



AGENDA

ZONING ADMINISTRATOR MEETING

Garden Grove Community Meeting Center  
11300 Stanford Avenue

Thursday, May 11, 2023

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](mailto: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, 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](mailto: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-240-2023](#)

APPLICANT: Kristin Nguyen

LOCATION: 10911 Westminster Avenue

REQUEST: Conditional Use Permit approval to operate a new restaurant, Garlic & Chives By Royal, with a new original Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer & Wine, Eating Place) License. Also, a request to revoke Conditional Use Permit No. CUP-440-99, which previously allowed the operation of a restaurant with a State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Eating Place) License. The site is in the C-1 (Neighborhood Commercial) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

b. [CONDITIONAL USE PERMIT NO. CUP-235-2023](#)

APPLICANT: Amina Naeem (Urban Punjab)  
LOCATION: 12549 Harbor Boulevard

REQUEST: Conditional Use Permit approval to allow an existing restaurant, Urban Punjab, to operate with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Eating Place) License. Upon approval and exercising of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-319-96, shall be revoked and become null and void. The site is in the Planned Unit Development No. PUD-121-98 zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

2. [COMMENTS BY THE PUBLIC](#)

3. [ADJOURNMENT](#)

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> 1.a.	<b>SITE LOCATION:</b> Northwest corner of Euclid Street and Westminster Avenue, at 10911 Westminster Avenue
<b>HEARING DATE:</b> May 11, 2023	<b>GENERAL PLAN:</b> LC (Light Commercial)
<b>CASE NO.:</b> Conditional Use Permit No. CUP-240-2023	<b>ZONE:</b> C-1 (Neighborhood Commercial)
<b>APPLICANT:</b> Garlic & Chives by Royal (Kristin Nguyen)	<b>CEQA DETERMINATION:</b> Exempt – Section 15301 – Existing Facilities
<b>PROPERTY OWNER:</b> Little Saigon Square Garden Grove, LLC	<b>APN:</b> 099-362-20, 099-362-21, & 099-362-23

**REQUEST:**

A request to operate a new restaurant, Garlic & Chives by Royal, with a new original ABC Type "41" (On-Sale, Beer & Wine, Eating Place), located at 10911 Westminster Avenue. Also, a request to revoke Conditional Use Permit No. CUP-440-99, which previously allowed the operation of a restaurant with a State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Eating Place) License.

**BACKGROUND:**

The subject tenant space is an approximately 4,500 square-foot pad building within an existing shopping center, located on the northwest corner of Euclid Street and Westminster Avenue, at 10911 Westminster Avenue. The subject shopping center is currently occupied by a variety of uses, including retail, restaurants, a minimart, offices, and personal service businesses.

The subject site has a General Plan Land Use Designation of LC (Light Commercial), and is zoned C-1 (Neighborhood Commercial). The shopping center is adjacent to C-1 zoned properties to the west. To the north, the center is adjacent to R-1 (Single-Family Residential) zoned properties. To the east, across Euclid Street, the center is adjacent to a mixture of residential and nonconforming commercial uses in the R-3 (Multiple-Family Residential) zone. Lastly, to the south, across Westminster Avenue, the property is adjacent to C-2 (Community Commercial) zoned properties.

The specific pad restaurant building under application is located in the southwest corner of the property, fronting onto Westminster Avenue. The restaurant pad building was approved in 1973, along with the rest of the shopping center development, under Site Plan No. SP-139-73. An addition to the subject building was approved and constructed in 1987. The building has been consistently used as a variety of restaurant uses. In 1999, Conditional Use Permit No. CUP-440-99 was issued to allow for a restaurant, Home Garden Seafood Restaurant, to operate under

an ABC "Type 47" License. According to Business Tax records, Royal Capital Seafood took over the building in 2000, and continued to operate under the same Conditional Use Permit. Royal Capital Seafood closed in early 2023. The ABC License for the previous restaurant use has been transferred to a different restaurant outside of the City.

The original Garlic & Chives restaurant has been in operation within the Mall of Fortune shopping center at 9892 Westminster Avenue, Unit #311, since 2014. The operation of the original restaurant will not be impacted as a part of the subject request. The new restaurant location at 10911 Westminster Avenue is approximately 4,500 square feet, as compared to approximately 2,000 square feet for the original. Garlic & Chives by Royal is a different restaurant concept, with an entirely different menu from the original location.

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 & Wine, Eating Place) License. The applicant is also requesting to revoke Conditional Use Permit No. CUP-440-99, which previously governed the tenant space. Garden Grove Municipal Code Section 9.18.060.030 requires a Conditional Use Permit for a change in ABC License type for a restaurant. Upon approval and exercising of Conditional Use Permit No. CUP-240-2023, for the new original ABC Type "41" (On-Sale, Beer & Wine, Eating Place) License, CUP-440-99 shall be revoked, and become null and void.

### **DISCUSSION:**

The restaurant tenant space has a total floor area of approximately 4,500 square feet. Within the tenant space, the restaurant provides the following: a host station and waiting area, kitchen and food preparation area, a service counter, two (2) restrooms, and two (2) dining rooms with seating for approximately 100 patrons. The subject tenant space has a history of being used as a restaurant. By continuing the use of the building as a restaurant, no additional parking is required.

Garlic & Chives by Royal will operate as a full-service, sit-down restaurant specializing in seafood, particularly in Vietnamese and Chinese cuisines. Included on the menu are full meals and dishes, accompanied by beer and wine. The restaurant's menu qualifies 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.

Garlic & Chives by Royal'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 for ABC Type "41" licensed eating establishments 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 not located in a high-crime district, but with the approval of the subject Conditional Use Permit No. CUP-240-2023, the restaurant will be 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. 1842-23 for Conditional Use Permit No. CUP-240-2023.

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. 1842-23, approving Conditional Use Permit No. CUP-240-2023, subject to the recommended conditions of approval, and revoking Conditional Use Permit No. CUP-440-99.



MARIA PARRA  
Planning Services Manager



By: Priit Kaskla, AICP  
Associate Planner

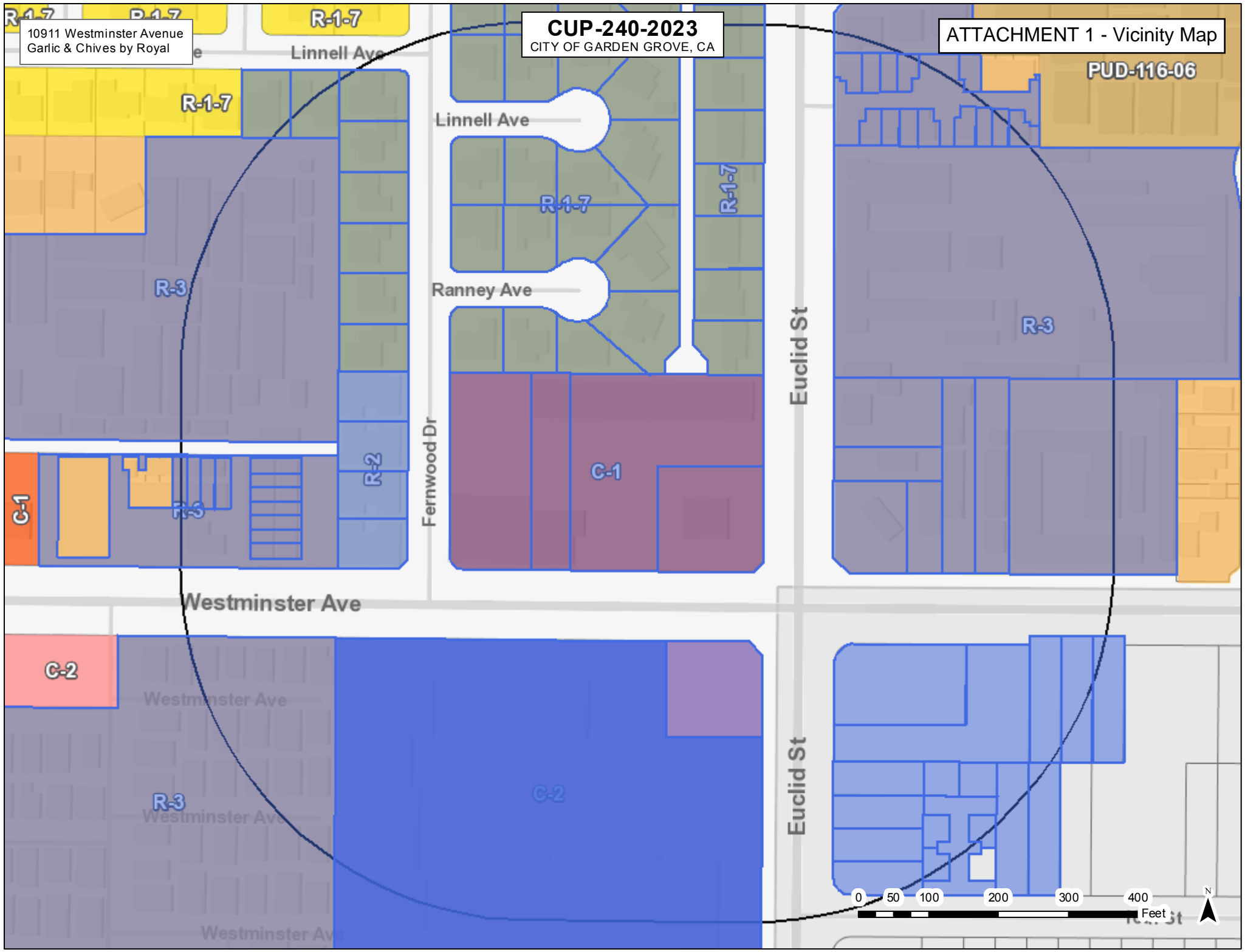
Attachment 1: [Radius Map](#)  
Attachment 2: [Plans](#)

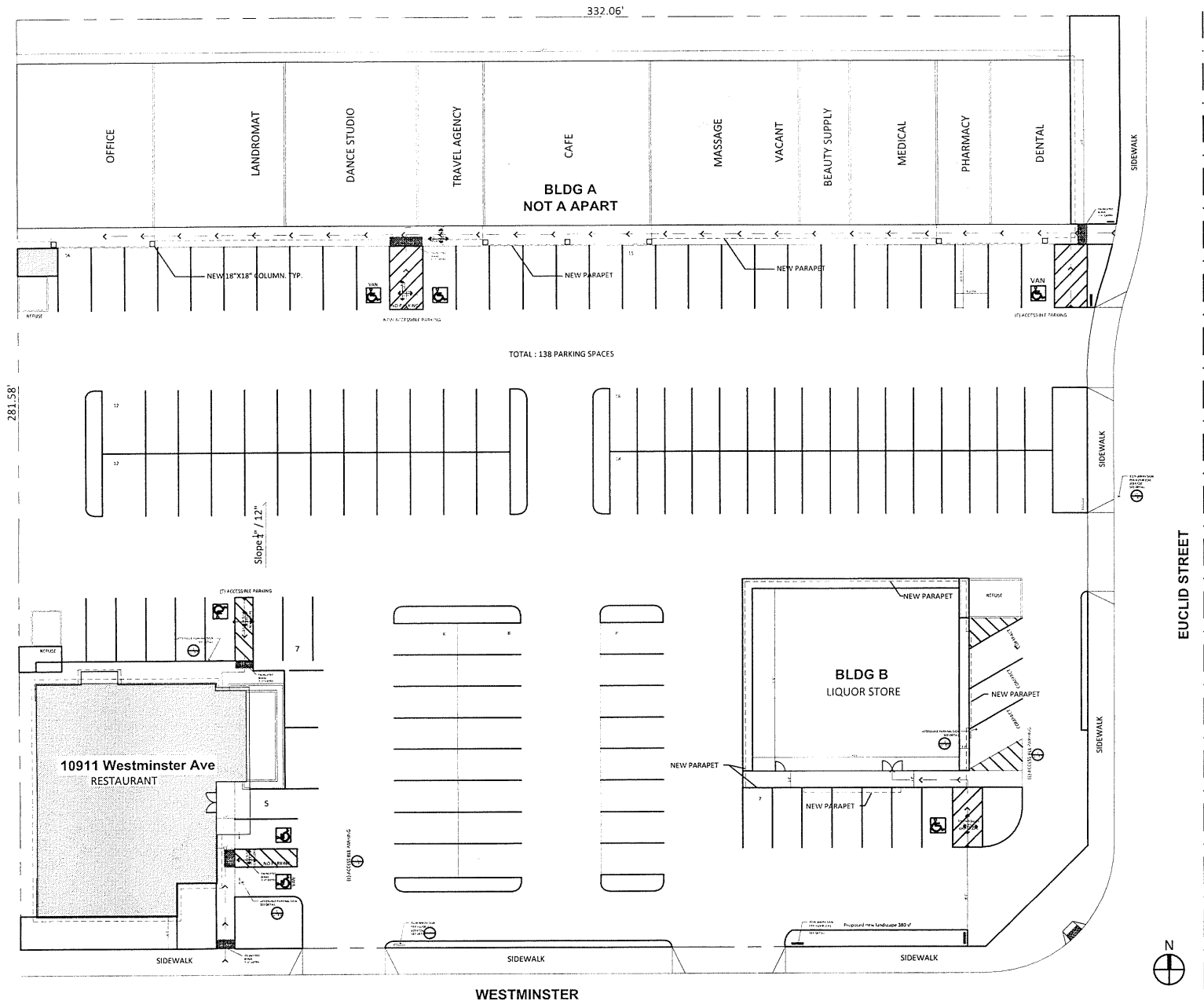
10911 Westminster Avenue  
Garlic & Chives by Royal

**CUP-240-2023**  
CITY OF GARDEN GROVE, CA

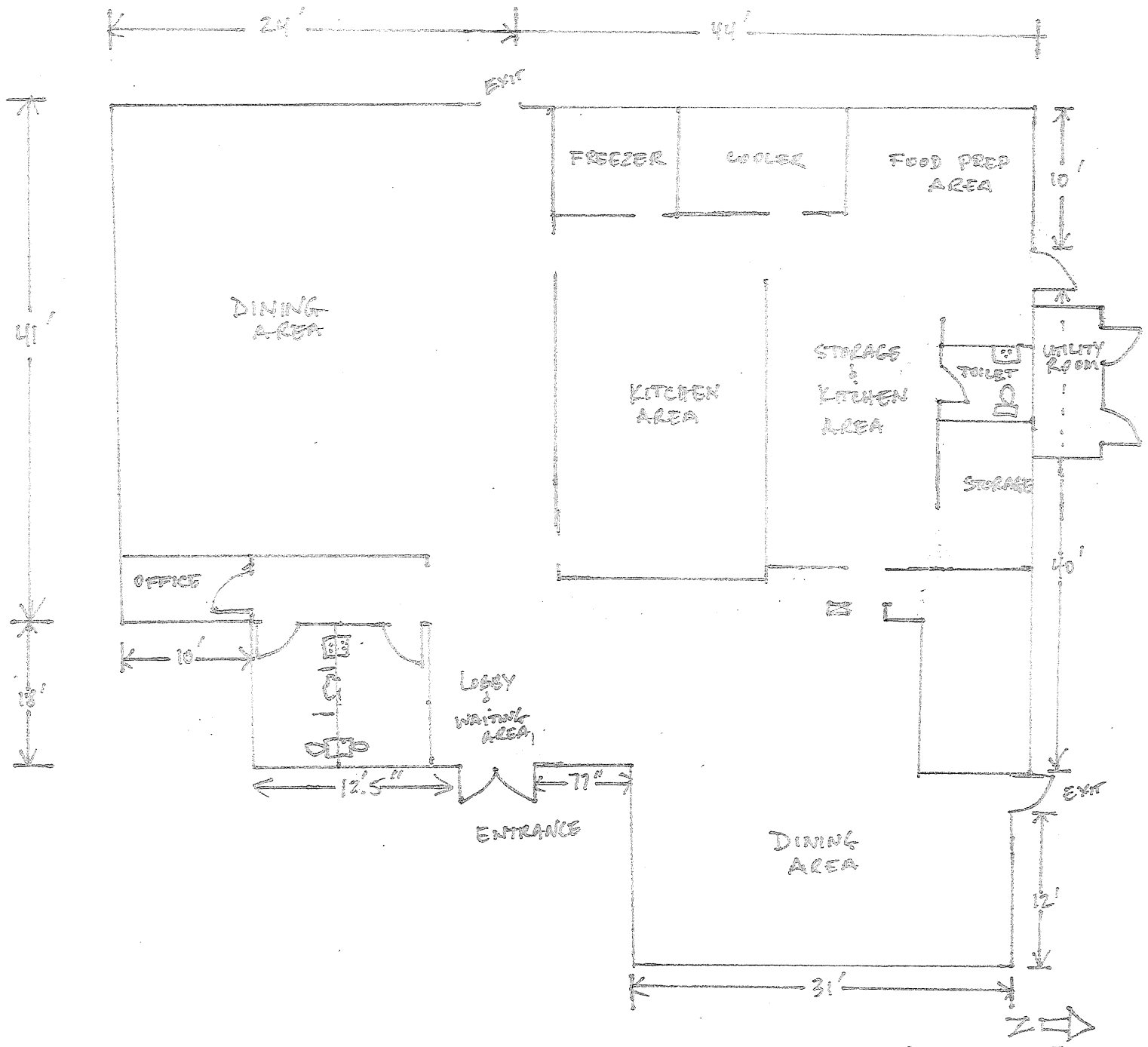
ATTACHMENT 1 - Vicinity Map

PUD-116-06





**(E) SITE PLAN**  
SCALE: 1/16" = 1'-0"



FLOOR PLAN

SCALE: 1/4" = 1.0'



DECISION NO. 1842-23

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-240-2023 AND REVOKING CONDITIONAL USE PERMIT NO. CUP-440-99 FOR PROPERTY AT 10911 WESTMINSTER AVENUE, ASSESSOR'S PARCEL NOS. 099-362-20, 099-362-21, AND 099-362-23.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-240-2023 and revoke Conditional Use Permit No. CUP-440-99 for property located on the northwest corner of Euclid Street and Westminster Avenue, at 10911 Westminster Avenue, Assessor's Parcel Nos. 099-362-20, 099-362-21, and 099-362-23.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-240-2023, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Kristin Nguyen for Garlic & Chives by Royal, with the authorization of the property owner, Little Saigon Square Garden Grove, LLC.
2. The applicant is requesting approval of a Conditional Use Permit to allow a new restaurant, Garlic & Chives by Royal, to operate with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer & Wine, Eating Place) License. Also, a request to revoke Conditional Use Permit No. CUP-440-99, which previously allowed the operation of a restaurant with a State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, 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 LC (Light Commercial), and is zoned C-1 (Neighborhood Commercial). The subject property is currently improved with a multi-tenant shopping center.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on May 11, 2023, 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 May 11, 2023, 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 has a General Plan Land Use Designation of LC (Light Commercial), and is zoned C-1 (Neighborhood Commercial). The shopping center is adjacent to C-1 zoned properties to the west. To the north, the center is adjacent to R-1 (Single-Family Residential) zoned properties. To the east, across Euclid Street, the center is adjacent to a mixture of residential and nonconforming commercial uses in the R-3 (Multiple-Family Residential) zone. Lastly, to the south, across Westminster Avenue, the property is adjacent to C-2 (Community Commercial) zoned properties.

The specific tenant space under application is an approximately 4,500 square-foot pad restaurant building, in the southwest corner of the shopping center. The building has been occupied by restaurants since it was originally constructed in 1973. Most recently, the building was occupied by Royal Capital Seafood from 2000 to 2023. The applicant for the new restaurant, Garlic & Chives by Royal, is now requesting Conditional Use Permit approval to operate with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer & Wine, Eating Place) License. The applicant is also requesting to revoke Conditional Use Permit No. CUP-440-99, which previously governed the tenant space. Garden Grove Municipal Code Section 9.18.060.030 requires a Conditional Use Permit for a change in ABC License type for a restaurant.

Garlic & Chives by Royal'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 for ABC Type "41" licensed eating establishments 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 not located in a high-crime district, but with the approval of the subject Conditional Use Permit No. CUP-240-2023, the restaurant will be in an area with an over-concentration of Alcoholic Beverage Control On-Sale Licenses. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 116.
- The crime count for the District is 83.
- 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 19% above the Citywide average; therefore, it is not considered a high-crime area.
- The subject site is located in Alcoholic Beverage Control Census Report District No. 889.02.
- ABC Census Reporting District No. 889.02 allows for six (6) on-sale licenses within the District. Currently, there are six (6) on-sale licenses in the District. The approval of this CUP will add a new ABC Type "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 seven (7).

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 & Wine, 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. Therefore, the City of Garden Grove hereby determines and approves a Finding of Public Convenience or Necessity for Conditional Use Permit No. CUP-240-2023.

#### 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 LC (Light Commercial), and is zoned C-1 (Neighborhood Commercial). The Light Commercial designation is intended to allow for a range of commercial activities that serve local residential neighborhoods and the larger community. The C-1 zone is intended to provide for business at the neighborhood level in small scale convenience shopping facilities. In particular, the subject proposal is consistent with the following General Plan Goals, Policies, and Implementation Programs:

*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 Westminster Avenue, 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 at the intersection of Westminster Avenue and Euclid Street. Particularly, the restaurant can serve the local clientele in the nearby residential neighborhoods.

*Goal LU-4 Uses compatible with one another.* The proposed use is a restaurant with the incidental service of alcohol. Various restaurants have previously occupied the subject tenant space. Restaurants with the service of alcohol have occupied the subject building since 1999. Directly adjacent to the

subject use are retail, restaurant, and personal service uses. Restaurant uses are compatible with these uses, and other lighter, commercial uses. Furthermore, provided the conditions of approval are adhered to for the life of the project, the use will be compatible with other commercial uses.

*Goal LU-5 Economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community.* Restaurant uses, in a variety of different cuisines and services, can enhance the vitality of the City's commercial centers. The proposed Conditional Use Permit would allow for the service of alcohol at a new restaurant, Garlic & Chives by Royal. 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 northwest corner of Westminster Avenue and Euclid Street, a major intersection. The subject request for a Conditional Use Permit allowing the service of alcohol at Garlic & Chives by Royal would enrich the restaurant experience 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 Westminster Avenue and Euclid Street 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 a new restaurant, Garlic & Chives by Royal. 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 a new 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 10:00 a.m. to 10:00 p.m., seven (7) days a week. The restaurant has been conditioned to allow for operating hours between the City standard hours for ABC Type "41" licensed eating establishments. 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 restaurant pad building has been occupied by restaurant uses since its original construction in 1973. 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 northwest corner of Euclid Street and Westminster Avenue. The commercial center is adequately accessed by two (2) driveways along Euclid Street, and two (2) driveways along Westminster 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-240-2023.

Dated: May 11, 2023

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DAVID DENT  
ZONING ADMINISTRATOR

## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-240-2023**

10911 Westminster Avenue

#### **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, Kristin Nguyen, 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 4,500 square-foot restaurant with an Alcoholic Beverage Control Type "41" (On-Sale, Beer & Wine, Eating Place) License as identified on the floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be approved by the Department Director.
5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Department 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 Department 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.

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-240-2023  
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-240-2023 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-240-2023 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 Department 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-240-2023. 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-240-2023 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.
55. As stipulated in Decision No. 1842-23, upon approval and exercising of Conditional Use Permit No. CUP-240-2023, the Conditional Use Permit

previously governing the site, CUP-440-99, shall be revoked and become null and void.

**Environmental Services Division**

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

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> 1.b.	<b>SITE LOCATION:</b> West side of Harbor Boulevard, South of Lampson Avenue, at 12549 Harbor Boulevard
<b>HEARING DATE:</b> May 11, 2023	<b>GENERAL PLAN:</b> International West Mixed Use
<b>CASE NO.:</b> Conditional Use Permit No.CUP-235-2023	<b>ZONE:</b> Planned Unit Development No. PUD-121-98
<b>APPLICANT:</b> Amina Naeem	<b>CEQA DETERMINATION:</b> Exempt – Section 15301 – Existing Facilities
<b>PROPERTY OWNER:</b> Dolores Griffith c/o Investors Property Svcs	<b>APN:</b> 231-441-38

## **REQUEST:**

The applicant is requesting approval of a Conditional Use Permit to allow an existing restaurant, Urban Punjab, located at 12549 Harbor Boulevard, to operate with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. Upon the approval and exercising of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-319-96, shall be revoked and become null and void.

## **BACKGROUND:**

The subject site is approximately 1.85 acres and is comprised of two parcels (APN 231-441-38; 231-441-37) under separate ownership. The site is improved with a one-story multi-tenant commercial center, known as the American European Center, comprised of two (2) L-shaped commercial buildings. The subject tenant space is occupied by a 1,670 square foot restaurant located on the western end of the southerly commercial building, at 12549 Harbor Boulevard. The subject shopping center is currently occupied by a variety of uses, including restaurants, retail, and personal service businesses.

The subject property has a General Plan Land Use Designation of International West Mixed Use, and is zoned Planned Unit Development No. PUD-121-98. The subject shopping center is adjacent to PUD-121-98 zoned properties to the north, R-1 (Single-Family Residential) properties to the west, Planned Unit Development No. PUD-126-10 zoned properties to the south, and HCSP-TN (Harbor Corridor Specific Plan – Transition Zone North) and R-1 zoned properties to the east, across Harbor Boulevard. Existing surrounding uses include a mix of single-family residences and various commercial uses.



A previous restaurant within the subject tenant space, Venezia Italian Restaurant, had operated under Conditional Use Permit No. CUP-319-96, which allowed the restaurant to operate with a State ABC Type "41" (On-Sale, General, Public Eating Place) License. According to Business Tax and Licensing records, the Venezia Italian Restaurant closed in 2003. Subsequently, the State ABC license which Venezia Italian operated under was transferred to four (4) restaurants that occupied the tenant space from 2003-2011: Paper Tiger Restaurant, La Barca Mariscos, El Bajo Mexican Food and Seafood, and Centro Botanero El Rancho. According to Business Tax and Licensing records, Centro Botanero El Rancho ceased operations in 2011, and according to ABC records, the associated State ABC Type "41" license (#453199) was cancelled in May, 2011. Since 2011, three (3) additional restaurants occupied the subject tenant space and did not serve alcohol: Viet Mex Restaurant, Pho Bee, and Almond Haus Café. According to Business Tax records, subsequent to Almond Haus Café ceasing its operation, Urban Punjab obtained Business License approval in May of 2022, and started operating as a full-service restaurant in July of 2022.

The applicant is requesting Conditional Use Permit approval to operate the existing restaurant with a new original State ABC Type "41" (On-Sale, Beer and Wine, 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. In conjunction with this approval, CUP-319-96 will be revoked and become null and void.

### **DISCUSSION:**

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.

The restaurant tenant space has a gross floor area of approximately 1,680 square feet which is improved with a seating area comprised of fifty-four (54) seats and twelve (12) tables, a service area, two (2) storage areas, two (2) restrooms, one (1) kitchen area, and one (1) walk-in cooler. Urban Punjab operates as a full-service restaurant, specializing in authentic South Asian cuisine. 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.

Urban Punjab's hours of operation are 11:00 a.m. to 9:00 p.m., Sunday through Thursday, and 11:00 a.m. to 10:00 p.m., Friday and Saturday. These hours are consistent with the City's standard hours of operation for ABC Type "41" restaurant establishments (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. 1837-23 for Conditional Use Permit No. CUP-235-2023.

Concurrently with the approval of CUP-235-2023, CUP-319-96 shall be revoked, and become null and void. Upon approval and exercising of Conditional Use Permit No. CUP-235-2023, CUP-319-96 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. 1837-23, approving Conditional Use Permit No. CUP-235-2023, subject to the recommended Conditions of Approval, and revoking Conditional Use Permit No. CUP-319-96.

*Maria Parra*

MARIA PARRA  
Planning Services Manager



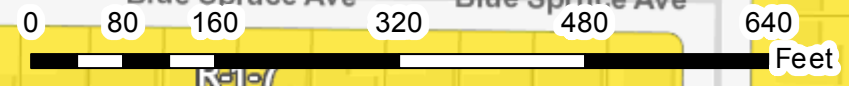
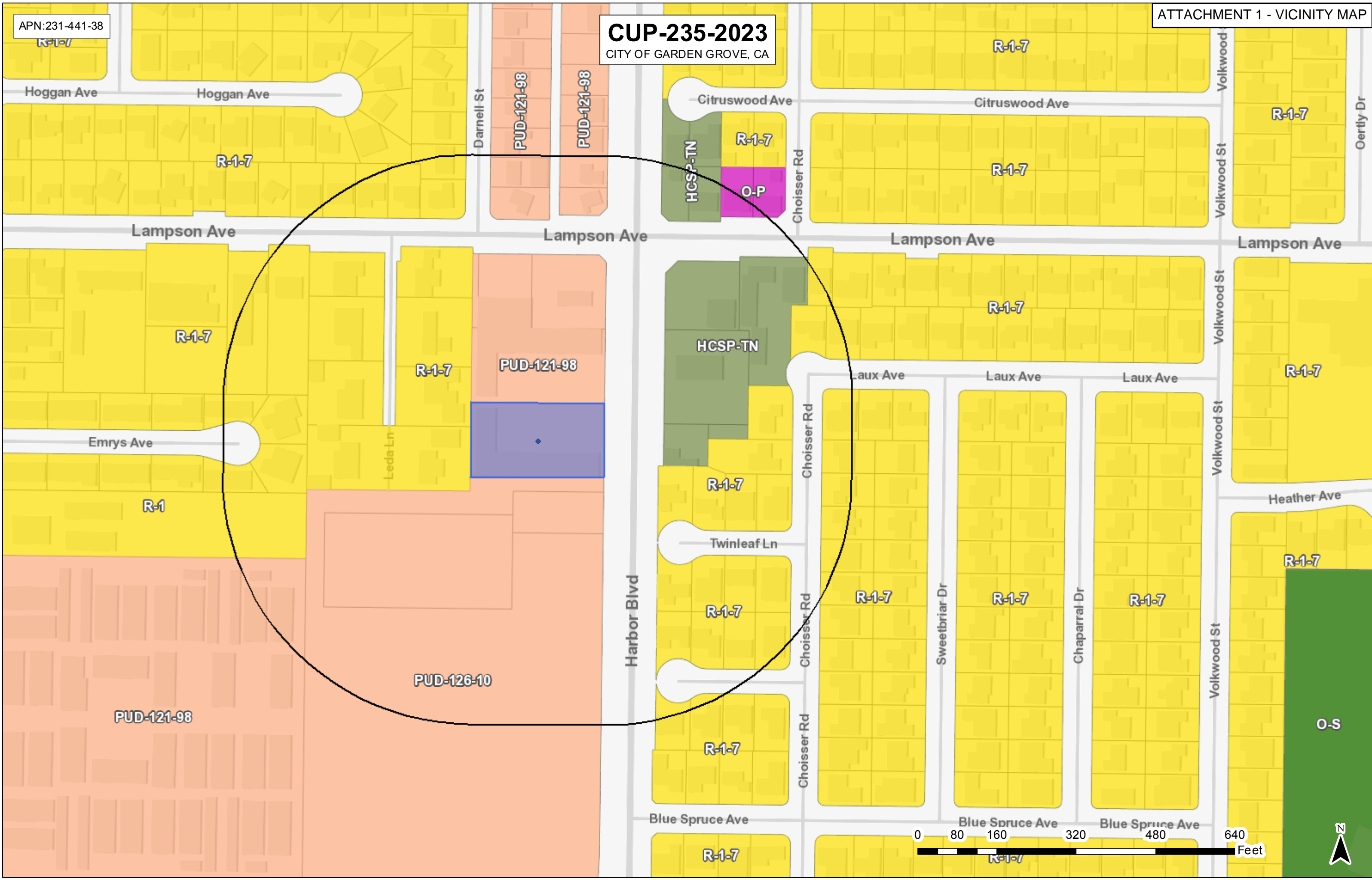
By: Shehriyar Khan  
Contract Planner

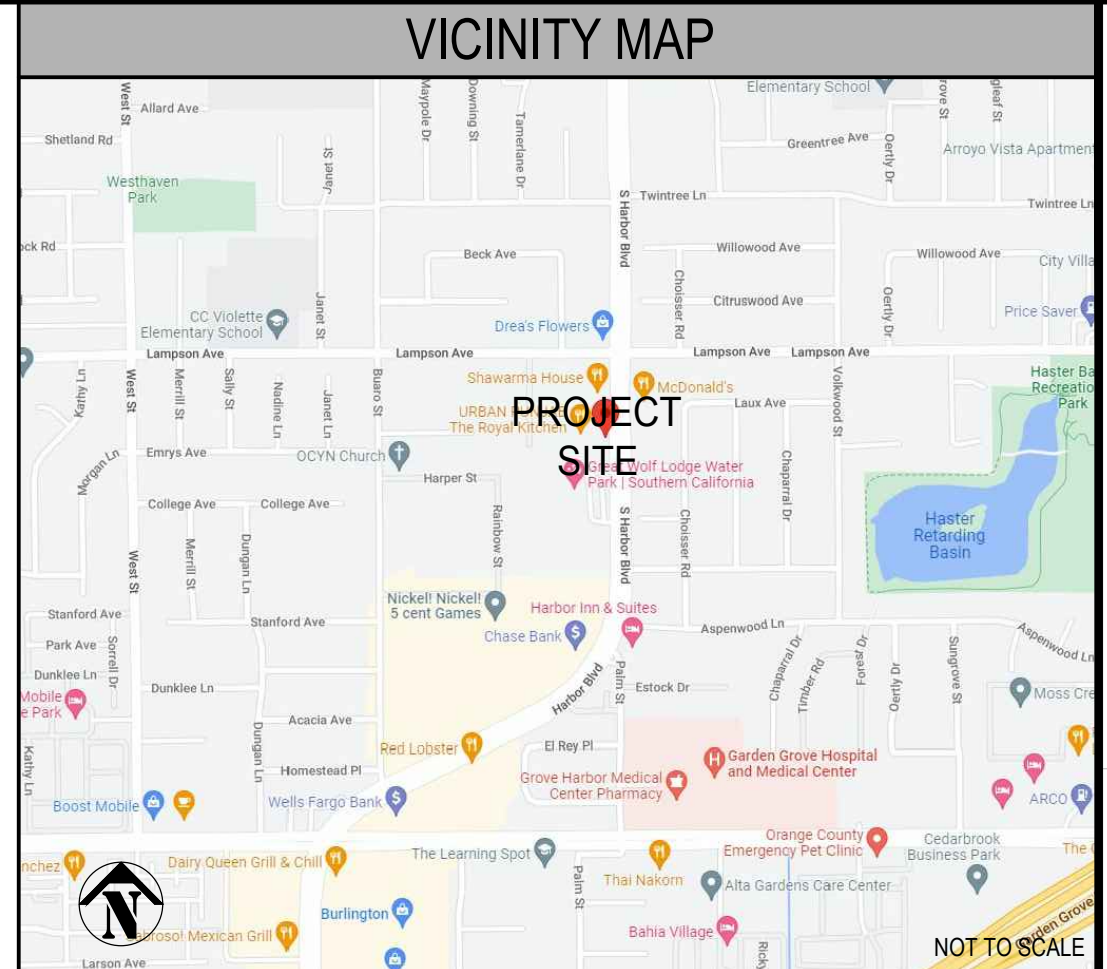
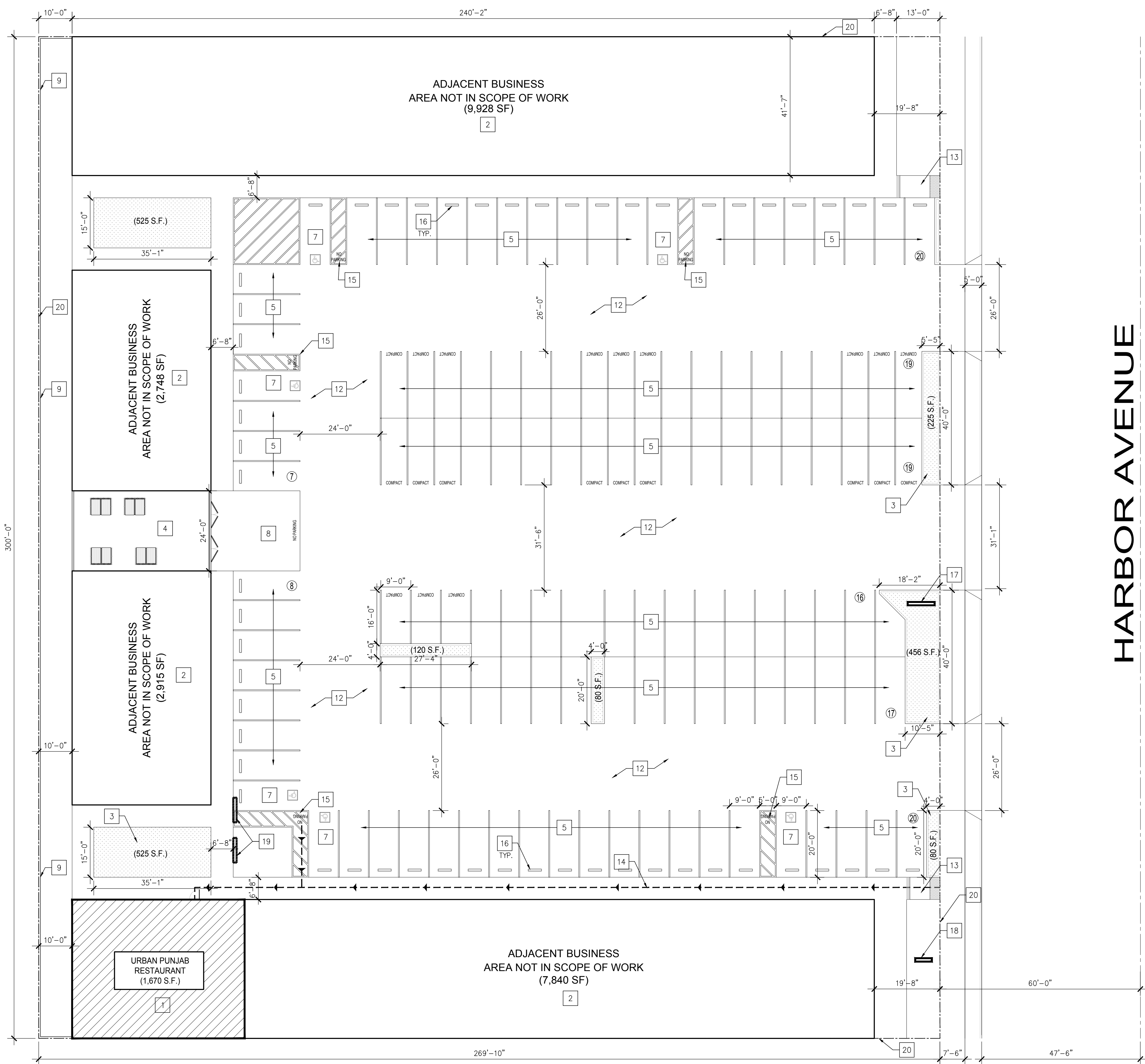
[Attachment 1](#)      [Vicinity Map](#)  
[Attachment 2](#)      [Plans](#)

APN:231-441-38

# CUP-235-2023

CITY OF GARDEN GROVE, CA





**Asi DEVELOPMENT**

5932 BOLSA AVENUE, STE. #107  
HUNTINGTON BEACH, CA 92649  
asi@asidvm.com  
714-892-8810

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**SITE DATA**

APN: 231-44-37; 231-44-38  
LOT: -  
ZONING: PUD-121-98

OCCUPANCY: A-2  
CONSTRUCTION: V-B  
BUILDING HEIGHT: 25'-0" (BLDG)

	SQ. FT.
LOT AREA	80,955
TOTAL BUILDING AREA	25,101
LANDSCAPING	2,011
BUILDING AREA (URBAN PUNJAB RESTAURANT)	1,670

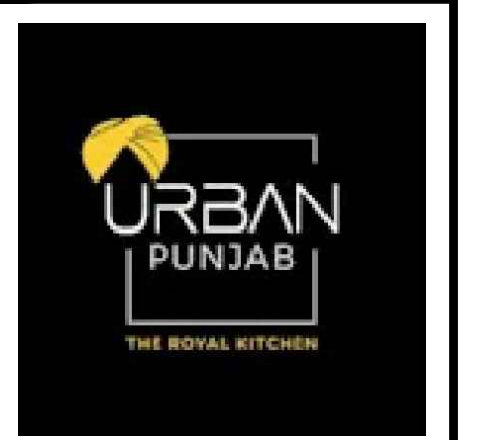
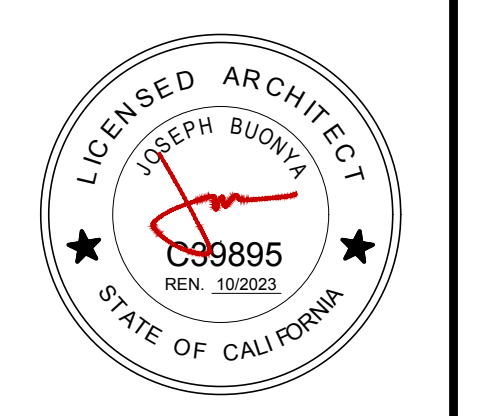
**PARKING CALCULATION**

TYPE	STALL SIZE	STALL QTY. (URBAN PUNJAB RESTAURANT)	STALL QTY. (E) PLAZA
REGULAR	9'-0" x 20'-0"	1,670 SF / 100 = 17	99
COMPACT	8'-6" x 16'-0"	-	21
ACCESSIBLE	9'-0" x 20'-0"	1*	6
<b>TOTAL</b>		<b>17</b>	<b>126</b>

\* INCLUDED IN THE TOTAL 17 PARKING REQUIRED.

**KEY NOTES**

- 1 (N) URBAN PUNJAB RESTAURANT
- 2 (E) AREA NOT IN SCOPE OF WORK
- 3 (E) LANDSCAPING
- 4 (E) TRASH ENCLOSURE
- 5 (E) PARKING SPACES
- 6 NOT USED
- 7 (E) ACCESSIBLE PARKING STALL
- 8 (E) LOADING ZONE
- 9 (E) 6'-0 HT. CMU BLOCK WALL
- 10 (E) TRANSFORMER
- 11 (E) SEWER MANHOLE
- 12 (E) ASPHALT PARKING
- 13 (E) ACCESSIBLE CURB RAMP
- 14 (E) PATH OF TRAVEL
- 15 (E) 4" WIDE, PAINTED BLUE HIGHWAY STRIPES (2 COATS), MAXIMUM SLOPE IN ANY DIRECTIONS SHALL NOT EXCEED 2%
- 16 (E) WHEEL STOPS TO REMAIN
- 17 (E) 5' x 10' MONUMENT SIGN
- 18 (E) 4' x 5' MONUMENT SIGN
- 19 (E) (2) 2' x 9'-6" OVERHEAD SIGN CABINETS, MOUNTED ON PLAZA BULKHEAD
- 20 (E) PROPERTY LINE



Project Location:

**URBAN PUNJAB RESTAURANT**  
12549 HARBOR BOULEVARD  
GARDEN GROVE, CA 92840

1,670 SQ.FT. RESTAURANT

No.	Date	Description
-	10/07/22	INITIAL LAYOUT

DP No.:  
Project No.:  
Scale: AS NOTED  
Drawn / Checked by: PT  
Date: October 14, 2022

Drawing Title:  
**SITE PLAN**

Sheet:  
**SP-1**

**1 EXISTING SITE PLAN**  
A0.0  
Scale: 1/16" = 1'-0"  
THIS SITE PLAN IS SHOWN AS REFERENCE WITHOUT THE BENEFITS OF A TOPOGRAPHIC SURVEY AND/OR MAPPING. ANY DISCREPANCIES AND/OR ACCURACIES ARE TO BE VERIFIED IN FIELD BY G.C.

CUP-235-2023

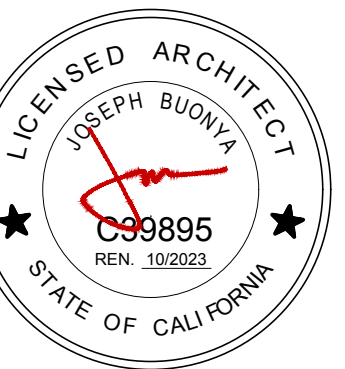
ENTITLEMENT



5932 BOLSA AVENUE, STE. #107  
HUNTINGTON BEACH, CA 92649  
asi@asidvm.com  
714-892-8810

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Stamp:



Project Location:

URBAN PUNJAB RESTAURANT  
12549 HARBOR BOULEVARD  
GARDEN GROVE, CA 92840

1,670 SQ.FT. RESTAURANT

No.	Date	Description
-	10/07/22	INITIAL LAYOUT

Drawing Title:

FLOOR PLAN

Sheet:

FP-1

CUP-235-2023

### WALL LEGEND

(E) WALL TO REMAIN

(N) 4" WALL THICK PER NOTE, LOW WALL (H=8'-0")

(N) 4" WALL THICK PER NOTE, HIGH WALL (H=11'-0" MIN.)

(N) 6" WALL THICK PER NOTE, HIGH WALL (H=12'-0" MIN.)

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### WALL TYPES

(N) 3 5/8" METAL STUD, 20 GA. @ 16" O.C., (ICC-ES #1166P) W/1/2" GYP. BD. ON EXPOSE SIDES. TOP PLATE @12'-0", BRACE 3'-0" O.C. TO STRUCTURE ABOVE. NON-FIRE RATED (WALL EXTEND ABOVE CEILING). SEE DETAIL 13/A5.0

(N) 6" METAL STUD, 20 GA. @ 16" O.C., (ICC-ES #1166P) W/1/2" GYP. BD. ON EXPOSE SIDES. TOP PLATE @12'-0", BRACE 3'-0" O.C. TO STRUCTURE ABOVE. NON-FIRE RATED (WALL EXTEND ABOVE CEILING). SEE DETAIL 13/A5.0

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### GENERAL NOTES

- GENERAL CONTRACTOR TO FIELD VERIFY ALL DIMENSIONS AND NOTIFY ARCHITECT / OWNER ANY DISCREPANCIES
- GENERAL CONTRACTOR TO FIELD VERIFY EXISTING BUILDING ACCESSIBILITY FEATURES AND NOTIFY ARCHITECT / OWNER ANY NON-COMPLIANCE
- GENERAL CONTRACTOR TO KEEP SITE FREE OF DEBRIS AND PROTECT ALL EQUIPMENT THAT ARE NOT AFFECT THE SCOPE OF WORK
- GENERAL CONTRACTOR TO VERIFY WITH OWNER FOR FINISH FLOOR MATERIAL AND WALL PAINT
- GENERAL CONTRACTOR TO VERIFY WITH OWNER FOR DOOR HARDWARE REQUIREMENT
- PROPOSED FURNITURE AND DISPLAY RACKS ARE PROVIDED AND INSTALL BY OWNER UNDER SEPARATE PERMIT.
- FIELD ELECTRICIAN SHALL INSTALL AND/OR LABEL PANEL WARN QUALIFIED PERSONS OF POTENTIAL ARCH-FLASH HAZARDS.

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### FIRE NOTES

- PROVIDE MINIMUM 2-A,10-B-C FIRE EXTINGUISHERS. LOCATION(S) TO BE DETERMINED BY FIRE DEPARTMENT INSPECTOR. CFC 906
- PROVIDE MEANS OF EGRESS ILLUMINATION IN ACCORDANCE WITH CFC SECTION 1006.
- THE STORAGE, USE AND DISPENSING OF HAZARDOUS MATERIALS SHALL NOT EXCEED THE MAXIMUM ALLOWABLE QUANTITIES AS SET FORTH IN TABLES 307.1(1) AND (2) OF THE CBC.
- THE STORAGE, USE OR DISPENSING OF HAZARDOUS MATERIALS, AS DEFINED BY THE FIRE CODE, SHALL COMPLY WITH CFC CHAPTER 50.

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### SIGNAGE NOTES

SN1 RESTROOM (REFERENCE 5/A5.0)

SN2 EMPLOYEES ONLY

SN3 THIS DOOR TO REMAIN UNLOCKED WHEN THE BUILDING IS OCCUPIED. (NOTE: THE SIGN SHALL BE IN LETTERS 1 INCH HIGH ON A CONTRASTING BACKGROUND.)

SN4 EXIT TACTILE SIGN PER LOCAL BUILDING CODE.

SN5 ENTRANCE SIGN (REFERENCE 6/A5.0)

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### KEY NOTES

1 (E) ENTRANCE DOOR TO REMAIN

2 (E) FIXED WINDOW TO REMAIN

3 (E) DOOR TO REMAIN

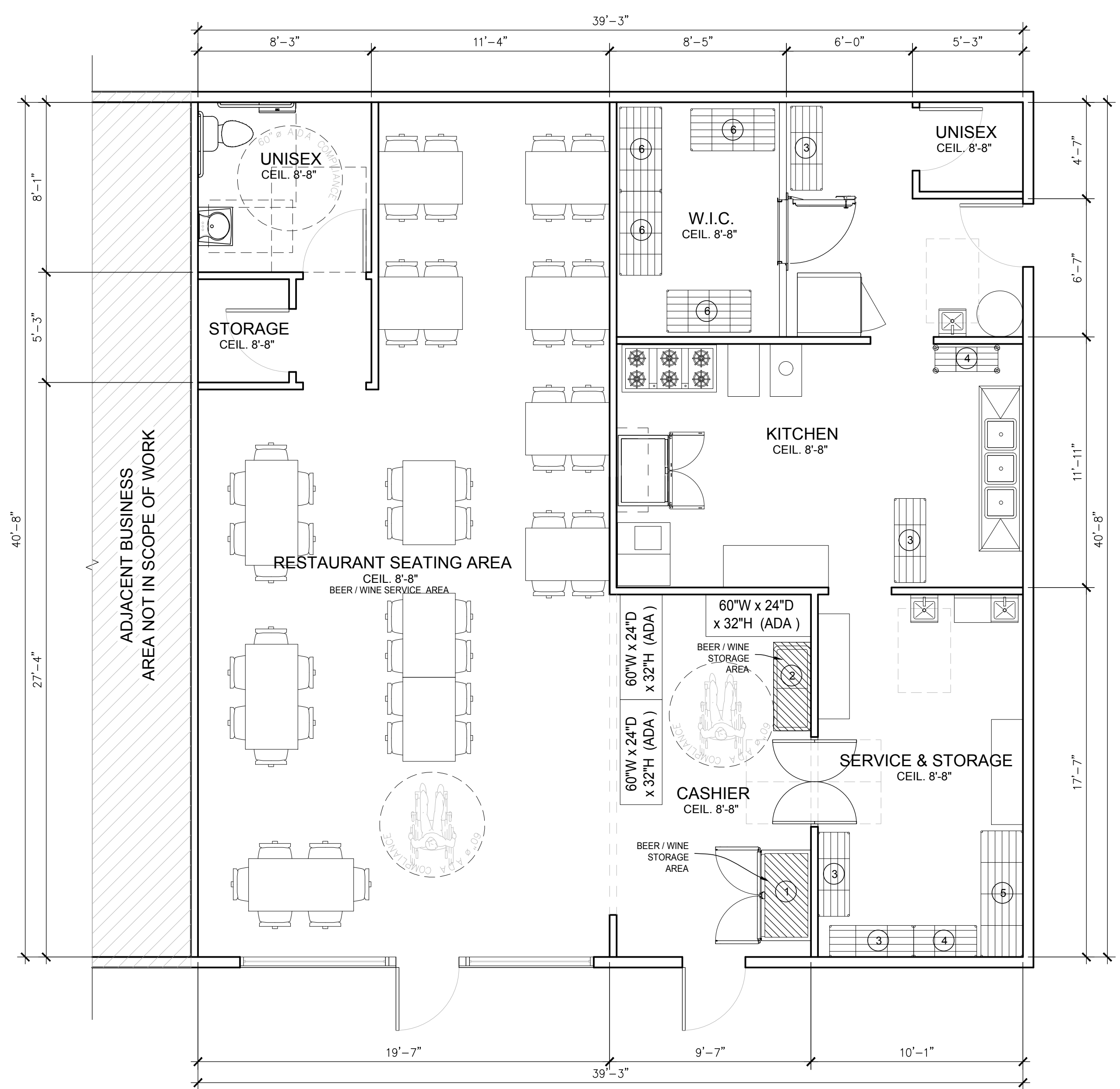
4 (E) ELECTRICAL PANEL. REFER TO ELECTRICAL SET FOR MORE INFO.

5 (N) COMMERCIAL ADDRESS NUMBER SHALL BE VISIBLE FROM THE STREET, CONTRASTING IN COLOR FORM WALL SURFACE, AND MINIMUM 8 INCHES IN SIZE (INDIVIDUAL SUITE NUMBERS MAY BE 3")

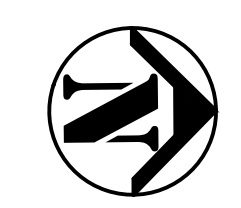
6 (N) FIRE EXTINGUISHER (2A-10B-C) MOUNT @ 60" AFF., TYPICAL, TOTAL (4)

7 (N) MOP SINK.

8 (N) ROLL UP DOOR.



1 PROPOSED FLOOR PLAN  
A1.0 SCALE: 1/8" = 1'-0" (PRINTED ON SIZE 24"x36")



ENTITLEMENT

DECISION NO. 1837-23

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-235-2023 AND REVOKING CONDITIONAL USE PERMIT NO. CUP-319-96, FOR PROPERTY LOCATED AT 12549 HARBOR BOULEVARD, ASSESSOR'S PARCEL NO. 231-441-38.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-235-2023 and revoke Conditional Use Permit No. CUP-319-96, for property located the west side of Harbor Boulevard, south of Lampson Avenue, at 12549 Harbor Boulevard, Assessor's Parcel No. 231-441-38.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-235-2023, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Amina Naeem, with the authorization of the property owner, Dolores Griffith c/o Investor's Property Svcs.
2. The applicant is requesting approval of a Conditional Use Permit to allow an existing restaurant, Urban Punjab, located at 12549 Harbor Boulevard, to operate with an original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Eating Place) License. Upon the approval and exercising of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-319-96, 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 International West Mixed Use, and is zoned Planned Unit Development No. PUD-121-98. The subject site is currently improved with a multi-tenant commercial center, American European Center, comprised of two (2) parcels under separate ownership.
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 May 11, 2023, 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 May 11, 2023, 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 1.85 acres and is improved with a one-story multi-tenant commercial center, American European Center, comprised of two (2) main L-shaped commercial buildings. The subject tenant space is an approximately 1,670 square foot existing restaurant tenant space located on the western end of the southern main commercial building, at 12549 Harbor Boulevard. The subject shopping center is currently occupied by a variety of uses, including restaurants, retail, and personal service businesses.

The subject property has a General Plan Land Use Designation of International West Mixed Use, and is zoned Planned Unit Development No. PUD-121-98. The subject shopping center is adjacent to PUD-121-98 zoned properties to the north, R-1 (Single-Family Residential) properties to the west, Planned Unit Development No. PUD-126-10 zoned properties to the south, and HCSP-TN (Harbor Corridor Specific Plan – Transition Zone North) and R-1 zoned properties to the east, across Harbor Boulevard. Existing surrounding uses include a mix of single-family residences and various commercial uses.

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.

A previous restaurant within the subject tenant space, Venezia Italian Restaurant, had operated under Conditional Use Permit No. CUP-319-96, which allowed the restaurant to operate with a State ABC Type “41” (On-Sale, General, Public Eating Place) License. According to Business Tax and Licensing records, the Venezia Italian Restaurant closed in 2003. Subsequently, the State ABC license which Venezia Italian operated under was transferred to four (4) restaurants that occupied the tenant space from 2003-2011: Paper Tiger Restaurant, La Barca Mariscos, El Bajo Mexican Food and Seafood, and Centro Botanero El Rancho. According to Business Tax and Licensing records, Centro Botanero El Rancho ceased operations in 2011, and according to ABC records, the associated State ABC Type “41” license (#453199) was cancelled in May, 2011. Since 2011, three (3) additional restaurants occupied the subject tenant space and did not serve alcohol: Viet Mex Restaurant, Pho Bee, and Almond Haus Café. According to Business Tax records, subsequent to Almond Haus Café ceasing its operation, Urban Punjab obtained Business License approval in May of 2022, and started operating as a full-service restaurant in July of 2022.

The applicant is requesting Conditional Use Permit approval to operate the existing restaurant with a new original State Alcoholic Beverage Control (ABC) Type “41” (On-Sale, Beer and Wine, 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.

Urban Punjab operates as a full-service restaurant, specializing in authentic South Asian cuisine. 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. Urban Punjab’s hours of operation are 11:00 a.m. to 9:00 p.m., Sunday through Thursday, and 11:00 a.m. to 10:00 p.m., Friday and Saturday. The Police Department is supportive of the restaurant’s operating 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. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 144.
- The crime count for the District is 168.
- Average crime count per district in the City is 71.
- A District is considered high when it exceeds the Citywide average by 20%.

- The subject District has a crime count of 136% above the Citywide average; therefore, it is considered a high-crime area.
- The subject site is located in Alcoholic Beverage Control Census Report District No. 885.02.
- ABC Census Reporting District No. 885.02 allows for six (6) on-sale licenses within the District. Currently, there are twelve (12) on-sale licenses in the District. The approval of this CUP will add a new ABC Type "41" (On-Sale, Beer and Wine, Eating Place) License. The approval of this Conditional Use Permit will increase the number of on-sale ABC Licenses in the District by one (1), and the total number of on-sale licenses in the District will be thirteen (13).

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.

Even though 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.) shall be permitted on the premises.

Therefore, the City of Garden Grove hereby determines and approves a Finding of Public Convenience or Necessity for Conditional Use Permit No. CUP-235-2023.

#### 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 International West Mixed Use, and is zoned Planned Unit Development No. PUD-121-98. The International West Mixed Use designation is intended to provide a mix of uses, including resort, entertainment, retail, hotel, and some higher-density residential uses. In particular, the subject proposal is consistent with the following General Plan Goals, Policies, and Implementation Measures:

*Policy LU-1.4 Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts / entertainment, in appropriate locations.* The subject restaurant is located on Harbor Boulevard, in an area developed with existing restaurant, retail, and other commercial services. The addition of alcohol sales to the restaurant 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 request is to serve alcohol at an existing restaurant. The location of the restaurant is within an existing multi-tenant commercial center, with a variety of commercial uses. Directly adjacent to the subject use are similar restaurant, retail, and personal service uses. Sale of alcohol 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 an existing restaurant, Urban Punjab. The service of alcohol is intended to enhance the dining experience at the restaurant. This enhances the community, by providing another unique dining opportunity.

*Policy LU-6.2 Encourage a mix of retail and commercial services along the major corridors and in centers to meet the community's needs.* The subject request for a Conditional Use Permit to allow the service of alcohol at Urban Punjab would add an additional amenity to the existing restaurant that enhances the customer dining experience and maintains the intent of being a business serving the local community, while also contributing to the mix of retail and commercial services along a major commercial corridor. The area surrounding the subject restaurant features a wide variety of existing commercial uses, including the Great Wolf Lodge recreation center and hotel. 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 American European Center, and the Harbor Boulevard commercial corridor 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 an existing restaurant, Urban Punjab. Approval of the Conditional Use Permit would provide the 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, 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 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. Limitations on the hours of alcohol 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.

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 west side of Harbor Boulevard, which is classified as an Arterial Roadway with a 120'-0" ultimate right-of-way and is improved with curbs, gutters, and sidewalks. The commercial center is adequately accessed by three (3) driveways along Harbor Boulevard. 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-235-2023.

Dated: May 11, 2023

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DAVID DENT  
ZONING ADMINISTRATOR

## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-235-2023**

12549 Harbor 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, Amina Naeem, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. This Conditional Use Permit only authorizes the operation of a 1,670 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 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 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.

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-235-2023 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-235-2023 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-235-2023. 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-235-2023 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.
54. As stipulated in Decision No. 1837-23, upon approval and exercising of Conditional Use Permit No. CUP-235-2023, the Conditional Use Permit

previously governing the tenant space, CUP-319-96, shall be revoked and become null and void.

**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.

**Public Works Environmental Services Division**

56. 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.
57. Restaurant shall be operated in accordance with Ordinance No. 6 of Garden Grove Sanitary District Code of Regulations.
58. 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.