the west, south and north, across Lampson Avenue, and R-1 (Single Family Residential) zoned properties to the east, across Harbor Boulevard.

In 1985, the City of Garden Grove adopted the Harbor Corridor Specific Plan to revitalize several parcels located along the Harbor Corridor. The regulations of the specific plan are intended to achieve gradual improvement of older commercial, office and residential buildings through expansion of use, redevelopment, consolidation of parcels, rehabilitation, landscaping, design improvements or any combination of these devices desired by the property owner(s) and supportable by the City. Ultimately,

the specific plan intends to establish a sense of place, as well as continuity and consistency of development standards within the Corridor.

On July 15, 1998, the City of Garden Grove approved Planned Unit Development No. PUD-121-98. This approval allowed the rezoning of the subject site, as well as other properties within the immediate vicinity and along Harbor Boulevard, to PUD-121-98. The approvals allowed the development of the Riverwalk Entertainment and Retail Complex to construct approximately one million square feet of commercial and entertainment area including a cinema, a multi-story entertainment center, a hotel, restaurants, live entertainment and attraction areas, and a major water attraction element.

The Riverwalk Entertainment and Retail Complex was never developed. Thus the PUD-121-98 zone, nor its prescribed development standards, were never fully enacted. Therefore, all development standards and regulations fall back to the original zoning designation of HCSP-DC (Harbor Corridor Specific Plan - District Commercial). Although, technically, the current zoning designation for the subject site is PUD-121-98, the development standards and uses that apply are contained within the HCSP-DC zoning code.

In February of 2002, the City approved Conditional Use Permit No. CUP-586-02, which allowed an existing convenience store, within the subject tenant space, to operate with an ABC Type "20" (Off-Sale, Beer & Wine) License.

The applicant has submitted a request to upgrade the existing ABC Type "20" (Off-Sale, Beer and Wine) License and initiated an application with the Department of Alcoholic Beverage Control for a new original ABC Type "21" (Off-Sale, General) License. Municipal Code Section 9.16.020.080.B requires the approval of a Conditional Use Permit when there is an application for a new original ABC license.

DISCUSSION:

There are no proposed changes to the floor plan of the existing convenience store. The floor plan of the existing liquor store will continue to consist of a cashier counter area, a retail area (including display shelves and racks), storage areas, and two (2) restrooms. The distilled spirits are proposed to be displayed behind the service counter.

The convenience store will continue to maintain its existing hours of operation from 8:00 a.m. to 10:00 a.m., seven (7) days a week. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Chief of the Police Department.

The convenience store is located in a high-crime district, and in an area of an over-concentration of Alcoholic Beverage Control off-sale licenses. A summary of the district can be found in Decision No. 1825-22 for Conditional Use Permit No. CUP-227-2022.

The existing Conditional Use Permit No. CUP-586-02 was approved to allow the operation of the liquor store under an ABC Type "20" (Off-Sale, Beer and Wine) License. Upon the approval and exercising of Conditional Use Permit No. CUP-227-2022, for the new original ABC Type "21" (Off-Sale, General) License, CUP-586-02 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 "21" License will apply.

RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following action:

1. Adopt the proposed Decision approving Conditional Use Permit No. CUP-227-2022, subject to the recommended Conditions of Approval, and revoking Conditional Use Permit No. CUP-586-02.



LEE MARINO
Planning Services Manager

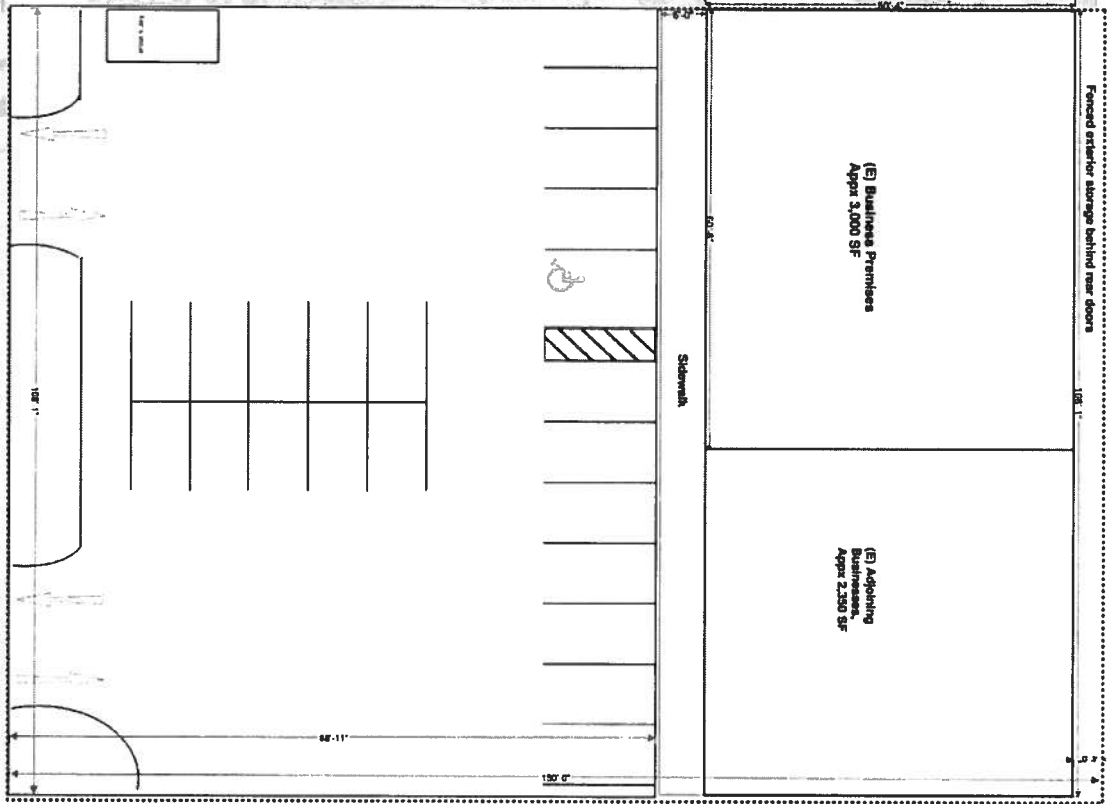


By: Jose Jara
Contract Planner

Lampson Ave

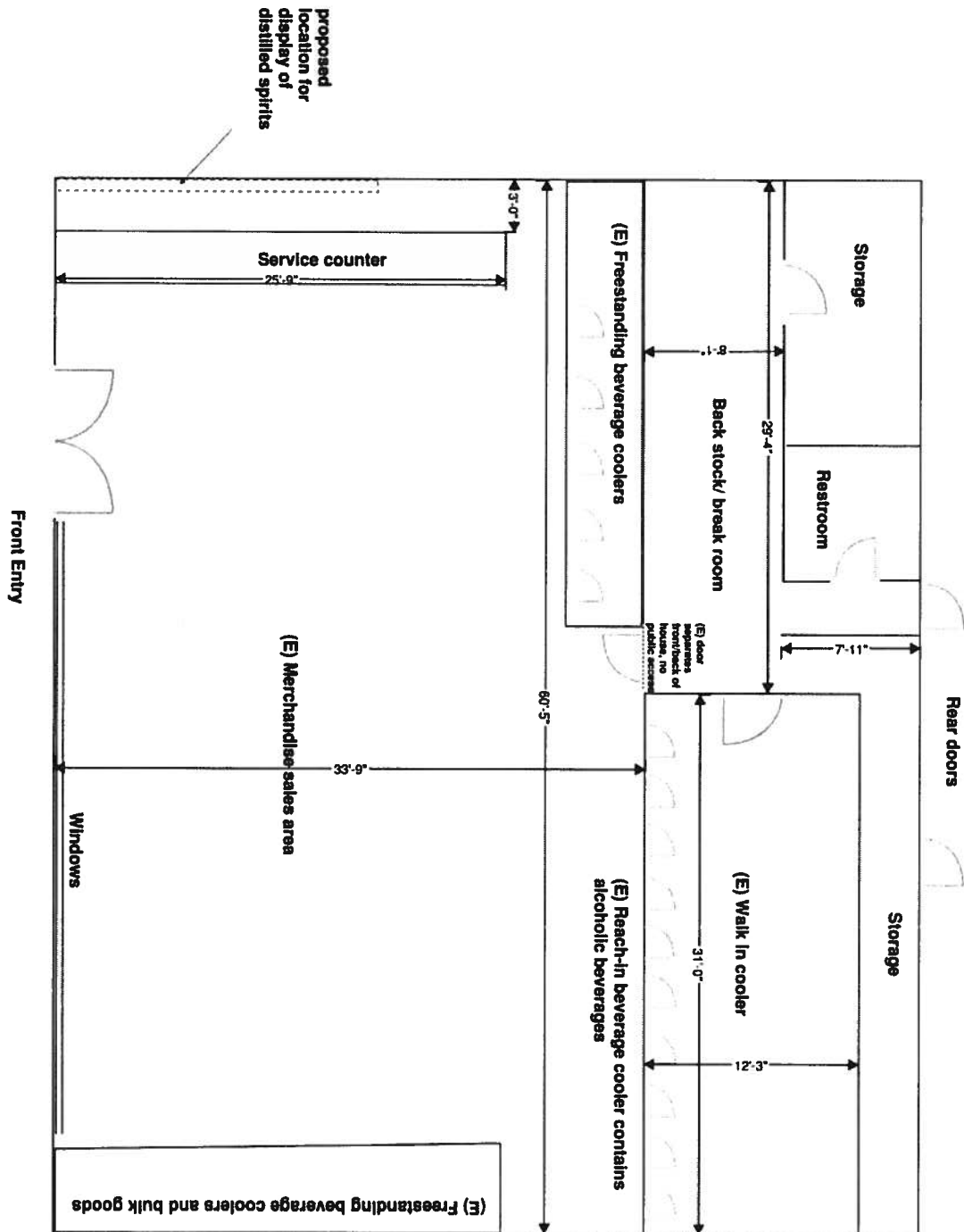
Lampson Ave

Lampson Ave



Lot Size SFAC
18,173/37

Parcel Size: 1,6173 SF
Total Building Area: 5,350 SF
Subject Premises: 3,000 SF
Parking: 22 parking spaces
Approx 2,976 SF parking area



DECISION NO. 1825-22

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-227-2022 AND REVOKING CONDITIONAL USE PERMIT NO. CUP-586-02.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-227-2022, and revoke Conditional Use Permit CUP-586-02, for a property located on the south side of Lampson Avenue and west of Harbor Boulevard, at 12442 Lampson Avenue, Assessor's Parcel No. 231-441-35.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-227-2022, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Tam M. Pham.
2. A request for Conditional Use Permit approval to allow an existing convenience store, Express Food Store, to operate with a new State Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, General) License. The existing convenience store is currently operating with an ABC Type "20" (Off-Sale, Beer and Wine) License, under the approval of Conditional Use Permit No. CUP-586-02. Upon approval and exercising of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-586-02, 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 property has a General Plan Land Use Designation of International West, and is zoned PUD-121-98 (Planned Unit Development).
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 August 25, 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 August 25, 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 16,200 square feet in area and is improved with an approximately 5,350 square foot multi-tenant commercial building located on the south side of Lampson Avenue and west of Harbor Boulevard. The specific tenant space under application is a 3,000 square foot space.

The property is zoned PUD-121-98 (Planned Unit Development) and has a General Plan Land Use designation of International West. The property is adjacent to PUD-121-98 zoned properties to the west, south and north, across Lampson Avenue, and R-1 (Single Family Residential) zoned properties to the east, across Harbor Boulevard.

In 1985, the City of Garden Grove adopted the Harbor Corridor Specific Plan to revitalize several parcels located along the Harbor Corridor. The regulations of the specific plan are intended to achieve gradual improvement of older commercial, office and residential buildings through expansion of use, redevelopment, consolidation of parcels, rehabilitation, landscaping, design improvements or any combination of these devices desired by the property owner(s) and supportable by the City. Ultimately, the specific plan intends to establish a sense of place, as well as continuity and consistency of development standards within the Corridor.

On July 15, 1998, the City of Garden Grove approved Planned Unit Development No. PUD-121-98. This approval allowed the rezoning of the subject site, as well as other properties within the immediate vicinity and along Harbor Boulevard, to PUD-121-98. The approvals allowed the development of the Riverwalk Entertainment and Retail Complex to construct approximately one million square feet of commercial and entertainment area including a cinema, a multi-story entertainment center, a hotel, restaurants, live entertainment and attraction areas, and a major water attraction element.

The Riverwalk Entertainment and Retail Complex was never developed. Thus the PUD-121-98 zone, nor its prescribed development standards, were never fully enacted. Therefore, all development standards and regulations fall back to the original zoning designation of HCSP-DC (Harbor Corridor Specific Plan - District Commercial). Although, the current zoning designation for the subject site is PUD-121-98, the development standards and uses that apply are contained within the HCSP-DC zoning code.

In February of 2002, the City approved Conditional Use Permit No. CUP-586-02, which allowed an existing convenience store, within the subject tenant space, to operate with an ABC Type "20" (Off-Sale, Beer & Wine) License.

The applicant has submitted a request to upgrade the existing ABC Type "20" (Off-Sale, Beer and Wine) License and initiated an application with the Department of Alcoholic Beverage Control for a new original ABC Type "21" (Off-Sale, General) License. Municipal Code Section 9.16.020.080.B requires the approval of a Conditional Use Permit when there is an application for a new original ABC license.

The convenience store will continue to maintain its existing hours of operation from 8:00 a.m. to 10:00 a.m., seven (7) days a week.

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 "21" License will apply.

The convenience store is located in a high-crime district, and in an area of an over-concentration of Alcoholic Beverage Control off-sale licenses. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 144.
- The crime count for the District is 168.
- Average crime count per district in the City is 70.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 58% above the Citywide average; therefore, it is considered a high-crime area.
- The subject site is located in Alcoholic Beverage Control Census Report District No. 885.02.
- ABC Census Reporting District No. 885.02 allows for three (3) off-sale licenses within the District. Currently, there are seven (7) off-sale licenses in the District, which includes the existing ABC Type "20" (Off-Sale, Beer and Wine) License used by the existing convenience store. The approval of this CUP will upgrade the existing ABC Type "20" License to an ABC Type "21" (Off-Sale, General) License. Because this approval will only replace the existing ABC License, the total number of off-sale licenses in District 888.01 will remain at seven (7).

FINDING OF PUBLIC CONVENIENCE OR NECESSITY:

Because the proposed establishment is located within a district with a high crime rate and in an area with an over-concentration of ABC off-sale licenses, pursuant to Business and Provisions Code Sections 23958 and 23958.4, ABC may not issue a new alcohol license to the applicant unless the Zoning Administrator determines that public convenience or necessity would be served by issuance of the license. 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 ABC off-sale licenses, a finding for public convenience or necessity is warranted given the potential community benefit through the continued operation of the existing convenience store with an ABC Type "21" (Off-Sale, General) License, which would provide and maintain an

amenity that enhances the customer shopping 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. The Conditions of Approval will minimize potential impacts to the adjoining area. Provided the Conditions of Approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

FINDINGS AND REASONS:

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

The subject site has a General Plan Land Use Designation of International West, and is zoned PUD-121-98 (Planned Unit Development). The development contemplated under PUD-121-98 was never developed. Thus the PUD-121-98 zone, nor its prescribed development standards, were never fully enacted. Therefore, the subject property is subject to the development standards and regulations of the original zoning designation of HCSP-DC (Harbor Corridor Specific Plan – District Commercial). The International West designation is intended to function as the City's resort area, providing a mix of uses, including resort, entertainment, retail, hotel, and higher density residential that are appropriate for a major entertainment and tourism destination, which enlivens the street and embodies the entertainment/resort theme. The HCSP-DC zone is intended as an area of Citywide significance for retail commercial sales of a variety of products and provision of consumer services. The District Commercial zone is intended to meet City general commercial needs beyond the neighborhood level with a mix of general commercial businesses, offices, specialty shops, and convenience services. Liquor stores with retail sales of alcoholic beverages are conditionally permitted in this zone. This approval will allow the existing convenience store to operate with an ABC Type "21" (Off-Sale, General) License. The convenience store has been in operation since 2002 with an ABC Type "20" (Off-Sale, Beer and Wine) License. The subject request is to upgrade the existing ABC Type "20" License to an ABC Type "21" (Off-Sale, General) License. Provided that the Conditions of Approval are complied with, the use will be consistent with the General Plan.

Additionally, the proposed project is consistent with the spirit and intent of the General Plan, through its goal, policies, and implementation programs, including specifically:

Policy LU-1.4 encourages a wide variety of retail and commercial services, such as restaurants and cultural arts/entertainment, in appropriate locations. The existing convenience store is located in a multi-tenant commercial shopping center. The approval of the proposed Conditional Use Permit, will allow the existing convenience store to upgrade its existing ABC Type "20"

(Off-Sale, Beer and Wine) License to an ABC Type "21" (Off-Sale, General) License, which will add an additional amenity that enhances the customer shopping experience and maintains the intent of being a business serving the local community.

Policy LU-2.1 strives to protect residential areas from the effects of potentially incompatible uses. Where new commercial or industrial development is allowed adjacent to residentially zoned districts, maintain standards for circulation, noise, setbacks, buffer areas, landscaping, and architecture which ensure compatibility between the uses. This approval will allow the existing convenience store to operate with an ABC Type "21" (Off-Sale, General) License. The store has been in operation since 2002 with an ABC Type "20" (Off-Sale, Beer and Wine) License. The subject request is to upgrade the existing ABC Type "20" License to an ABC Type "21" (Off-Sale, General) License. Conditions of Approval have been incorporated to address property maintenance and operational matters such as, but not limited to, safety, responsible beverage service, loitering, deliveries, litter, noise, graffiti abatement, parking lot lighting, and signage. Provided that the Conditions of Approval are complied with, the use will be consistent with the General Plan.

Goal LU-5 strives to maintain economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community. The existing convenience store is located in a multi-tenant commercial shopping center. The approval of the proposed Conditional Use Permit, will allow the existing convenience store to upgrade its existing ABC Type "20" (Off-Sale, Beer and Wine) License to an ABC Type "21" (Off-Sale, General) License, which will add an additional amenity that enhances the customer shopping experience and maintains the intent of being a business serving the local community. Additionally, to ensure the existing shopping center maintains its operation as an economically viable, vital, and attractive development, Conditions of Approval have been incorporated to address property maintenance and operational matters such as, but not limited to, safety, responsible beverage service, loitering, deliveries, litter, noise, graffiti abatement, parking lot lighting, and signage. Provided that the Conditions of Approval are complied with, the use will be consistent with the General Plan.

Policy LU-6.2 encourages a mix of retail shops and services along the major corridors and in centers to better meet the community's needs. The existing convenience store is located in a multi-tenant commercial shopping center. The approval of the proposed Conditional Use Permit, will allow the existing convenience store to upgrade its existing ABC Type "20" (Off-Sale, Beer and Wine) License to an ABC Type "21" (Off-Sale, General) License, which will add an additional amenity that enhances the customer shopping experience and maintains the intent of being a business serving the local community.

Goal ED-2 maintains that the City must attract new businesses, while supporting and assisting those already located within Garden Grove. The existing convenience store, Express Food Store, and the proposed Conditional Use Permit to upgrade its existing ABC Type "20" (Off-Sale, Beer and Wine) License to an ABC Type "21" (Off-Sale, General) License, is intended to enhance the customer shopping experience at the subject site. Approval of the Conditional Use Permit would provide the existing convenience store with additional resources to be successful.

SAF-IMP-2C strives to 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 existing convenience store. No concerns were raised by the Police Department regarding the upgrade of the existing ABC Type "20" (Off-Sale, Beer and Wine) License to an ABC Type "21" (Off-Sale, General) License. Conditions of Approval have been incorporated to 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. Provided the Conditions of Approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

The use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the Conditions of Approval are adhered to for the life of the project. By operating as a convenience store, with ancillary beer, wine, and distilled spirit sales for off-site consumption only, the use will be compatible with the surrounding uses. There are no proposed changes to the operation of the store, other than the upgrade of the existing license. The hours of operation will remain the same.

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

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

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

The site is located on the south side of Lampson Avenue and west of Harbor Boulevard, which are fully developed streets that provide adequate traffic circulation and driveway access to parking areas. The site is also sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities. Approval of the proposed upgrade to the existing ABC license for the existing convenience store is not anticipated to result in a significant increase in traffic or to cause additional burdens on services 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-227-2022.

Dated: August 25, 2022

DAVID DENT
ZONING ADMINISTRATOR

EXHIBIT "A"
Conditional Use Permit No. CUP-227-2022

12442 Lampson Avenue
(Assessor's Parcel No. 231-441-35)

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 Tam M. Pham, 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 3,000 square foot convenience store with an Alcoholic Beverage Control Type "21" (Off-Sale, General) 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 from 8:00 a.m. to 10:00 a.m., seven (7) days a week. 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 on the premises is prohibited. Consumption of alcoholic beverages shall not occur anywhere on the site or within the premises.
12. All pay phones located on the property, adjacent to the premises, shall be limited to out-going calls only. This condition shall be complied with within 30 days following approval of this application.
13. The business, prior to obtaining the Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, General) License, shall show proof to the Police Department that all members of the business staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through the Alcoholic Beverage

Control Department or an ABC approved "Responsible Beverage Service (RBS) Training" program.

14. 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.
15. 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

16. This approval shall allow the convenience store to operate with ancillary alcoholic beverage sales.
17. The sales area for alcoholic beverages shall not exceed 5% of the retail sales floor area of the store.
18. 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.
19. 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.
20. There shall be no amusement devices permitted on the premises at any time.
21. Any adult merchandise (books, magazines, videos) shall be kept under the control of the management, behind the cashier's counter, and must be segregated and screened from minors.
22. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
23. There shall be no deliveries to or from the premises between the hours of 10:00 p.m. and 7:00 a.m., seven (7) days a week.

24. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.

32. 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.
33. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
34. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
35. 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.
36. 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.
37. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-227-2022 shall be kept on the premises at all times.
38. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-227-2022 and his/her agreement with all conditions of the approval.
39. 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.
40. 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.

41. 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-227-2022. 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.
42. 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-227-2022 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.
43. 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.
44. No alcoholic beverages shall be sold until all conditions of approval have been met, as determined by the Planning Services Division, and the State Alcoholic Beverage Control Board (ABC) has approved the release of the ABC License.

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.b.	SITE LOCATION: Southwest corner of Acacia Parkway and Main Street, at 12865 Main Street
HEARING DATE: August 25, 2022	GENERAL PLAN: CC (Civic Center Mixed Use)
CASE NO.: Conditional Use Permit No. CUP-223-2022	ZONE: CC-2 (Civic Center Main Street)
APPLICANT: Elizabeth Dang	CEQA DETERMINATION: Exempt – Section 15301 – Existing Facilities
PROPERTY OWNER: Same as Owner	APN: 089-213-34

REQUEST:

The applicant is requesting approval of a Conditional Use Permit to allow a new restaurant, Chez Liz, to operate with an original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License, and limited live entertainment, at 12865 Main Street.

BACKGROUND:

The subject site is improved with an existing 18,200 square foot, two-story commercial building on a 10,647 square foot lot, located on the southwest corner of Acacia Parkway and Main Street, at 12865 Main Street. The subject building is currently occupied by a variety of uses, including medical office, a beauty salon, and a juice bar. The building is located on the historic Main Street, which consists of a mix of residential, restaurant, retail, personal service, and office uses. The subject property is zoned CC-2 (Civic Center Main Street) and has a General Plan Land Use Designation of CC (Civic Center Mixed Use).

Chez Liz is a new dining concept proposed on the first floor of the subject building. The restaurant will serve a variety of food and drink in different rooms, all as one restaurant operation. This includes a tapas-style service, sandwich counter, juice bar, tea room, and retail spaces selling various artisanal products. The restaurant has been conditioned to operate as a singular business entity. The restaurant will occupy Suites #100-104, and Suite #106. Chez Liz is a new restaurant occupying the first floor of the subject building, except for the existing medical office (Suite #105), which is to remain, and does not feature access into the restaurant.

Chez Liz also features an outside seating area in the public right-of-way along Main Street, which is considered under Director Review No. DR-062-2022. The applicant for the new restaurant is 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, and limited live entertainment for the indoor portion of the restaurant. Garden Grove Municipal Code Section 9.18.020.030 requires a Conditional Use Permit for a restaurant with limited live entertainment, and the addition of a new ABC License to a restaurant.

DISCUSSION:

Chez Liz is a unique restaurant concept with multiple rooms serving an array of different cuisines. Beer and wine sales will be permitted only for on-site consumption, in Suites #101, #102, and #104, as identified in the floor plan (approximately 1,600 square feet, 600 square feet, and 1,200 square feet, respectively). The service of beer and wine is intended to complement meals, and enhance the dine-in experience of the various food service areas. 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.

Suite #101 will serve as a tea room. Afternoon tea, finger sandwiches, pastries, and other lighter foods will be served alongside champagne. The outdoor patio adjacent to the tea room will not be used as seating area, or for the service of alcohol. Suite #102 will function as a wine tasting area. Suite #104 in the atrium, will serve tapas-style meals, with accompanying beer and wine. The dining area will be located in the central atrium portion of the building, but will be separated from other areas in the building via decorative planters, railings, and gates. Adjacent to the wine tasting room and atrium dining area are two spaces (Suites #102 and #103) for the retail sales of artisanal cheeses, arts, and other goods. These spaces shall not serve alcohol, or allow for the consumption of alcohol.

As of this writing, tenant improvement plans have been submitted for plan check review to add a kitchen in Suite #104. The permits call for the installation of a new kitchen, food prep area, a dry storage area, and dining area in the atrium. Separate tenant improvement plans have been submitted for the juice bar, and the sandwich counter. Additional plans shall be submitted for the outdoor dining area, and the interior tenant improvements related to the tea room, wine tasting area, and the ancillary retail spaces. No additional parking is required for the new restaurant.

Suites #100 and #106 will function as a sandwich counter, and a juice bar, respectively. These two spaces also feature access to outside seating along Main Street, considered under Director Review No. DR-062-2022. Neither shall serve alcohol, and the sale and consumption of alcohol is prohibited in the outside seating area. Furthermore, these areas shall remain separated from the portions of the restaurant serving alcohol. The double doors leading into the atrium of the building shall remain closed, and signage shall be placed to prohibit the consumption of alcohol outside of the permitted areas. The project has been conditioned as such.

In addition to the proposed service of alcohol, the restaurant is proposing limited live entertainment, in the form of a solo pianist. The intent of the solo performer is to add ambiance to the restaurant's dining experience in the atrium. The piano will

be situated adjacent to the dining area, in the building's central atrium. No stage or other raised platform is allowed. The double doors that lead into the atrium area of the building will remain closed, to limit any noise reaching the exterior of the building. Hours for the pianist are between 6:00 p.m. to 10:00 p.m., seven (7) days a week, and between 10:00 a.m. to 2:00 p.m. Saturday and Sunday. The restaurant will comply with Municipal Code Section 9.18.030.150 for "Restaurant with Limited Entertainment," and has been conditioned as such.

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

The restaurant is located in a high-crime district, and in an area with an over-concentration of Alcoholic Beverage Control on-sale licenses. In order to approve the request, a Finding of Public Convenience or Necessity is required. A summary of the district and the Findings of Public Convenience or Necessity can be found in Decision No. 1826-22 for Conditional Use Permit No. CUP-223-2022.

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, with limited live entertainment will apply.

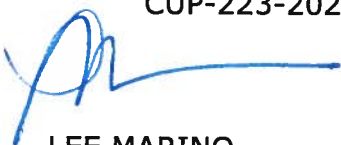
CEQA:

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:

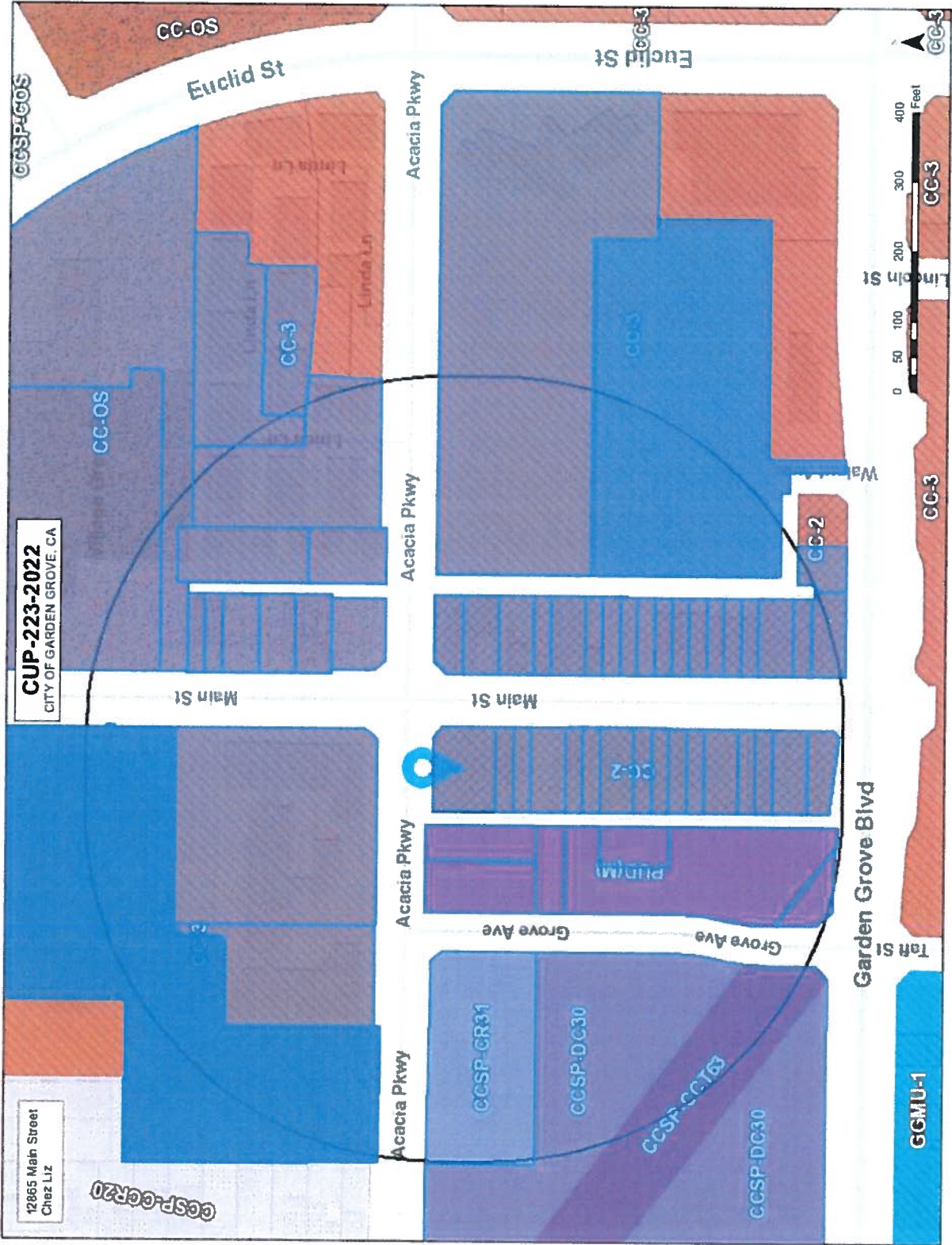
1. Adopt Decision No. 1826-22, approving Conditional Use Permit No. CUP-223-2022, subject to the recommended conditions of approval.




LEE MARINO
Planning Services Manager



By: Prit Kaskla, AICP
Assistant Planner





12865 MAIN ST. SUITE 100,
GARDEN GROVE, CA 92843

CHEZ LIZ

12865 MAIN ST. SUITE 100
GARDEN GROVE, CA 92843

COMMERCIAL PROJECTION

OVERALL FLOOR PLAN

DATE: 08/11/2022

PROJECT: 12865 MAIN ST. SUITE 100

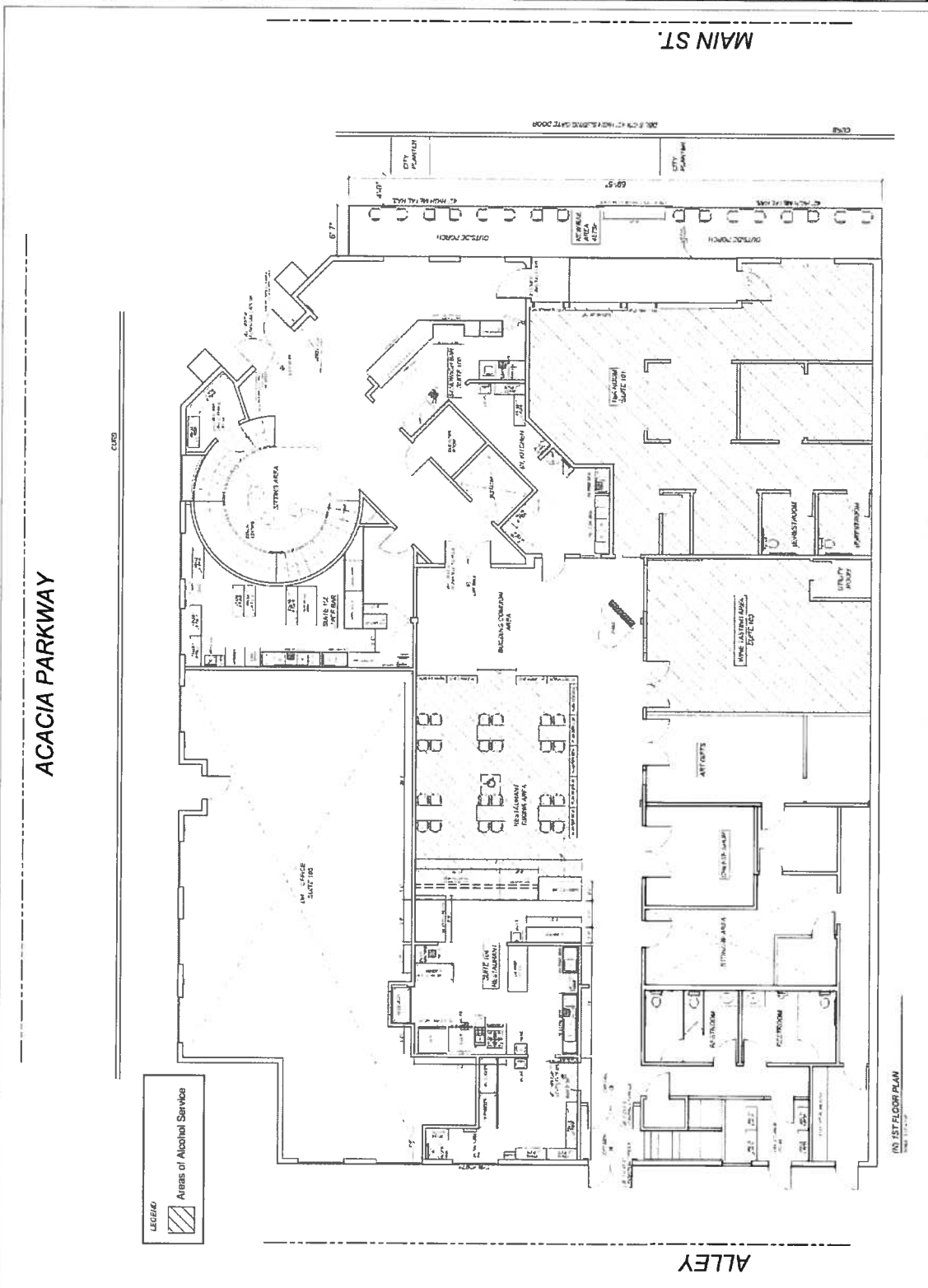
SCALE: 1/8" = 1'-0"

DESIGNER: VINH NGUYEN ARCHITECTS

CHECKED: [Signature]

DATE: 08/11/2022

A2



DECISION NO. 1826-22

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-223-2022 FOR PROPERTY AT 12865 MAIN STREET, ASSESSOR'S PARCEL NO. 089-213-34.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-223-2022 for property located on the southwest corner of Main Street and Acacia Parkway, at 12865 Main Street, Assessor's Parcel No. 089-213-34.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-223-2022, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Elizabeth Dang.
2. The applicant is requesting approval of a Conditional Use Permit to allow a new restaurant, Chez Liz, to operate with an original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Wine and Beer, Public Eating Place) License.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the Zoning Administrator hereby determines that the proposed project is categorically exempt from the CEQA pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines (14 Cal. Code Regs., Section §15301).
4. The property has a General Plan Land Use designation of Civic Center Mixed Use, and is zoned Civic Center Main Street (CC-2). The subject property is currently improved with a multi-tenant commercial building.
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 August 25, 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 August 25, 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 improved with an existing 18,200 square foot, two-story commercial building on a 10,647 square foot lot, located on the southwest corner of Acacia Parkway and Main Street, at 12865 Main Street. The subject building is currently occupied by a variety of uses, including medical office, a beauty salon, and a juice bar. The building is located on the historic Main Street, which consists of a mix of residential, restaurant, retail, personal service, and office uses. The subject property is zoned CC-2 (Civic Center Main Street) and has a General Plan Land Use Designation of CC (Civic Center Mixed Use).

The restaurant will serve a variety of food and drink in different rooms, all as one restaurant operation. Included in the plans are a tapas-style restaurant, a sandwich counter, a juice bar, a tea room, and various retail spaces selling various artisanal products. The restaurant has been conditioned to operate as a singular business entity. The restaurant will occupy Suites #100-104, and Suite #106. Beer and wine sales under a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License will be permitted only for on-site consumption, in Suites #101, #102, and #104 (approximately 1,600 square feet, 600 square feet, and 1,200 square feet, respectively).

Chez Liz is currently undergoing tenant improvements to occupy a portion of the building's first floor. Garden Grove Municipal Code Section 9.16.020.080 requires a Conditional Use Permit for the addition of a new ABC License to a restaurant, and limited live entertainment. Also under separate consideration under Director Review No. DR-062-2022 is an outside seating area in the public right-of-way along Main Street. Alcohol will not be served in the outside dining area.

The service of beer and wine is intended to complement meals, and enhance the dine-in experience of the various food service areas. 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.

In addition to the service of alcohol, the restaurant is proposing limited live entertainment in the form of a solo pianist. The piano will be situated adjacent to the dining area in the building's central atrium. No stage or other raised platform is allowed. The double doors that lead into the atrium area of the building will remain closed, to limit any noise reaching the exterior of the building. Hours for the pianist are between 6:00 p.m. to 10:00 p.m., seven (7) days a week, and between 10:00 a.m. to 2:00 p.m. Saturday and Sunday. The restaurant will comply with Municipal Code Section 9.18.030.150 for "Restaurant with Limited Entertainment."

Chez Liz's hours of operation will be 10:00 a.m. to 10:00 p.m., seven (7) days a week. These hours are consistent with the City's standard operating hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday

and Saturday. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

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

- The subject site is located in Crime Reporting District No. 114.
- The crime count for the District is 181.
- 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 158% above the Citywide average; therefore, it is considered a high-crime area.
- The subject site is located in Alcoholic Beverage Control Census Report District No. 886.01.
- ABC Census Reporting District No. 886.01 allows for seven (7) 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 886.01 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 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.

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 Civic Center Mixed Use (CC), and is zoned Civic Center Main Street (CC-2). The Civic Center Mixed Use designation is intended to provide for a mix of civic, institutional, commercial, higher density residential, and open space uses. The Civic Center Main Street zone is established to preserve and enhance buildings and structures of historic and cultural significance, and incidental uses that advance and preserve the Main Street character and charm. 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 Main Street, in an area already developed with restaurant, retail, and other commercial services. The subject restaurant, with

the proposed service of alcohol and limited live entertainment, can further enhance the commercial district.

Goal LU-4 Uses compatible with one another. The proposed use is a restaurant with the incidental service of alcohol, and limited live entertainment. The location of the restaurant is in a previously developed commercial building, with a variety of uses. Directly adjacent to the subject use are retail, restaurant, and personal service uses along Main Street. 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 core. The proposed Conditional Use Permit would allow for the service of alcohol and limited live entertainment at a new restaurant, Chez Liz. The service of alcohol, and the proposed entertainment, is intended to enhance the dining experience at the restaurant. This enhances the community by providing another unique dining opportunity.

Policy LU-6.2 Encourage a mix of retail and commercial services along major corridors and in centers to meet the community's needs. The subject request for a Conditional Use Permit allowing the service of alcohol and limited live entertainment at Chez Liz would add a new use to Main Street, a major commercial area in the City. The area surrounding the subject restaurant already features a wide variety of commercial uses. With the subject request, the proposed use will further enhance the variety of uses in the area. By providing a variety of commercial uses, Main Street can become more resilient to any future demands.

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, Chez Liz. Chez Liz is a new restaurant concept, serving a variety of dining experiences. Should the Conditional Use Permit be approved, the City is providing new businesses all the resources they need to be successful.

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

entertainment to the restaurant, and are therefore supportive of the Conditional Use Permit request.

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

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The conditions of approval can minimize potential impacts to the adjoining area. Hours of operation will be limited to between 10:00 a.m. to 10:00 p.m., seven days a week (7). The hours for the limited live entertainment will be even more restrictive, between 6:00 p.m. to 10:00 p.m., seven (7) days a week, in addition to 10:00 a.m. to 2:00 p.m. on Saturday and Sunday. Limitations on the hours of alcohol sales and live entertainment 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, and limited live entertainment, the business will be compatible with the surrounding uses.

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

The site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed use within the surrounding area. As a part of this request, no changes are proposed to the exterior of the building, including site design features such as yards, walls, fences, parking, loading facilities, and landscaping. The proposed restaurant space is currently undergoing interior tenant improvements to accommodate said restaurant use. Once the permitted modifications are complete, the space will be of adequate size to accommodate the proposed use within the surrounding area.

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

The site is located at the southwest corner of Main Street, and Acacia Parkway. 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 to the exterior of the building, or the overall function of the building. All proposed work resulting from the subject request will be limited to interior tenant improvements. 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-223-2022.

Dated: August 25, 2022

DAVID DENT
ZONING ADMINISTRATOR

EXHIBIT "A"

Conditional Use Permit No. CUP-223-2022

12865 Main 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, Elizabeth Dang, 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 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 10:00 a.m. to 10:00 p.m., seven (7) days a week. The hours of operation shall be applicable to the entire premises. The City of Garden Grove reserves the right to reduce hours of operation, including the hours for the entertainment, 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 and 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. 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 an Alcoholic Beverage Control (ABC) License is suspended for any period of time and/or the applicant is fined for any ABC violation as a result of disciplinary action, the Conditional Use Permit may be presented to the Hearing Body 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).
22. Entertainment shall be limited to the following operating requirements:
 - a. Live entertainment shall be allowed between the hours of 2:00 p.m. and 10:00 p.m., seven (7) days a week, and between 10:00 a.m. and 2:00 p.m. on Saturday and Sunday.

- b. Live entertainment shall be limited to an amplified instrumentalist with a solo performer.
- c. Live entertainment is only allowed in the interior atrium portion of the building in accordance with Garden Grove Municipal Code Section 9.18.030.150. Sound emitted from the premises shall not be audible outside of the establishment, including in the outdoor dining area. The front doors, and the intermediary double-doors leading to the interior atrium of the restaurant shall remain closed during performances.
- d. All entertainment shall comply with the City's adopted Noise Ordinance.
- e. All amplified music, sound or vibrations shall not be audible from outside the establishment. The applicant shall install appropriate sound attenuation devices to contain all music, sound or vibrations within the establishment.
- f. When the live entertainment is not occurring, amplified background music emitted from a jukebox or other amplified stereo system may be permitted to enhance the dining experience.
- g. No dancing, nightclub or D.J. (disc jockey) shall be permitted.
- h. There shall be no raised platform, stage or dance floor allowed on the premises at any time. The applicant shall take appropriate measures necessary to ensure customers shall not be allowed to stand for the purpose of hearing and/or viewing the entertainment.
- i. At all times that the business is operating, the dining tables and chairs shall remain in place to accommodate dining within the restaurant area. At no time shall the restaurant's dining area be converted into a dance floor, nightclub area or other entertainment area by removing or reconfiguring the dining tables and chairs.
- j. Live entertainment is intended to be incidental to the primary activity of dining within the restaurant, and shall not be utilized as a primary use or as an attraction to draw customers to the establishment.
- k. All live entertainment at the establishment is the sole responsibility of the owner/operator of the establishment. The owner/operator of the

establishment shall be solely responsible for all bookings and contractual arrangements for any type of live entertainment allowed.

- i. The owner/operator shall not lease space, enter into any agreements with promoters or otherwise allow the facility to be used by promoters for the purpose of promotional events such as live bands, flier events, promoter parties, exotics dancers, multiple person bands or any other type of similar entertainment.

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. The interior of the restaurant is permitted to serve alcohol in the interior dining area, wine tasting area, and tea room only, Suites #101, #102, and #104, respectively. Alcohol shall not be served, or consumed, in the patio adjacent to the tea room, or in the outdoor dining area that is subject to Director Review No. DR-062-2022. The intermediary double-doors leading to the interior atrium of the restaurant shall remain closed, and a prominent, permanent sign stating "NO ALCOHOL BEYOND THIS POINT" shall be posted in a place that is clearly visible to patrons.
25. The restaurant shall operate as a single business entity, under one business name, and one operator. Only one business license shall be issued for the premises. Sub-leases or tenants shall not be permitted.
26. At all time when the establishment is open for business, the sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall not exceed 35% of the quarterly gross sales of food.
27. 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.

28. The applicant shall, upon request, provide the City of Garden Grove with an audited report of sales ratio of food to alcoholic beverages.
29. 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.
30. 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.
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 abate all graffiti vandalism within the premises. The applicant/property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant/property owner as soon

as reasonably possible after it is discovered, but not later than 72 hours after discovery.

38. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
39. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
40. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to, and approved by, the Community and Economic Development Department, Planning Services Division. No advertising material shall be placed thereon.
41. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
42. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
43. 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.
44. 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.
45. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-223-2022 shall be kept on the premises at all times.
46. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-223-2022 and his/her agreement with all conditions of the approval.

Conditional Use Permit No. CUP-223-2022
Conditions of Approval

47. 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.
48. 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.
49. 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-223-2022. 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.
50. 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-223-2022 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.
51. 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.

52. 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

53. The applicant shall install a Grease Control Device per the requirements of the Environmental Services Division, if such a device is not already installed.
54. Trash enclosure areas must be of appropriate size and number in order to accommodate three (3) separate recycling containers according to the State recycling regulations AB 939, AB 341, AB 1826, and SB 1383.

Orange County Fire Authority

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

Engineering Division

56. The applicant shall be subject to Traffic Mitigation Fees, In-Lieu Park Fees Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees 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.