

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

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| <b>AGENDA ITEM NO.:</b> 1.a.                             | <b>SITE LOCATION:</b> East side of Main Street between Acacia Parkway and Garden Grove Boulevard, at 12900 Main Street |
| <b>HEARING DATE:</b> October 11, 2018                    | <b>GENERAL PLAN:</b> Civic Center Mixed Use  |
| <b>CASE NO.:</b> Conditional Use Permit No. CUP-143-2018 | <b>ZONE:</b> CC-2 (Civic Center Main Street)   |
| <b>APPLICANT:</b> Monster Ton                            | <b>CEQA DETERMINATION:</b> Exempt  |
| <b>PROPERTY OWNER:</b> Audrey Pecor                      | <b>APN:</b> 090-161-34   |

**REQUEST:**

A request for Conditional Use Permit (CUP) approval to operate a new restaurant, AUM Beer Club, located at 12900 Main Street (Assessor's Parcel No. 090-161-34), within an existing 4,200 square foot restaurant tenant space, with a State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, which is to be processed by ABC through a "premises-to-premises" transfer to the subject location.

**BACKGROUND:**

The subject site is improved with an existing 4,200 square foot restaurant tenant space, which is currently vacant and was previously in operation as a restaurant occupied by Doug's Downtown Grill. The tenant space is located on the historic Main Street, which consists of a mix of restaurants, retail shops, service businesses, and offices. The subject property is zoned CC-2 (Civic Center Main Street) and has a General Plan Land Use Designation of Civic Center Mixed Use.

In April of 2007, the City of Garden Grove approved Conditional Use Permit No. CUP-203-07, which allowed Doug's Downtown Grill to operate with a new State Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The building had been previously occupied by a dance studio, and the tenant space was converted into the restaurant in conjunction with the CUP approval.

In February of 2015, the City of Garden Grove approved Conditional Use Permit No. CUP-030-2015, which allowed the existing restaurant, Doug's Downtown Grill, to upgrade the existing ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License to a new ABC Type "47" (On-Sale, General, Public Eating Place) License.

**DISCUSSION:**

The applicant proposes to operate the new restaurant, AUM Beer Club, within the existing restaurant tenant space, with minor modifications to the floor plan, and under the same type of ABC license (Type "47") as the previous operator. The ABC Type "47" License is to be processed by the Department of Alcoholic Beverage Control through a "premises-to-premises" transfer to the subject location. Title 9 of the Municipal Code requires approval of a new Conditional Use Permit when there is a premises-to-premises transfer of an existing ABC license.

AUM Beer Club will operate as a full-service, sit-down, family-style restaurant specializing in a variety of foods that include, but are not limited to, American, Thai, and Italian cuisine. The restaurant is 4,200 square feet and includes an interior dining area with booths, tables, and chairs accommodating approximately 75 persons, as well as outdoor dining area, with tables and chairs that will accommodate an additional 20 persons. The outdoor dining area is existing and the use of said area was approved under the original Conditional Use Permit for the prior restaurant (CUP-203-07). The AUM Beer Club restaurant will include minor modifications to the previously approved floor plan for Doug's Downtown Grill and will consist of the following: an entrance with waiting area, a cashier counter, a centrally located bar area with bar stool seating, open dining areas, and outdoor dining area, separate men's and women's restrooms, a kitchen and food prep area, and various food storage areas (i.e., walk-in coolers).

A 25-foot (25'-0") wide roll-up door will be provided along the southerly wall, as shown on the submitted floor plan, of the restaurant providing additional ventilation and pedestrian access to the outdoor dining area. Conditions of Approval for this Conditional Use Permit will address the outdoor dining area with requirements that include, but are not limited to: maintaining adequate visibility from the public right-of-way into the outdoor dining area; installing signage at the patio exits stating "No Alcoholic Beverages Beyond this Point"; providing adequate lighting in the patio area; submitting a monitoring plan/program addressing alcohol service and consumption and employee monitoring of the outdoor patio area; and installing a security camera surveillance system to monitor said area. The applicant/operator is also required to comply with the City's Noise ordinance, so as to ensure there are no noise related issues stemming from the operation of the business.

The hours of operation for the AUM Beer Club will be from 11:00 a.m. to 12:00 a.m., Sunday through Thursday, and 11:00 a.m. to 1:30 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 Chief of the Police Department.

The restaurant is located in a high-crime district, and in an area with an under-concentration of Alcoholic Beverage Control 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. 1773-18 for Conditional Use Permit No. CUP-143-2018.

The Community and Economic Development Department and the Police Department have reviewed the request and are in support of the proposal. All standard conditions of approval for an ABC Type "47" (On-Sale, General, Public Eating Place) License will apply.

**RECOMMENDATION:**

Staff recommends that the Zoning Administrator take the following action:

1. Approve Conditional Use Permit No. CUP-143-2018, subject to the recommended conditions of approval.

Lee Marino  
Planning Services Manager

By: Chris Chung  
Urban Planner