



March 9, 2020

Innkeepers Hospitality Management, Inc. 222 Lakeview Ave., Suite 200 West Palm Beach, FL 33401

SUBJECT: MINOR MODIFICATION TO THE APPROVED PLANS OF

CONDITIONAL USE PERMIT NO. CUP-167-2019, FOR RESIDENCE INN, LOCATED AT 11931 HARBOR BOULEVARD,

APN: 233-171-30, GARDEN GROVE

To Whom It May Concern:

This letter is to inform you that the Community and Economic Development Department has reviewed and approved the proposed changes to the plans approved under Conditional Use Permit No. CUP-167-2019, for an existing hotel, the Residence Inn, located at 11931 Harbor Boulevard (Assessor's Parcel No.: 233-171-30).

The subject site is located within the International West Resort Area, on the west side of Harbor Boulevard, north of Chapman Avenue. The site was developed with an 118,908 square foot, 200-room hotel in 2001. The City of Garden Grove approved Conditional Use Permit No. CUP-167-2019 to allow the existing hotel to operate a restaurant with the lounge/bar area within the existing lobby area under a new State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Eating Place) License in 2019. The improvements included a new kitchen with cooking equipment, counters, bar and lounge seating, and new tables and chairs. The applicant has made minor changes to the floor plan during the plan check process that differ to the approved floor plan under CUP-167-2019.

The request for a minor modification to the approved plans under CUP-167-2019, shall be per the submitted revised floor plan (attached), which includes the following: the proposed restaurant with lounge/bar area is to remain in the same location, but rotated 90 degrees, the lounge seating area has been removed, there are proposed equipment changes to the kitchen, and the liquor storage room is to be relocated to the east with access off a corridor. In addition, the modified floor

CUP-167-2019 Modification to Approved Plans 11931 Harbor Blvd.
March 9, 2020

plan shows all existing dining areas and breakfast bar. The requested modification has been deemed minor. Further, no submission and approval of a new Site Plan or Conditional Use Permit is required.

Staff has determined that your request for a minor modification to the approved plans is in keeping with Condition No. 3 under the Conditions of Approval for CUP-167-2019. In essence, Condition No. 3 stipulates that minor modifications that do not change the intent of the project may be approved by the Community and Economic Development Director. Note that any change in the approved plans or the use of the subject property, which has the effect of expanding or intensifying the proposed development, shall require a new Site Plan, Conditional Use Permit, and/or any other necessary land use entitlement approvals. Also, all necessary permits (i.e., building permits) shall be obtained to complete the requested minor change.

Please be advised, if major modifications are made to the approved plans, or other related changes that result in the intensification of the project or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes. Attached, for your convenience, are copies of the decision approving CUP-167-2019, and the associated Conditions of Approval.

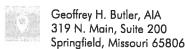
If you have any questions, please contact the Planning Services Division at (714) 741-5312.

Sincerely,

Lisa L. Kim

Community and Economic Development Director

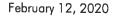






C: (417) 848-6000 T: (417) 521-6106





Re: Residence Inn Public Space Remodel 11931 Harbor Boulevard Garden Grove, CA 92840



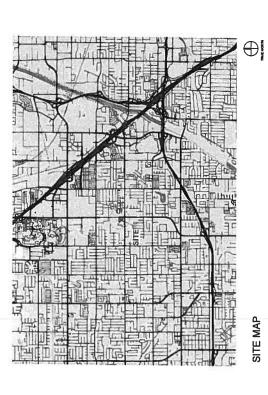
To Whom It May Concern:

The proposed bar renovation area in this project is 599 square feet and is in the same location as the previous submittal; however, the bar location was rotated 90 degrees from the original design and a separate lounge seating area has been eliminated. We also had to add a 3-compartment sink in the back bar area. The total seat count in the bar is now 23 (previously it was approximately 24). Alcohol will be served only in this area of the hotel. Patrons other than hotel guests will be allowed to use the bar and purchase alcohol. The liquor storage room is approximately 40 feet down a main corridor to the east of the bar area in a separate storage room that is 96 square feet in size and has the required minimum 16 linear feet of shelving.

Sincerely,

Geoffrey H. Butler, AIA

Architect



17009.RRGC

CONSTRUCTION DOCUMENTS

OCTOBER 23, 2019

RESIDENCE INN PUBLIC SPACE REMODEI

EXISTING 200 ROOM HOTEL

11931 HARBOR BOULEVARD, GARDEN GROVE, CA 92840

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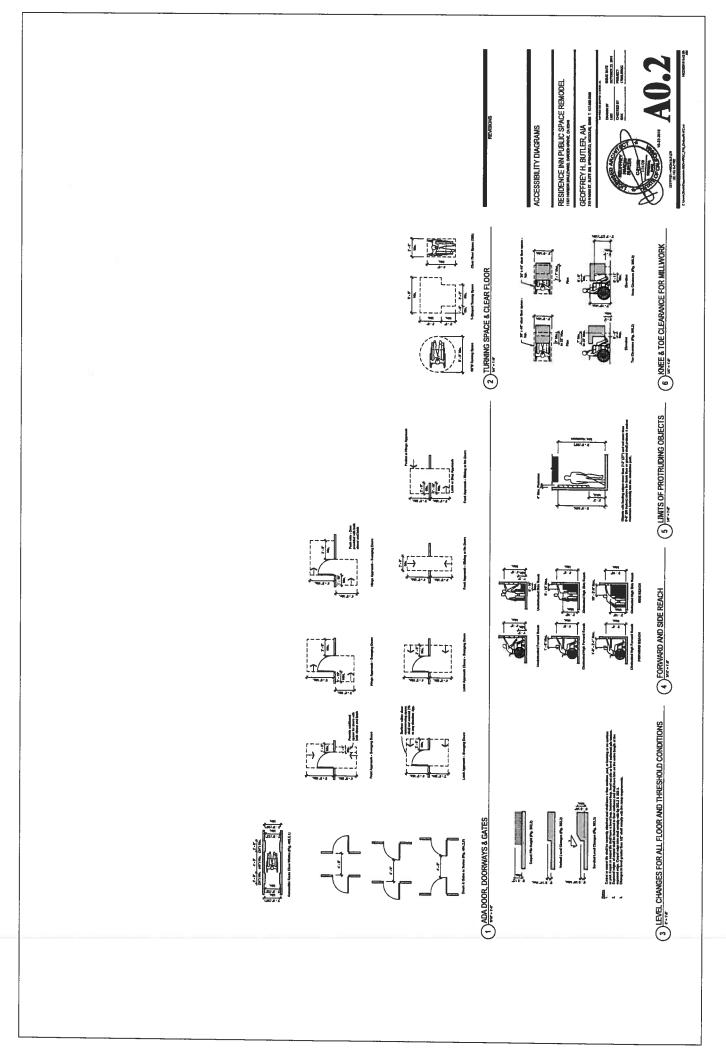
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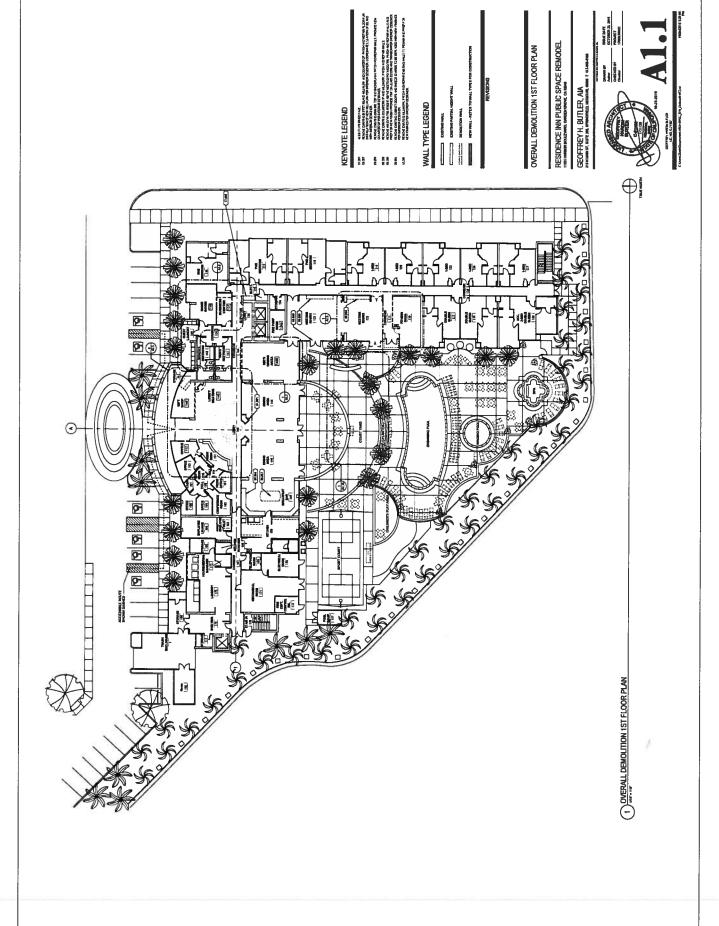
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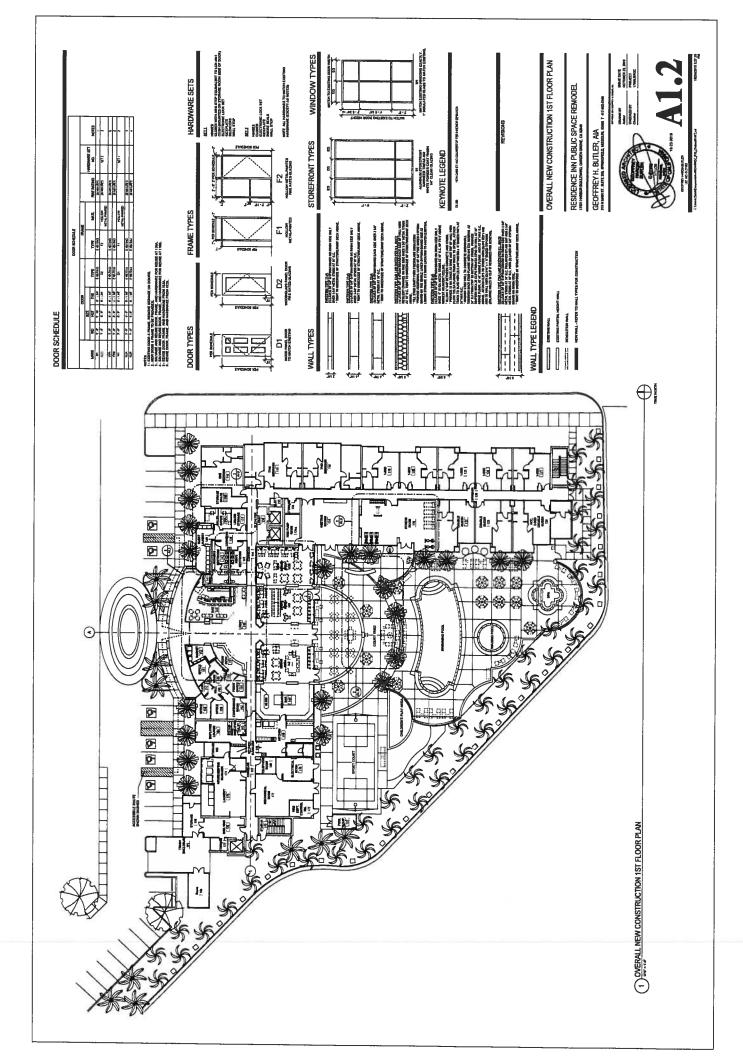
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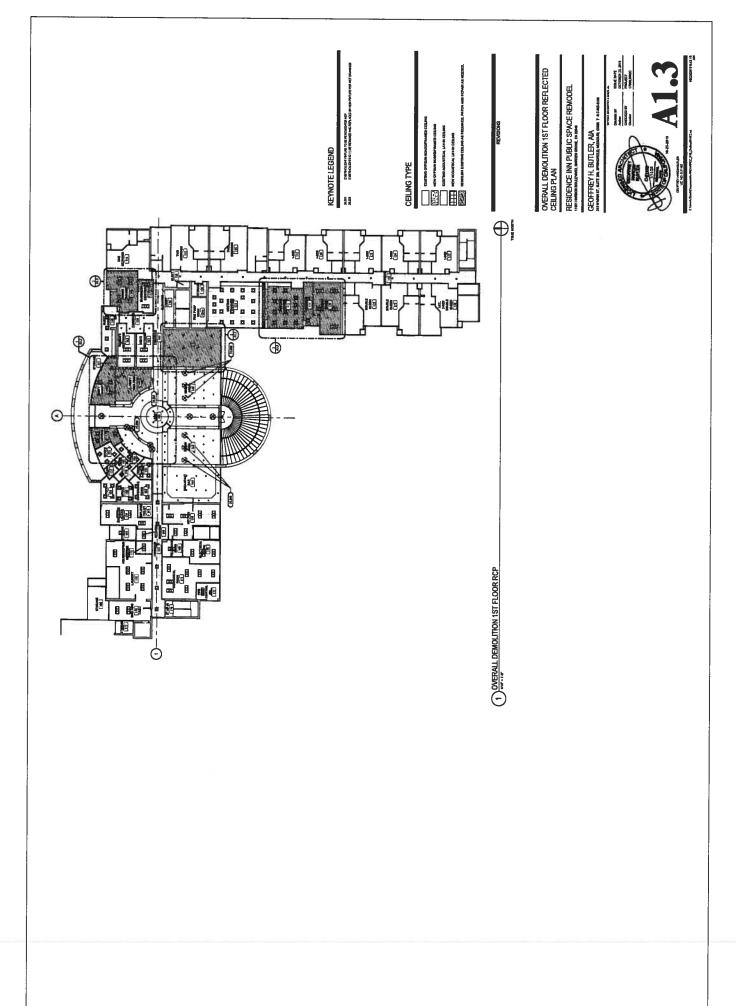
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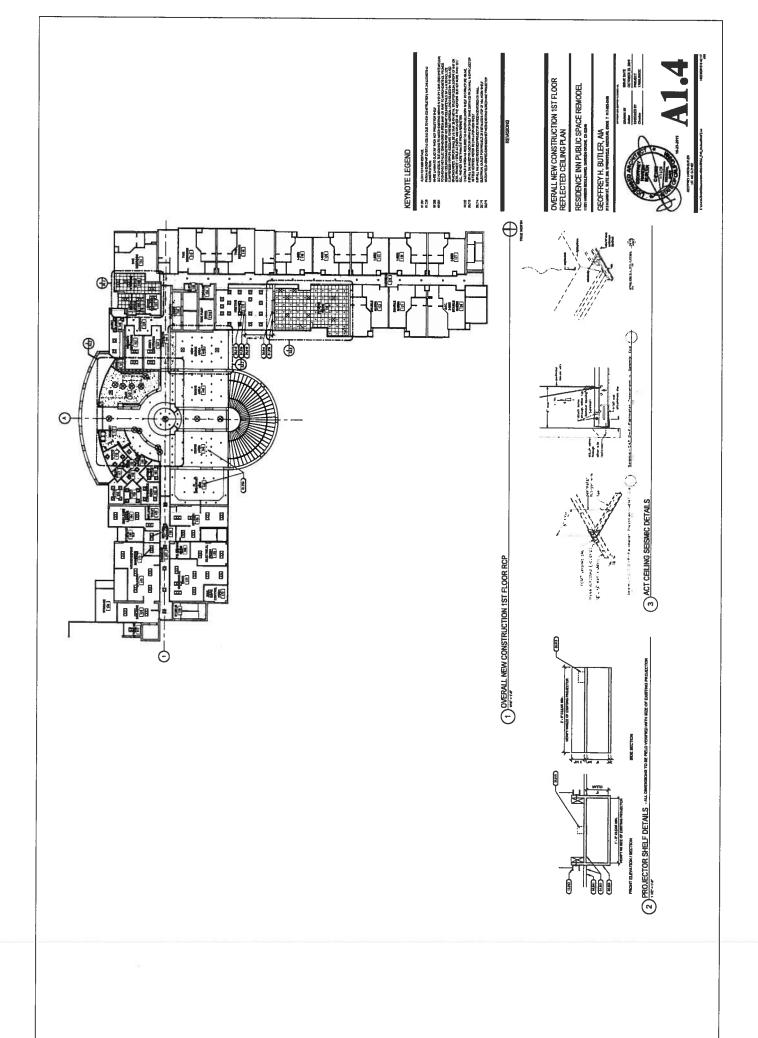


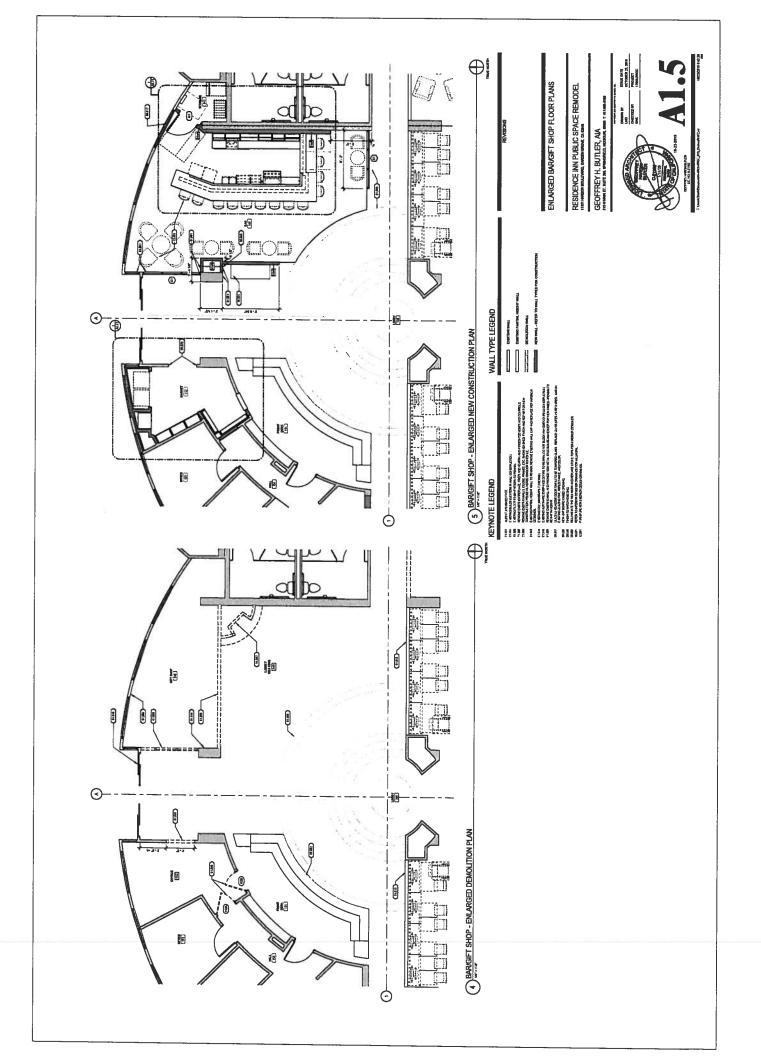


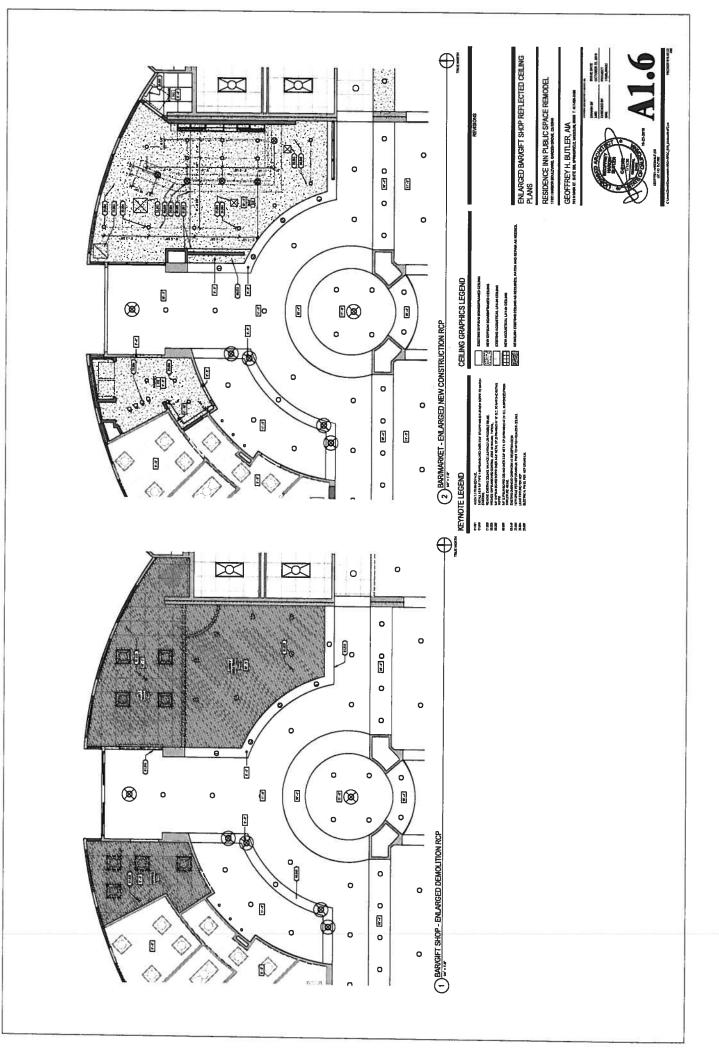


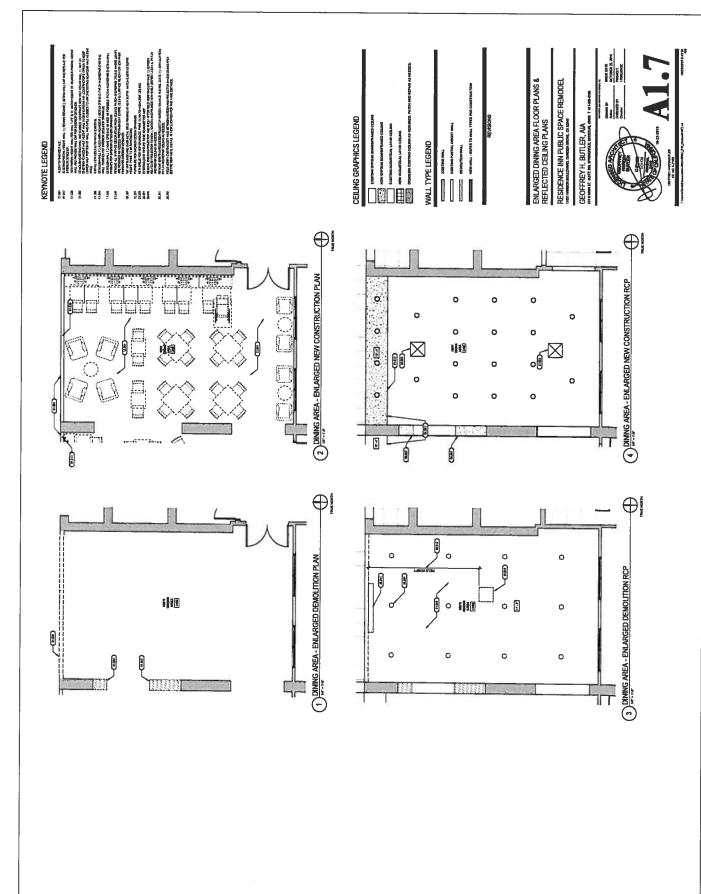


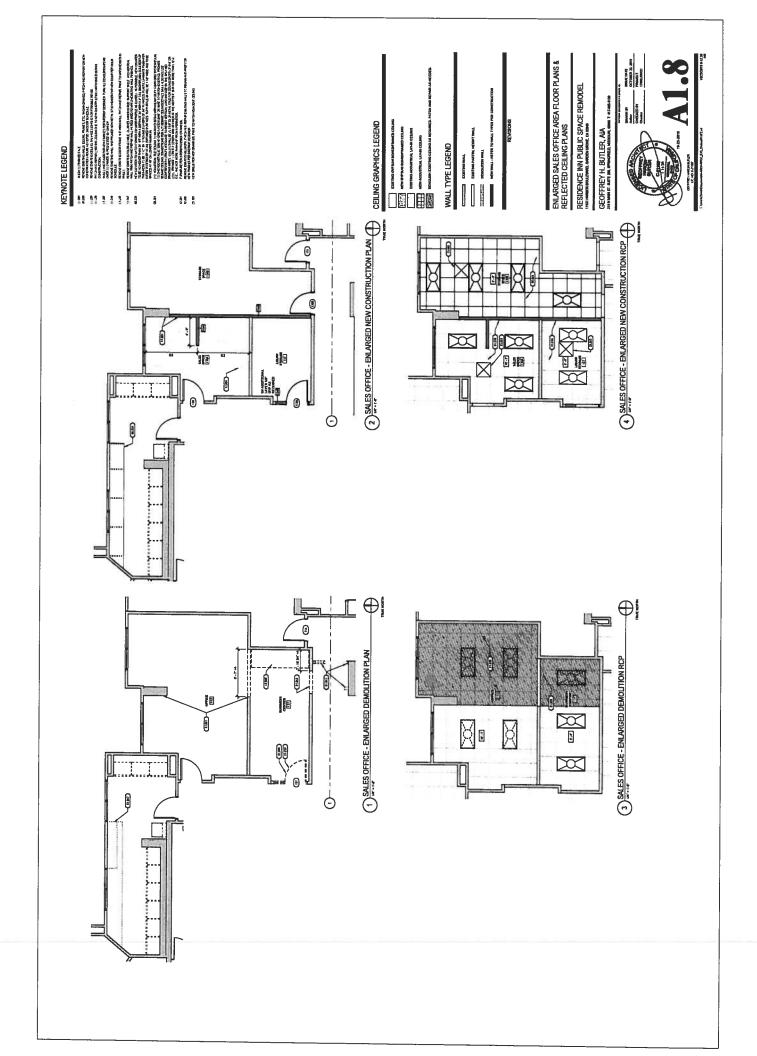


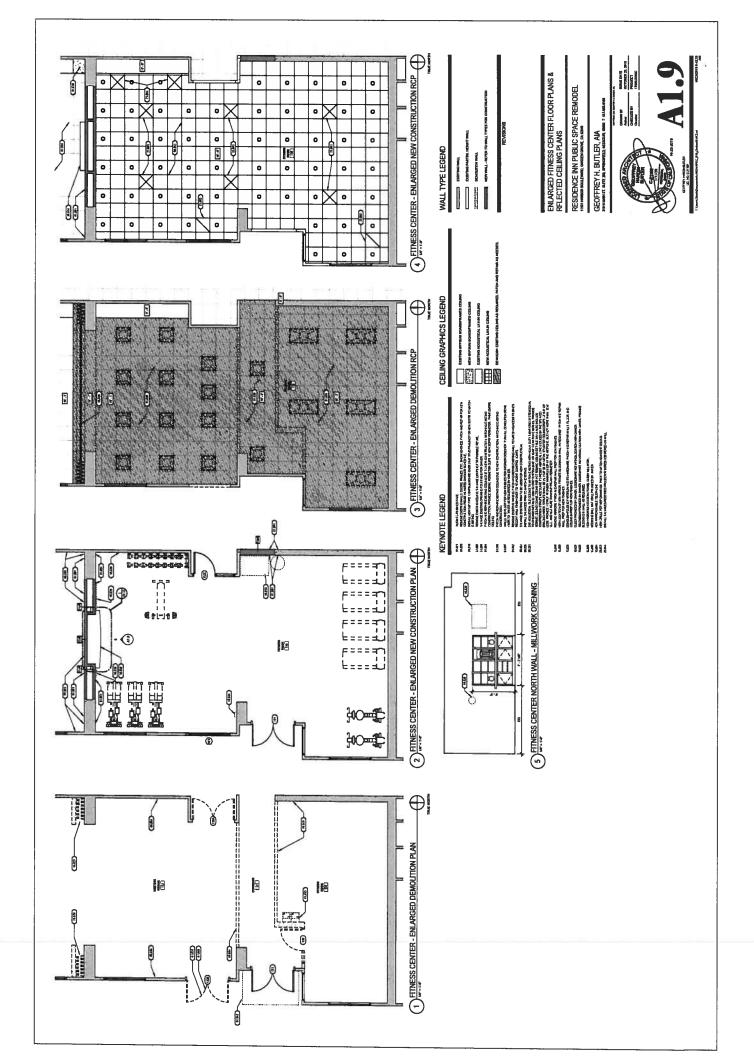


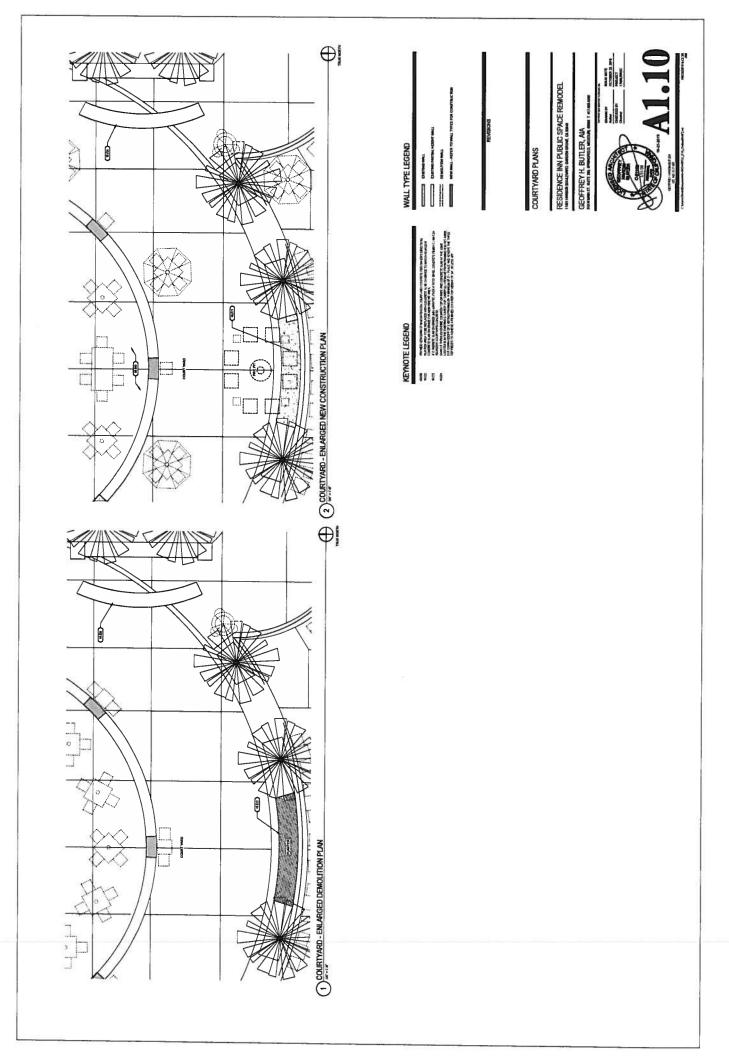


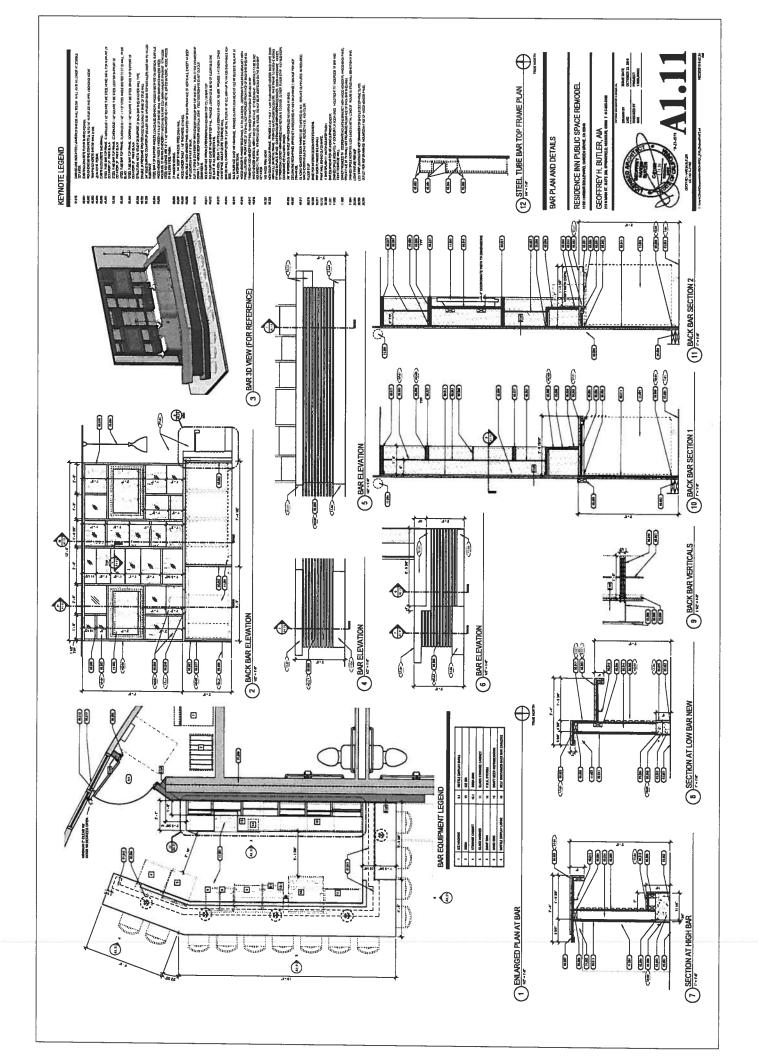


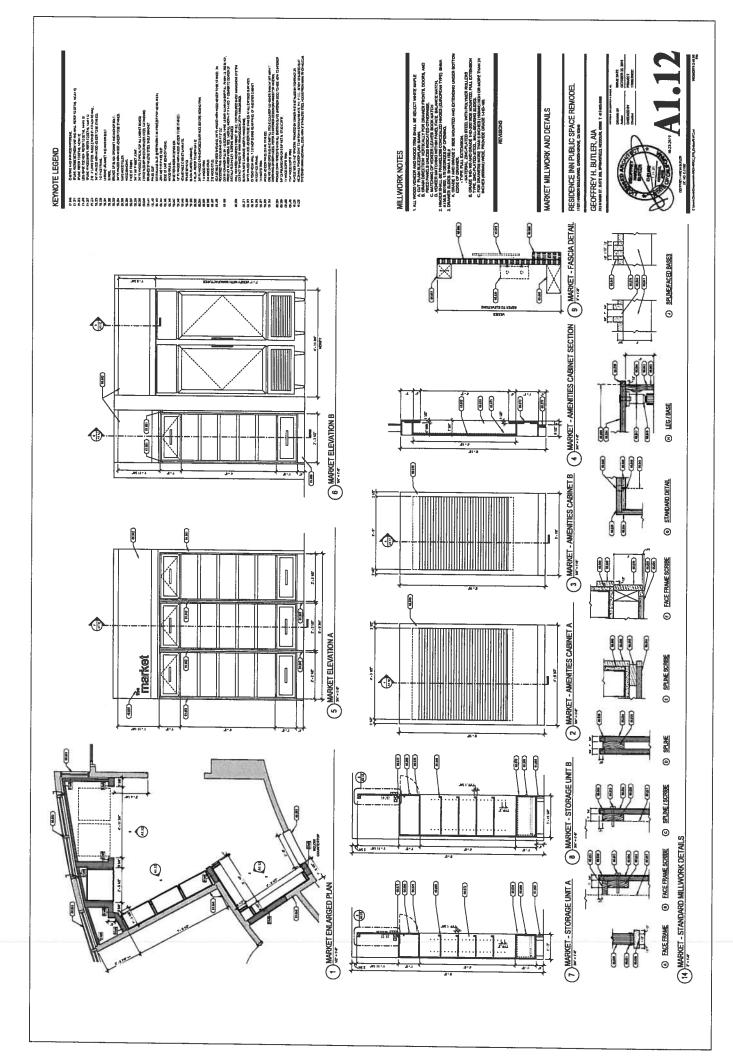


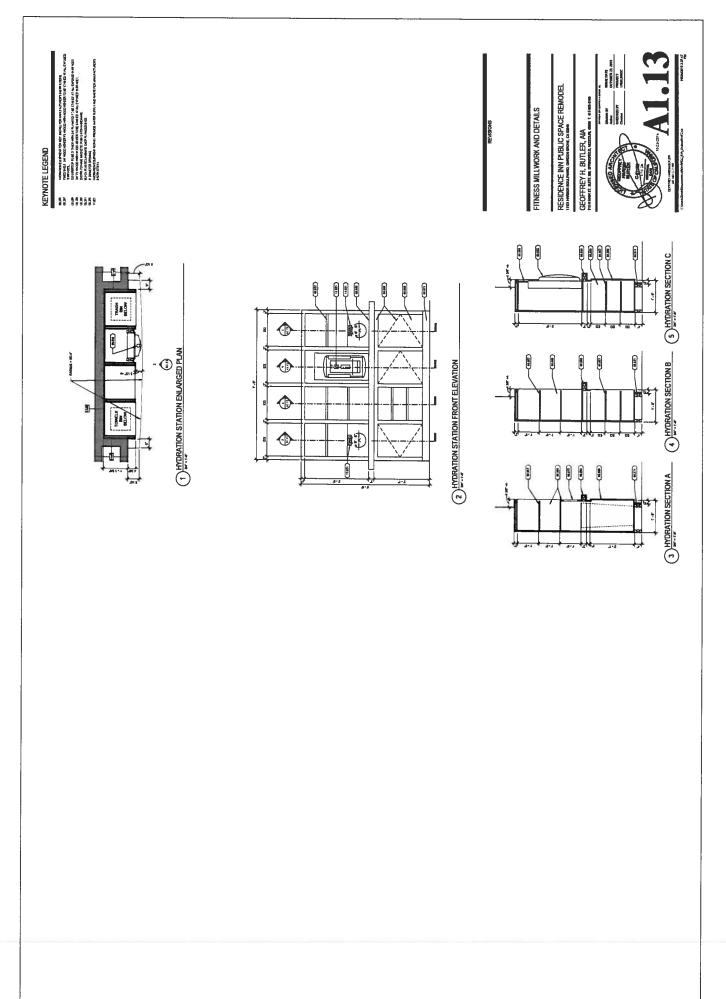












DECISION NO. 1787-19

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-167-2019 AND REVOKING CONDITIONAL USE PERMIT NO. CUP-096-2017.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-167-2019 and revoke Conditional Use Permit No. CUP-096-2017 for a property located on the west side of Harbor Boulevard, north of Chapman Avenue, at 11931 Harbor Boulevard, Assessor's Parcel No. 233-171-30.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-167-2019, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

- 1. The subject case was initiated by Innskeepers Hospitality Management, LLC.
- 2. The request is for Conditional Use Permit approval to operate an existing 118,908 square foot hotel, Residence Inn Hotel, located at 11931 Harbor Boulevard, with a new State Alcoholic Beverage Control (ABC) Type "47" (On-Sale General, Eating Place) License for a proposed restaurant with a lounge/bar within the existing lobby area.
- 3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act.
- 4. The property has a General Plan Land Use designation of International West Mixed Use, and is zoned Planned Unit Development No. PUD-104-82.
- 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 October 24, 2019, 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 October 24, 2019, 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, approximately 2.73 acres in size, is located in the International West Resort Area, on the west side of Harbor Boulevard, north of Chapman Avenue, between the Hilton Garden Inn and Hyatt Regency Orange County. The property has a General Plan Land Use designation of International West Mixed Use and is zoned Planned Unit Development No. PUD-104-82. The 118,908 square foot hotel was approved on December 6, 2001 under Site Plan No. SP-300-01, as a 200-room, eight-story hotel facility. The first floor of the building consists of the main lobby, front desk, registration area, a gift shop, a fitness room, meeting rooms, a kitchen, indoor and outdoor dining areas, guest laundry room, a game room, a hotel laundry facility, and guest rooms. The remaining floors of the hotel contain guest rooms.

The subject property fronts Harbor Boulevard, with driveway ingress and egress to the public parking area off Harbor Boulevard. The property abuts PUD-104-82 zoned properties to the south and west, PUD-118-98 zoned properties to the north, and commercially zoned properties to the east across Harbor Boulevard in City of Anaheim.

The applicant is requesting approval of a Conditional Use Permit to sell and serve beer, wine, and distilled spirits in a proposed restaurant with a lounge/bar and within the existing lobby area of the Residence Inn Hotel under a new State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Eating Place) License. A Type "47" license allows the sale of beer, wine, and distilled spirits for consumption on the premises, but the establishment must operate as a bona fide eating place, and must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. The proposed restaurant, operated by the hotel, will offer food to customers consisting of appetizers, and entrees, such as sandwiches, burgers, salads, and pizza.

The proposed restaurant with a lounge/bar within the existing lobby area, approximately 900 square feet in size, will be located directly to the left of the main entrance to the hotel, on the north side of the building, and the existing gift shop will be converted to storage space for the alcohol. As part of the approval, the consumption of alcohol will be allowed in the fenced-off pool area, which is located directly outside, south of the remaining lobby area. No other floor plan changes are being proposed as part of the application, and the sale and service of alcohol will be limited to the lounge/bar and restaurant area only. The proposed hours of operation are from 7:00 a.m. until 12:00 a.m., seven (7) days a week.

Planned Unit Development No. PUD-104-82 requires a Conditional Use Permit for restaurants that serve alcoholic beverages, which are required to operate under an ABC License.

The Community and Economic Development Department and the Police Department have reviewed the request and support the proposal. All standard conditions of approval for an ABC Type "47" License will apply.

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

- The subject site is located in Crime Reporting District No. 143.
- The crime count for the District is 138.
- Average crime count per district in the City is 97.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 42% 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. 884.02.
- ABC Census Reporting District No. 884.02 allows for six (6) on-sale licenses within the District. Currently, there are eighteen (18) on-sale licenses in the District. The approval of this CUP will increase the number of on-sale ABC Licenses in the District to nineteen (19).

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 23817.7 provides the following exception:

- (a) Notwithstanding Section 23817.5, the department may approve an application for an on-sale, public place license in areas covered by Section 23817.5, if the applicant shows that public convenience or necessity would be served by the issuance, and where all of the following conditions are found to exist:
- (1) The applicant premises are located in a crime-reporting district that is below that specified pursuant to paragraph (1) of subdivision (a) of Section 23958.4.
- (2) The applicant premises are located in an area that falls below the concentration level provided in paragraph (3) of subdivision (a) of Section 23958.4.
- (3) The local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body determines that public convenience or necessity would be served by the issuance.

Furthermore, California Business and Professions Code Section 23958 states the following:

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

California Business and Professions Code Section 23958.4(b) provides the following exception:

- (b) Notwithstanding Section 23958, the department may issue a license as follows:
- (1) With respect to a nonretail license, a retail on-sale bona fide eating place license, a retail license issued for a hotel, motel, or other lodging establishment, as defined in subdivision (b) of Section 25503.16, a retail license issued in conjunction with a beer manufacturer's license, or a winegrower's license, if the applicant shows that public convenience or necessity would be served by the issuance.
- (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 ninety (90)-day period shall commence upon receipt of 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.

ABC Census Reporting District No. 884.02 shows the subject site to be located in a high-crime area with an over-concentration of on-sale State ABC licenses. Staff is supportive of the request for a new original State ABC Type "47" (On-Sale, General, Eating Place) License. A finding of public convenience or necessity is warranted given the potential community benefit through the addition of a State ABC Type "47" License, which would provide an additional amenity that would enhance the experience at Residence Inn Hotel. The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The conditions of approval will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

FINDINGS AND REASONS:

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

The subject site has a General Plan Land Use Designation of International West

Mixed Use and is zoned Planned Unit Development No. PUD-104-82. The sale and service of alcoholic beverages is a conditionally permitted use in subject Planned Unit Development No. PUD-104-82. This approval will allow the Residence Inn Hotel to operate a restaurant with a lounge/bar within the existing lobby area with an ABC Type "47" (On-Sale, General, Eating Place) License. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

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 restaurant will be located within the existing lobby area of an existing hotel and the sale and service of alcoholic beverages will only be allowed within the restaurant and a lounge/bar area, and within the fenced off pool area. Therefore, the use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project.

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The conditions of approval will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area. The surrounding vicinity is improved with hotels and restaurants. Therefore, by operating as a restaurant with a lounge/bar within the existing lobby area of the hotel, 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 uses within the surrounding area. Modifications are not being proposed to existing yards, walls, fences, parking, loading area, or landscaping. The proposed modification are limited to the interior of the hotel.

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

The site fronts Harbor Boulevard, which is a fully developed street that provides adequate traffic circulation. The driveway ingress and egress to the public parking area is off Harbor Boulevard. The site is also sufficiently served by the public service facilities required such as public utilities: gas, electric, water, and sewer facilities. Site improvements that will affect traffic circulation, or public and private facilities, are not being proposed.

INCORPORATION OF FACTS AND REASONS SET FORTH IN 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-167-2019.

Dated: October 24, 2019

ALLISON WILSON
ZONING ADMINISTRATOR

EXHIBIT "A" Conditional Use Permit No. CUP-167-2019

11931 Harbor Boulevard

CONDITIONS OF APPROVAL

General Conditions

- 1. Each owner of the property shall execute, and the applicant shall record, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, on the property 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 the project applicant, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. 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. This Conditional Use Permit only authorizes the operation of a restaurant with a lounge/bar area within the lobby area of an existing 118,908 square foot hotel, Residence Inn Hotel, with a new State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, 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.
- 4. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the intensification of the project or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.
- 5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Building and Safety Division

- 6. All alterations shall comply with the latest CA Building Code (CBC), CA Mechanical Code (CMC), CA Plumbing Code (CPC), CA Electrical Code (CEC), CA Green Building Standards Code (CGBSC) and the 2016 CA Building Energy Efficiency Standards.
- 7. All exterior and interior accessibility requirements shall comply with CBC Chapter 11B.

Public Works Water Services Division

- 8. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
- 9. If applicable, deferred submittal for fire sprinklers is required to show fire service connection to the City's water main. Fire line is required to have above ground DCDA for backflow protection per City Standard B-773.
- 10. Commercial food use of any type shall require the installation of an approved grease interceptor prior to obtaining a business license. Plumbing plan for grease interceptor shall be routed to environmental services for review.
- 11. There shall be a separate sanitary waste line that will connect to the sewer lateral downstream of the existing grease interceptor. All other new waste lines shall be drained through the grease interceptor. Owner shall maintain comprehensive grease interceptor maintenance records and shall make them available to the City of Garden Grove upon demand.
- 12. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations. Existing units are to be removed.

Police Department

- 13. 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.
- 14. Hours of operation for the restaurant with a lounge/bar within the lobby area shall be permitted from 7:00 a.m. to 12:00 a.m., seven (7) days a week; however, if problems arise where the hours of operation need to be reduced in order to minimize any problems, the operator shall change the hours of operation, as prescribed by the Police Department.
- 15. The sale and service of alcoholic beverages shall be permitted in the restaurant with a lounge/bar area within the existing lobby area, and within the fenced pool area only.
- 16. There shall be no customers or patrons in or about the premises when the establishment is closed.
- 17. No payment (entrance fee/cover charge) shall be charged to gain access to the business at any time.
- 18. 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.
- 19. 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.
- 20. 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. The sale or service of alcohol shall cease thirty (30) minutes prior to the required closing time.
- 21. 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.

- 22. No "B-girl" or "hostess" activity (as defined in Penal Code Section 303) shall occur within the establishment at any time.
- 23. 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.
- 24. 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.
- 25. 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

- 26. Approval of this Conditional Use Permit will allow a restaurant with a lounge/bar within the existing lobby area of the Residence Inn Hotel to operate with a Type "47" ABC License. There shall be no additional changes in the design of the floor plan without the approval of the Community and Economic Development Department, Planning Division. Any additional changes in the approved floor plan, which has the effect of expanding or intensifying the present use, shall require a new Conditional Use Permit. No alcoholic beverages shall be sold until all conditions of approval have been met and the State Alcoholic Beverage Control Board (ABC) has approved the release of the ABC License.
- 27. 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 in 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.

- 28. 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.
- 29. At all times when the establishment is open for business, the sale of alcoholic beverages shall be incidental to the sale of food. The ratio of food to alcohol sales shall comply with Alcohol Beverage Control Board rules for a Type "47" (On-Sale, General, Eating Place) license that states that a minimum of 51% of gross receipts shall be directly from food sales.
- 30. 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.
- 31. The applicant shall, upon request, provide the City of Garden Grove with an audited report of sales ratio of food to alcoholic beverages.
- 32. 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.
- 33. There shall be no live entertainment, dancing, karaoke, DJ, or disc jockey 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, however, the sound emitted from the premises shall not be audible outside of the establishment.
- 34. There shall be no raised platform, stage or dance floor allowed on the premises at any time.
- 35. No other amusement devices shall be permitted on the premises at any time.
- 36. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
- 37. 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.
- 38. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.

- 39. 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.
- 40. 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.
- 41. 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.
- 42. 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.
- 43. 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.
- 44. 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.
- 45. 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.
- 46. 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.
- 47. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
- 48. 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 the windows, shall count toward the maximum window coverage area.
- 49. 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.
- 50. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-167-2019 shall be kept on the premises at all times.
- 51. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-167-2019 and his/her agreement with all conditions of the approval.
- 52. 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.
- 53. 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.
- 54. 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-167-2019. 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.

- 55. 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.
- 56. 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-167-2019 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.
- 57. 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, including, but not limit to the completion of all tenant improvements for the proposed restaurant construction.