



## A G E N D A

### GARDEN GROVE PLANNING COMMISSION

NOVEMBER 21, 2024 - 7:00 PM

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE

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**Meeting Assistance:** Any person requiring auxiliary aids and services, due to a disability, to address the Planning Commission, should contact the Community Development Department 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).

**Agenda Item Descriptions:** Are intended to give a brief, general description of the item. The Planning Commission 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.

**Documents/Writings:** Any revised or additional documents/writings related to an item on the agenda distributed to all or a majority of the Planning Commission within 72 hours of a meeting, are made available for public inspection at the same time (1) in the Planning Services Division Office at 11222 Acacia Parkway, Garden Grove, CA 92840, during normal business hours; and (1) at the Community Meeting Center at the time of the meeting.

**Public Comments:** Members of the public who attend the meeting in-person and would like to address the Planning Commission are requested to complete a yellow speaker card indicating their name and address, and identifying the subject matter they wish to address. This card should be given to the Recording Secretary before the meeting begins. General comments are made during "Oral Communications" and are limited to three (3) minutes and to matters the Planning Commission has jurisdiction over. Persons wishing to address the Planning Commission regarding a Public Hearing matter will be called to the podium at the time the matter is being considered. Members of the public who wish to comment on matters before the Commission, 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 of the meeting. The comments will be provided to the Commission as part of the meeting record.

**PLEASE SILENCE YOUR CELL PHONES DURING THE MEETING.**

### REGULAR MEETING AGENDA

ROLL CALL: CHAIR LINDSAY, VICE CHAIR RAMIREZ  
COMMISSIONERS BEARD, CUEVA, CUNNINGHAM, LARICCHIA,  
PAREDES

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

- A. ORAL COMMUNICATIONS - PUBLIC
- B. [APPROVAL OF MINUTES – October 17, 2024](#)
- C. CONTINUED PUBLIC HEARING(S) FROM 11/7/2024 DUE TO LACK OF QUORUM (Authorization for the Chair to execute Resolution shall be included in the motion.)
  - C.1. [CONDITIONAL USE PERMIT NO. CUP-335-11 \(REV. 2024\)](#)

APPLICANT: MATTHEW HERRICK  
LOCATION: SOUTH SIDE OF GARDEN GROVE BOULEVARD,  
BETWEEN FAIRVIEW STREET AND HASTER STREET, AT  
13132 GARDEN GROVE BOULEVARD

REQUEST: A request to modify Conditional Use Permit No. CUP-335-11, which governs alcohol sales and live entertainment for an existing bar, to extend the permissible days for live entertainment to seven (7) days a week. Upon approval and exercise of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-335-11, would be revoked and replaced by Conditional Use Permit No. CUP-335-11 (REV. 2024). The site is in the C-2 (Community Commercial) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA).

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-335-11 (REV. 2024), pursuant to the recommended Conditions of Approval.

- D. MATTERS FROM COMMISSIONERS
- E. MATTERS FROM STAFF
- F. ADJOURNMENT

GARDEN GROVE PLANNING COMMISSION  
Community Meeting Center  
11300 Stanford Avenue, Garden Grove, CA 92840

Meeting Minutes  
Thursday, October 17, 2024

CALL TO ORDER: 7:02 p.m.

ROLL CALL:

Commissioner Beard  
Commissioner Cueva  
Commissioner Cunningham  
Commissioner Laricchia  
Commissioner Lindsay  
Commissioner Paredes  
Commissioner Ramirez

Absent: None

PLEDGE OF ALLEGIANCE: Led by Commissioner Ramirez

ORAL COMMUNICATIONS – PUBLIC – None

October 3, 2024 MINUTES:

Action: Received and filed.  
Motion: Ramirez Second: Cueva  
Ayes: (6) Cueva, Cunningham, Laricchia, Lindsay,  
Paredes, Ramirez  
Noes: (0) None  
Abstain: (1) Beard

PUBLIC HEARING – SITE PLAN NO. SP-146-2024 AND TENTATIVE PARCEL MAP NO. PM-2023-191, FOR PROPERTY LOCATED ON THE WEST SIDE OF HASTER STREET, BETWEEN LAMPSON AVENUE AND GARDEN GROVE BOULEVARD, AT 12681 HASTER STREET

Applicant: LPA, INC.  
Date: October 17, 2024

Request: A request for Site Plan approval to construct a seventy-six (76) unit, four-story residential apartment building and associated site improvements on an approximately 1.58-acre lot. The proposal includes eight (8) affordable housing units for “very low-income” households. Inclusion of the eight (8)

“very low-income” units qualifies the project for a density bonus, concessions, waivers, and reduced parking pursuant to the State Density Bonus Law. Also, A Tentative Parcel Map to split the existing 3.8-acre property into two (2) separate lots of approximately 2.2 acres, and approximately 1.6 acres to facilitate the development of the residential apartment complex. The site is in the R-3 (Multiple-Family Residential) zone. In conjunction with the requests, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA).

Action: Resolution No. 6099-24 was approved.

Motion: Ramirez Second: Lindsay

Ayes: (7) Beard, Cueva, Cunningham, Laricchia, Lindsay, Ramirez, Paredes

Noes: (0) None

Absent: (0) None

MATTERS FROM COMMISSIONERS: Commissioner Laricchia inquired on the status of the property located at 11712 Lampson Avenue noting the overgrown vegetation. Staff stated they would make contact with the property owner to address issue and shared that project plans are in review and confirmed that the parcel map has been approved.

Chair Lindsey requested an update on the issue with the railroad crossings that are causing damage to vehicle tires. Staff stated that the agency has been non-responsive despite Public Works Department’s attempt to address the issue.

Vice Chair Ramirez commended Public Works Department staff for their assistance and responsiveness to his inquiries on several City related matters.

MATTERS FROM STAFF: Staff provided a brief description of the agenda item for the November 7, 2024 meeting.

ADJOURNMENT: At 7:37 p.m.

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Lizabeth Vasquez  
Recording Secretary

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b>  <b>C.1</b>	<b>SITE LOCATION:</b> South side of Garden Grove Boulevard, between Fairview Street and Haster Street, at 13132 Garden Grove Boulevard #B
<b>HEARING DATE:</b> November 21, 2024	<b>GENERAL PLAN:</b> Light Commercial (LC)
<b>CASE NO.:</b> Conditional Use Permit No. CUP-335-11 (REV. 2024)	<b>ZONE:</b> C-2 (Community Commercial)
<b>APPLICANT:</b> Matthew Herrick	<b>CEQA DETERMINATION:</b> Exempt - Section 15301 "Existing Facilities"
<b>PROPERTY OWNER:</b> Kenski Properties, Inc.	<b>APN:</b> 101-020-44

**REQUEST:**

A request to modify Conditional Use Permit No. CUP-335-11, which governs alcohol sales and live entertainment for an existing bar, to extend the permissible days for live entertainment to seven (7) days a week. Upon approval and exercise of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-335-11, would be revoked and replaced by Conditional Use Permit No. CUP-335-11 (REV. 2024).

**BACKGROUND:**

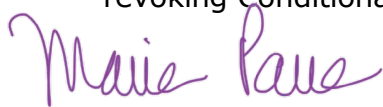
On November 7, 2024, Conditional Use Permit No. CUP-335-11 (REV. 2024) was brought forward to the Planning Commission for its consideration. However, due to a lack of a quorum, the Planning Commission was unable to consider the item. The Planning Commission ultimately voted to continue the item, to the November 21, 2024 Planning Commission meeting, in an effort to have a quorum available, with the minimum number of Planning Commissioners present, to consider and vote on the item.

Attached is a copy of the original November 7, 2024 Planning Commission staff report for reference.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

1. Adopt Resolution No. 6100-24, approving Conditional Use Permit No. CUP-335-11 (REV. 2024), subject to the recommended conditions of approval, and revoking Conditional Use Permit No. CUP-335-11.



Maria Parra  
Planning Services Manager



By: Huong Ly, AICP  
Associate Planner

Attachment A: Notice of Adjournment and Notice of Continuance of Public Hearing(s)

Attachment B: Planning Commission Staff Report dated November 7, 2024

Attachment C: Resolution No. 6100-24 with Exhibit "A" – Conditions of Approval

# ATTACHMENT A

NOTICE OF ADJOURNMENT AND NOTICE OF CONTINUANCE OF PUBLIC HEARING(S) TO  
BE HELD BY THE GARDEN GROVE PLANNING COMMISSION  
NOVEMBER 8, 2024

NOTICE IS HEREBY GIVEN that, pursuant to Government Code Sections 54955 and 54955.1, there not being a quorum of members of the Garden Grove Planning Commission present for the Regular Meeting of the Planning Commission scheduled for November 7, 2024, those members of the Garden Grove Planning Commission present declared the Regular Meeting adjourned and the Public Hearings scheduled before the Planning Commission for November 7, 2024 continued to the Regular Meeting on November 21, 2024, at 7:00 P.M., in the Community Meeting Center, 11300 Stanford Avenue.

NOTICE IS FURTHER HEREBY GIVEN that a continuance of the Public Hearings is set before the Garden Grove Planning Commission to be heard on November 21, 2024, at 7:00 P.M., in the Community Meeting Center, 11300 Stanford Avenue, Garden Grove, California, to consider the subject hearings listed below:

C.1. CONDITIONAL USE PERMIT NO. CUP-335-11 (REV. 2024)

APPLICANT: MATTHEW HERRICK

LOCATION: SOUTH SIDE OF GARDEN GROVE BOULEVARD, BETWEEN FAIRVIEW STREET AND HASTER STREET, AT 13132 GARDEN GROVE BOULEVARD

REQUEST: A request to modify Conditional Use Permit No. CUP-335-11, which governs alcohol sales and live entertainment for an existing bar, to extend the permissible days for live entertainment to seven (7) days a week. Upon approval and exercise of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-335-11, would be revoked and replaced by Conditional Use Permit No. CUP-335-11 (REV. 2024). The site is in the C-2 (Community Commercial) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA).

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-335-11 (REV. 2024), pursuant to the recommended Conditions of Approval.

  
ROSEMARIE JACOT  
RECORDING SECRETARY

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS:  
CITY OF GARDEN GROVE )

AFFIDAVIT OF POSTING NOTICE OF  
ADJOURNMENT  
AND NOTICE OF CONTINUANCE  
OF PUBLIC HEARINGS ON  
(1) CONDITIONAL USE PERMIT NO. CUP-335-11 (REV. 2024)

I, ROSEMARIE JACOT, declare as follows:

That I am the Recording Secretary of the Garden Grove Planning Commission; that, there not being a quorum of members of the Garden Grove Planning Commission present for the Regular Meeting of the Planning Commission scheduled for November 7, 2024, pursuant to Government Code Sections 54955 and 54955.1, those members of the Garden Grove Planning Commission present, declared the Regular Meeting adjourned and the Public Hearings scheduled before the Planning Commission for November 7, 2024 continued to the time and place stated specified in the NOTICE OF ADJOURNMENT AND NOTICE OF CONTINUANCE OF PUBLIC HEARINGS attached hereto; and that on November 8, 2024, at the hour of 10:00 a.m., a copy of said notice was posted at a conspicuous place near the door at which said meeting was to be held.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on November 8, 2024, at Garden Grove, California.

  
ROSEMARIE JACOT  
RECORDING SECRETARY



<h1>COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT</h1>
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<b>AGENDA ITEM NO.:</b>  C.1	<b>SITE LOCATION:</b> South side of Garden Grove Boulevard, between Fairview Street and Haster Street, at 13132 Garden Grove Boulevard #B
<b>HEARING DATE:</b> November 7, 2024	<b>GENERAL PLAN:</b> Light Commercial (LC)
<b>CASE NO.:</b> Conditional Use Permit No. CUP-335-11 (REV. 2024)	<b>ZONE:</b> C-2 (Community Commercial)
<b>APPLICANT:</b> Matthew Herrick	<b>CEQA DETERMINATION:</b> Exempt - Section 15301 "Existing Facilities"
<b>PROPERTY OWNER:</b> Kenski Properties, Inc.	<b>APN:</b> 101-020-44

**REQUEST:**

A request to modify Conditional Use Permit No. CUP-335-11, which governs alcohol sales and live entertainment for an existing bar, to extend the permissible days for live entertainment to seven (7) days a week. Upon approval and exercise of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-335-11, would be revoked and replaced by Conditional Use Permit No. CUP-335-11 (REV. 2024).

**BACKGROUND:**

The site is located on the south side of Garden Grove Boulevard, just west of the intersection of Garden Grove Boulevard and Fairview Street. The property is zoned C-2 (Community Commercial) and has a General Plan Land Use Designation of LC (Light Commercial). The property abuts State Route 22 (SR-22) to the west and north, an SR-22 access ramp to the south, and a C-2 zoned property, that is improved with a service (gas) station, to the east. Located in proximity of the intersection of Garden Grove Boulevard and Fairview Avenue, the immediate neighborhood of the subject site consists of a variety of commercial uses, and a mobile home park, across the SR-22 access ramp, to the south.

The site is approximately 1.12 acres and is improved with a small commercial center consisting of two (2) detached one-story, multi-tenant buildings. The site fronts on Garden Grove Boulevard. Existing uses include an office, a martial arts studio, and a retail store. The subject tenant space is located on the west side of the westerly building.

Since 2001, the subject tenant space has been in operation as a restaurant, with live entertainment and bar. In 2001, the City originally approved Conditional Use Permit No. CUP-527-00, which allowed a new bar to operate with a new original

Case No. CUP-335-11 (REV. 2024)

Department of Alcoholic Beverage Control (ABC) Type "48" (On-Sale, General, Public Premises) License.

In 2002, the City approved Conditional Use Permit No. CUP-601-02, which allowed the existing bar to operate with dancing and live entertainment in the form of a four (4) piece band, and also extended the hours of operation until 2:00 a.m., seven (7) days a week.

In 2003, the City approved Conditional Use Permit No. CUP-108-03, which allowed the existing bar to provide two (2) pool tables as incidental amusement devices. The existing bar ceased operations in 2003.

In 2007, the City approved Conditional Use Permit No. CUP-209-07, which allowed a new restaurant to operate with a new original ABC Type "41" (On-Sale, Beer and Wine, Eating Place) License, live entertainment in the form of a four (4) piece band or karaoke, and hours of operation until 10:00 p.m., Sunday through Thursday, and 11:00 p.m., Friday and Saturday.

In 2008, the City approved Conditional Use Permit No. CUP-251-08, which extended the hours of operation until 11:00 p.m., Sunday through Thursday, and 12:00 a.m., Friday and Saturday, and allowed live entertainment in the form of karaoke one (1) day a week on Tuesdays.

In 2009, the City approved Conditional Use Permit No. CUP-265-09, which upgraded the establishment's ABC Type "41" License, and allowed the existing restaurant to operate with a new original ABC Type "47" (On-Sale, General, Eating Place) License. No modifications were made to the existing hours of operation or live entertainment.

In 2011, the City approved Conditional Use Permit No. CUP-335-11, which upgraded the establishment's ABC Type "47" License, and allowed the operation of a bar with a new original ABC Type "48" (On-Sale General, Public Premises) License, and also allowed hours of operation until 2:00 a.m., seven (7) days a week. No modifications were made to the live entertainment provisions, which continued to be limited to karaoke, one (1) day a week, on Tuesdays.

The applicant now wishes to extend the permissible days for live entertainment, in form of karaoke, to seven (7) days a week. Approval of a modification to Conditional Use Permit No. CUP-335-11, which currently governs the existing bar operation, is necessary to reflect the proposed changes.

A number of Conditions of Approval under CUP-335-11 are not current and do not reflect updated language for conditions of approval that are considered "standard" and currently applied to new conditional use permits for establishments operating with an ABC Type "48" (On-Sale, General, Public Premises) License. Therefore, City Staff is also recommending that certain Conditions of Approval for the use be updated to reflect current standard conditions imposed on similar establishments that operate with an ABC Type "48" License. Additionally, upon approval and

Case No. CUP-335-11 (REV. 2024)

exercise of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-335-11, would be revoked and replaced by Conditional Use Permit No. CUP-335-11 (REV. 2024).

### **DISCUSSION:**

#### Conditional Use Permit:

As part of this application, there are no proposed changes to the general operational characteristics of the existing bar, and no proposed changes to the existing floor plan of the establishment. The bar will continue to operate with an ABC Type "48" License.

The bar is 1,878 square feet in gross floor area. The interior areas would remain virtually the same as originally approved under CUP-335-11. The bar consists of an open floor area with dining tables and chairs, two (2) pool tables, an entertainment/karaoke area, a dining counter area, a full kitchen, a men's and a women's restroom, and two (2) storage areas.

The bar will continue to operate from 8:00 a.m. to 2:00 a.m., seven (7) days a week. Entertainment would be permitted solely in the form of karaoke, seven (7) days a week. There will be no raised platform, stage or dance floor allowed on the premises at any time. The Police Department is supportive of the proposed to increase the number of permissible days for live entertainment from one (1) day per week, on Tuesdays, to seven (7) days a week. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

The Community Development Department and the Police Department have reviewed the request and are supportive of the request. The Police Department has no issues with the operator and the operation of the subject bar. All standard conditions of approval for a Type "48" (On-Sale, General, Public Premises) licensed establishment 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 to extend the permissible dates for live entertainment does not involve any physical expansion of the existing building. The subject request does not involve any new building square footage, and the proposal involves only minor alterations to the operation of the existing facility. Therefore, the proposed project is exempt from CEQA.

### **RECOMMENDATION:**

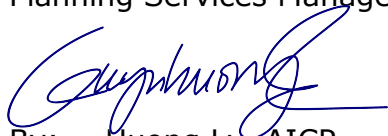
Staff recommends that the Planning Commission take the following action:

Case No. CUP-335-11 (REV. 2024)

1. Adopt Resolution No. 6100-24, approving Conditional Use Permit No. CUP-335-11 (REV. 2024), subject to the recommended conditions of approval, and revoking Conditional Use Permit No. CUP-335-11.



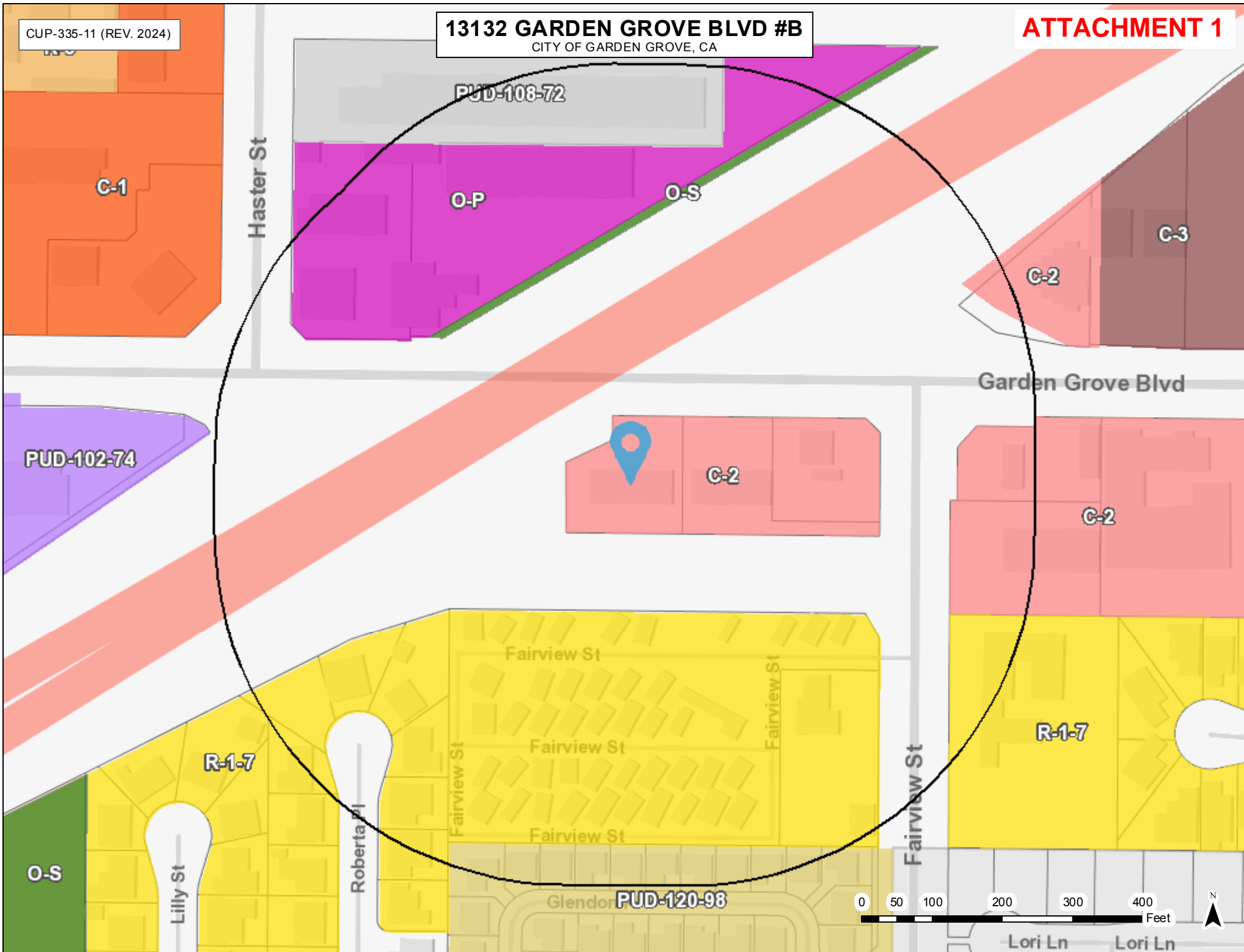
Maria Parra  
Planning Services Manager



By: Huong Ly, AICP  
Associate Planner

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

**13132 GARDEN GROVE BLVD #B**  
CITY OF GARDEN GROVE, CA



PUD-102-74

PUD-108-72

C-1

Haster St

O-P

O-S

C-3

C-2

Garden Grove Blvd

C-2

C-2

Fairview St

Fairview St

R-1-7

R-1-7

O-S

Lilly St

Roberta Pl

Fairview St

Fairview St

Fairview St

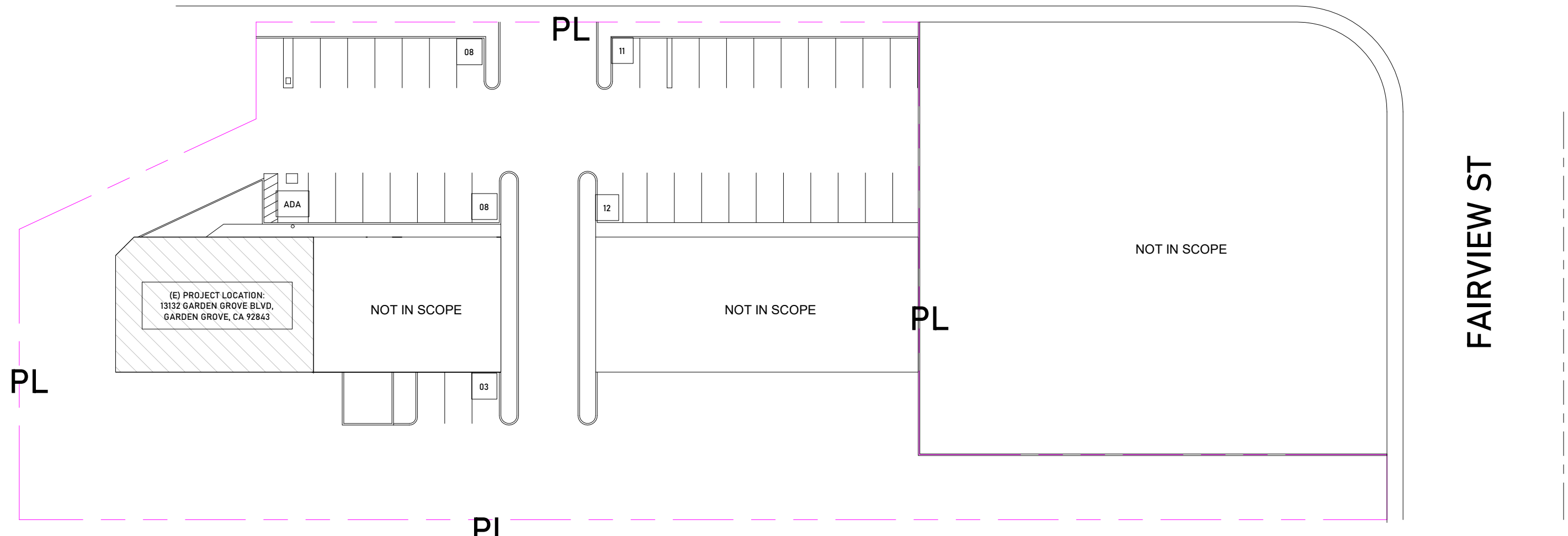
Glendor PUD-120-98

0 50 100 200 300 400 Feet



Lori Ln Lori Ln

GARDEN GROVE BLVD



(E) PROJECT LOCATION:  
13132 GARDEN GROVE BLVD,  
GARDEN GROVE, CA 92843

NOT IN SCOPE

NOT IN SCOPE

NOT IN SCOPE

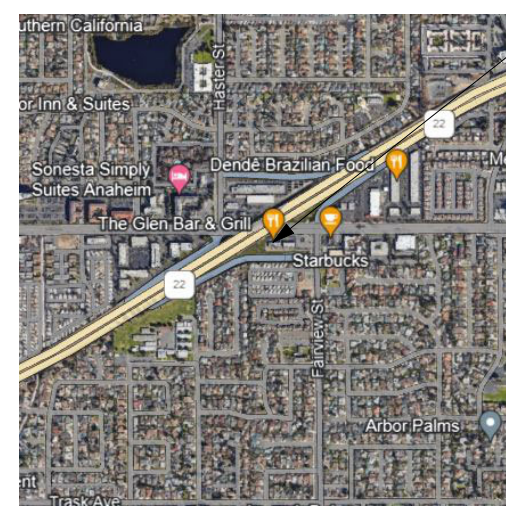
FAIRVIEW ST

PL

PL

PL

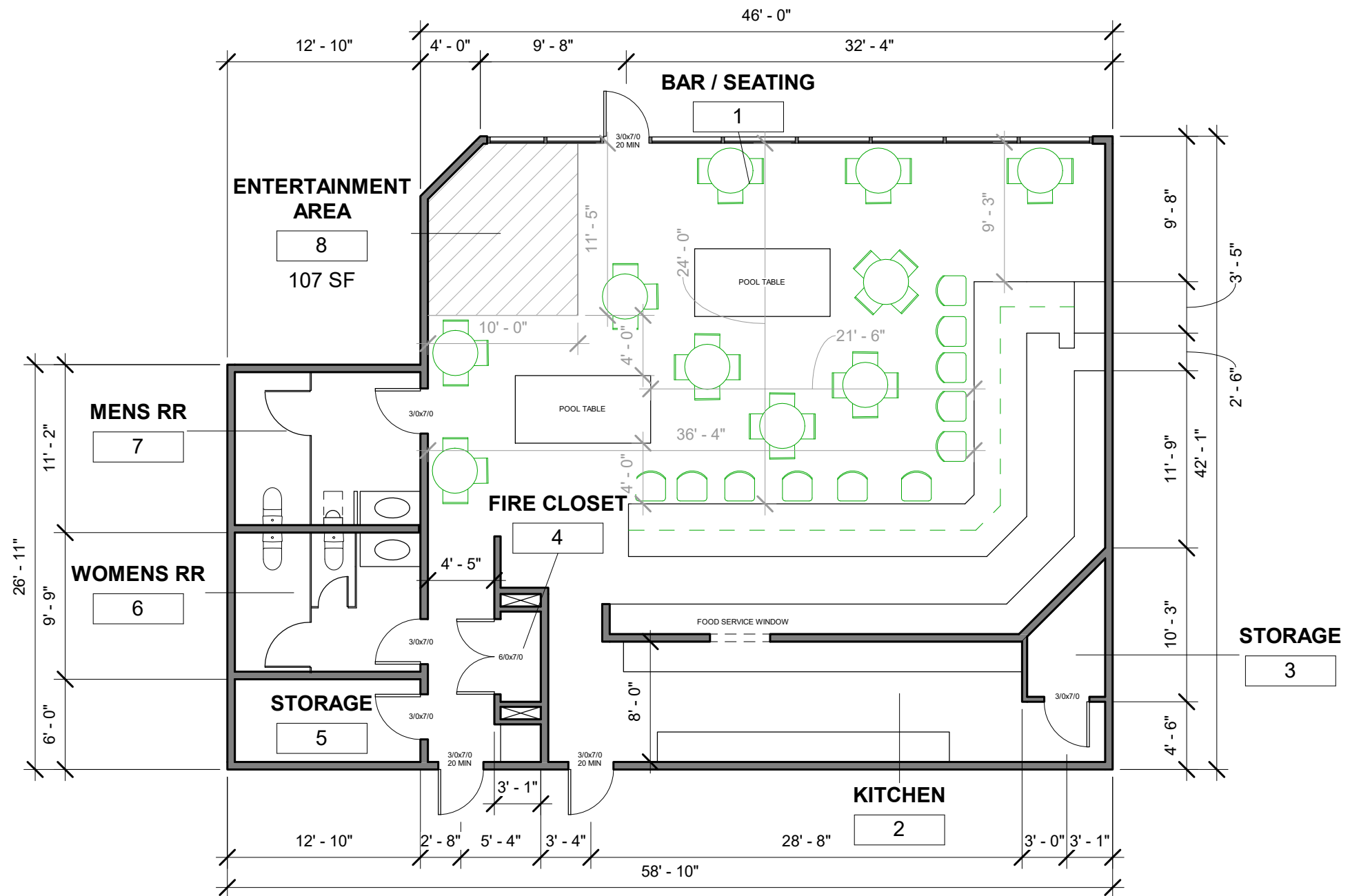
PL



PROJECT LOCATION:  
13132 GARDEN GROVE  
BLVD, GARDEN GROVE,  
CA 92843

THE GLEN BAR & GRILL

13132 GARDEN GROVE BLVD,  
GARDEN GROVE, CA 92843



# THE GLEN BAR & GRILL

13132 GARDEN GROVE BLVD,  
GARDEN GROVE, CA 92843

1 EXISTING FLOOR PLAN  
1/8" = 1'-0"

RESOLUTION NO. 6100-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-335-11 (REV. 2024), AND REVOKING CONDITIONAL USE PERMIT NO. CUP-335-11, FOR A PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, BETWEEN FAIRVIEW STREET AND HASTER STREET, AT 13132 GARDEN GROVE BOULEVARD #B, ASSESSOR'S PARCEL NO. 101-020-44.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on November 21, 2024, hereby revokes Conditional Use Permit No. CUP-335-11, and replaces it with Conditional Use Permit No. CUP-335-11 (REV. 2024), for a property located on the south side of Garden Grove Boulevard, between Fairview Street and Haster Street, at 13132 Garden Grove Boulevard #B, Assessor's Parcel No. 101-020-44, subject to the conditions of approval attached hereto as Exhibit "A".

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-335-11 (REV. 2024), the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Matthew Herrick, with authorization from the property owner, Kenski Properties, Inc.
2. The applicant requests to modify Conditional Use Permit No. CUP-335-11, which governs alcohol sales and live entertainment for an existing bar, to extend the permissible days for live entertainment to seven (7) days a week. Upon approval and exercise of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-335-11, would be revoked and replaced by Conditional Use Permit No. CUP-335-11 (REV. 2024).
3. The City of Garden Grove Planning Commission hereby determines that the proposed project is categorically exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Section 15301 (Existing Facilities) of the State CEQA Guidelines (14 Cal. Code Regs., Section 15301).
4. The property is zoned C-2 (Community Commercial) and has a General Plan Land Use Designation of LC (Light Commercial). The site is improved with a small commercial center, which consists of two (2) detached one-story, multi-tenant buildings.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by the City staff was reviewed.



7. Pursuant to a legal notice, a public hearing was held on November 21, 2024, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting on November 21, 2024.

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.04.030 are as follows:

FACTS:

The site is located on the south side of Garden Grove Boulevard, just west of the intersection of Garden Grove Boulevard and Fairview Street. The property is zoned C-2 (Community Commercial) and has a General Plan Land Use Designation of LC (Light Commercial). The property abuts State Route 22 (SR-22) to the west and north, an SR-22 access ramp to the south, and a C-2 zoned property, that is improved with a service (gas) station, to the east. Located in proximity of the intersection of Garden Grove Boulevard and Fairview Avenue, the immediate neighborhood of the subject site consists of a variety of commercial uses, and a mobile home park, across the SR-22 access ramp, to the south.

The site is approximately 1.12 acres and is improved with a small commercial center consisting of two (2) detached one-story, multi-tenant buildings. The site fronts on Garden Grove Boulevard. Existing uses include an office, a martial arts studio, and a retail store. The subject tenant space is located on the west side of the westerly building.

Since 2001, the subject tenant space has been in operation as a restaurant with live entertainment or bar. In 2001, the City originally approved Conditional Use Permit No. CUP-527-00, which allowed a new bar to operate with a new original Department of Alcoholic Beverage Control (ABC) Type "48" (On-Sale, General, Public Premises) License.

In 2002, the City approved Conditional Use Permit No. CUP-601-02, which allowed the existing bar to operate with dancing and live entertainment in the form of a four (4) piece band, and also extended the hours of operation until 2:00 a.m., seven (7) days a week.

In 2003, the City approved Conditional Use Permit No. CUP-108-03, which allowed the existing bar to provide two (2) pool tables as incidental amusement devices. The existing bar ceased operations in 2003.

In 2007, the City approved Conditional Use Permit No. CUP-209-07, which allowed a new restaurant to operate with a new original ABC Type "41" (On-Sale, Beer and Wine, Eating Place) License, live entertainment in the form of a four (4) piece band

or karaoke, and hours of operation until 10:00 p.m., Sunday through Thursday, and 11:00 p.m., Friday and Saturday.

In 2008, the City approved Conditional Use Permit No. CUP-251-08, which extended the hours of operation until 11:00 p.m., Sunday through Thursday, and 12:00 a.m., Friday and Saturday, and allowed live entertainment in the form of karaoke one day a week on Tuesdays.

In 2009, the City approved Conditional Use Permit No. CUP-265-09, which upgraded the establishment's ABC Type "41" License, and allowed the existing restaurant to operate with a new original ABC Type "47" (On-Sale, General, Eating Place) License. No modifications were made to the existing hours of operation or live entertainment.

In 2011, the City approved Conditional Use Permit No. CUP-335-11, which upgraded the establishment's ABC Type "47" License, allowed the operation of a bar with a new original ABC Type "48" (On-Sale General, Public Premises) License, and also allowed hours of operation until 2:00 a.m., seven (7) days a week. No modifications were made to the live entertainment provisions, which continued to be limited to karaoke, one (1) day a week, on Tuesdays.

The applicant now wishes to extend the permissible days for live entertainment, in form of karaoke, seven (7) days a week. Approval of a modification to Conditional Use Permit No. CUP-335-11, which currently governs the existing bar operation, is necessary to reflect the proposed changes.

There are no changes to the general operational characteristics of the subject bar nor are there any changes to the floor plan under this application. The bar is 1,878 square feet in gross floor area. The bar will continue to operate with an ABC Type "48" License.

The Police Department is supportive of the proposed increase in the number of permissible days for live entertainment from one (1) day per week, on Tuesdays, to seven (7) days a week. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

#### FINDINGS AND REASONS:

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

The subject property has a General Plan Land Use Designation of Light Commercial (LC), and is zoned C-2 (Community Commercial). The LC designation is intended to allow a range of commercial activities that serve local residential neighborhoods and the larger community. In particular, the subject proposal is consistent with the following General Plan Goals, Policies, and Implementation 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 bar is located along Garden Grove Boulevard. The property abuts State Route 22 (SR-22) to the west and north, a SR-22 access ramp to the south, and a C-2 zoned property that is improved with a service (gas) station, to the east. Located in proximity of the intersection of Garden Grove Boulevard and Fairview Street, the immediate neighborhood of the subject site consists of a variety of commercial uses. The modification to increase the number of permissible days for live entertainment would enhance the customer's experience at the subject bar and maintains the intent of being a business serving the local community.

*Goal LU-4 Uses compatible with one another.* The request is to allow an existing bar to extend the permissible days for live entertainment to seven (7) days a week. The subject site abuts State Route 22 (SR-22) to the west and north, an SR-22 access ramp to the south, and a C-2 zoned property that is improved with a service (gas) station, to the east. The subject business does not directly abut any sensitive uses such as residential, schools, or parks. Establishments with alcohol sales and live entertainment are generally compatible with other commercial uses in the surrounding neighborhood. 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 ED-2 The City must attract new businesses, while supporting and assisting those already located within Garden Grove.* The proposed modification to the existing Conditional Use Permit is intended to provide additional economic opportunities to the existing bar. Approval of the Conditional Use Permit would provide the bar 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 modification to the existing Conditional Use Permit. The intent of their review is to reduce the number of alcohol-related crimes, and promote the safe operation of the establishment. No concerns were raised by the Police Department regarding the increase of permissible days for live entertainment to seven (7) days a week. Standard Conditions of Approval for ABC Type "48" (On-Sale General, Public Premises) licensed establishments have been incorporated, which in part, address hours of operation and entertainment, 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 proposed extension of the permissible days for live entertainment for the existing bar from one (1) day a week, on Tuesdays, to seven (7) days a week would not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The site is surrounded by similar commercial uses, and is not abutting any sensitive uses such as residential, schools, or parks. The Conditions of Approval will minimize potential impacts to the adjoining area. Hours of operation of the subject bar would remain unchanged, and would continue to be limited from 8:00 a.m. to 2:00 a.m., seven (7) days a week. The proposed live entertainment 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.

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 south side of Garden Grove Boulevard, which is classified as a Primary Arterial Roadway with a 100'-0" ultimate right-of-way, and is improved with curbs, gutters, and sidewalks. The commercial center is adequately accessed by driveways along Garden Grove Boulevard and Fairview Street. On-site circulation is adequate to serve all the uses in the commercial center. The site is also sufficiently served by public service facilities required, such as: gas, electric, water, and sewer facilities. As a part of this request, no changes are proposed for the design and function of the subject bar 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 FINDINGS SET FORTH IN STAFF REPORT

In addition to the foregoing, the Planning Commission incorporates herein by this reference, the facts and findings set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission 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-335-11 (REV. 2024).

**EXHIBIT "A"**

**Conditional Use Permit No. CUP-335-11 (REV. 2024)**

13132 Garden Grove Boulevard #B

(APN: 101-020-44)

**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, Matthew Herrick, the current property owner, Kenski Properties, Inc., the future 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 existing 1,878 square foot bar to operate with an Alcoholic Beverage Control (ABC) Type "48" (On-Sale, General, Public Premises) License; live entertainment, solely under the form of karaoke, seven (7) days a week; and up to two (2) pool table as amusement devices, as depicted, on the plans submitted by the applicant and made part of the record of the November 7, 2024 Planning Commission proceedings. 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 Development Director in his or her discretion.

5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community 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 Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
6. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

**Orange County Fire Authority**

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

**Public Works Water Services Division**

8. In the event that a Reduced Pressure Principle Device (RPPD) backflow prevention device does not already exist, a RPPD device shall be installed for meter protection. The landscape system shall also have a RPPD device. Any carbonation dispensing equipment shall have 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. Commercial food use of any type requires the installation of an approved grease interceptor, according to Garden Grove Sanitary District's Ordinance No. 6 (Fats, Oil and Grease Control Regulations Applicable to Food Service Establishments). In the event that an approved grease interceptor is not already installed, a properly sized grease interceptor shall be installed on the sewer lateral and be 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.

10. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations. Any existing units are to be removed.

**Public Works Environmental Services Division**

11. The bar shall be operated in accordance with Ordinance No. 6 of the Garden Grove Sanitary District Code of Regulations.
12. The applicant shall install a Grease Control Device per the requirements of the Environmental Services Division, if such a device is not already installed.
13. Trash enclosure areas shall be of appropriate size and number in order to accommodate three (3) separate recycling containers according to the State recycling regulations of Assembly Bill (AB) 939, AB 341, AB 1826, and Senate Bill (SB) 1383.

**Police Department**

14. 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.
15. Hours of operation shall be permitted only between the hours of 8:00 a.m. to 2:00 a.m., seven (7) days a week. 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.
16. There shall be no customers or patrons in or about the premises when the establishment is closed.
17. No minors shall be allowed inside the establishment.
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. The sale of alcoholic beverages for consumption off of the premises is prohibited.
20. The sale or service of alcohol shall cease thirty (30) minutes prior to the required closing time.



21. 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.
22. The applicant shall maintain a level of lighting in the establishment sufficient to ensure that individuals inside the bar 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 bar is prohibited.
23. No payment (entrance fee/cover charge) shall be charged to gain access to the business at any time.
24. No "B-girl" or "hostess" activity (as defined in Penal Code Section 303) shall occur within the establishment at any time.
25. 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.
26. No employee or agent shall solicit or accept any alcoholic or nonalcoholic beverage from any customer while in the business.
27. 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.
28. 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.
29. 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 Development Department**

30. Approval of this Conditional Use Permit will allow the establishment to operate with an ABC Type "48" (On-Sale, General, Public Premises) License. Upon approval and exercise of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-335-11, shall be revoked and become null and void.
31. In the event that an 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.
32. The rear door shall be kept closed at all times during the operation of the establishment, except in case of emergency or to permit deliveries. There shall be a sign over the door stating "This door shall remain unlocked at all times when the establishment is open." Panic hardware shall be provided and shall comply with all City code requirements.
33. 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.
34. Up to a maximum of two (2) pool tables are permitted within the customer area.
35. Live entertainment shall be limited to the following operational requirements:
  - a. Live entertainment, solely in the form of karaoke, shall be allowed seven (7) days a week. No other forms of live entertainment, i.e., dancing, solo, performer, live music, disc-jockey entertainment, etc., shall be permitted on the premises.
  - b. All live entertainment shall cease thirty (30) minutes prior to the designated closing time.
  - c. All live entertainment shall comply with the City's adopted Noise Ordinance.
  - d. All amplified music, sound, or vibrations shall not be audible outside the establishment.

- e. When live entertainment is not occurring, amplified background music emitted from a jukebox or other amplified stereo may be permitted.
  - f. There shall be no raised platform, stage or dance floor allowed on the premises at any time. The applicant shall take appropriate measures necessary to ensure customers are not standing for the purpose of hearing and/or viewing the entertainment.
  - g. At no time shall the customer dining area be converted into a dance floor, nightclub area, or other entertainment area by removing or reconfiguring the tables and chairs.
  - h. Live entertainment is intended to be incidental to the primary activity of dining or drinking within the bar, and shall not be utilized as a primary use or as an attraction to draw customers to the establishment.
  - i. All live entertainment at the establishment is the sole responsibility of the owner/operator of the business. The owner/operator of the establishment shall be solely responsible for all bookings and contractual arrangements for any type of live entertainment allowed.
  - j. The owner/operator shall not lease space, enter into any agreements with promoters or otherwise allow the facility to be used by promoters for the purpose of promotional events such as live bands, flier events, promoter parties, exotics dancers, multiple person bands or any other type of similar entertainment.
36. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
37. The business operator shall not permit "Taxi Dancing" to occur at the business wherein partners are provided for dancing or social purposes including, but not limited to, the soliciting or accepting of any alcoholic beverages from any customers within the business.
38. There shall be no deliveries to or from the premises between the hours of 10:00 p.m. and 7:00 a.m., seven (7) days a week.
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. 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.
41. 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.
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 Development Department, Planning Services 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 Development Department, Planning Services Division. No advertising material shall be placed thereon.
47. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
48. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).

Conditional Use Permit No. CUP-335-11 (REV. 2024)  
Conditions of Approval

49. 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.
50. Any modifications to existing signs or the installation of new signs shall require approval by the Community Development Department, Planning Services Division prior to issuance of a building permit.
51. A copy of the resolution and the conditions of approval for Conditional Use Permit No. CUP-335-11 (REV. 2024) shall be kept on the premises at all times.
52. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-335-11 (REV. 2024) and his/her agreement with all conditions of the approval.
53. 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
54. If deemed necessary by the Community 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.
55. 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-335-11 (REV. 2024). 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.

Conditional Use Permit No. CUP-335-11 (REV. 2024)  
Conditions of Approval

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-335-11 (REV. 2024) 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. 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 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.
58. 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.