



## AGENDA

### ZONING ADMINISTRATOR MEETING

Garden Grove Community Meeting Center  
11300 Stanford Avenue

Thursday, July 25, 2024

9:00 a.m.

**Members of the public who wish to comment on matters before the Zoning Administrator, in lieu of doing so in person, may submit comments by emailing [public-comment@ggcity.org](mailto:public-comment@ggcity.org) no later than 3:00 p.m. the day prior to the meeting. The comments will be provided to the Zoning Administrator as part of the meeting record.**

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Comments by the Public. Each speaker shall be limited to three (3) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

Meeting Assistance: Any person requiring auxiliary aids and services, due to a disability, should contact the 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).

All revised or additional documents and writings related to any items on the agenda, which are distributed to the Zoning Administrator within 72 hours of a meeting, shall be available for public inspection (1) at the Planning Services Division during normal business hours; and (2) at the Community Meeting Center at the time of the meeting.

Agenda item descriptions are intended to give a brief, general description of the item to advise the public of the item's general nature. The Zoning Administrator may take legislative action deemed appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

1. PUBLIC HEARING ITEM(S):

a. [CONDITIONAL USE PERMIT NO. CUP-143-2018 \(REV. 2024\)](#)

APPLICANT: Son Quach  
LOCATION: 12900 Main Street

REQUEST: A request to modify Conditional Use Permit No. CUP-143-2018 to allow an existing restaurant, AUM Beer House, to extend the sale and consumption of alcoholic beverages

(ABC Type "47" License, On-Sale General - Eating Place) that is currently governed by Conditional Use Permit No. CUP-143-2018, to a new permanent, 540 square foot (10'-10" x 50'-0") outdoor sidewalk dining area. The site is in the CC-2 (Civic Center Main Street) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA).

2. COMMENTS BY THE PUBLIC

3. ADJOURNMENT

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> 1.A.	<b>SITE LOCATION:</b> East side of Main Street, between Garden Grove Boulevard and Acacia Parkway, at 12900 Main Street
<b>HEARING DATE:</b> July 25, 2024	<b>GENERAL PLAN:</b> CC (Civic Center Mixed Use)
<b>CASE NO.:</b> Conditional Use Permit No. CUP-143-2018 (REV. 2024)	<b>ZONE:</b> CC-2 (Civic Center-Main Street)
<b>APPLICANT:</b> Son Quach	<b>CEQA DETERMINATION:</b> Exempt - Section 15301 "Existing Facilities"
<b>PROPERTY OWNER:</b> Audrey Pecor	<b>APN:</b> 090-161-07

**REQUEST:**

A request to modify Conditional Use Permit No. CUP-143-2018 to allow an existing restaurant to extend the sale and consumption of alcoholic beverages (Alcoholic Beverage Control Type "47" License, On-Sale General - Eating Place) to allow a new permanent, 512 square-foot (10'-3" x 50'-0") outdoor sidewalk dining area. Upon approval and exercise of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-143-2018, would be revoked, and replaced by Conditional Use Permit No. CUP-143-2018 (REV. 2024).

**BACKGROUND:**

The site is located on the east side of Main Street, between Garden Grove Boulevard and Acacia Parkway, within the Historic Main Street in Garden Grove's Downtown, at 12900 Main Street. The property is zoned CC-2 (Civic Center Main Street), and has a General Plan Land Use Designation of CC (Civic Center Mixed Use). The property abuts CC-2 zoned properties to the north, south, east; and west, across the Main Street. The building is currently occupied by AUM Beer House, a full-service, sit-down restaurant.

In 2018, the City approved Conditional Use Permit No. CUP-143-2018 to allow a new restaurant, AUM Beer House, to operate under a State Alcoholic Beverage Control Type "47" (On-Sale General - Eating Place) License.

In 2022, the City approved Director's Review No. DR-067-2022 to allow the installation of an approximately 550 square-foot parklet in the public street, adjacent to the public sidewalk fronting the restaurant space. Concurrently, the City approved Conditional Use Permit No. CUP-143-2018 (SUPPLEMENTAL PARKLET) to extend the sale and consumption of alcohol permitted under Conditional Use Permit No. CUP-143-2018 into the parklet area.

Now, the applicant is requesting to modify Conditional Use Permit No. CUP-143-2018 to extend the restaurant's operation, including sales and consumption of alcohol incidental to the sale of food, to a permanent fenced area on the sidewalk within the public right-of-way. As currently designed, the requested seating area would combine with the adjacent parklet area. Should the parklet area ever be removed, the permanent sidewalk seating area would be fully enclosed by additional fencing. The requested outdoor dining area would operate in conjunction with the existing indoor dining operation.

Section 9.18.090.050 and 9.32.030.14 of the Municipal Code allows restaurants on Historic Main Street to operate with incidental outdoor dining located within the public right-of-way, with approval of a Main Street outdoor dining permit, and an encroachment permit. Restaurants that propose to serve alcohol within the outdoor dining area must also obtain approval of a Conditional Use Permit pursuant to Section 9.18.060 of the Municipal Code. To serve alcohol within the proposed outdoor dining area, a modification to Conditional Use Permit No. CUP-143-2018 is required.

### **DISCUSSION:**

#### **Conditional Use Permit:**

AUM Beer House operates as a full-service, dine-in restaurant. The restaurant offers a wide selection of brunch/lunch, and dinner entrees. The restaurant is approximately 4,000 square feet in size, and consists of an entry/waiting area, an open dining area with a bar, a kitchen, storage rooms and walk-in coolers, and restrooms. An approximately 720 square-foot outdoor dining area is between the building and the southern property line. An approximately 550 square-foot parklet dining area is located within the parallel street parking spaces directly in front of the restaurant, in the public right-of-way.

The applicant proposes to extend the restaurant's services to a fenced and secured outdoor area on the sidewalk within the public right-of-way. The dining area would be located at the edge of the sidewalk, adjoining the existing parklet approved under Director's Review No. DR-067-2022. The new outdoor service area would be approximately 512 square feet (10'-3" x 50'-0") in size, and would be secured by a forty-two inch (3'-6") tall metal fence to separate the dining area from the remaining public sidewalk. After installation of the fence, the remaining width of the sidewalk along the building frontage would be approximately five feet (5'-0") measured from the fenced area to the building. This would meet the minimum American Disabilities Act (ADA) accessibility requirements.

Additionally, in 2022 the service of alcohol in the parklet was approved under Conditional Use Permit No. CUP-143-2018 (SUPPLEMENTAL PARKLET). The supplemental parklet CUP remains in effect so long as the parklet approved under Director's Review No. DR-067-2022 is valid. Should the parklet be removed, the City shall revoke the supplemental CUP, and which would subsequently become null and void. As proposed, Conditional Use Permit No. CUP-143-2018 (REV. 2024)

would combine with the supplemental CUP, but will not alter any of the provisions therein. Effectively, all three (3) approvals, DR-067-2022, CUP-143-2018 (SUPPLEMENTAL PARKLET), and CUP-143-2018 (REV. 2024) shall remain in effect and full force, unless/until the parklet is removed.

Given that the parklet and the requested sidewalk dining area are directly abutting each other, the proposed design does not feature any separation between the two. The combined parklet and permanent sidewalk dining areas would be approximately 1,063 square feet. In the event that the parklet is removed, only the 512 square-foot sidewalk dining area shall remain as part of this request. An additional fence would be installed between the sidewalk and the street, fully enclosing the requested dining area. The project has been conditioned as such.

The proposed outdoor dining area is designed to meet all of the development standards for outdoor dining within the public right-of-way on Historic Main Street. Design features would include: limiting alcohol sales within the designated outdoor dining area, requiring the outdoor dining to be secured and fenced off from the pedestrian walkway, providing the required pedestrian clearances, and relocating any public furniture and fixtures (e.g., trash cans, benches, bike racks, etc.). An encroachment permit issued by the Public Works Department would be required prior to the installation of the proposed dining area.

No changes to the restaurant's operation are proposed with this request. The restaurant would continue to be allowed to operate between 11:00 a.m. to 12:00 a.m., Sunday through Thursday, and 11:00 a.m. to 1:30 a.m., Friday and Saturday. Separately, the hours of operation for the proposed outdoor dining in the public right-of-way would not extend beyond 10:00 p.m. during any day of the 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.

#### CEQA

CEQA's Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, and minor alterations of existing facilities, with negligible or no expansion of use (CEQA Guidelines §15301.). The subject request for the operation of an outdoor seating area within the public right-of-way does not involve any physical expansion of the existing building. The subject request does not involve any new building square footage, and the proposed construction involves only minor alterations related to the installation of a fence. Therefore, the proposed project is exempt from CEQA.

The Community Development Department and the Police Department have reviewed the request and are in support of the proposal. All standard conditions of approval for a Type "47" (On-Sale General - Eating Place) Licensed establishment with outdoor sidewalk dining, will apply.

**RECOMMENDATION:**

Staff recommends that the Zoning Administrator take the following action:

1. Adopt Decision No. 1853-24, approving Conditional Use Permit No. CUP-143-2018 (REV. 2024), subject to the recommended conditions of approval, and revoking Conditional Use Permit No. CUP-143-2018.



Maria Parra  
Planning Services Manager



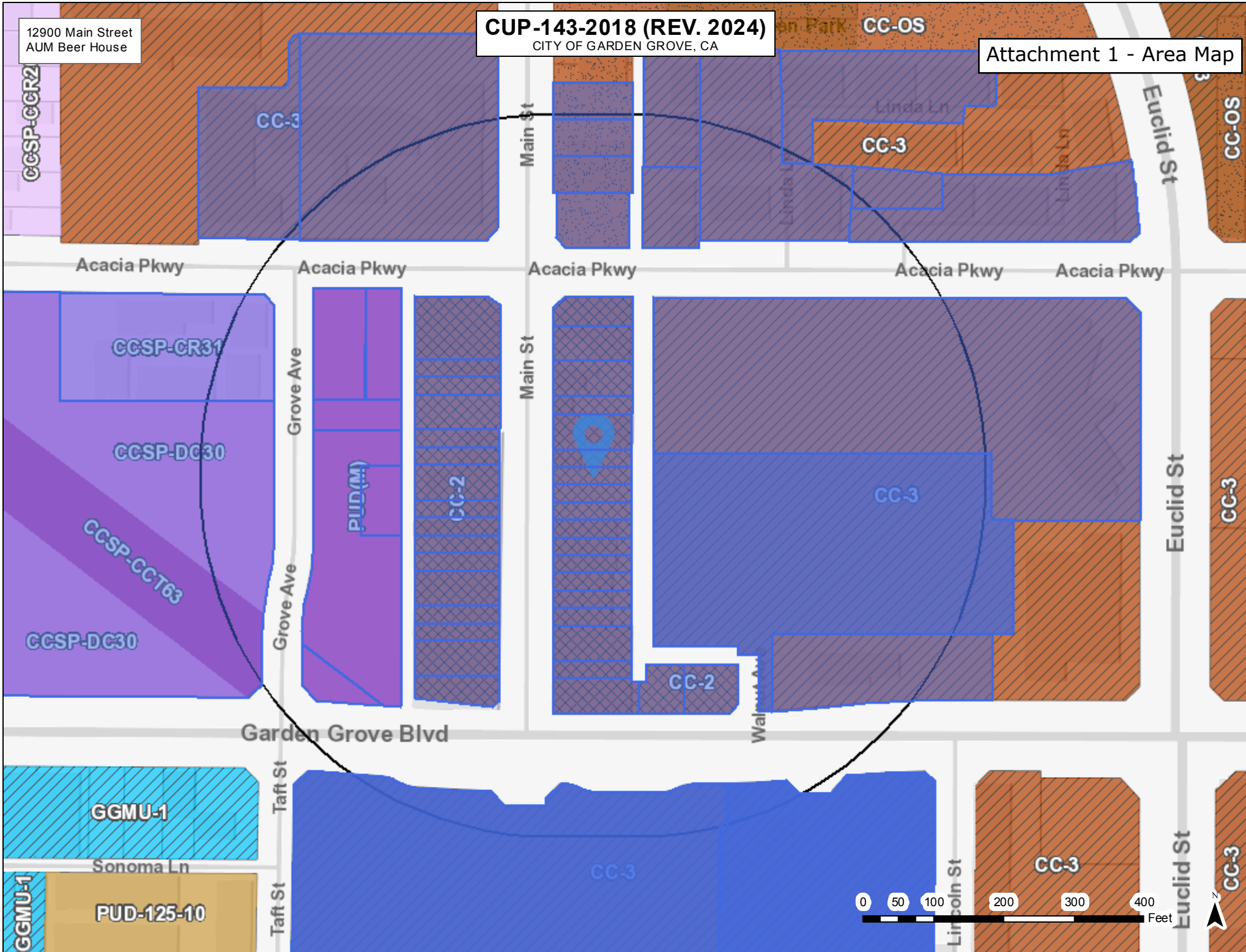
By: Priit Kaskla, AICP  
Associate Planner

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

**CUP-143-2018 (REV. 2024)**  
CITY OF GARDEN GROVE, CA

Attachment 1 - Area Map

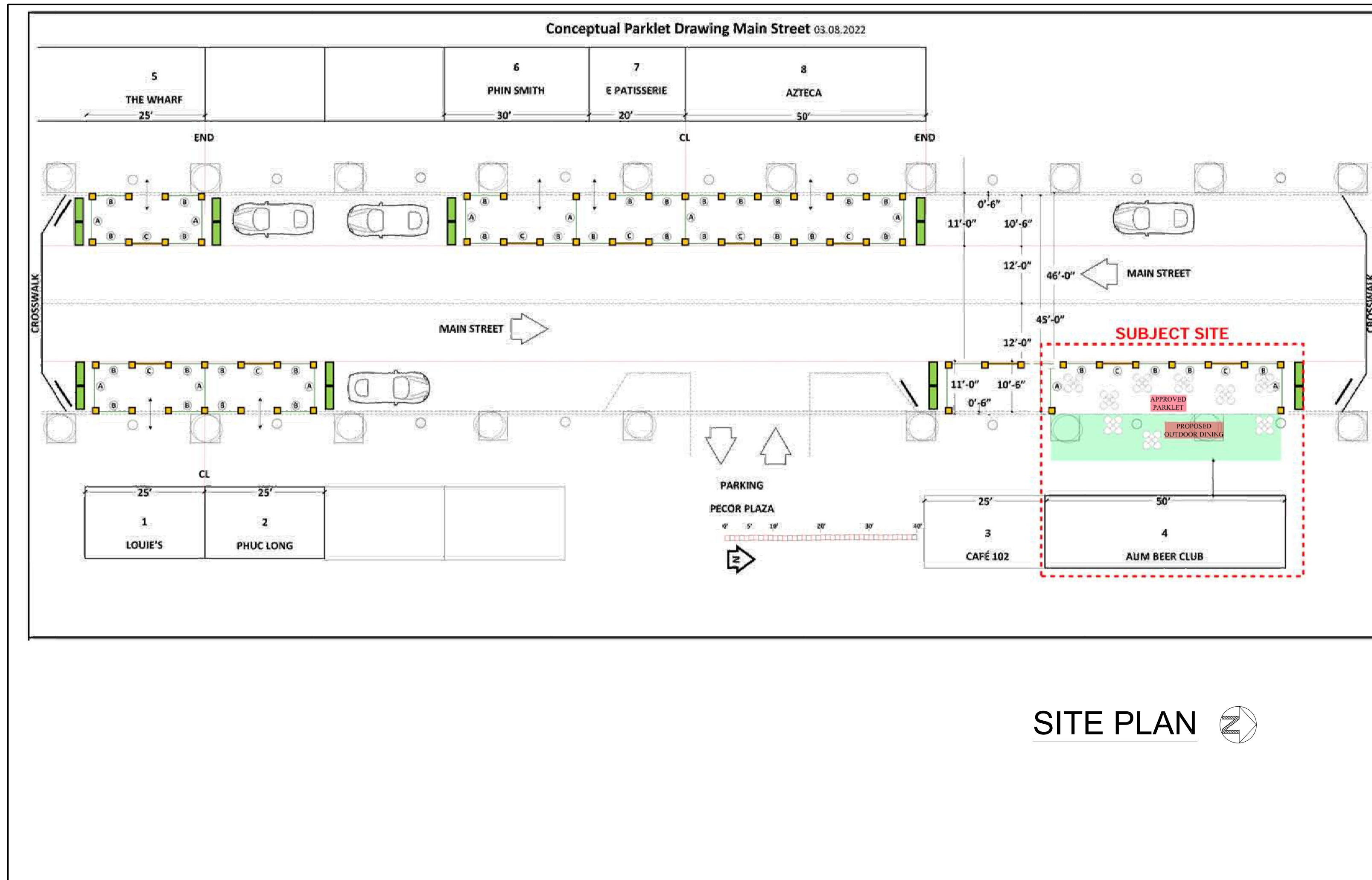
12900 Main Street  
AUM Beer House



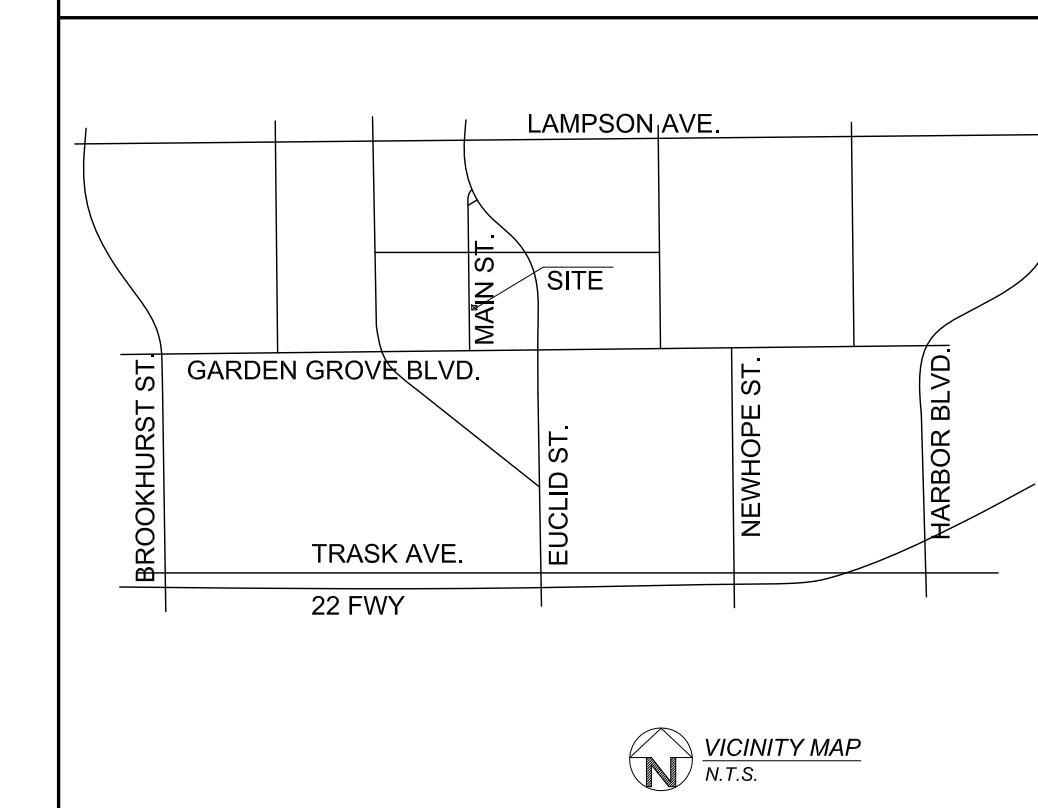
**NOTE:**

Operational Requirements. All outdoor dining areas in the public right-of-way shall be subject to the following operational standards:

- The business owner and operator shall comply with all provisions of this subsection and all conditions of approval of the encroachment permit, the Main Street outdoor dining permit and any applicable conditional use permit at all times. Failure to comply with any applicable Municipal Code or permit provisions or applicable conditions of approval may result in suspension or revocation of the Main Street outdoor dining permit.
- Hours of operation of an outdoor dining area in the public right-of-way shall not extend beyond 10:00 p.m. during any day of the week.
- Tables, chairs, table lamps, umbrellas, portable heaters, and other furniture and related items may not be stored within the public right-of-way and shall be removed and stored inside the building when the business is closed or the outdoor dining area in the public right-of-way is not in operation. Approved barriers do not need to be removed except as otherwise required pursuant to the encroachment permit.
- Outdoor dining areas shall be kept in a good state of repair and maintained in a clean, safe, and sanitary condition and in accordance with applicable Orange County Health Department regulations.
- All building entryways and the required pedestrian path of travel shall remain clear and unobstructed at all times.
- All outdoor dining areas shall be used for sit-down food and beverage service only; no stand-up service is permitted.
- No entertainment shall be permitted within an outdoor dining area.
- The use of mist systems or other devices spraying water over the public right-of-way is prohibited, unless the spraying of water is confined to seating located directly adjacent to the storefront or within a dining alcove. Overspray onto the required path of travel is prohibited.
- All plans and permits for an outdoor dining area in the public right-of-way and/or dining alcove shall be kept on the premises of the eating establishment for inspection at all times the establishment is open for business.



**PROJECT LOCATION**



**SHEET INDEX**

A1	SITE PLAN, GENERAL DATA & VICINITY MAP FLOOR PLAN WITH EXISTING PARKLET AND PROPOSED OUTDOOR DINING
A2	FLOOR PLAN WITH EXISTING PARKLET ONLY FLOOR PLAN WITH OUTDOOR DINING ONLY

**PROPERTY DESCRIPTION**

**PROPERTY DATA:**

CONSTRUCTION TYPE:	VB
OCCUPANCY GROUP:	A2
SPRINKLERS:	NO
NO. OF STORIES:	1
BUILDING HEIGHT:	+/- 20'-0"

EXISTING RESTAURANT	4,000 SF
EXISTING OUTDOOR AREA	720 SF

(E)APPROVED PARKLET	548 SF
(N)PROPOSED OUTDOOR SEATING	512 SF
<b>TOTAL OUTDOOR AREA</b>	<b>1,060 SF</b>

**SCOPE OF WORK:**

- ADD ADDITIONAL OUTDOOR SEATING
- PARKLET ON MAIN STREET IS ALREADY APPROVED BY CITY

**PLUMBING FIXTURE ANALYSIS: CPC TABLE 4-1**

(E) DINING AREA = 1,187 / 30 = 39.6  
 (E) PATIO DINING = 720 / 30 = 24  
 (E) FRONT BAR AREA, KITCHEN = 1,873 / 400 = 4.7  
 (E) COOLER, STORAGE, MISC AREAS = 620 / 5,000 = .124  
 (N) OUTDOOR DINING AREA = 1,088 / 30 = 36.3

TOTAL = 105 / 2 = 52.5 PERSONS EA

**REQ'D RESTROOM:**  
 MALE: 2 WC, 1 URINAL, 1 LAV  
 FEMALE: 3 WC, 1 LAV

**PROVIDED:**  
 MALE: 2 WC, 1 URINAL, 1 LAV  
 FEMALE: 3 WC, 2 LAV

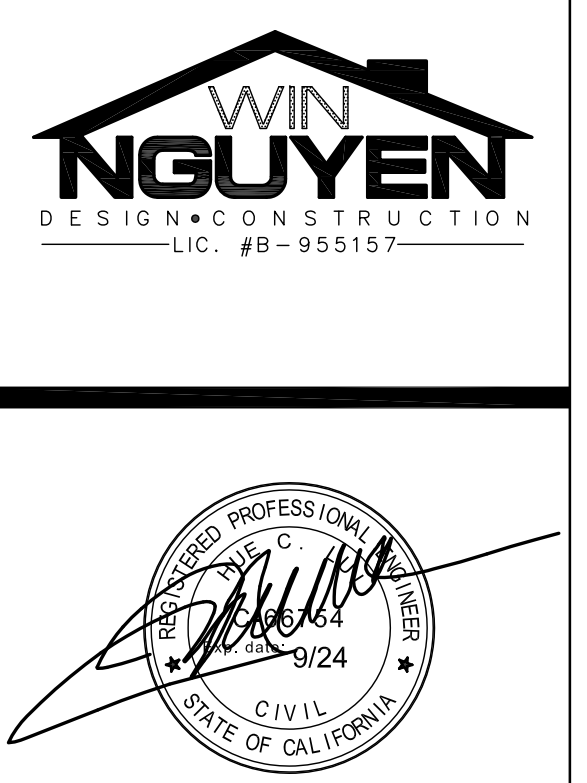
**LEGAL JURISDICTION:**  
 CITY OF GARDEN GROVE, CALIFORNIA

**APPLICABLE CODES: FOR ALL BELOW**

- 2022 CALIFORNIA BUILDING CODE (CBC)
- 2022 CALIFORNIA MECHANICAL CODE (CMC)
- 2022 CALIFORNIA PLUMBING CODE (CPC)
- 2022 CALIFORNIA FIRE CODE (CFC)
- 2022 CALIFORNIA ELECTRICAL CODE (CEC)
- 2022 CALIFORNIA ENERGY STANDARDS
- 2022 GREEN BUILDING CODE
- GARDEN GROVE MUNICIPAL CODE

**PROJECT DIRECTORY**

**DESIGNER:**  
 HA NGUYEN  
 13172 SANDRA PL.,  
 GARDEN GROVE, CA 92843  
 TEL: (714) 326-3124  
 CONTACT: HA NGUYEN



**CONSULTANT:**

**AUM BEER CLUB**  
 12900 MAIN ST.,  
 GARDEN GROVE, CA 92840

12900 MAIN ST.,  
 GARDEN GROVE, CA 92840

**COMMERCIAL PROJECT FOR:**

**COVER SHEET,  
 GENERAL DATA,  
 SITE PLAN,  
 FLOOR PLAN**

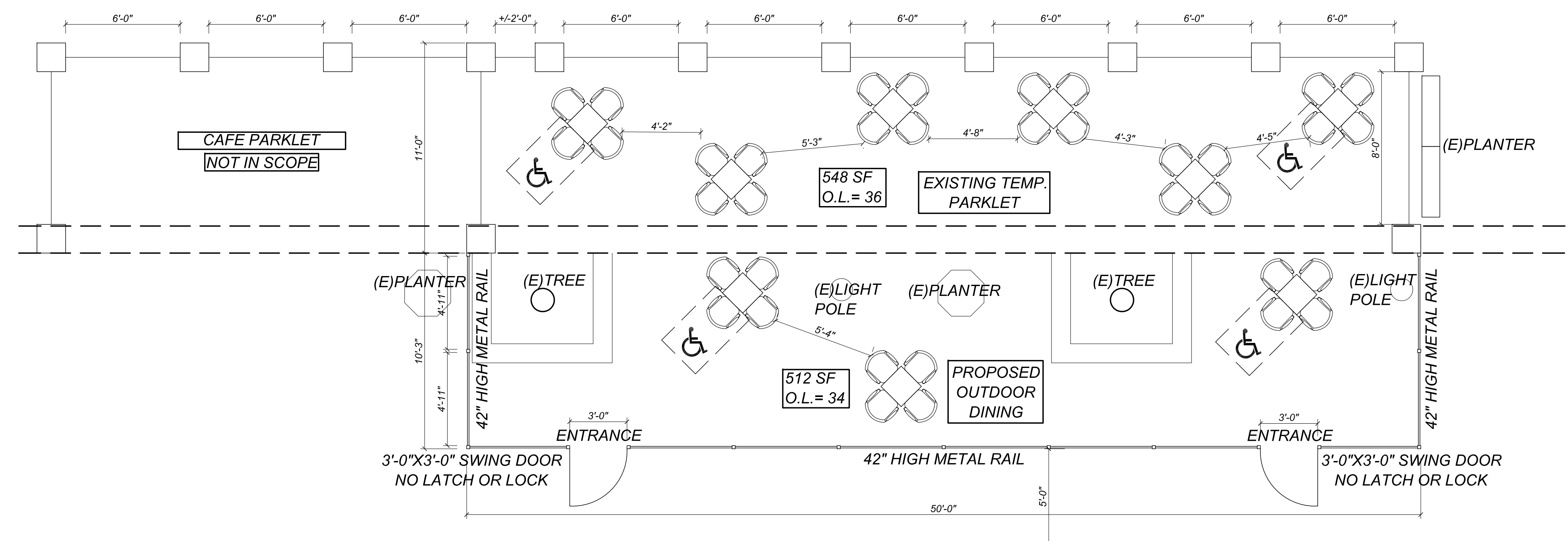
**DRAWING TITLE:**

PLAN CHECK	DATE
#	
REVISIONS:	DATE
△	
△	
△	

DRAWN BY:	HA NGUYEN
SCALE:	AS NOTED
DATE:	12-05-2022
PROJECT NO.:	12052022
SHEET NO. 01 OF 01 SHEETS	

**A1**

**MAIN STREET**



**CAFE 102**

**AUM BEER CLUB**

(N) FLOOR PLAN - (P) PARKLET + PERMANENT DINING  
 SCALE: 1/4" = 1'-0"

RESTAURANT  
 ENTRANCE

**NOTE:**  
 REMOVABLE UMBRELLAS WILL BE PROPOSED WITH LED LIGHTS BUILT IN

**NOTE:**  
 UMBRELLAS MAINTAIN AT LEAST SEVEN FEET OF CLEARANCE ABOVE THE SIDEWALK LEVEL, DO NOT EXCEED 10 FEET IN HEIGHT, AND DO NOT ENCR OACH INTO PARKING AREAS, WALKWAYS, OR VISION CLEARANCE AREAS.





CONSULTANT:

**AUM BEER CLUB**  
 12900 MAIN ST.,  
 GARDEN GROVE, CA 92840

12900 MAIN ST.,  
 GARDEN GROVE, CA 92840

COMMERCIAL PROJECT FOR:

**FLOOR PLAN**

DRAWING TITLE:

PLAN CHECK \_\_\_\_\_ DATE \_\_\_\_\_

# \_\_\_\_\_

REVISIONS: \_\_\_\_\_ DATE \_\_\_\_\_

△ \_\_\_\_\_

△ \_\_\_\_\_

△ \_\_\_\_\_

DRAWN BY: \_\_\_\_\_ HA NGUYEN

SCALE: \_\_\_\_\_ AS NOTED

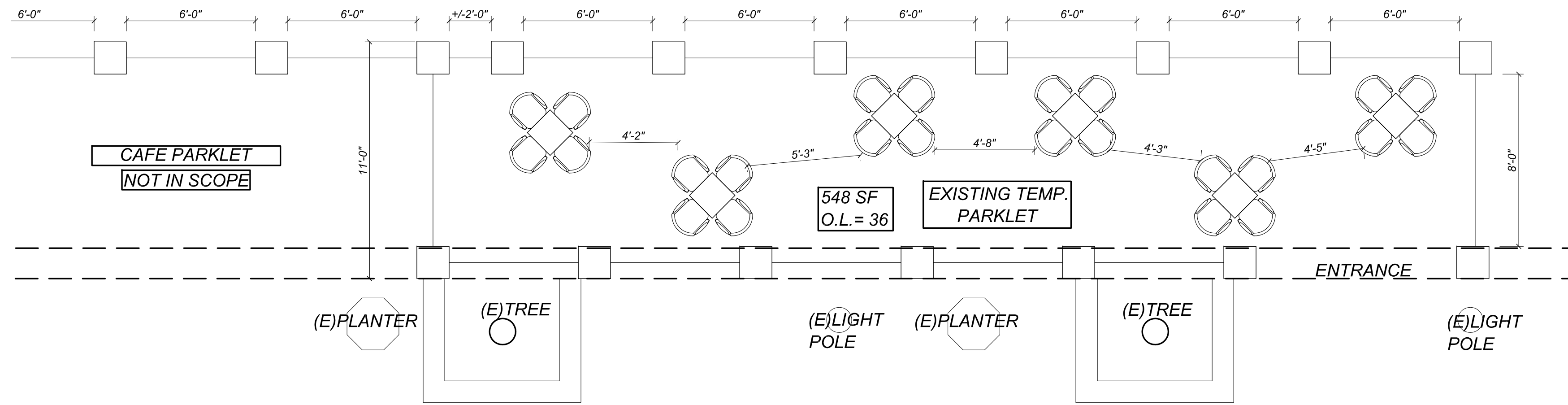
DATE: \_\_\_\_\_ 12-05-2022

PROJECT NO: \_\_\_\_\_ 12052022

SHEET NO. 02 OF 02 SHEETS

**A1**

**MAIN STREET**

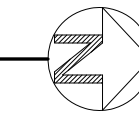


**CAFE 102**

**AUM BEER CLUB**

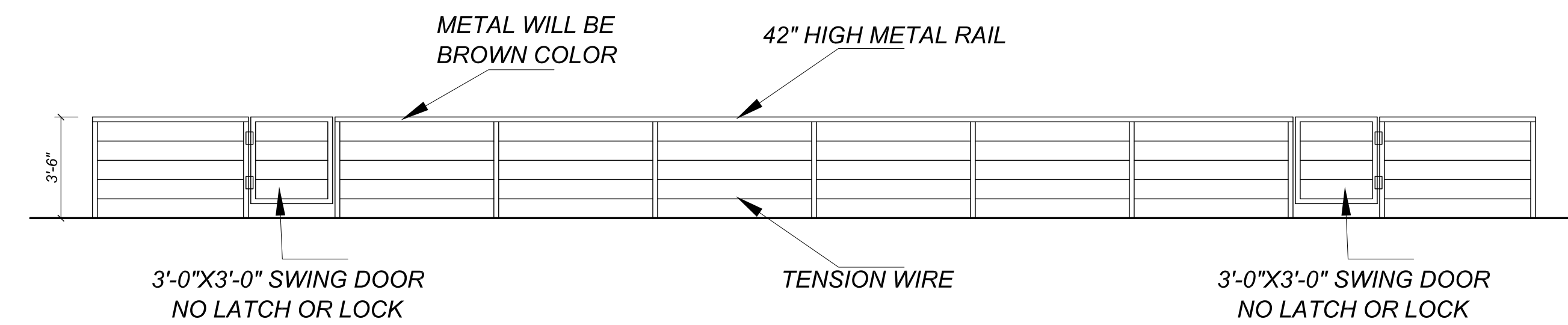
FLOOR PLAN - (E) PARKLET

SCALE: 1/4" = 1'-0"



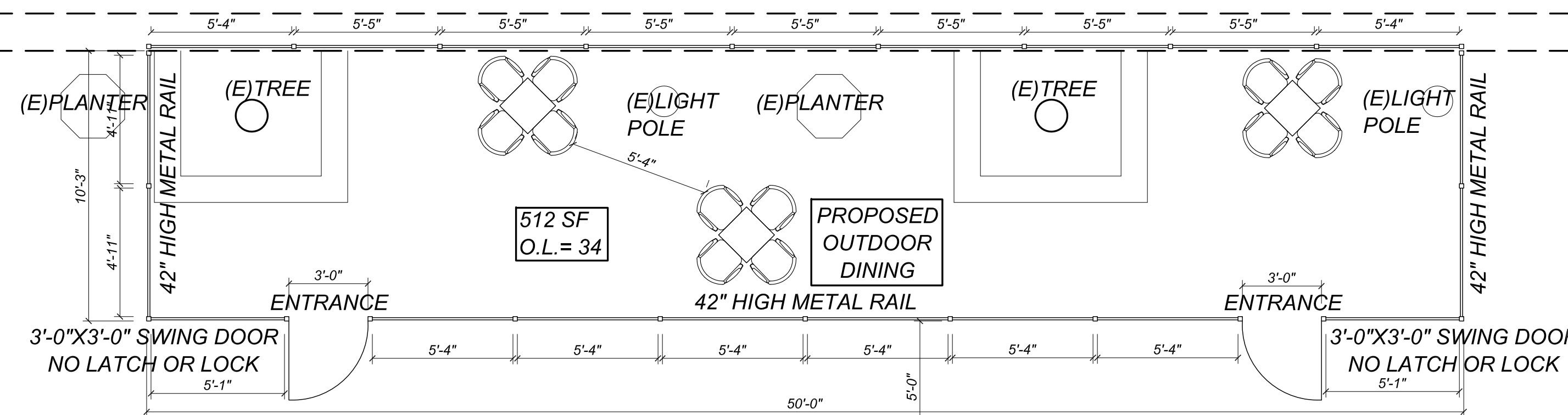
RESTAURANT  
ENTRANCE

**MAIN STREET**



FRONT ELEVATIONS

SCALE: 1/4" = 1'-0"

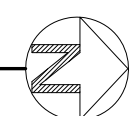


**CAFE 102**

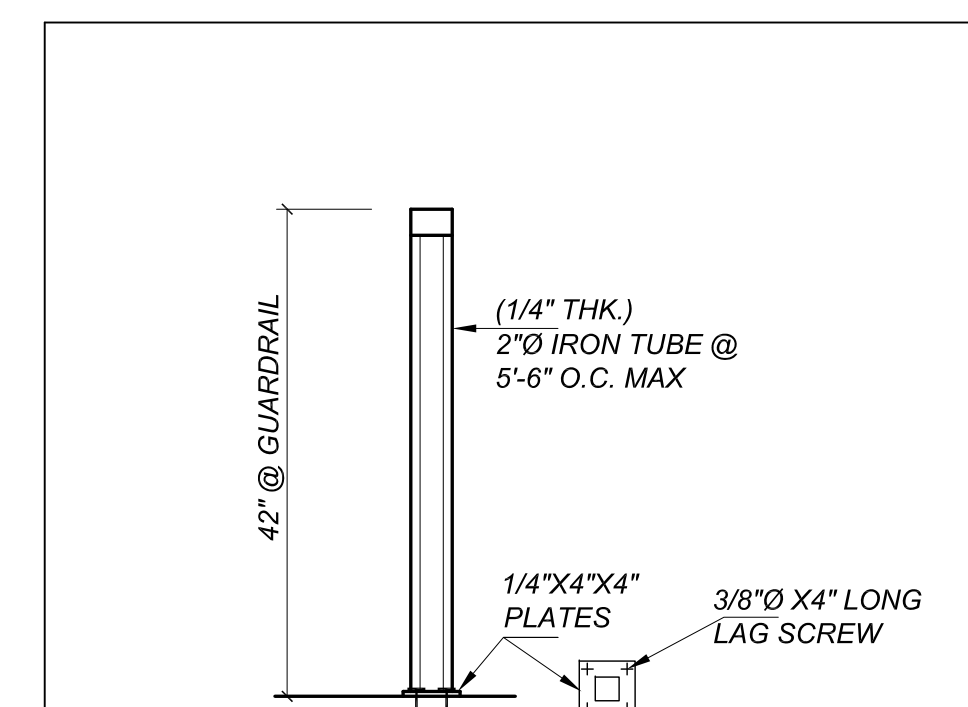
**AUM BEER CLUB**

FLOOR PLAN - (P) PERMANENT DINING  
(IF PARKLET IS EVER REMOVE)

SCALE: 1/4" = 1'-0"



RESTAURANT  
ENTRANCE



GUARDRAIL DETAIL (TYP)  
N.T.S.

00

DECISION NO. 1853-24

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-143-2018 (REV. 2024), AND REVOKING CONDITIONAL USE PERMIT NO. CUP-143-2018.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby revoke Conditional Use Permit No. CUP-143-2018, and replace it with Conditional Use Permit No. CUP-143-2018 (REV. 2024), for a property located on the east side of Main Street, between Garden Grove Boulevard and Acacia Parkway, at 12900 Main Street, Assessor's Parcel No. 090-161-07

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-143-2018 (REV. 2024), the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Son Quach of AUM Beer House, with authorization from the property owner, Audrey Pecor.
2. The applicant requests to modify Conditional Use Permit No. CUP-143-2018 to allow an existing restaurant to extend the sale and consumption of alcoholic beverages (Alcoholic Beverage Control Type "47" License, On-Sale General - Eating Place) to a new permanent, 512 square-foot (10'-3" x 50'-0") outdoor sidewalk dining area.
3. Upon approval and exercise of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-143-2018, would be revoked and become null and void, and replaced by Conditional Use Permit No. CUP-143-2018 (REV. 2024).
4. Pursuant to the California Environmental Quality Act ("CEQA"), the Zoning Administrator hereby determines that the proposed project is categorically exempt from the CEQA pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines (14 Cal. Code Regs., Section §15301).
5. The property has a General Plan Land Use designation of Civic Center Mixed Use (CC), and is zoned Civic Center-Main Street (CC-2).
6. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
7. Report submitted by City Staff was reviewed.
8. Pursuant to a legal notice, a public hearing was held on July 25, 2024, and all interested persons were given an opportunity to be heard.

9. The Zoning Administrator gave due and careful consideration to the matter during its meeting of July 25, 2024; 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.D.4 (Conditional Use Permit) and Section 9.32.030.D.14 (Main Street Outdoor Dining Permit for Outdoor Dining Areas in the Public Right-of-Way on Historic Main Street), are as follows:

FACTS:

AUM Beer House operates as a full-service, dine-in restaurant. The restaurant is approximately 4,000 square feet in size, and consists of an entry/waiting area, an open dining area with a bar, a kitchen, storage rooms and walk-in coolers, and restrooms. An approximately 720 square-foot outdoor dining area is between the building and the southern property line. An approximately 550 square-foot parklet dining area is located within the parallel parking spaces in the street directly in front of the restaurant.

The applicant proposes to extend the restaurant's services to a fenced outdoor area on the sidewalk within the public right-of-way. The dining area would be located at the edge of the sidewalk, adjoining the existing parklet approved under Director Review No. DR-067-2022. The new outdoor service area would be approximately 512 square feet (10'-3" x 50'-0") in size, and would be secured by a forty-two inch (3'-6") tall metal fence to separate the dining area from the remaining public sidewalk. After installation of the fence, the remaining width of the sidewalk would meet minimum accessibility requirements.

The proposed design does not feature any separation between the parklet and the proposed dining area. The combined parklet and permanent sidewalk dining areas would be approximately 1,063 square feet. Should the parklet area be removed, only the 512 square-foot sidewalk dining area, as part of this request, would remain. An additional fence would be installed between the sidewalk and the street, fully enclosing the requested dining area. The project has been conditioned as such.

The proposed outdoor dining area is designed to meet all of the development standards for outdoor dining on Main Street. Design features would include: limiting alcohol sales within the designated outdoor dining area, requiring the outdoor dining to be secured and fenced off from the pedestrian walkway, providing the required pedestrian clearances, and relocating any public furniture and fixtures (e.g., trash cans, benches, bike racks, etc.). An encroachment permit issued by the Public Works Department would be required prior to the installation of the proposed dining area.

No changes to the restaurant's operation are proposed with this request. The restaurant would continue to be allowed to operate between 11:00 a.m. to 12:00 a.m., Sunday through Thursday, and 11:00 a.m. to 1:30 a.m., Friday and Saturday. The hours of operation for the proposed outdoor dining in the public right-of-way would not extend beyond 10:00 p.m. during any day of the 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 supporting the proposal. All standard conditions of approval for a Type "47" Licensed establishment with outdoor sidewalk dining will apply. Upon approval and exercise of the subject request, Conditional Use Permit No. CUP-143-2018 would be revoked and become null and void, and superseded by Conditional Use Permit No. CUP-143-2018 (REV. 2024).

#### FINDINGS AND REASONS:

#### CONDITIONAL USE PERMIT

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

The property has a General Plan Land Use designation of CC (Civic Center Mixed Use), and is zoned CC2 (Civic Center-Main Street). The CC designation is intended to provide for a mix of civic, institutional, commercial, higher density residential, and open space uses. The purpose of the CC-2 zone is to preserve and enhance buildings and structures of historic and cultural significance, and incidental uses that advance and preserve the Main Street character and charm. Restaurants with outdoor dining areas within the public right-of-way, with the service of alcohol, are conditionally permitted uses in the CC-2 zone. The proposed outdoor dining area would help enhance the charm and character of Main Street. Further, the proposed project is consistent with several General Plan goals, policies, and implementation programs, including specifically:

*Policy LU-2.4 Assure that the type and intensity of land use are consistent with those of the immediate neighborhood.* Adjacent to the subject property are a variety of office, residential, retail, restaurant, and personal service businesses. Restaurant uses with outdoor dining areas are compatible with these other uses. Furthermore, provided the conditions of approval are adhered to for the life of the project, the use will be compatible with other adjacent uses.

*Goal LU-4 Uses compatible with one another.* The proposed use is a new outdoor seating area with alcohol service for an existing restaurant. The

restaurant has operated at this location since 2018. The same business owners are now intending to expand their operation to include a permanent dining area on the sidewalk within the public right-of-way. Adjacent to the property are a variety of office, residential, retail, restaurant, and personal service businesses. Restaurants with outdoor dining areas are compatible with these other uses. The Municipal Code also requires that outdoor dining areas within the public right-of-way along Main Street operate no later than 10:00 p.m. Furthermore, provided the conditions of approval are adhered to for the life of the project, the use will be compatible with other adjacent uses.

*Goal LU-5 Economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community.* Restaurants with outdoor dining can enhance the vitality of the City's Main Street. The proposed Conditional Use Permit would allow for the installation of an outdoor dining area within the public right-of-way, and for alcohol service within said dining area. The outdoor seating area could contribute to the character of Main Street, and could enrich the community by providing additional dining options.

*Goal LU-6.2 Encourage a mix of retail and commercial services along major corridors and in centers to meet the community's needs.* The subject site is located on Main Street, an activity center within the City. The subject request for a Conditional Use Permit would allow for the installation of a new outdoor seating area with alcohol service for an existing restaurant. With the subject request, the proposed use will further enhance the variety of commercial services already along Main Street. This would help address the community's needs for a wider variety of destinations with the Main Street and downtown areas.

*Goal ED-2 The City must attract new businesses, while supporting and assisting those already located with Garden Grove.* The proposed Conditional Use Permit would allow for the installation of a new outdoor seating area with alcohol service for an existing restaurant. The Conditional Use Permit would allow for the existing business to grow, and provide additional capacity and services to its patrons. Should the Conditional Use Permit be approved, the City is providing a business the opportunities they need to be successful.

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

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, as the sale of alcohol will be ancillary to the sale of food. The restaurant has been operating at the subject location since 2018, and will continue to operate as a dine-in restaurant. No changes to the restaurant's operation are proposed with this approval. The restaurant will continue to operate from 11:00 a.m. to 12:00 a.m., Sunday through Thursday, and 11:00 a.m. to 1:30 a.m., Friday and Saturday. The hours of operation for the outdoor dining area will not be extended beyond 10:00 p.m. any day of the week.

The dining area would be located at the edge of the sidewalk, adjoining the existing parklet approved under Director's Review No. DR-067-2022. The dining area would be separated from the remaining public sidewalk by a forty-two inch (3'-6") tall metal fence. After installation of the fence, the remaining width of the public sidewalk would be at a minimum of five feet (5'-0"), measured from the outer edge of the fence to the curb line and to the building. This would provide an adequate clearance for pedestrians to pass through, as well as meeting the minimum ADA (Americans with Disabilities Act) accessibility requirements. Food is required to be served during all hours of operation, and the sale of alcohol must be incidental to the sale of food. The conditions of approval could minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, 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. The dining area would also provide new amenities and services to the community, 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 and modifications, is of adequate size to accommodate the proposed uses within the surrounding area. In order to move forward with the proposal, the City requires the applicant to create a barrier to separate the proposed outdoor dining area from the public walkway by installing a forty-two inch (3'-6") tall metal fence. In addition, the City requires the applicant to relocate any public furniture that may be in the way, including trash cans, planters, and bike racks. The dining area would provide adequate pedestrian clearances, as well as meeting the minimum ADA (Americans with Disabilities Act) accessibility requirements.

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

The site is adequately served by Main Street and the alley behind the building. The site's location is near major thoroughfares, including Garden Grove Boulevard and Euclid Street. The site is also adequately served by the 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 building. Therefore, the site will continue to be adequately served by all existing highways, streets, and other public and private service facilities.

#### OUTDOOR DINING AREA IN THE PUBLIC RIGHT-OF-WAY ON HISTORIC MAIN STREET.

The Zoning Administrator may approve an application for a Main Street outdoor dining permit only if all of the following findings are made:

1. The proposed outdoor dining area in the public right-of-way is consistent with the City's General Plan, all applicable development standards and Building Code requirements, and all other applicable Title 9 provisions.

The subject site has a General Plan Land Use Designation of CC (Civic Center Mixed Use), and is zoned CC-2 (Civic Center Main Street). The CC designation is intended to provide for a mix of civic, institutional, commercial, higher density residential, and open space uses. By providing for an expanded commercial use, proposed outdoor dining area within the public right-of-way is consistent with this intent.

The restaurant is located within the mixed-use Historic Main Street Area. Eating establishments with alcohol sales and outdoor dining within the public right-of-way are conditionally permitted in the CC-2 zone. To incorporate the streetscape of the Historic Main Street into the dining experience at the restaurant, the applicant is requesting to modify the approved Conditional Use Permit No. CUP-143-2018 to extend the restaurant's operation, including sales of alcohol incidental to the sale of food, to the secured and fenced area within the public right-of-way.

The new outdoor service area would be approximately 512 square feet, and would be secured by a forty-two inch (3'-6") tall metal fence that will separate the dining area from the remaining public sidewalk. After installation of the fence, the remaining width of the public sidewalk would be at a minimum of five feet (5'-0"), measured from the outer edge of the fence

to the building. This would provide an adequate clearance for a pedestrian walkway, as well as meeting the minimum ADA (Americans with Disabilities Act) Accessibility Requirements. Provided the conditions of approval are complied with, the use will be consistent with the General Plan, all applicable development standards and Building Code requirements, and all other applicable Title 9 provisions.

2. The proposed outdoor dining area in the public right-of-way will be complimentary to, and not inconsistent with, the underlying dedication for public right-of-way or the City's title or estate in the underlying public right-of-way.

The proposed outdoor dining area is within the public right-of-way, and the Public Works Department has reviewed the proposed outdoor dining. An encroachment permit issued by the Public Works Department would be required prior to the installation of the proposed dining area. The outdoor dining area is designed to meet all of the requirements and development standards set forth by the Municipal Code. Approval of the proposed dining area only allows the requesting eating establishment to utilize the area within the public right-of-way in front of the storefront. The approval does not constitute any change to the underlying public right-of-way dedication, nor to the City's title, and estate in the underlying public right-of-way.

3. The applicant has demonstrated a satisfactory ability and willingness to comply with the Garden Grove Municipal Code and pertinent conditions to previously issued permits, licenses, and City land use approvals with respect to operation of the adjacent eating establishment.

AUM Beer House is a full-service, dine-in restaurant that has been operating at this location under the same ownership since 2018 with an ABC Type "47" (On-Sale General - Eating Place) License under governance of the Conditional Use Permit No. CUP-143-2018. The applicant is requesting to modify the approved Conditional Use Permit No. CUP-143-2018 to extend the restaurant's operation, including sales of alcohol incidental to the sale of food, to a fenced area on the sidewalk within the public right-of-way. The outdoor dining area would abut, and combine with, the parklet approved under Director's Review No. DR-067-2022 and Conditional Use Permit No. CUP-143-2018 (SUPPLEMENTAL PARKLET).

The proposed outdoor dining area is designed to meet all of the development standards for outdoor dining within the public right-of-way on Historic Main Street, including limiting alcohol sales within the designated outdoor dining area, requiring the outdoor dining to be secured and fenced off from the pedestrian walkway, providing the required pedestrian clearances, and relocating any public furniture and fixtures. An encroachment permit issued



by the Public Works Department will be required prior installation of the proposed dining area.

No changes to the restaurant's operation are proposed with this approval. The restaurant will continue to operate from 11:00 a.m. to 12:00 a.m., Sunday through Thursday, and 11:00 a.m. to 1:30 a.m., Friday and Saturday. The hours of operation for the proposed outdoor dining in the public right-of-way will not be extended beyond 10:00 p.m. during any day of the week, which meets the requirements for outdoor dining in CC-2 zone. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

4. The proposed outdoor dining activity will not be materially detrimental to the public health, safety or general welfare and will not injure or unreasonably interfere with the property or improvements of other persons located in the vicinity of the proposed outdoor dining area.

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, as the sale of alcohol will be ancillary to the sale of food. The restaurant has been operating at this location since 2018, and will continue to operate as a full-service, sit-down restaurant. No changes to the restaurant's operation are proposed with this approval. The restaurant will continue to operate from 11:00 a.m. to 12:00 a.m., Sunday through Thursday, and 11:00 a.m. to 1:30 a.m., Friday and Saturday. Hours of operation for the outdoor dining area would not be extended beyond 10:00 p.m. any day of the week.

The proposed outdoor dining area in the public right-of-way will be secured and separated from the public walk-way by a forty-two inch (3'-6") tall metal fence. After installation of the fence, the remaining width of the public walk-way would be at a minimum of five feet (5'-0"), measured from the outer edge of the fence to the building. This would provide an adequate clearance for pedestrians to pass through, as well as meeting ADA requirements. Food is required to be served during all hours of operation, and the sale of alcohol must be incidental to the sale of food. 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.

5. The City Engineer is prepared to issue an encroachment permit to the applicant for the establishment and maintenance of an outdoor dining area in the public right-of-way pursuant to Title 11.

The Public Works Department has reviewed the proposed outside dining area in the public right-of-way. The proposed design for the outdoor dining area

within the public right-of-way intends to meet all of the development standards and requirements of the Title 11 of the Municipal Code. As part of the approval for the proposed outdoor dining area in the public right-of-way, the applicant is required to obtain an encroachment permit to the public right-of-way issued by the Public Works Department. No installation of the outdoor dining area and fence is allowed prior to issuance of the encroachment permit.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

In addition to the foregoing, the Zoning Administrator incorporates herein by this reference, the facts and reasons set forth in the staff report.

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. The Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.24.030 (Conditional Use Permits) and 9.32.030D.14 (Main Street Outdoor Dining Permit for Outdoor Dining Areas in the Public Right-of-Way on Historic Main Street).
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-143-2018 (REV. 2024).

Dated: July 25, 2024

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DAVID DENT  
ZONING ADMINISTRATOR

## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-143-2018 (REV. 2024)**

12900 Main Street

#### **CONDITIONS OF APPROVAL**

##### **General Conditions**

1. The property owner 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 thirty (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 existing 4,000 square-foot AUM Beer House restaurant, that is currently operating with an Alcoholic Beverage Control (ABC) Type "47" (On-Sale General - Eating Place) License under the Conditional Use Permit No. CUP-143-2018, to extend the sale and consumption of food and alcoholic beverages into a fenced, outdoor sidewalk dining area in the public right-of-way as depicted on the plans submitted by the applicant and made part of the record of the July 25, 2024, Zoning Administrator 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.
4. The approved site plan and floor plan are an integral part of the decision approving this Conditional Use Permit. There shall be no additional changes in the design of the site plan and floor plan without the approval of the City. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval, which do not materially change the scope or intensity

of the project, and which do not result in impacts that have not previously been addressed, may be approved by the Community Development Director, at his or her discretion. Proposed modifications to the project, the approved site plan or floor plan, or Conditions of Approval 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.

5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

**Orange County Fire Authority**

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

**Building & Safety Division**

7. The fence gates providing access into the sidewalk dining area shall be equipped with self-closing mechanisms.

**Police Department**

8. 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.
9. Hours of operation shall be permitted only between the hours of 11:00 a.m. to 12:00 a.m., Sunday through Thursday, and 11:00 a.m. to 1:30 a.m., Friday and Saturday; except for the hours of operation for outside dining area in the public right-of-way shall not extend beyond 10:00 p.m. during any day of the week. The City of Garden Grove reserves the right to reduce hours of operation, by order of the Police Department, in the event problems arise concerning the operation of this business.
10. There shall be no customers or patrons in or about the premises when the establishment is closed.
11. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.

Conditional Use Permit No. CUP-143-2018 (REV. 2024)  
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12. The sale of alcoholic beverages for consumption off the premises is prohibited, except in the designated outdoor dining area, as shown on the approved floor plan under Conditional Use Permit No. CUP-143-2018 (REV. 2024), including the fenced outdoor dining area within the public right-of-way.
13. There shall be no enclosed booths on the premises at any time. Walls and/or partitions exceeding thirty-six inches (3'-0") in height, which partially enclose or separate booths, shall be of a clear and transparent material. No item shall be placed in the area of the booths that would limit or decrease the visibility of the interior of the business from any location within the business.
14. The 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.
15. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010(a).
16. 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 Hearing Body for review or further consideration.
17. The sale and service of alcohol shall cease thirty (30) minutes prior to the required closing time.

**Engineering Division**

18. The applicant shall be subject to Permit Issuance Fees. All fees shall be calculated based on the current fee schedule at the time of permit issuance.
19. A separate encroachment permit/construction permit is required for any type of work performed within the public right-of-way on Main Street. An encroachment permit will only be issued to contractors that carry State Contractor's License classification on an "A" General Engineering Contractor, C8 Concrete Specialty License, or C12 Earthwork and Paving Contractor.
20. The applicant shall provide square footage of the outdoor sidewalk dining area to the Engineering Division on an approved outdoor dining site plan from the Planning Services Division.

Conditional Use Permit No. CUP-143-2018 (REV. 2024)  
Conditions of Approval

21. A separate outdoor sidewalk dining operation permit is required annually, along with a valid liability insurance to be submitted to the Engineering Division and Risk Management Division. Renewal fees shall apply.
22. The outdoor sidewalk dining site plan shall depict an accessibility route for the ADA pathway in conformance with the requirements of the Department of Justice standards, latest edition, and Section 1110A of the California Building Code.
23. The applicant and their contractor shall be responsible for protecting all of the existing improvements on Main Street that front the project, such as trash cans, public benches, bike racks, trees, planter boxes, and signage.
24. Any required partial Main Street closure(s) should occur outside of peak travel periods.
25. No at- or above-ground fixed equipment shall be placed on the public right-of-way, or within the outdoor sidewalk dining area.
26. No concrete K-rails are allowed to be placed in the public right-of-way. The applicant may propose the use of water filled plastic barriers to be used within the public right-of-way.
27. The City of Garden Grove has the right to perform maintenance, if needed, within the public right-of-way at any given time.
28. The applicant must bear the responsibility and cost of removing all fixed fencing related to the outdoor dining permit. This action should be undertaken upon the establishment's decision to cease outdoor dining operations. Coordination with Garden Grove's Public Works Department, Street Division is required for inspection during the fencing removal process.

**Community Development Department**

29. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by Alcoholic Beverage Control License. The restaurant shall contain sufficient space and equipment to accommodate a full restaurant kitchen, and the kitchen shall be open and preparing food during all hours the establishment is open. The establishment shall provide an assortment of foods normally offered in restaurants. The service of only appetizers, sandwiches and/or salads shall not be deemed in compliance with this requirement.

30. There shall be no separate bar or lounge area to provide direct and sole service of alcoholic beverages to customers. Food shall accompany all alcoholic beverages served in all areas within the restaurant (including both interior and outdoor dining areas). At all times when the establishment is open for business, the sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall not exceed 35% of the sales of food. The owner of the establishment shall, upon request, provide the City of Garden Grove with an audited report of sales ratio of food to alcoholic beverages.
  
31. The proposed outdoor sidewalk dining area shall comply with requirements of Section 9.18.090.050(I) of the Municipal Code, including but not limited to:
  - a. The subject outdoor sidewalk dining area in the public right-of-way may only be located adjacent to Main Street, and adjacent to the storefront of the eating establishment with which it is associated and may not extend across any portion of the storefront of an adjacent business or structure.
  - b. Existing public right-of-way furniture shall only be located subject to approval of the Public Works Director or designee.
  - c. The subject outdoor sidewalk dining area in the public right-of-way shall be fully accessible to, and useable by, the physically handicapped in compliance with applicable law.
  - d. The subject outdoor sidewalk dining area in the public right-of-way shall be arranged and located in such a manner that a minimum four-foot (4'-0") unobstructed path-of-travel for pedestrians along the right-of-way can be maintained at all times.
  - e. The amount of seating that may be permitted within an outdoor sidewalk dining area in the public right-of-way is subject to applicable occupancy limits set forth in the uniform building codes, requirements of the City's Public Works Department, and any other applicable regulations set forth in this title.
  - f. The use of removable table umbrellas is encouraged, provided such umbrellas maintain at least seven feet of clearance above the sidewalk level, do not exceed ten feet (10'-0") in height, and do not encroach into parking areas, walkways, or vision clearance areas.

- g. Portable heating units acceptable to the Orange County Fire Authority may be utilized.
  - h. Lighting for the outdoor dining area shall be provided. Lighting may be incorporated into the façade of the building and shall complement the style of the building. Lights on buildings shall not be glaring to pedestrian or vehicular traffic and should illuminate only the outdoor dining area. Battery-operated table lamps or candles, or other lighting sources that do not require electrical wiring, are encouraged.
- 32. Barriers, in the form of a metal fence, demarcating an approved outdoor sidewalk dining area in the public right-of-way shall be installed according to the proposed site plan. The following requirements set forth by Section 9.18.090.050.I.3.j apply where barriers are installed per Section :
  - a. Barriers shall be fabricated from wrought iron and/or other sturdy materials approved by the City that are consistent with the aesthetic and architectural character of the Historic Main Street area.
  - b. A barrier may be no less than three feet (3'-0") in height and no more than three feet six inches (3'-6") in height.
  - c. The location of any barrier shall be subject to the approval of the Community Development Director or applicable hearing body and the provisions and conditions of the encroachment permit.
- 33. The proposed outdoor sidewalk dining area in the public right-of-way shall be subject to the following operational standards of Section 9.18.09.050.I.4 and Section 9.18.09.080.I.5 of the Municipal Code :
  - a. Hours of operation of an outdoor dining area in the public right-of-way shall not extend beyond 10:00 p.m. during any day of the week.
  - b. Tables, chairs, table lamps, umbrellas, portable heaters, and other furniture and related items may not be stored within the public right-of-way and shall be removed and stored inside the building when the business is closed or the outdoor dining area in the public right-of-way is not in operation. Approved barriers do not need to be removed except as otherwise required pursuant to the encroachment permit.
  - c. Outdoor sidewalk dining areas shall be kept in a good state of repair and maintained in a clean, safe, and sanitary condition and in



- accordance with applicable Orange County Health Department regulations.
- d. All building entryways and the required pedestrian path of travel shall remain clear and unobstructed at all times.
  - e. All outdoor sidewalk dining areas shall be used for sit-down food and beverage service only; no stand-up service is permitted.
  - f. The use of mist systems or other devices spraying water over the public right-of-way is prohibited, unless the spraying of water is confined to seating located directly adjacent to the storefront or within a dining alcove. Overspray onto the required path of travel is prohibited.
  - g. All plans and permits for an outdoor sidewalk dining area in the public right-of-way shall be kept on the premises of the eating establishment for inspection at all times the establishment is open for business.
34. The outdoor patio dining area (accessed from within the restaurant, and separate from the outdoor sidewalk dining area) shall be subject to the following:
- a. Maintain a perimeter barrier at a minimum height of four feet (4'-0") with clear and adequate visibility, and no visual obstructions, from the public rights-of-ways into the exterior/outdoor patio dining area.
  - b. Install and maintain signage at all patio exits which states "No Alcoholic Beverages Beyond This Point".
  - c. Install and maintain panic hardware (audible – alarm sound type) onto the exit gates. Apply in plain bold front "Emergency Exit Only" onto the push bar of the panic hardware.
  - d. Tables and chairs shall be located within the delineated dining areas, as shown on the approved floor plan for CUP-143-2018 (REV. 2024). A clear and unobstructed path to all exits shall be maintained.
  - e. Provide and maintain adequate lighting to illuminate the outdoor patio dining area for safety and security.
  - f. Applicant shall install and maintain a security camera surveillance system (monitoring the interior and exterior areas of the restaurant)

with camera footage of at least the past 30 days stored and made available to the Police Department at its request.

35. No outside storage or displays shall be permitted at any time.
36. 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 restaurant's entrance, and shall also be visible to the public.
37. There shall be no live entertainment, dancing, karaoke, sports bar, or disc jockey entertainment permitted on the premises at any time. Amplified music may be permitted, but the sound emitted from the premises shall not be audible outside of the establishment.
38. There shall be no raised platform and/or stage on the premises at any time that is used for live entertainment purposes. No dance floor shall be allowed on the premises at any time.
39. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.16.020.070.
40. There shall be no deliveries to or from the premises before 8:00 a.m. and after 10:00 p.m., seven days a week. Delivery trucks shall be shut off and shall not remain idle during deliveries. However, in the event problems arise where the delivery hours need to be reduced or restricted in order to minimize noise issues, the operator shall modify the delivery hours as prescribed by the City.
41. All rear doors (to the east) shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies
42. 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.
43. The applicant/property owner shall ensure there are adequate trash receptacles available and accessible to the restaurant to accommodate its use and activities based on demand along with adequate pick-ups during the week. The applicant/property owner shall increase the number of pick-ups as necessary.

Conditional Use Permit No. CUP-143-2018 (REV. 2024)  
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44. The rear areas of the restaurant (to the east) shall be kept free from all debris and trash. No outside storage shall be permitted in this area.
45. 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.
46. 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.
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 window 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 Development Department, Planning Services Division prior to issuance of a building permit.
50. In the event that activities related to the restaurant cause a nuisance, hindrance, and/or other problems, the applicant shall devise and implement a plan to relieve the situation to the satisfaction of the Community Development Director. The applicant shall submit a plan to resolve the issue(s). The plan may include, but not be limited to: reducing the hours of operation and/or other actions that may be deemed applicable to the situation.
51. No roof-mounted mechanical equipment, including exhaust vents, shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department,

Conditional Use Permit No. CUP-143-2018 (REV. 2024)  
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Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.

52. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Development Department, Planning Services Division. No advertising material shall be placed thereon.
53. Should the approval of the parklet area approved under Director Review No. DR-067-2022 become null and void, the parklet area shall be removed, and the pavement returned to its original condition. If the parklet is removed, the permanent sidewalk seating area, as contemplated under Conditional Use Permit No. CUP-143-2018 (REV. 2024) shall have an additional fence/railing installed along the edge of the sidewalk, to fully enclose the subject dining area.
54. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-143-2018 (REV. 2024) shall be kept on the premises at all times.
55. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-143-2018 (REV. 2024) and his/her agreement with all conditions of the approval.
56. 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.
57. 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-143-2018 (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.

58. 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-143-2018 (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.
59. 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.
60. 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.
61. 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.

### **Water Services Division**

62. New water service installations two inches (0'-2") and smaller, shall be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services three inches (0'-3") and larger, shall be installed by owner's/developer's contractor per City Standards.
63. Water meters shall be located within the City right-of-way or within a dedicated waterline easement. Fire services and larger water services three inches (0'-3") and larger, shall be installed by contractor with Class A or C-34

license, per City water standards and inspected by an approved Public Works inspection.

64. 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. The owner shall have RPPD 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.
65. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
66. City shall determine if existing water service(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
67. If required, fire-service shall have above-ground backflow device with a double-check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results to be submitted to the Public Works Department, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above-ground assembly shall be screened from public view as required by the Planning Services Division.
68. Commercial food use of any type requires 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 and approval.
69. 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.

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70. In the event that an approved grease trap is not already installed, a properly sized grease trap shall be installed on the waste line and maintained by the property owner. There shall be a separate ancillary waste line that will connect to the sewer lateral downstream of the grease trap. All other waste lines shall be drained through the grease trap. Grease trap may be located inside of the building per Orange County Health Department requirements. Prior to City permit issuance, trap location must be approved by the Orange County Health Department as evidenced by their stamp on the plans. Owner shall maintain comprehensive grease trap maintenance records and shall make them available to the City of Garden Grove upon demand.
  
71. 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.