



**GARDEN GROVE**

AGENDA

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ZONING ADMINISTRATOR MEETING

Garden Grove Community Meeting Center  
11300 Stanford Avenue

Thursday, October 13, 2022

9:00 a.m.

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

**COVID-19: Masks are not required, however, the public is encouraged to wear masks in City facilities. Please do not attend this meeting if you have had direct contact with someone who has tested positive for COVID-19, or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.**

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

**Meeting Assistance:** Any person requiring auxiliary aids and services, due to a disability, should contact the Department of Community & Economic Development at (714) 741-5312 or email [planning@ggcity.org](mailto:planning@ggcity.org) 72 hours prior to the meeting to arrange for special accommodations. (Government Code §5494.3.2).

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

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

1. PUBLIC HEARING ITEM(S):

- a. CONDITIONAL USE PERMIT NO. CUP-284-09 (REV. 10)  
(SUPPLEMENTAL PARKLET)

APPLICANT: Andrew Nguyen  
LOCATION: 12941 Main Street

REQUEST: Conditional Use Permit approval to allow an existing restaurant, The Wharf, currently operating under Conditional Use Permit No. CUP-284-09 (REV. 10) with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, to extend the sale of alcoholic beverages to a temporary parklet located within the public street. 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) pursuant to Sections 15301 - Existing Facilities and 15303 - New Construction or Conversion of Small Structures - of the State CEQA Guidelines.

b. CONDITIONAL USE PERMIT NO. CUP-143-2018  
(SUPPLEMENTAL PARKLET)

APPLICANT: AUM Beer House  
LOCATION: 12900 Main Street

REQUEST: Conditional Use Permit approval to allow an existing restaurant, AUM Beer House, currently operating under Conditional Use Permit No. CUP-143-2018 with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating place) License, to extend the sale of alcoholic beverages to a temporary parklet located within the public street. 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) pursuant to Sections 15301 - Existing Facilities and 15303 - New Construction or Conversion of Small Structures - of the State CEQA Guidelines.

c. CONDITIONAL USE PERMIT NO. CUP-268-09  
(SUPPLEMENTAL PARKLET)

APPLICANT: Jennifer Stewart  
LOCATION: 12911 Main Street

REQUEST: Conditional Use Permit approval to allow an existing restaurant, Azteca Restaurant and Lounge, currently operating under Conditional Use Permit No. CUP-268-09 with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating place) License, to extend the sale of alcoholic beverages to a temporary parklet located within the public street. 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) pursuant to Sections 15301 - Existing Facilities and 15303 - New Construction or Conversion of Small Structures - of the State CEQA Guidelines.

d. CONDITIONAL USE PERMIT NO. CUP-057-2016 (REV. 2019)  
(SUPPLEMENTAL PARKLET)

APPLICANT: Angelo Tavlarides  
LOCATION: 12942 Main Street

REQUEST: Conditional Use Permit approval to allow an existing restaurant, Louie's On Main, currently operating under Conditional Use Permit No. CUP-057-2016 (REV. 2019) with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating place) License, to extend the sale of alcoholic beverages to a temporary parklet located within the public street. 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) pursuant to Sections 15301 - Existing Facilities and 15303 - New Construction or Conversion of Small Structures - of the State CEQA Guidelines.

e. CONDITIONAL USE PERMIT NO. CUP-230-2022

APPLICANT: Power Tran  
LOCATION: 10912 Westminster Avenue

REQUEST: Conditional Use Permit approval to operate an existing restaurant, Tran Co Nuong Kitchen, with a new original Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer & Wine, Public Eating Place) License. The site is in the C-2 (Community Commercial) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Sections 15301 - Existing Facilities - of the State CEQA Guidelines.

2. COMMENTS BY THE PUBLIC

3. ADJOURNMENT

GARDEN GROVE ZONING ADMINISTRATOR MEETING  
Garden Grove Community Meeting Center  
11300 Stanford Avenue, Garden Grove, CA 92840

Meeting Minutes  
Thursday, August 25, 2022

CALL TO ORDER: 9:00 a.m.

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-227-2022

Applicant: Tam M. Pham  
Location: 12442 Lampson Avenue  
Date: August 25, 2022

Request: Conditional Use Permit approval to allow an existing convenience store, Express Food Store, to operate with a new State Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, General) License. The existing liquor store is currently operating with an ABC Type "20" (Off-Sale, Beer and Wine) License under approval of Conditional Use Permit No. CUP-586-02. Upon approval and exercising of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-586-02, shall be revoked and become null and void. The site is in the PUD-121-98 (Planned Unit Development) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): Alex Folstad

Action: The Zoning Administrator adopted Decision No. 1825-22.

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-223-2022

Applicant: Elizabeth Dang  
Location: 12865 Main Street  
Date: August 25, 2022

Request: Conditional Use Permit approval to allow an existing restaurant, Chez Liz, to operate with a new original Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer & Wine, Public Eating Place) License. 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) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

Action: Public Hearing Held. Speaker(s): Elizabeth Dang

Action: The Zoning Administrator adopted Decision No. 1826-22.

Zoning Administrator Minutes

ORAL COMMUNICATIONS – PUBLIC: None.

ADJOURNMENT: The Zoning Administrator adjourned the meeting at 9:19 a.m.

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Judith Moore, Recording Secretary

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> 1.a.	<b>SITE LOCATION:</b> West side of Main Street between Acacia Parkway and Garden Grove Boulevard, at 12941 Main Street
<b>HEARING DATE:</b> October 13, 2022	<b>GENERAL PLAN:</b> Civic Center Mixed Use
<b>CASE NO.:</b> Conditional Use Permit No. CUP-284-09 (REV. 10)(SUPPLEMENTAL PARKLET)	<b>ZONE:</b> CC-2 (Civic Center Main Street)
<b>APPLICANT:</b> Andrew Nguyen	<b>CEQA DETERMINATION:</b> Exempt
<b>PROPERTY OWNER:</b> Same as applicant	<b>APN:</b> 089-213-12

## **REQUEST:**

A request for Conditional Use Permit approval to allow an existing restaurant, The Wharf, currently operating under Conditional Use Permit No. CUP-284-09 (Rev. 10) with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, to extend the sale of alcoholic beverages to a temporary parklet located within the public street.

## **BACKGROUND:**

The subject site is improved with an existing 6,000 square foot restaurant tenant space, which is currently in operation as a restaurant occupied by The Wharf, and has frontage along Historic Main Street. The subject property is zoned CC-2 (Civic Center Main Street) and has a General Plan Land Use Designation of Civic Center Mixed Use.

In November of 2009, the City of Garden Grove approved Conditional Use Permit No. CUP-284-09 to operate the previous restaurant, 7 Seas Restaurant, within the existing 6,000 square foot restaurant tenant space, with a new original State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License. In June of 2010, 7 Seas Restaurant obtained approval to modify CUP-284-09 to allow changes to the approved floor plan, to extend the hours of operation, and to allow limited live entertainment in the form of one vocalist and one amplified instrumentalist. Upon 7 Seas Restaurant ceasing operation in 2014, the property was sold and The Wharf began operation in 2016 under CUP-284-09 (Rev. 10).

The applicant obtained Director's Review approval to add a temporary parklet in the public right-of-way, directly adjacent to the restaurant. The City of Garden Grove

was awarded a grant by Supervisor Andrew Do to support local businesses in the wake of the COVID-19 pandemic. The grant will fund the installation of parklets for outdoor dining in the parallel parking spaces that flank either side of Historic Main Street. The City will design, construct, and install the parklets. The parklet designs are modular, allowing for easy installation, and ultimately, removal. All other improvements and costs associated with the parklets (e.g., furniture, umbrellas, permanent sidewalk dining areas, etc.) will be borne by the applicant. The parklet was approved under Director's Review No. DR-066-2022 on September 27, 2022.

Garden Grove Municipal Code Section 9.32.030 allows for restaurants to serve alcohol in outdoor dining areas located in the public right-of-way on Historic Main Street, pursuant to Conditional Use Permit approval. The Wharf is a full-service, sit-down, family-style restaurant that also serves beer, wine, and spirits under CUP-284-09. Therefore, extending the sale of alcoholic beverages to the parklet project qualifies for a Conditional Use Permit. All conditions of approval under CUP-284-09 (REV. 10) and DR-066-2022 are to remain in full force and effect. This approval pertains to the service of alcoholic beverages within the parklet only. The conditions of approval under this approval are to be in effect so long as the parklet associated with the eating establishment exists on the premises.

**DISCUSSION:**

The applicant proposes to extend sales and service of food and alcoholic beverages to the proposed parklet under the existing Type "47" ABC license. There are no proposed changes to the floor plan or operational characteristics of the existing restaurant. The temporary parklet dining area, as approved under DR-066-2022, will be provided in the street parking that fronts The Wharf, across the public sidewalk from the main entrance. Customers will access the parklet by crossing the public sidewalk, and entering through an opening in the parklet railing. The dining area will measure approximately 11'-0" x 25'-0", and will feature a semi-permanent enclosure consisting of planters, wire screens, and steel louvres. The parklet dining area will not impede on required pedestrian or vehicle access in the public right-of-way.

Conditions of approval will require that the parklet dining area be used for sit-down food and beverage service only with no stand-up service. At all times, the service of food is required for any sale or service of alcoholic beverages, and all alcoholic beverages are required to be served, delivered, and removed to and from the parklet area by the staff of the restaurant. Moreover, sales and service of alcoholic beverages in the parklet will require a valid license issued by the Department of Alcoholic Beverage Control at all times. In addition, no entertainment will be allowed within the parklet area.

As approved under CUP-284-09 (REV. 10), the hours of operation for The Wharf will continue to be from 11:00 a.m. to 11:00 p.m., Sunday through Thursday, and 11:00 a.m. to 2:00 a.m., Friday and Saturday. However, to minimize any potential

impacts to the surrounding neighborhood, the hours of operation for the parklet will not be allowed to extend beyond 10:00 p.m. during any day of the week.

The parklet is meant to be temporary for a period of two (2) years after the building permit final. However, time extensions may be granted at the discretion of the Community and Economic Development Director.

The Community and Economic Development Department and the Police Department have reviewed the request and are in support of the proposal. The restaurant will be required to comply with the conditions of approval under CUP-284-09 (REV. 10), as approved by Resolution No. 5716, in addition to the standard conditions of approval for outdoor dining in the parklet within the public right-of-way, as approved under CUP-284-09 (REV. 10)(SUPPLEMENTAL PARKLET).

**RECOMMENDATION:**

Staff recommends that the Zoning Administrator take the following action:

1. Approve Conditional Use Permit No. CUP-284-09 (REV. 10)(SUPPLEMENTAL PARKLET), subject to the recommended conditions of approval.



Lee Marino  
Planning Services Manager



By: Mary Martinez  
Associate Planner

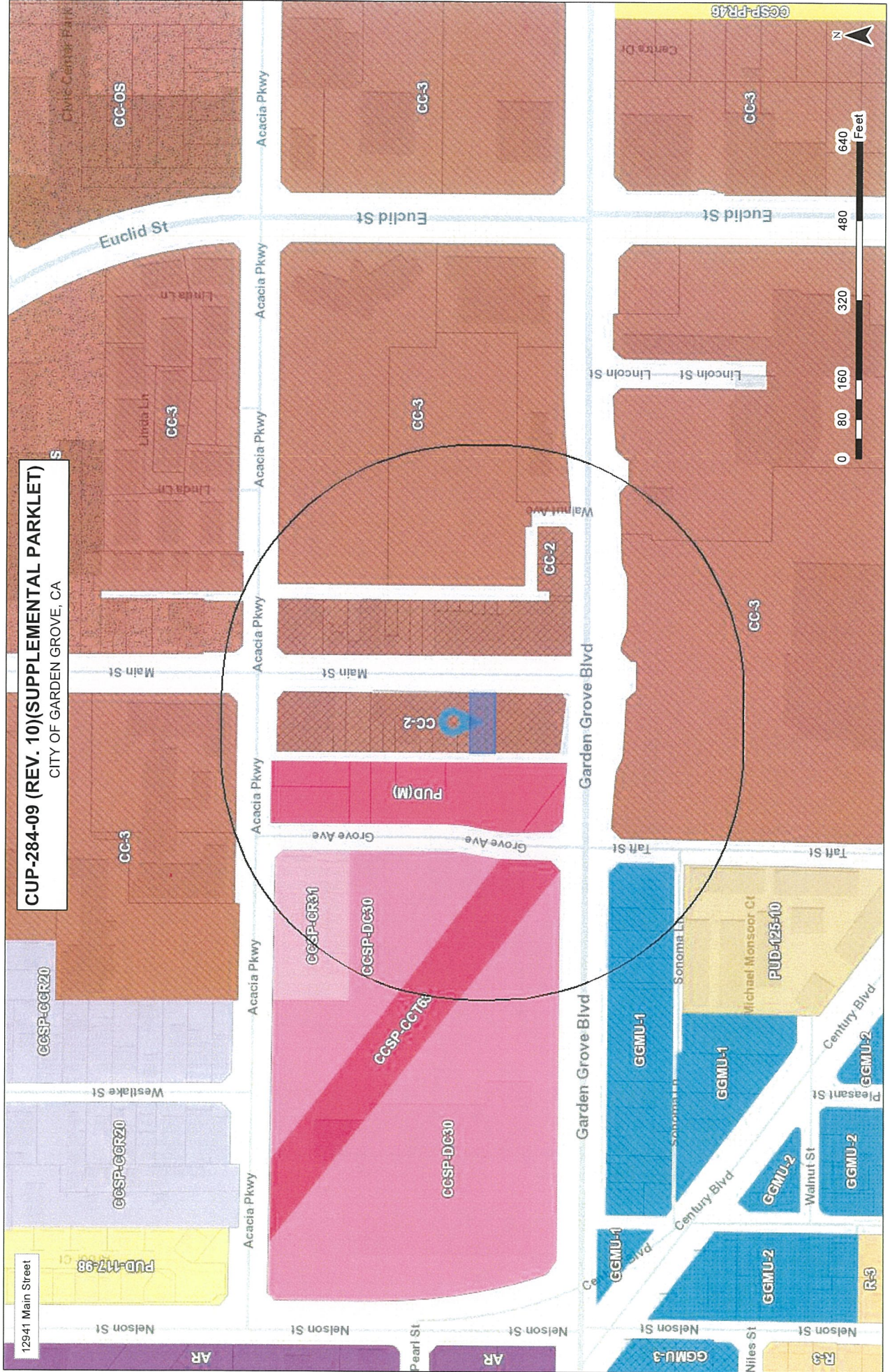
Attachment 1: Resolution No. 5716 for Conditional Use Permit No. CUP-284-09(REV.10)  
Attachment 2: Director's Review No. DR-066-2022



**CUP-284-09 (REV. 10) (SUPPLEMENTAL PARKLET)**

CITY OF GARDEN GROVE, CA

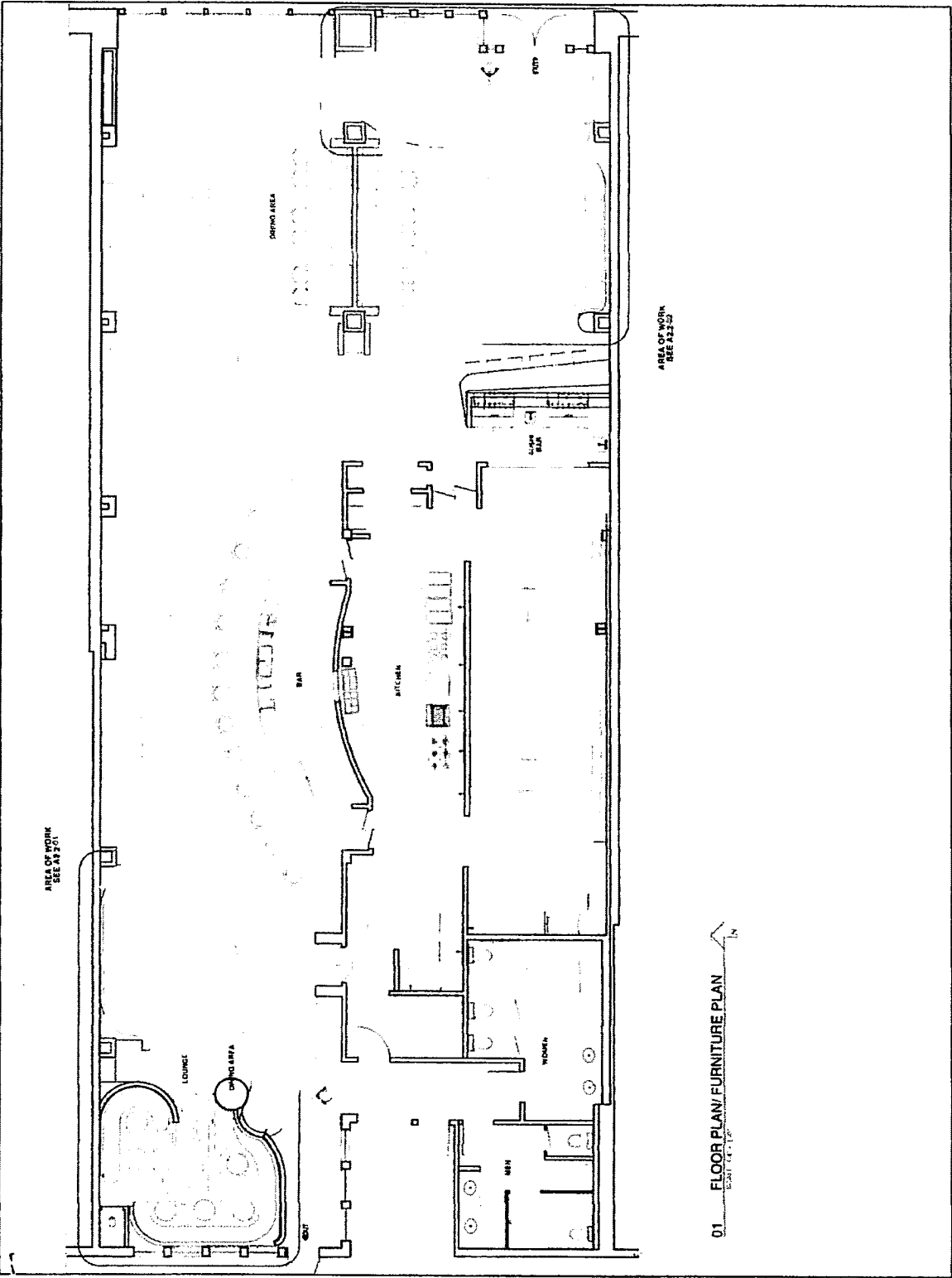
12941 Main Street



P R O J E C T

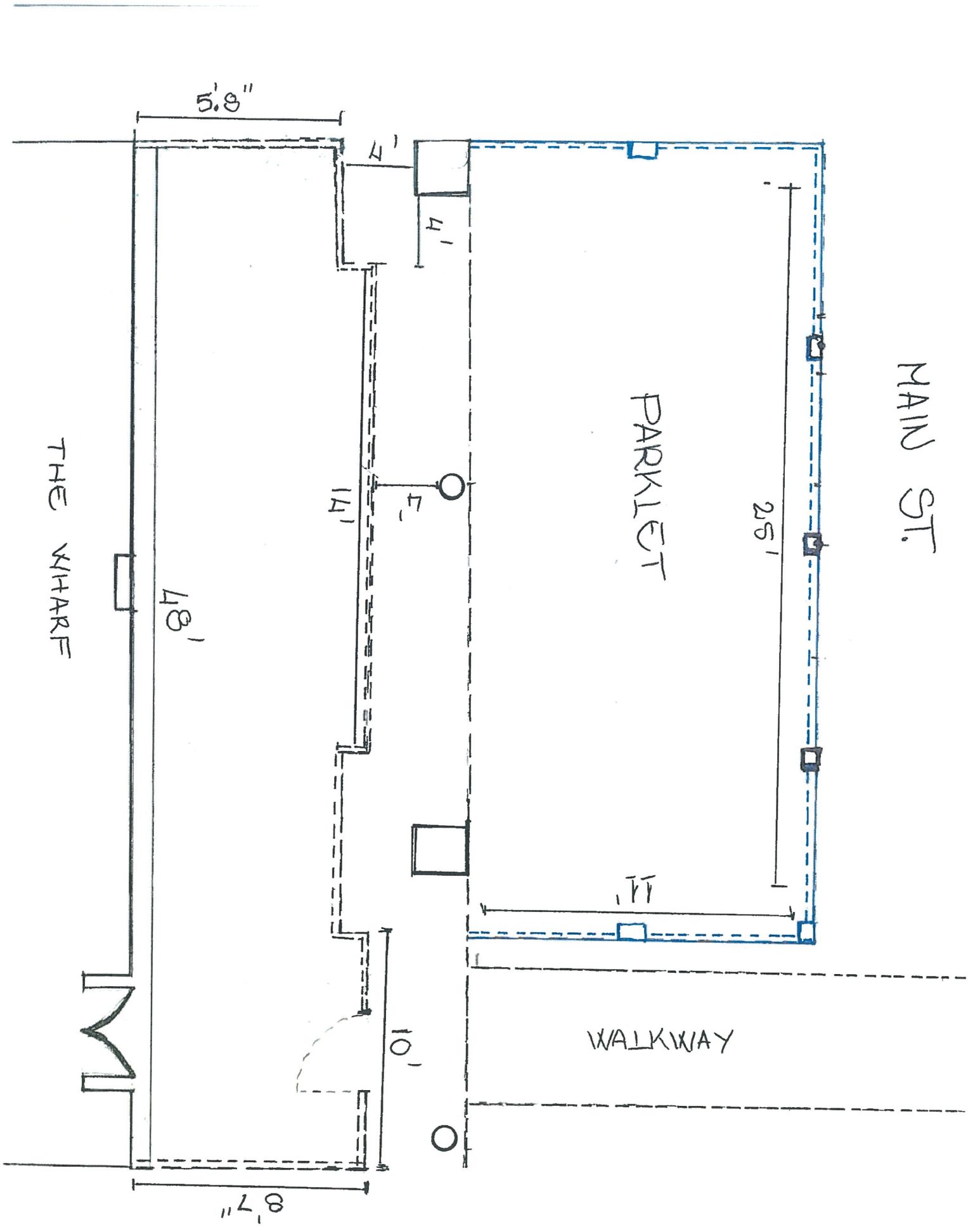
# THE WHARF

12841 MAIN STREET  
GARDEN GROVE, CA



01 FLOOR PLAN/FURNITURE PLAN  
SCALE: 1/4" = 1'-0"

CUP-284-09 (REV. 10)(SUPPLEMENTAL PARKLET)



MAIN ST.

PARKLET

WALKWAY

THE WHARF

5'8"

25'

48'

8'7"

14'

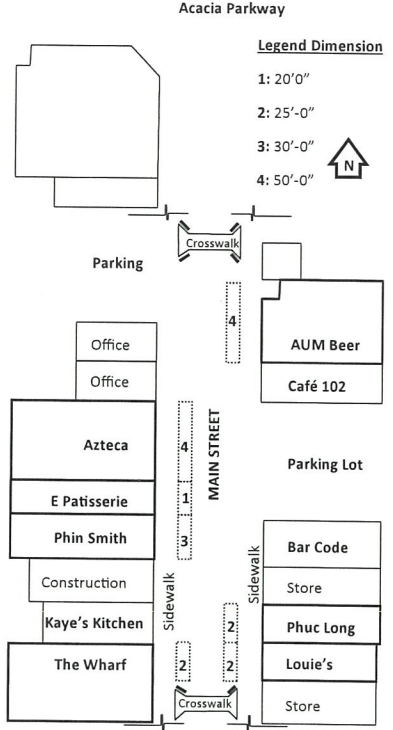
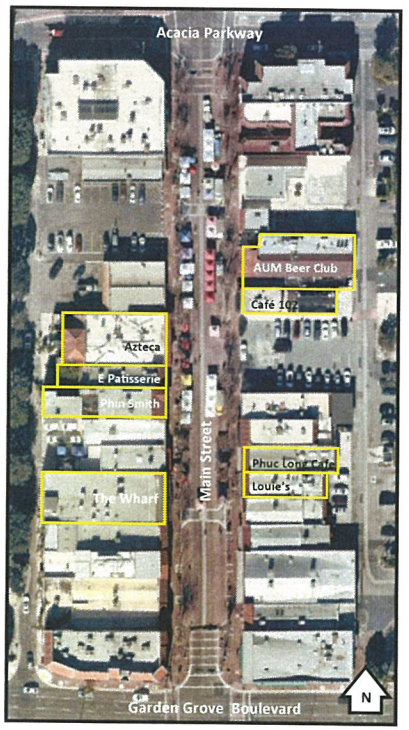
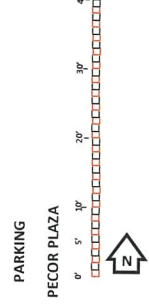
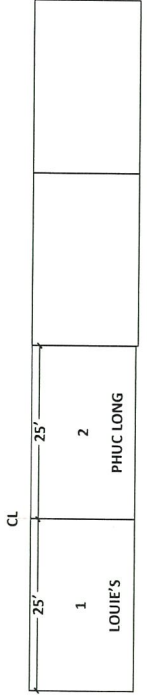
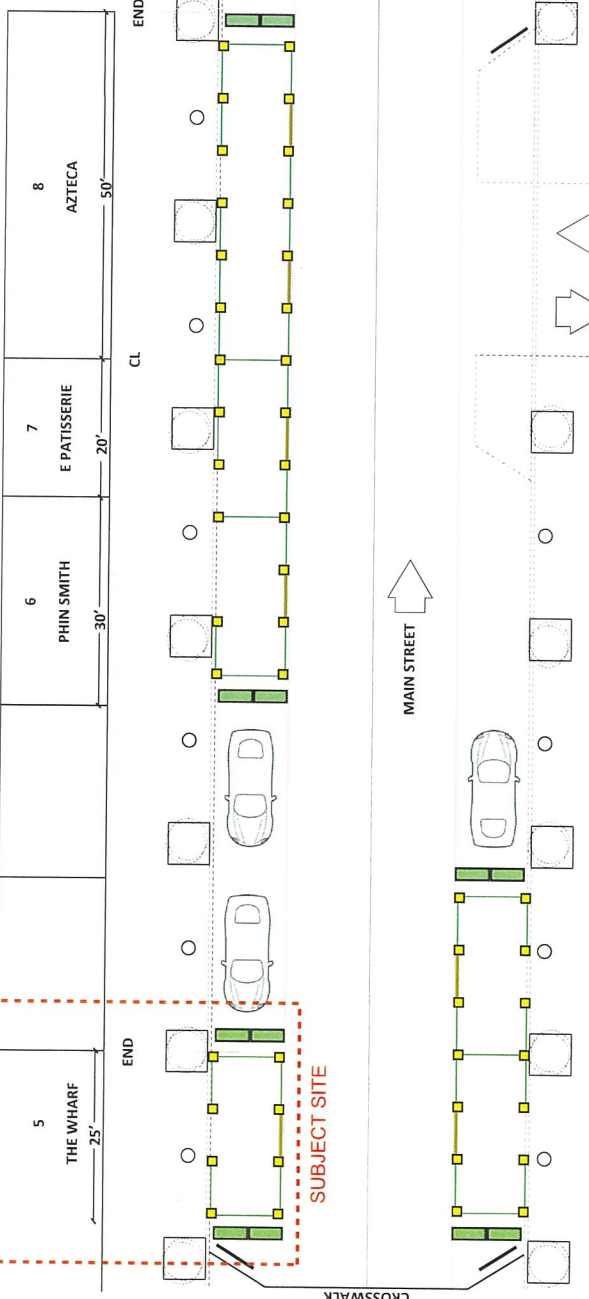
10'

11'

4'

4'

Conceptual Parklet Drawing Main Street 03.08.2022



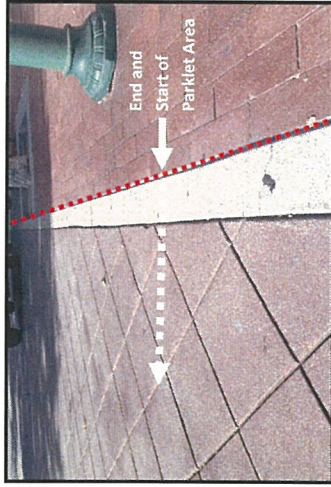
**Legend Dimension**  
 1: 20'-0"  
 2: 25'-0"  
 3: 30'-0"  
 4: 50'-0"

Conceptual Parklet Drawing Main Street 03.08.2022

PLANTER—MATERIAL and PLANTING

**A**

PURPLE FOUNTAIN GRASS—  
1-gallon



No raised curb

**B**

HORSETAIL REED GRASS—  
1-gallon



**C**

BLUE FESTUCA COOL GRASS—  
1-gallon

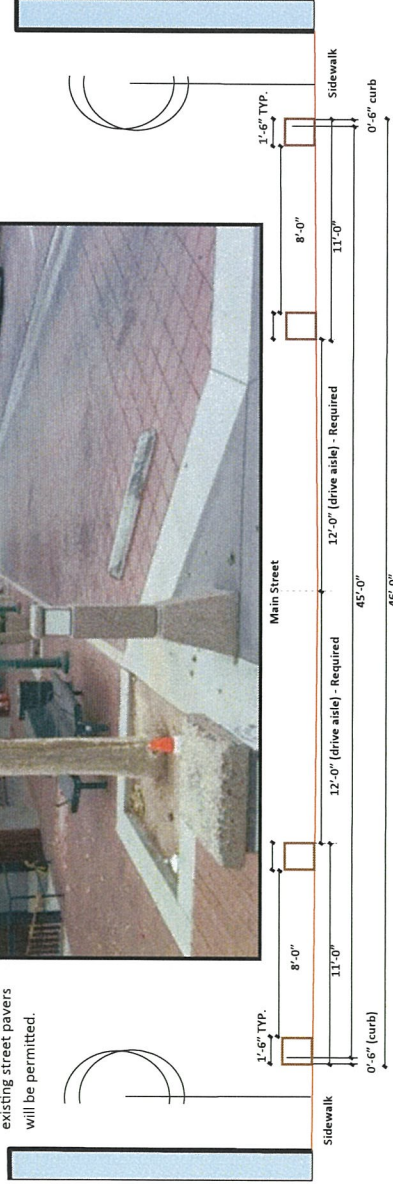


**D**

SEDUM SPURIUM DRAGONS BLOOD  
—FLATS



Slight pitch angle from the sidewalk down to Main Street concrete gutter centerline. No penetration into the existing street pavers will be permitted.

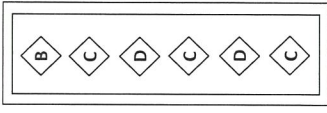


Field Verify All Measurements

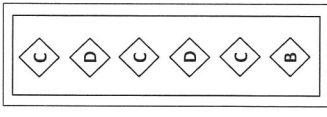
TYPICAL



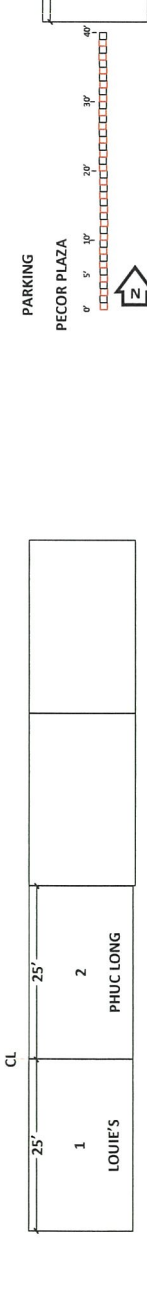
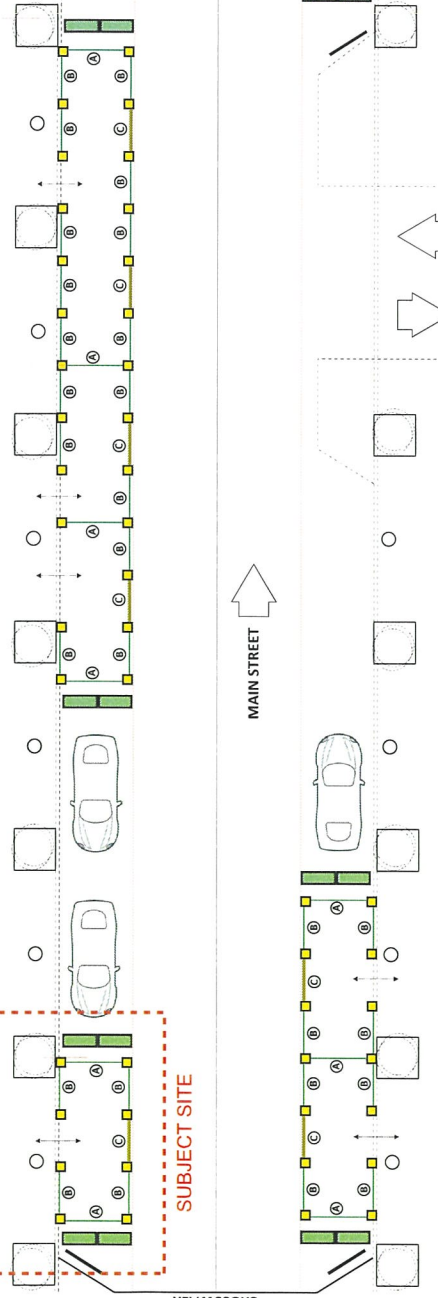
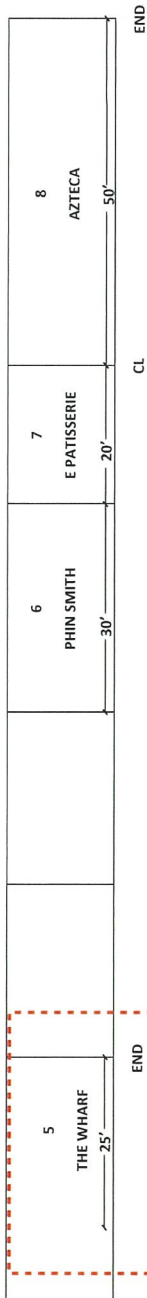
EAST SIDE



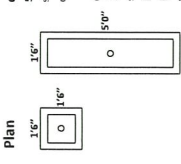
WEST SIDE



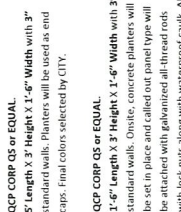
Conceptual Parklet Drawing Main Street 05.08.2022



**CONCRETE PLANTERS**  
Support End Caps



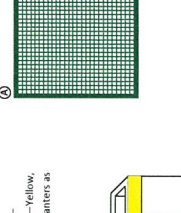
**CONCRETE PLANTERS**  
Reflective Tape



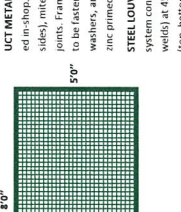
**CONCRETE PLANTERS**  
QCP CORP OS or EQUAL



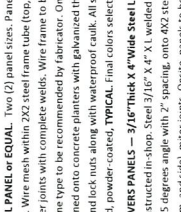
**CONCRETE PLANTERS**  
QCP CORP OS or EQUAL



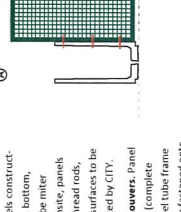
**CONCRETE PLANTERS**  
Steel Louvers Panels



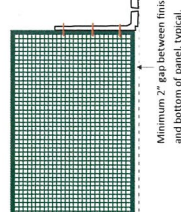
**CONCRETE PLANTERS**  
Wire Mesh Panels



**CONCRETE PLANTERS**  
Simpson Strong Tie



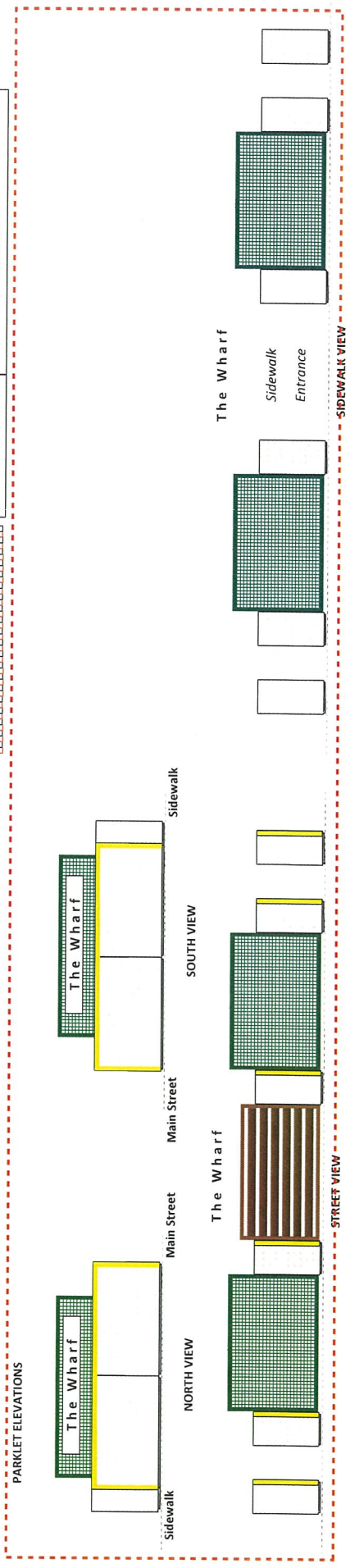
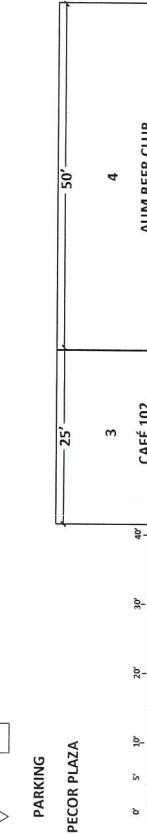
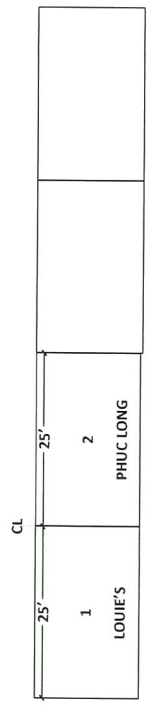
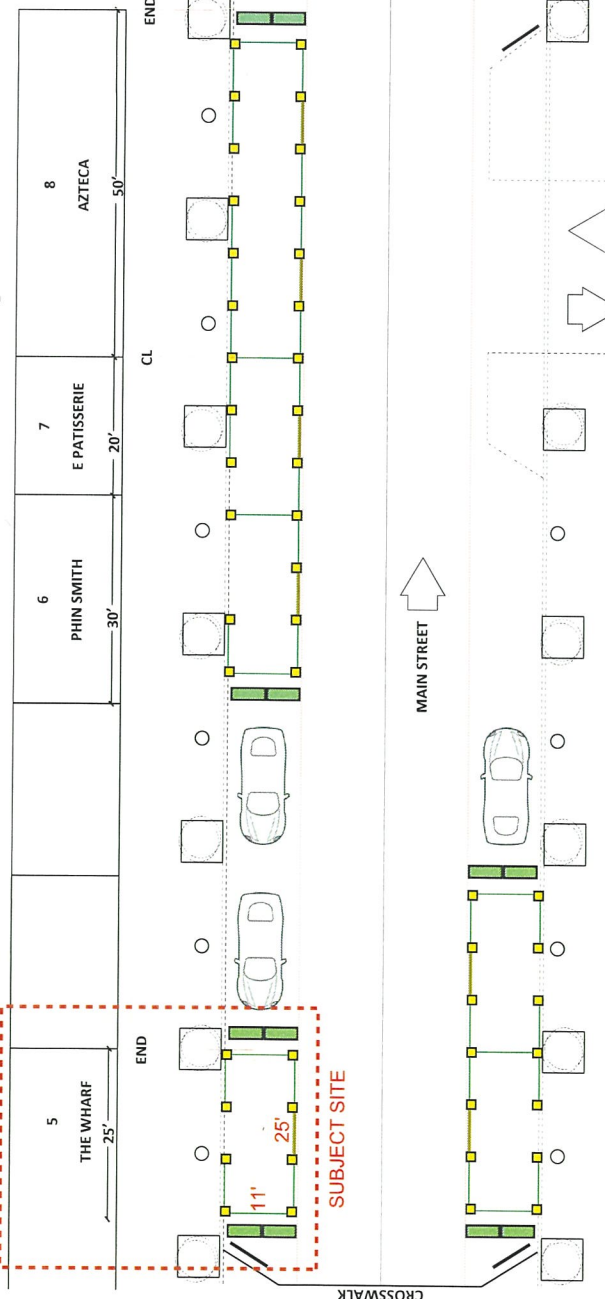
**CONCRETE PLANTERS**  
Panels and Connections



**CONCRETE PLANTERS**  
Elevations



Conceptual Parklet Drawing Main Street 03.08.2022



RESOLUTION NO. 5716

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-284-09 (REV. 10).

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-284-09 (REV. 10) for a property located at the west side of Main Street between Acacia Parkway and Garden Grove Boulevard, 12941 Main Street, Assessor's Parcel No. 089-213-12.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-284-09 (REV. 10), the PLANNING COMMISSION of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by H. Bruce Nguyen.
2. The applicant is requesting to amend Conditional Use Permit No. CUP-284-09 to modify the approved floor plan, which includes a new sushi bar and a new rear dining/lounge area; to extend the hours of operation to be 11:00 a.m. to 11:00 p.m., Sunday through Thursday, and 11:00 a.m. to 2:00 a.m., Friday and Saturday; and to allow limited live entertainment in the form of one vocalist and one amplified instrumentalist. The existing restaurant will continue to operate with an Alcoholic Beverage Control Type "47" (On-Sale, General) License.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act.
4. The property has a General Plan Land Use designation of Civic Center Mixed Use, and is zoned CCSP-MX32&HR (Community Center Specific Plan, Mixed Use District, Area 32 & Historical Retail Overlay Zone).
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on June 17, 2010, 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 of June 17, 2010; and

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 9.32.030, are as follows:



FACTS:

The property under application is developed with a 6,000 square foot restaurant, 7 Seas Fish House.

The property has a General Plan Land Use designation of Civic Center Mixed Use.

The property is zoned CCSP-MX32&HR (Community Center Specific Plan, Mixed Use District, Area 32 & Historical Retail Overlay Zone).

On June 12, 2008, the City of Garden Grove approved Conditional Use Permit No. CUP-233-08, which allowed a new restaurant, Creole Restaurant, to operate with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. Prior to opening, the restaurant changed its name to 7 Seas Restaurant.

On November 12, 2009, the City of Garden Grove approved Conditional Use Permit No. CUP-284-09, which allowed the existing restaurant, 7 Seas Restaurant, to operate with a new original State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General) License. Since then, the restaurant has changed its name to 7 Seas Fish House.

The applicant is requesting to amend Conditional Use Permit No. CUP-284-09 to modify the approved floor plan, which includes a new sushi bar and a new rear dining/lounge area; to extend the hours of operation to be 11:00 a.m. to 11:00 p.m., Sunday through Thursday, and 11:00 a.m. to 2:00 a.m., Friday and Saturday; and to allow limited live entertainment in the form of one vocalist and one amplified instrumentalist. The existing restaurant will continue to operate with an Alcoholic Beverage Control Type "47" (On-Sale, General) License.

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

- The subject site is located in Crime Reporting District No. 114.
- The crime count for the District is 186.
- Average crime count per district in the City is 97.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 91% above the Citywide average; therefore, it is considered a high-crime area.
- The subject site is located in Alcoholic Beverage Control (ABC) Census Report District No. 886.01.
- ABC Census Reporting District No. 886.01 allows for seven (7) on-sale licenses within the District. Currently, there are six (6) on-sale licenses in the District. The approval of this modification to CUP-284-09 will not affect the number of ABC Licenses in this District. Therefore, the total number of on-sale licenses in the District will remain at six (6).

The establishment shall provide an assortment of foods normally offered in restaurants, and the kitchen shall be open, and preparing food, during all hours that the establishment is open. At all times the establishment is open, the sale of alcohol shall be incidental to the sale of food; and the quarterly gross sales of alcoholic beverages shall not exceed 35% of the total gross sale of food during the same period.

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" License will apply.

FINDINGS AND REASONS:

1. The subject site has a General Plan Land Use Designation of Civic Center Mixed Use and is zoned CCSP-MX32&HR (Community Center Specific Plan, Mixed Use District, Area 32 & Historical Retail Overlay Zone). Eating establishments with alcohol sales are conditionally permitted in this zone. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.
2. The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The conditions of approval will minimize potential impacts to the adjoining area. The restaurant will continue to operate with a Type "47" (On-Sale, General - Bona Fide Public Eating Place) License. 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.
3. The use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project. By operating as a bona-fide public eating-place with ancillary alcohol sales for on-site consumption, the use will continue to be compatible with the surrounding uses.
4. The use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. The conditions of approval will ensure the public health, safety, and welfare.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

In addition to the foregoing, the Planning Commission incorporates herein by this reference, the facts and reasons 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 Revised Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-284-09 (REV. 10).

ADOPTED this 17th day of June, 2010

/s/ KRIS BEARD  
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on June 17, 2010, by the following votes:

AYES:	COMMISSIONERS:	BEARD, BUI, ELLSWORTH, PAK
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	BONIKOWSKI, CABRAL

/s/ JUDITH MOORE  
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is July 8, 2010.

**EXHIBIT "A"**  
**Conditional Use Permit No. CUP-284-09 (REV. 10)**

12941 Main Street

**REVISED CONDITIONS OF APPROVAL**

**General Conditions**

1. The applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit Approval," as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to issuance of an ABC license. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission.
2. 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.
3. If major modifications are made to the approved floor plan that result in the intensification of the project or create impacts that have been previously addressed, a new Conditional Use Permit application shall be filed which reflects the revisions made.

**Public Works Water Services Division**

4. During cleaning of kitchen hoods, all generated waste must be captured and discharged to sewer.
5. No permanent structures, trees, or deep-rooted plants shall be placed over sewer main or water main.
6. Location and number of fire hydrants shall be as required by Water Services Division and the Fire Department.

**Public Works Sewer Division**

7. 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

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Conditional Use Permit No. CUP-284-09 (REV. 10)  
Revised Conditions of Approval

sewer lateral and maintained by the property owner. There shall be a separate sanitary waste line that will connect to the sewer lateral downstream of the grease interceptor. All other waste lines shall be drained through the grease interceptor. Grease interceptor shall be located outside of the building and accessible for routine maintenance. Owner shall maintain comprehensive grease interceptor maintenance records and shall make them available to the City of Garden Grove upon demand.

8. 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.

**Fire Department**

9. The applicant and subsequent operator(s) shall post the occupancy load, as determined by the Fire Department. At no time shall the restaurant exceed the posted occupancy load.
10. The applicant shall comply with the 2007 California Fire Code for all Life Safety Issues.

**Building Department**

11. The applicant shall comply with the 2007 California Building Code.
12. The new raised dining/lounge area, at the eastern end of the restaurant, shall be made accessible by providing a ramp.
13. A wheelchair accessible seating space shall be provided at the sushi bar.

**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 11:00 a.m. to 11:00 p.m., Sunday through Thursday, and 11:00 a.m. to 2:00 a.m., Friday and Saturday. The City reserves the right to reduce hours of operation, by order of the Chief of the Police Department, in the event problems arise concerning the operation of this business.

Conditional Use Permit No. CUP-284-09 (REV. 10)  
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16. There shall be no customers or patrons in or about the premises when the establishment is closed.
17. 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.
18. All pay phones located on the property, adjacent to the premises, shall be limited to out-going calls only. This condition shall be complied with within 30 days following approval of this application.
19. The sale of alcoholic beverages for consumption off the premises is prohibited.
20. 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.
21. No alcoholic beverages shall be consumed in the waiting area. All alcohol shall be served incidental to food sales.
22. No alcohol shall be served/consumed outside of the premises.
23. The business, prior to opening, 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 the Alcohol Beverage Control Department or an ABC approved "Responsible Beverage Service (RBS) Training" program.
24. The sale of alcohol shall cease thirty (30) minutes prior to closing.

**Community Development Department**

25. There shall be no additional changes in the design of the floor plan without the approval of the Community Development Department, Planning Division. Any additional changes in the approved floor plan, which has the effect of expanding or intensifying the present use, shall require a new Conditional Use Permit.

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Conditional Use Permit No. CUP-284-09 (REV. 10)  
Revised Conditions of Approval

26. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by ABC. 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.
27. 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.
28. At all times when the establishment is open for business, the sale of alcoholic beverages shall be incidental to the sale of food.
29. The quarterly gross sales of alcoholic beverages shall not exceed 35% of the sales of food.
30. 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. No outside storage or displays shall be permitted at any time.
32. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the restaurant's entrance, and shall also be visible to the public.
33. Limited live entertainment shall be subject to the following:
  - a. Entertainment shall be limited to include up to two performers in the form of one amplified instrumentalist and one vocalist.
  - b. No dancing and no nightclub shall be permitted.
  - c. There shall be no raised platform, stage or dance floor permitted on the premises at any time. The location of the entertainment area shall be centrally located within the restaurant.
  - d. Amplified sound or vibration emitted from the premises shall not be audible from outside the boundaries (walls) of the establishment. The property owner shall provide sound attenuation where necessary to limit noise and vibrations to neighboring properties.

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Conditional Use Permit No. CUP-284-09 (REV. 10)  
Revised Conditions of Approval

- e. No amplified music shall be permitted outside of the fully enclosed building.
  - f. All entertainment shall be conducted within the wholly enclosed restaurant building.
  - g. Entertainment shall be incidental to the restaurant. At no time shall the entertainment be utilized as a primary use or an as attraction to draw customers to the establishment.
  - h. Food service shall be provided during all hours the restaurant is open, including when the entertainment is occurring.
  - i. No cover charge or other type of entrance fees shall be required for entrance into the restaurant.
  - j. Conditional Use Permit No. CUP-284-09 (REV. 10) may be revoked if it is determined that the proposed and/or subsequent operation jeopardizes the health, safety, and welfare of those living, working, shopping, dining, visiting, in the area of the subject establishment.
34. At no time shall the customer dining/bar be used as a regular drinking bar for primarily alcoholic consumption.
35. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
36. There shall be no deliveries to or from the premises before 8:00 a.m. and after 9:00 p.m., seven days a week.
37. 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.
38. 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 based on the existing schedule provided by the applicant.
39. Graffiti shall be removed from the premises, and all parking lots under the control of the licensee and/or the property owner, within 120 hours upon notification/application.
40. 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.

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Conditional Use Permit No. CUP-284-09 (REV. 10)  
Revised Conditions of Approval

41. 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 Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
42. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community Development Department, Planning Division. No advertising material shall be placed thereon.
43. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
44. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows.
45. 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.
46. Any Conditional Use Permit previously governing this tenant space shall become null and void, and superseded in its entirety, by approval of CUP-284-09 (REV. 10).
47. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-284-09 (REV. 10) shall be kept on the premises at all times.
48. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-284-09 (REV. 10), and his/her agreement with all conditions of the approval.
49. The Conditional Use Permit shall be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.
50. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set

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Conditional Use Permit No. CUP-284-09 (REV. 10)  
Revised Conditions of Approval

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-284-09 (REV. 10). 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.



# CITY OF GARDEN GROVE

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September 27, 2022

Andrew Nguyen  
12941 Main Street  
Garden Grove, CA 92840

**SUBJECT: APPROVAL OF DIRECTOR'S REVIEW NO. DR-066-2022 FOR PROPERTY LOCATED AT 12941 MAIN STREET, GARDEN GROVE, CA**

Dear Andrew Nguyen,

Your request for a Director's Review to install a temporary parklet on Main Street, has been approved based on the following:

The subject property is located on the west side of Main Street, between Acacia Parkway and Garden Grove Boulevard, at 12941 Main Street. The property has a General Plan Land Use Designation of CC (Civic Center Mixed Use), and is zoned CC-2 (Civic Center Main Street). The subject site is improved with an existing 6,000 square foot restaurant tenant space, which is currently in operation as a restaurant occupied by The Wharf, and has frontage along Historic Main Street.

In November of 2009, the City of Garden Grove approved Conditional Use Permit No. CUP-284-09 to operate the previous restaurant, 7 Seas Restaurant, within the existing 6,000 square foot restaurant tenant space, with a new original State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License. In June of 2010, 7 Seas Restaurant obtained approval to modify CUP-284-09 to allow changes to the approved floor plan, to extend the hours of operation, and to allow limited live entertainment in the form of one vocalist and one amplified instrumentalist. Upon 7 Seas Restaurant ceasing operation in 2014, the property was sold and The Wharf began operation in 2016 under CUP-284-09 (Rev. 10).

The City of Garden Grove was awarded a grant by Supervisor Andrew Do to support local businesses in the wake of the COVID-19 pandemic. The grant will fund the installation of parklets for outdoor dining in the parallel parking spaces that flank either side of Main Street. The City will design, construct, and install the parklets. The parklet designs are modular, allowing for easy installation, and ultimately, removal. The outdoor parklets will be permitted for a period of two (2) years from their installation date, with any extensions subject to the approval of the Community and Economic Development Director. All other improvements and costs

associated with the parklets (e.g., furniture, umbrellas, permanent sidewalk dining areas, etc.) will be borne by the applicant.

The project design includes the following:

The temporary parklet dining area will be provided in the street parking that fronts The Wharf, across the public sidewalk from the main entrance. Customers will access the parklet by crossing the public sidewalk, and entering through an opening in the parklet railing. The dining area will measure approximately 11'-0" x 25'-0", and will feature a semi-permanent enclosure consisting of planters, wire screens, and steel louvres. The parklet dining area will not impede on required pedestrian or vehicle access in the public right-of-way. The parklet will be adjacent to the parklet for Louie's to the east across Main Street.

Pursuant to Garden Grove Municipal Code Section 9.32.030, approval of a Director's Review allows for outdoor dining areas within the public right-of-way on Main Street. A separate Conditional Use Permit approval pursuant to the provisions of Municipal Code Section 9.18.060, Alcohol Beverage Sales, is required for the sale, service and/or consumption of alcohol within an outdoor dining area in the public right-of-way. Therefore, approval of this Director's Review is for the outdoor dining parklet only. A condition of approval will require approval of a Conditional Use Permit to sell, serve and/or consume alcohol within the outdoor dining parklet.

### **CONDITIONS OF APPROVAL**

This approval is based on the fact that the project complies with the General Plan, and the development standards of the CC-2 zone, which includes regulations for outdoor dining areas in the public right-of-way, per Title 9 of the Municipal Code. Also, the project will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the adjoining properties. The project is exempt from CEQA review, pursuant to Class 1 and Class 3 Exemptions – Existing Facilities, and New Construction or Conversion of Small Structures (CEQA Guidelines §15301, and 15303).

The decision is subject to the following conditions of approval:

#### **Community and Economic Development Department**

1. The property owner shall record a "Notice of Agreement with Conditions of Approval with a Director's Review", as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to the issuance of any building permits. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes to the conditions of approval require approval by the Community and Economic Development Department Director.

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, Andrew Nguyen. The term "property owner" shall mean and refer to the property owner, Andrew Nguyen, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants.
3. Approval of this Director's Review 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. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Department Director. If major modifications are made in the proposed development that result in the intensification of the project, or create impacts that have not been previously addressed, the appropriate entitlement applications shall be filed, reflecting the revisions made.
5. The approved floor plan, site plan, building design, and the use of the property, is an integral part of the decision approving this Director's Review. There shall be no change in the design of the plans without the approval of the Community and Economic Development Department. Any change in the approved plans or use of the property, that has the effect of expanding or intensifying the proposed development, shall require the applicant to obtain appropriate entitlements.
6. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.
7. The parklet is permitted for a period of two (2) years after building permit final. Any time extensions are subject to the approval of the Community and Economic Development Director.
8. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Title Sections 8.47.040 to 8.47.060 referred to as the Noise Control Ordinance as adopted:
  - a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day)
  - b. Sunday and Federal Holidays - may work the same hours, but be subject to the restrictions as stipulated in Sections 8.47.040 to 8.47.060 of the Municipal Code.

9. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, the use of methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible, the use of solar or low-emission water heaters, and the use of low-sodium parking lot lights, to ensure compliance with Title 24.
10. The proposed parklet 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 parklet dining area in the public right-of-way may only be located 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 relocated subject to approval of the Public Works Director or designee.
  - c. The subject parklet 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 parklet dining area in the public right-of-way shall be arranged and located in such a manner that a four-foot (4'-0") minimum 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 a parklet 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 (7'-0") 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.

11. All parklets in the public right-of-way shall be subject to the following operational standards of Section 9.18.090.050.I.4 of the Municipal Code:
  - a. Hours of operation of a parklet 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 parklet 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. Parklet 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 parklet dining areas shall be used for sit-down food and beverage service only; no stand-up service is permitted.
  - f. No entertainment shall be permitted within a parklet dining area.
  - g. The use of mist systems or other devices spraying water over the public right-of-way is prohibited.
  - h. All plans and permits for a parklet 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.
  - i. No outside storage or displays shall be permitted at any time.
12. 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 parklet's entrance, and shall also be visible to the public.
13. 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.

14. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
15. 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.
16. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
17. 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.
18. Any proposed structural rehabilitation or significant alterations of existing building façades proposed in conjunction with an outside eating area in the public right-of-way, including the construction of dining alcoves, shall be subject to review and recommendation by the Zoning Administrator and the Downtown Commission.
19. The applicant shall abate all graffiti vandalism within the premises. The applicant 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 as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
20. Any and all corrections notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.



21. Conditional Use Permit approval, pursuant to the provisions of Municipal Code Section 9.18.060, Alcohol Beverage Sales, is required for the sale, service and/or consumption of alcohol within the outdoor dining parklet.
22. The applicant shall submit signed letters acknowledging receipt of the decision approving Director's Review No. DR-066-2022, and his/her agreement with all conditions of approval.
23. 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 Director's Review No. DR-066-2022. 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.
24. 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 Director's Review No. DR-066-2022 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.

### **Building and Safety Division**

25. The project shall comply with all requirements of the current California Building Standards Code (CBC) at the time of plan submittal.
26. The applicant shall provide detailed plans including, but not limited to, proposed seating, exiting, and plumbing fixture loads.

### **Engineering Division**

27. The applicant shall be subject to Permit Issuance Fees.
28. All fees shall be calculated based on the current fee schedule at the time of permit issuance.
29. A separate encroachment permit is required for any type of construction activity or equipment set-up related work performed within public right-of-way prior on

Main Street. No drilling or excavation will be allowed within public right-of-way. The encroachment permit shall only be issued to the restaurant owner or a contractor that carries an "A" General Engineering license. Valid liability insurance must be submitted to Engineering Division.

30. The applicant shall provide the square footage of the outdoor dining area to the City of Garden Grove Engineering Division on an approved outdoor dining site plan from the Planning Services Division.
31. A separate outdoor dining operation permit is required annually along with a valid liability insurance to be submitted to the Engineering Division, and Risk Management Division.
32. The outdoor 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.
33. The applicant and their contractor shall be responsible for protecting all existing improvements on Main Street that front the project, including trash cans, public benches, bike racks, trees, planter boxes, and signs.
34. The width of the proposed parklet shall not exceed eleven feet (11'-0"), in order to maintain a minimum twelve-foot (12'-0") vehicular travel lane in each direction on Main Street.
35. Any required partial Main Street closure shall occur outside of peak travel periods.
36. Concrete K-rails are not 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 public right-of-way.
37. The City of Garden Grove has the right to perform maintenance, if needed, within the public right-of-way at any given time.

This action can be appealed during a seven (7) day appeal period. Therefore, this decision will not become final until Wednesday, October 5, 2022. If you have any questions, please contact Mary Martinez, Associate Planner, in the Planning Services Division at (714) 741-5315.

Sincerely,



LISA L. KIM  
Assistant City Manager/Community and Economic Development Director

Director's Review No. DR-066-2022  
12941 Main Street  
September 27, 2022  
Page 9

A handwritten signature in black ink, appearing to read 'Mary Martinez', with a long horizontal flourish extending to the right.

By: Mary Martinez  
Associate Planner

DECISION NO. 1827-22

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-284-09 (REV. 10)(SUPPLEMENTAL PARKLET).

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-284-09 (REV. 10)(SUPPLEMENTAL PARKLET) for a parcel of land located on the west side of Main Street between Acacia Parkway and Garden Grove Boulevard, at 12941 Main Street, Assessor's Parcel No. 089-213-12.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-284-09 (REV. 10)(SUPPLEMENTAL PARKLET), the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Andrew Nguyen.
2. The applicant is requesting Conditional Use Permit approval to allow an existing restaurant, The Wharf, currently operating under Conditional Use Permit No. CUP-284-09 (Rev. 10) with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, to extend the sale of alcoholic beverages to a temporary parklet located within the public street.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, and Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act.
4. The property has a General Plan Land Use Designation of Civic Center Mixed Use, and is zoned CC-2 (Civic Center Main Street). The subject site is improved with an existing 6,000 square foot restaurant, The Wharf.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on October 13, 2022, and all interested persons were given an opportunity to be heard.
8. The Zoning Administrator gave due and careful consideration to the matter at its meeting on October 13, 2022, 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, are as follows:

FACTS:

The subject site is improved with an existing 6,000 square foot restaurant tenant space, which is currently in operation as a restaurant occupied by The Wharf, and has frontage along Historic Main Street. The subject property is zoned CC-2 (Civic Center Main Street) and has a General Plan Land Use Designation of Civic Center Mixed Use.

In November of 2009, the City of Garden Grove approved Conditional Use Permit No. CUP-284-09 to operate the previous restaurant, 7 Seas Restaurant, within the existing 6,000 square foot restaurant tenant space, with a new original State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License. In June of 2010, 7 Seas Restaurant obtained approval to modify CUP-284-09 to allow changes to the approved floor plan, to extend the hours of operation, and to allow limited live entertainment in the form of one vocalist and one amplified instrumentalist. Upon 7 Seas Restaurant ceasing operation in 2014, the property was sold and The Wharf began operation in 2016 under CUP-284-09 (Rev. 10).

The applicant obtained Director's Review approval to add a temporary parklet in the public right-of-way, directly adjacent to the restaurant. The City of Garden Grove was awarded a grant by Supervisor Andrew Do to support local businesses in the wake of the COVID-19 pandemic. The grant will fund the installation of parklets for outdoor dining in the parallel parking spaces that flank either side of Historic Main Street. The City will design, construct, and install the parklets. The parklet designs are modular, allowing for easy installation, and ultimately, removal. All other improvements and costs associated with the parklets (e.g., furniture, umbrellas, permanent sidewalk dining areas, etc.) will be borne by the applicant. The parklet was approved under Director's Review No. DR-066-2022 on September 27, 2022.

Garden Grove Municipal Code Section 9.32.030 allows for restaurants to serve alcohol in outdoor dining areas located in the public right-of-way on Historic Main Street, pursuant to Conditional Use Permit approval. The Wharf is a full-service, sit-down, family-style restaurant that also serves beer, wine, and spirits under CUP-284-09. Therefore, extending the sale of alcoholic beverages to the parklet project qualifies for a Conditional Use Permit. All conditions of approval under CUP-284-09 (REV. 10) are to remain in full force and effect. This approval pertains to the service of alcoholic beverages within the parklet only. The conditions of approval under this approval are to be in effect so long as the parklet associated with the eating establishment exists on the premises.

FINDINGS AND REASONS:

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

The subject site has a General Plan Land Use Designation of Civic Center Mixed Use and is zoned CC-2 (Civic Center Main Street). Eating establishments are allowed to serve alcohol within an outdoor dining area in the public right-of-way subject to Conditional Use Permit approval. The restaurant is currently operating under CUP-284-09 (REV. 10) with an ABC Type "47" (On-Sale, General, Public Eating Place) License to sell beer, wine, and spirits. Approval of the supplemental conditional use permit will allow the existing restaurant to extend its sale and service of alcoholic beverages to a temporary outdoor dining parklet that will only be served by the existing restaurant. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

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. Conditions of approval will require that the parklet dining area be used for sit-down food and beverage service only with no stand-up service. At all times, the service of food is required for any sale or service of alcoholic beverages, and all alcoholic beverages are required to be served, delivered, and removed to and from the parklet area by the staff of the restaurant. Moreover, sales and service of alcoholic beverages in the parklet will require a valid license issued by the Department of Alcoholic Beverage Control at all times. In addition, no entertainment will be allowed within the parklet area. The restaurant is required to operate as a family-style restaurant and will operate the parklet under the conditions of approval of DR-066-2022, which limits the hours of operation to the parklet to 10:00 p.m. during any day of the week. 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.

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 parklet will serve an existing restaurant on Main Street that was previously found to be of adequate size to accommodate development features required to integrate the use with the uses in the surrounding area under CUP-284-09 (REV. 10). The proposed parklet will allow temporary service and sales of

alcoholic beverages within the public right-of-way as an extension of the existing restaurant. The public right-of-way is of adequate size to accommodate the parklet while continuing to allow parking and vehicular access on Main Street.

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.

As approved under DR-066-2022, the temporary outdoor dining parklet will be associated with an existing restaurant. Approval of the supplemental Conditional Use Permit will allow the existing restaurant to extend its sale and service of alcoholic beverages to the temporary parklet. The parklet is adequately served by the main public street, Main Street, and will serve an existing restaurant that is also adequately served by the public service facilities required such as public utilities: gas, electric, water, and sewer facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. Conditional Use Permit No. CUP-284-09 (REV. 10)(SUPPLEMENTAL PARKLET) does possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030 (Conditional Use Permits) and 9.16.020.080 (Alcoholic Beverage Sales).
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-284-09 (REV. 10)(SUPPLEMENTAL PARKLET).

Dated: October 13, 2022

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DAVID DENT  
ZONING ADMINISTRATOR

## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-284-09 (REV. 10)(SUPPLEMENTAL PARKLET)**

12941 Main Street  
(Assessor's Parcel No. 089-213-12)

#### **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 Andrew Nguyen, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. This Conditional Use Permit only authorizes the sale, service and/or consumption of alcohol within the 275 square foot (11'-0" x 25'-0") temporary parklet for outdoor dining in the public right-of-way for an existing 6,000 square foot restaurant, The Wharf, currently operating with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License under CUP-284-09 (REV. 10) as identified on the floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be



Conditional Use Permit No. CUP-284-09 (REV. 10)(SUPPLEMENTAL PARKLET)  
Conditions of Approval

approved by the Community and Economic Development Director.

5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
6. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.
7. All conditions of approval under Conditional Use Permit No. CUP-284-09 (REV. 10) and Director's Review No. DR-066-2022 shall remain in full force and effect. The following conditions pertain to the sale and service of alcoholic beverages within the associated parklet only. These conditions shall be in effect so long as the parklet associated with the eating establishment exists on the premises. Conditional Use Permit No. CUP-284-09 (REV. 10)(SUPPLEMENTAL PARKLET) shall terminate 15 days after the parklet is removed from the site.

**Community and Economic Development Department**

8. All parklets in the public right-of-way with sale and service of alcoholic beverages shall be subject to the following operational standards of Section 9.18.090.050.I.5 of the Municipal Code:
  - a. The sale, service, and/or consumption of alcoholic beverages within an outdoor dining area is prohibited unless authorized pursuant to a conditional use permit approved by the City and a valid license issued by the Department of Alcoholic Beverage Control. All provisions and conditions of such permits and licenses shall be complied with at all times.
  - b. A barrier acceptable to the City and the Department of Alcoholic Beverage Control is required.
  - c. The service of food shall accompany any sale or service of alcoholic beverages.

Conditional Use Permit No. CUP-284-09 (REV. 10)(SUPPLEMENTAL PARKLET)  
Conditions of Approval

- d. All alcoholic beverages shall be served, delivered, and removed to and from the outdoor dining area by the staff of associated eating establishment.
  - e. Hours of operation of a parklet dining area in the public right-of-way shall not extend beyond 10:00 p.m. during any day of the week.
9. A copy of the decision approving Conditional Use Permit No. CUP-284-09 (REV. 10)(SUPPLEMENTAL PARKLET) shall be kept on the premises at all times.
  10. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-284-09 (REV. 10)(SUPPLEMENTAL PARKLET), and his/her agreement with all conditions of the approval.
  11. 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-284-09 (REV. 10)(SUPPLEMENTAL PARKLET). 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.
  12. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division.
  13. 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-284-09 (REV. 10)(SUPPLEMENTAL PARKLET) shall become null and void if the subject use or construction necessary and

Conditional Use Permit No. CUP-284-09 (REV. 10)(SUPPLEMENTAL PARKLET)  
Conditions of Approval

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.

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> 1.b.	<b>SITE LOCATION:</b> East side of Main Street between Acacia Parkway and Garden Grove Boulevard, at 12900 Main Street
<b>HEARING DATE:</b> October 13, 2022	<b>GENERAL PLAN:</b> Civic Center Mixed Use
<b>CASE NO.:</b> Conditional Use Permit No. CUP-143-2018 (SUPPLEMENTAL PARKLET)	<b>ZONE:</b> CC-2 (Civic Center Main Street)
<b>APPLICANT:</b> Monster Ton	<b>CEQA DETERMINATION:</b> Exempt
<b>PROPERTY OWNER:</b> Audrey Pecor	<b>APN:</b> 090-161-07

**REQUEST:**

A request for Conditional Use Permit approval to allow an existing restaurant, AUM Beer House, currently operating under Conditional Use Permit No. CUP-143-2018 with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, to extend the sale of alcoholic beverages to a temporary parklet located within the public street.

**BACKGROUND:**

The subject site is improved with an existing 4,200 square foot restaurant tenant space, which is currently in operation as a restaurant occupied by AUM Beer House, and has frontage along Historic Main Street. The subject property is zoned CC-2 (Civic Center Main Street) and has a General Plan Land Use Designation of Civic Center Mixed Use.

In October of 2018, the City of Garden Grove approved Conditional Use Permit No. CUP-143-2018 to operate a new restaurant, AUM Beer House, within the existing 4,200 square foot restaurant tenant space, previously occupied by Doug's Downtown Grill, with a State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, which was processed by ABC through a "premises-to-premises" transfer.

The applicant obtained Director's Review approval to add a temporary parklet in the public right-of-way, directly adjacent to the restaurant. The City of Garden Grove was awarded a grant by Supervisor Andrew Do to support local businesses in the wake of the COVID-19 pandemic. The grant will fund the installation of parklets for outdoor dining in the parallel parking spaces that flank either side of Historic Main Street. The City will design, construct, and install the parklets. The parklet designs

are modular, allowing for easy installation, and ultimately, removal. All other improvements and costs associated with the parklets (e.g., furniture, umbrellas, permanent sidewalk dining areas, etc.) will be borne by the applicant. The parklet was approved under Director's Review No. DR-067-2022 on September 27, 2022.

Garden Grove Municipal Code Section 9.32.030 allows for restaurants to serve alcohol in outdoor dining areas located in the public right-of-way on Historic Main Street, pursuant to Conditional Use Permit approval. AUM Beer House is a full-service, sit-down, family-style restaurant that also serves beer, wine, and spirits under CUP-143-2018. Therefore, extending the sale of alcoholic beverages to the parklet project qualifies for a Conditional Use Permit. All conditions of approval under CUP-143-2018 and DR-067-2022 are to remain in full force and effect. This approval pertains to the service of alcoholic beverages within the parklet only. The conditions of approval under this approval are to be in effect so long as the parklet associated with the eating establishment exists on the premises.

### **DISCUSSION:**

The applicant proposes to extend sales and service of food and alcoholic beverages to the proposed parklet under the existing Type "47" ABC license. There are no proposed changes to the floor plan or operational characteristics of the existing restaurant. The temporary parklet dining area, as approved under DR-067-2022, will be provided in the street parking that fronts AUM Beer House, across the public sidewalk from the main entrance. Customers will access the parklet by crossing the public sidewalk, and entering through an opening in the parklet railing. The dining area will measure approximately 11'-0" x 50'-0", and will feature a semi-permanent enclosure consisting of planters, wire screens, and steel louvres. The parklet dining area will not impede on required pedestrian or vehicle access in the public right-of-way.

Conditions of approval will require that the parklet dining area be used for sit-down food and beverage service only with no stand-up service. At all times, the service of food is required for any sale or service of alcoholic beverages, and all alcoholic beverages are required to be served, delivered, and removed to and from the parklet area by the staff of the restaurant. Moreover, sales and service of alcoholic beverages in the parklet will require a valid license issued by the Department of Alcoholic Beverage Control at all times. In addition, no entertainment will be allowed within the parklet area.

As approved under CUP-143-2019, the hours of operation for the AUM Beer House will continue to be from 11:00 a.m. to 12:00 a.m., Sunday through Thursday, and 11:00 a.m. to 1:30 a.m., Friday and Saturday. However, to minimize any potential impacts to the surrounding neighborhood, the hours of operation for the parklet will not be allowed to extend beyond 10:00 p.m. during any day of the week.

The parklet is meant to be temporary for a period of two (2) years after the building permit final. However, time extensions may be granted at the discretion of the Community and Economic Development Director.

The Community and Economic Development Department and the Police Department have reviewed the request and are in support of the proposal. The restaurant will be required to comply with the conditions of approval under CUP-143-2018, as approved by Decision No. 1773-18, in addition to the standard conditions of approval for outdoor dining in the parklet within the public right-of-way, as approved under CUP-143-2018 (SUPPLEMENTAL PARKLET).

**RECOMMENDATION:**

Staff recommends that the Zoning Administrator take the following action:

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



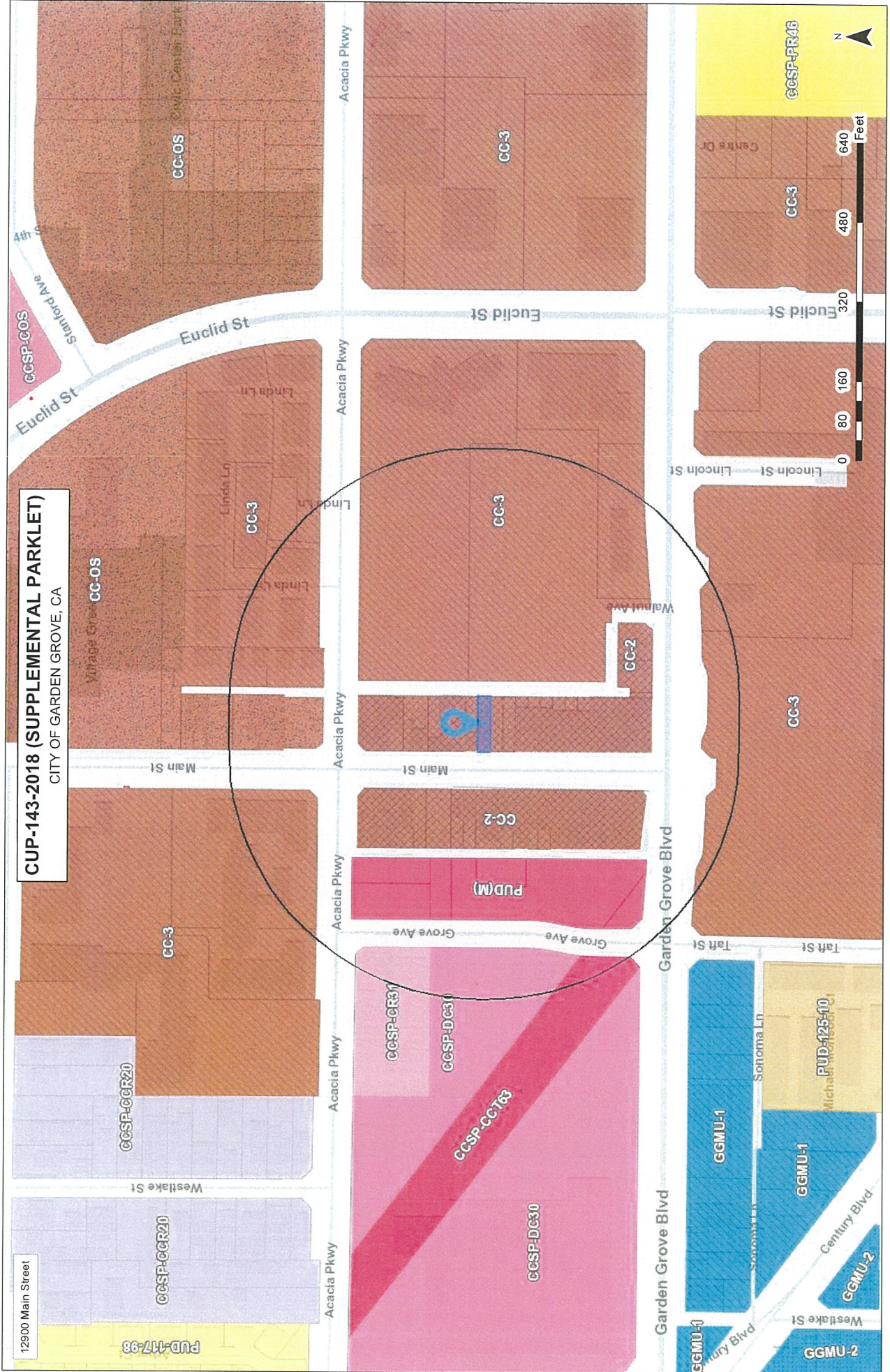
Lee Marino  
Planning Services Manager



By: Mary Martinez  
Associate Planner

Attachment 1: Decision No. 1773-18 for Conditional Use Permit No. CUP-143-2018  
Attachment 2: Director's Review No. DR-067-2022

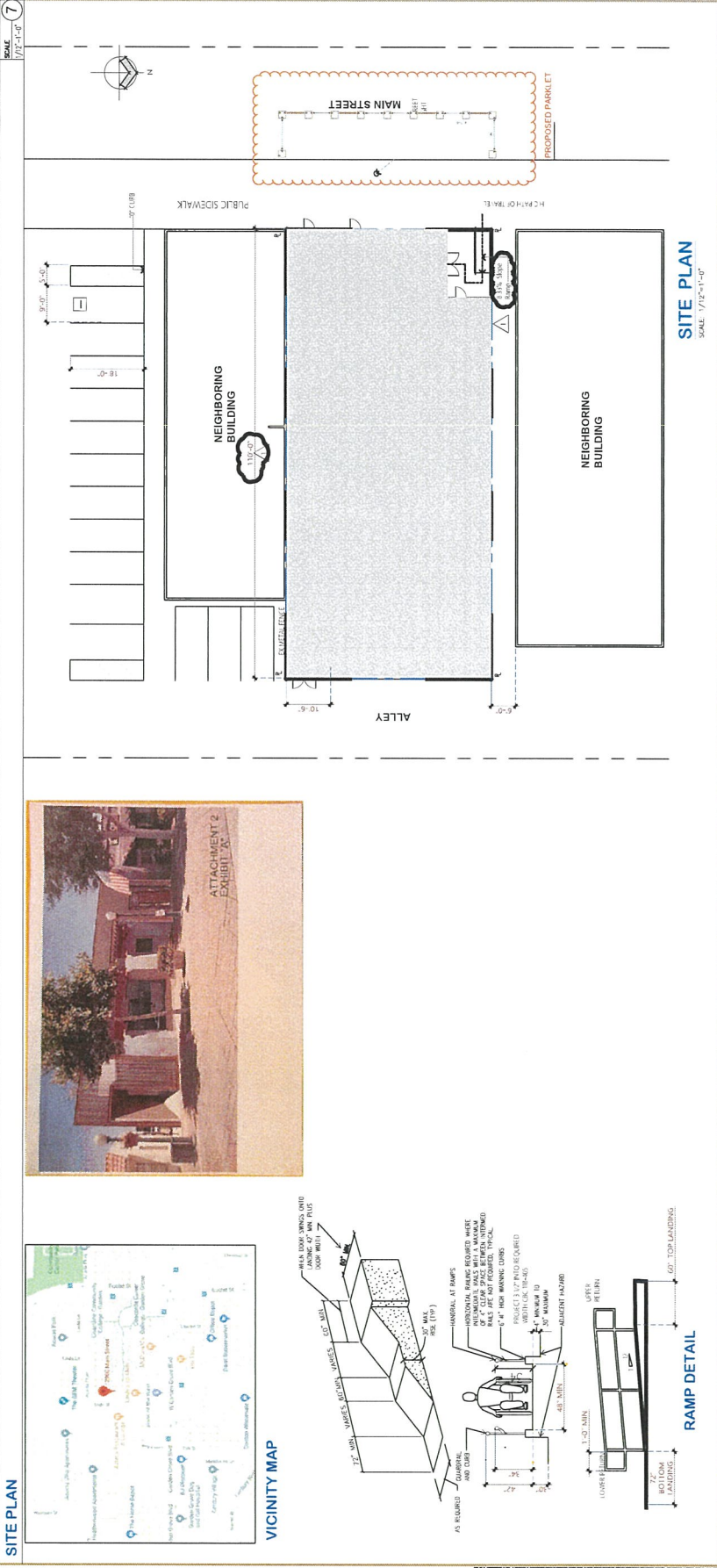
**CUP-143-2018 (SUPPLEMENTAL PARKLET)**  
CITY OF GARDEN GROVE, CA



# CUP-143-2018 (SUPPLEMENTAL PARKLET)

TENANT IMPROVEMENT  
**AUM BEER CLUB**

SCALE	SCALE	SCALE	SCALE	SCALE
N.T.S.	N.T.S.	N.T.S.	N.T.S.	N.T.S.
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>7</b>
<b>FIRE DEPARTMENT NOTES</b>	<b>CONTRACTOR NOTES</b>	<b>PROJECT SUMMARY</b>	<b>SHEET INDEX</b>	<b>SCOPE OF WORK</b>
<p>1. EXIT DOORS SHALL SWING IN THE DIRECTION OF EXIT TRAVEL WHEN SERVING ANY HAZARDOUS AREA, OR WHEN PERFORMING MAINTENANCE ON THE BUILDING. CONTRACTORS SHALL VISIT THE SITE AND FULLY ASSESS THE SITE CONDITIONS PRIOR TO THE SUBMITTAL OF ANY PERMITS AND SHALL PROVIDE THE FIRE DEPARTMENT WITH ALL NECESSARY INFORMATION TO COVER THE COST OF ALL LABOR AND MATERIALS TO ACCOMPLISH THE INTENT OF THESE PLANS.</p> <p>2. EXIT DOOR SHALL BE OPERABLE FROM THE INTERIOR WITHOUT THE USE OF ANY OR ANY SPECIAL KNOWLEDGE OR SKILL.</p> <p>3. WIDTH AND HEIGHT OF REQUIRED EXIT DOORWAYS TO COMPLY WITH SECTION 1009.</p> <p>4. EXIT DOOR SHALL BE ELIMINATED AT ANY TIME THE BUILDING IS OCCUPIED WITH LIGHT HAWKING AN INTENSITY OF 5000 FT CANDLE.</p> <p>5. EXIT DOOR SHALL BE PERMITTED TO BE OPENED FROM THE INTERIOR.</p> <p>6. EXIT DOOR SHALL BE PERMITTED TO BE OPENED FROM THE EXTERIOR.</p> <p>7. EXIT DOOR SHALL BE PERMITTED TO BE OPENED FROM THE EXTERIOR.</p> <p>8. 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THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES BEFORE CONSTRUCTION.</p> <p>6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION TO COVER THE COST OF ALL LABOR AND MATERIALS TO ACCOMPLISH THE INTENT OF THESE PLANS.</p> <p>7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION TO COVER THE COST OF ALL LABOR AND MATERIALS TO ACCOMPLISH THE INTENT OF THESE PLANS.</p> <p>8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION TO COVER THE COST OF ALL LABOR AND MATERIALS TO ACCOMPLISH THE INTENT OF THESE PLANS.</p> <p>9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INFORMATION TO COVER THE COST OF ALL LABOR AND MATERIALS TO ACCOMPLISH THE INTENT OF THESE PLANS.</p> <p>10. 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<p><b>OWNER/CONSULTANT INF</b></p> <p>OWNER: ANDREW CHU 1800 MAIN ST GARDEN GROVE CA 92640 TEL: 949-955-2095</p> <p>OWNER: ANDREW CHU 1800 MAIN ST GARDEN GROVE CA 92640 TEL: 949-955-2095</p>				





ALL DIMENSIONS AND LOCATIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.  
 THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS PRIOR TO CONSTRUCTION.  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.  
 THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES AND STRUCTURES.  
 THE CONTRACTOR SHALL MAINTAIN ALL EXISTING LANDSCAPE AND TREES.  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL EROSION CONTROL MEASURES.  
 THE CONTRACTOR SHALL MAINTAIN ALL NECESSARY RECORDS.  
 THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL AS-BUILT RECORDS.  
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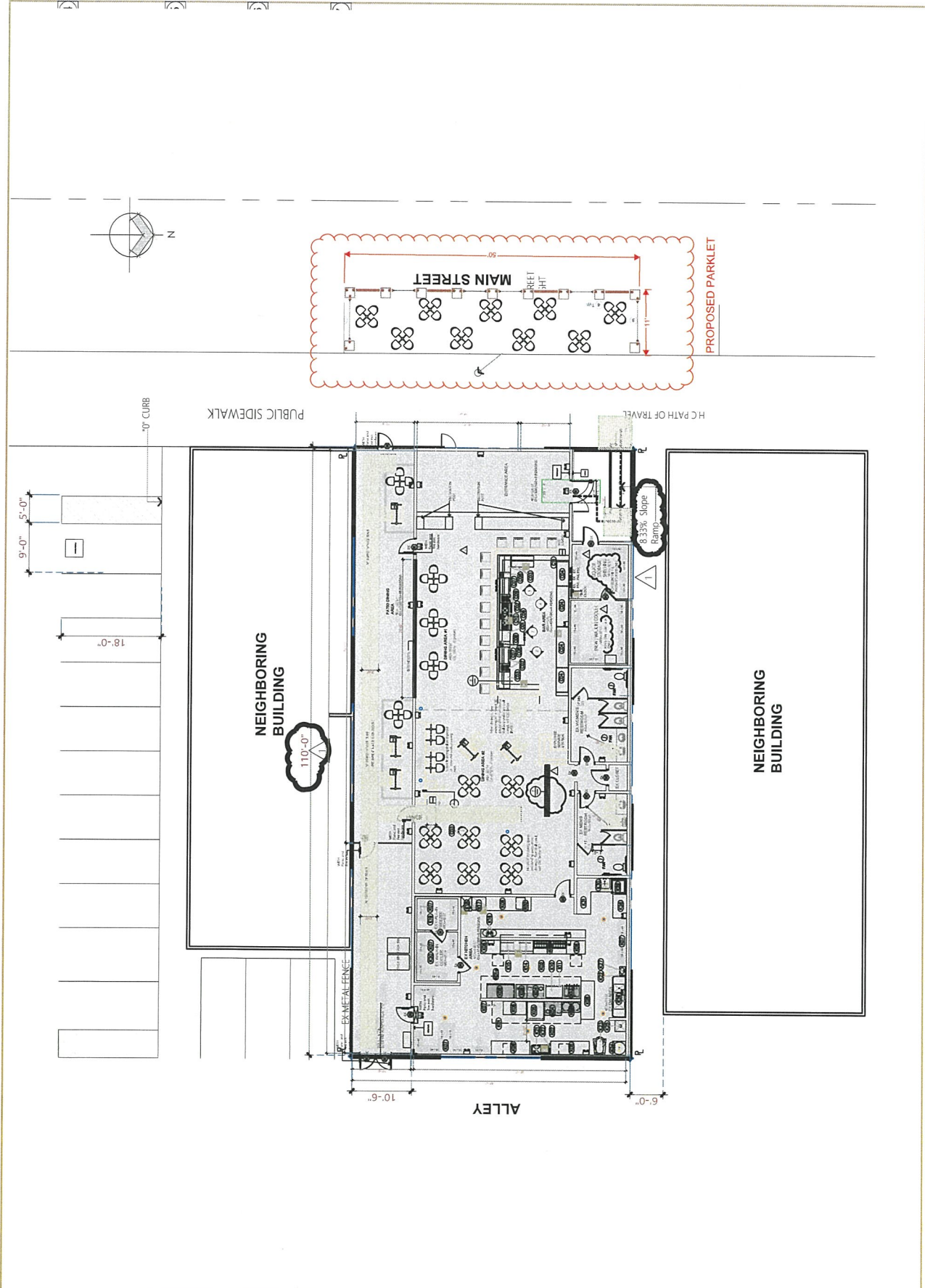
DATE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 JOB NUMBER: \_\_\_\_\_  
 REGION: \_\_\_\_\_  
 PROJECT ADDRESS: \_\_\_\_\_

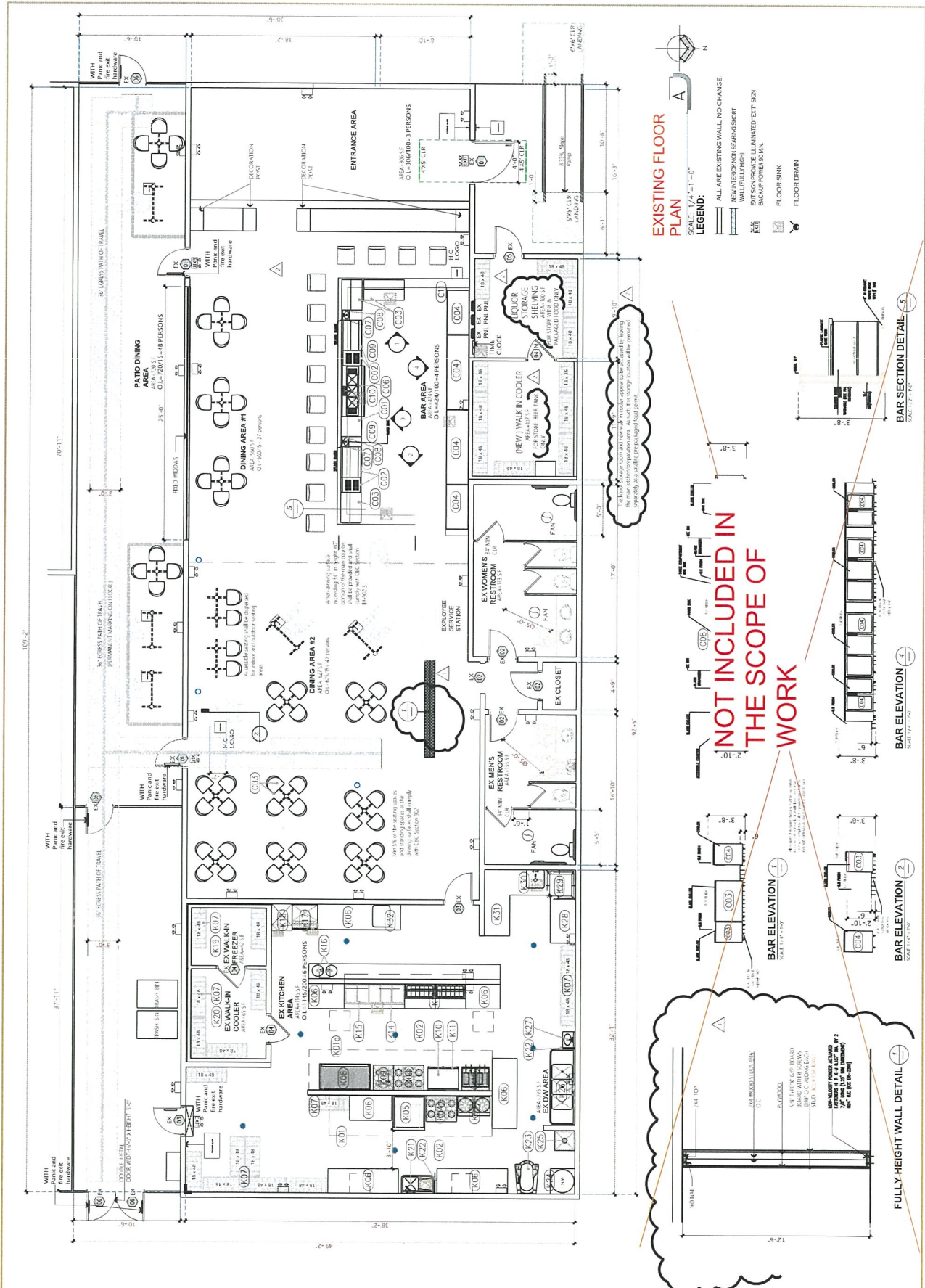
12900 MAIN ST GARDEN GROVE CA 92840  
**AUM BEER CLUB**



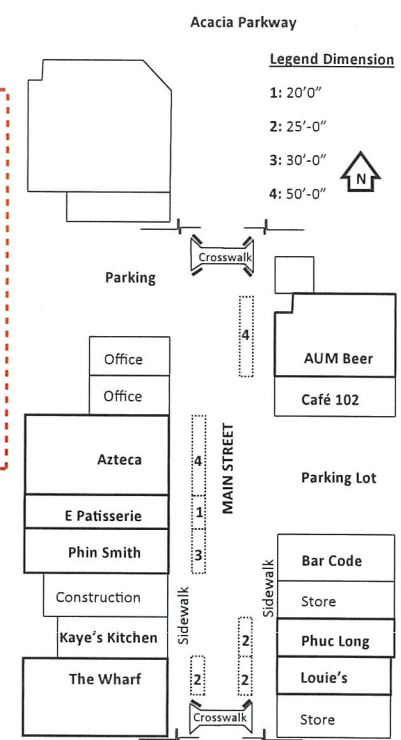
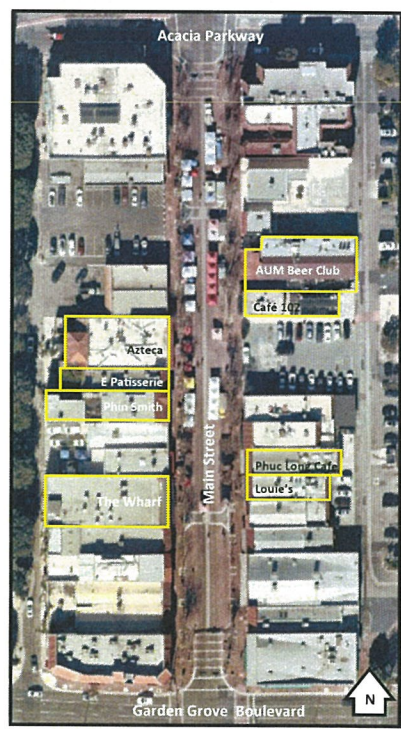
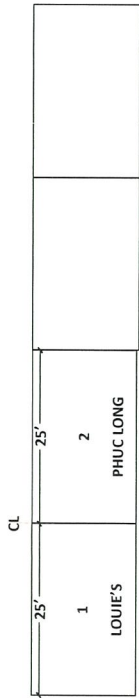
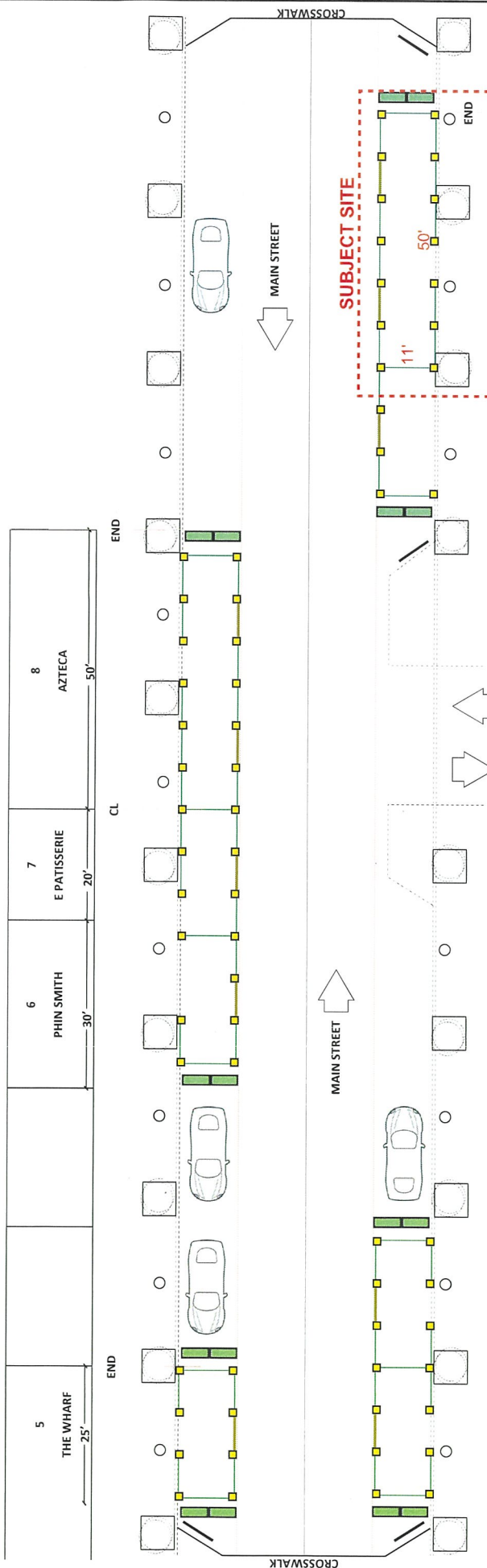
SHEET TITLE: \_\_\_\_\_  
 SHEET NUMBER: \_\_\_\_\_

**T-0**





Conceptual Parklet Drawing Main Street 03.08.2022



- Legend Dimension**
- 1: 20'-0"
  - 2: 25'-0"
  - 3: 30'-0"
  - 4: 50'-0"

Conceptual Parklet Drawing Main Street 03.08.2022

PLANTER—MATERIAL and PLANTING

**A**

PURPLE FOUNTAIN GRASS—  
1-gallon



**B**

HORSETAIL REED GRASS—  
1-gallon



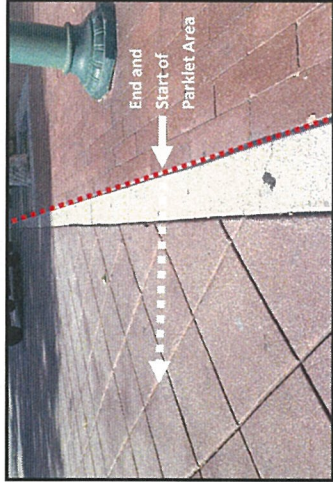
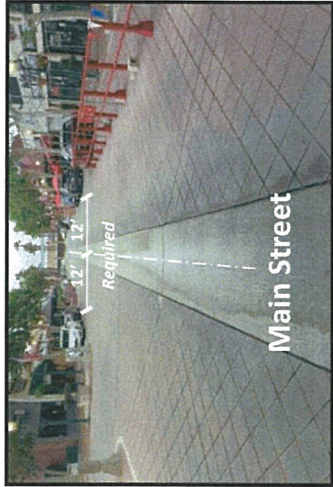
**C**

BLUE FESTUCA COOL GRASS—  
1-gallon



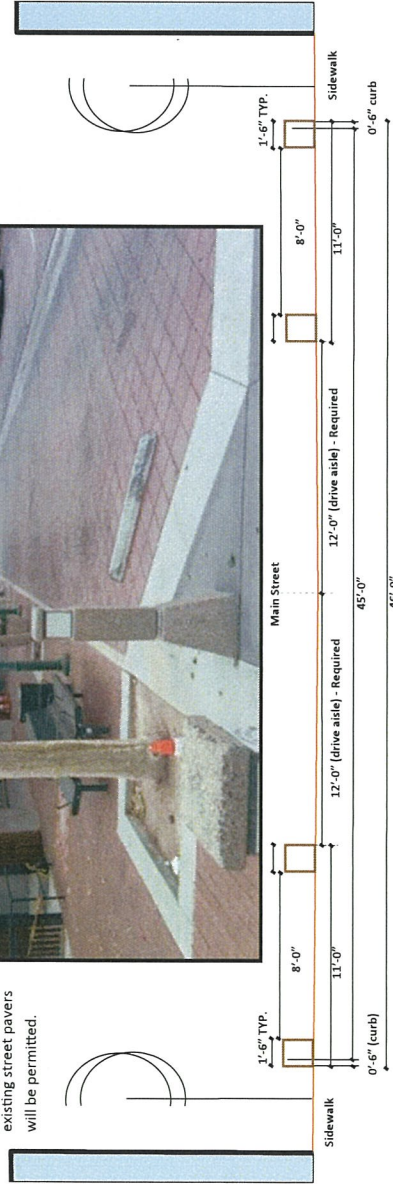
**D**

SEDUM SPURIUM DRAGONS BLOOD—  
FLATS



No raised curb

Slight pitch angle from the sidewalk down to Main Street concrete gutter centerline. No penetration into the existing street pavers will be permitted.

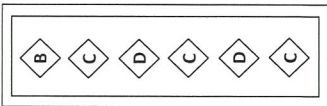


Field Verify All Measurements

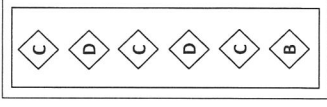
TYPICAL



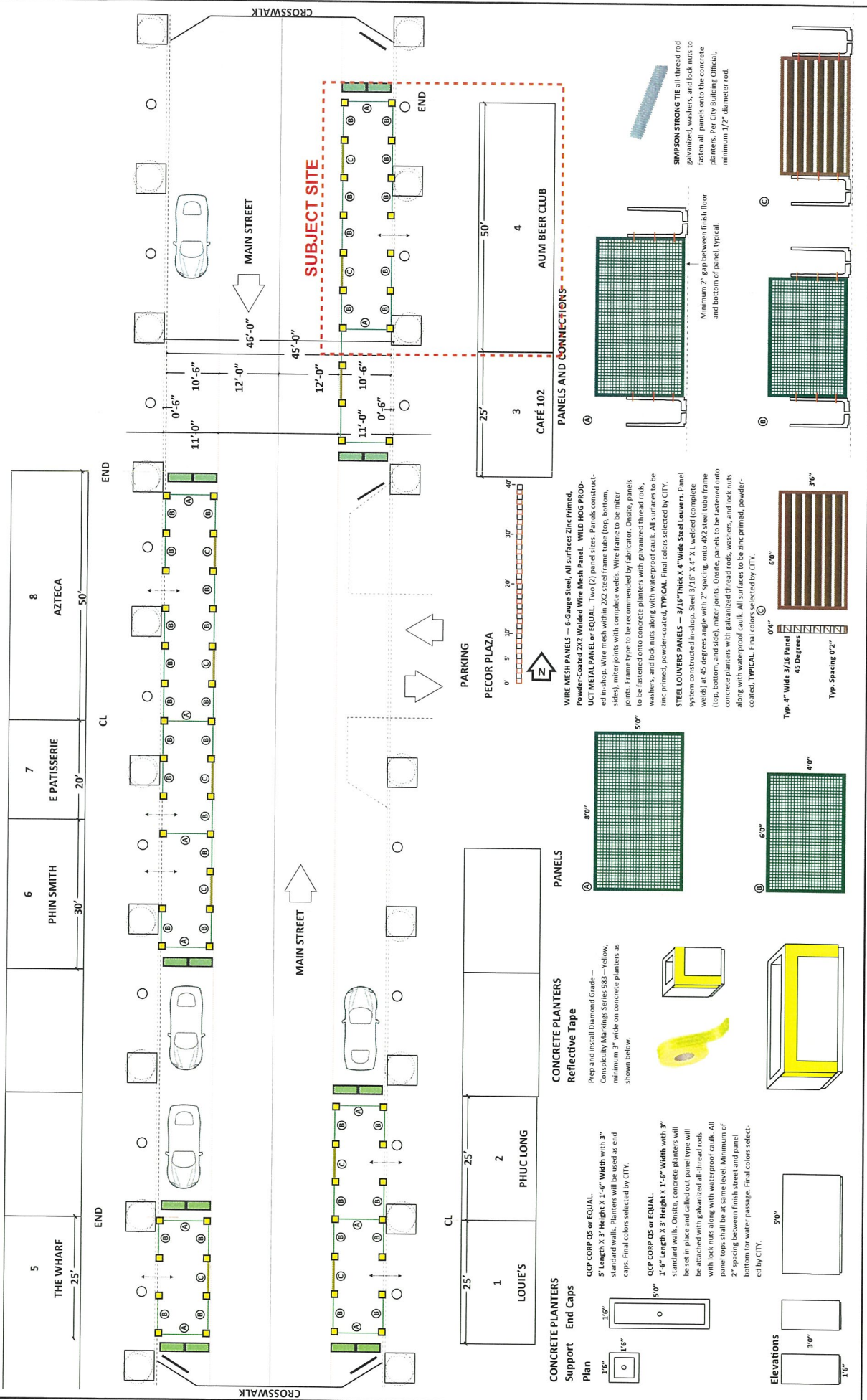
EAST SIDE



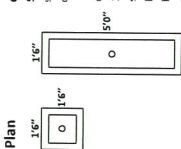
WEST SIDE



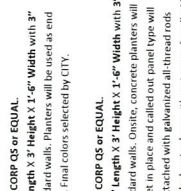
Conceptual Parklet Drawing Main Street 03.08.2022



CONCRETE PLANTERS Support End Caps



CONCRETE PLANTERS Reflective Tape



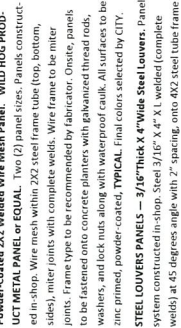
CONCRETE PLANTERS



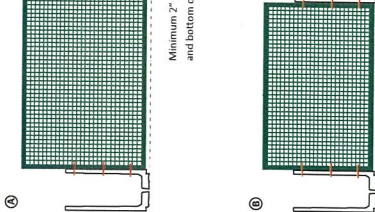
PANELS



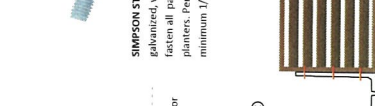
WIRE MESH PANELS — 6 Gauge Steel, All surfaces Zinc Primed, Powder-Coated 2X2 Walled Wire Mesh Panel. WILD HOG PRODUCT METAL PANEL OR EQUAL. Two (2) panel sizes: Panels constructed in-shop. Wire mesh within 2X2 steel frame tube (top, bottom, sides), miter joints with complete welds. Wire frame to be miter joints. Frame type to be recommended by fabricator. Onsite, panels to be fastened onto concrete planters with galvanized thread rods, washers, and lock nuts along with waterproof caulk. All surfaces to be zinc primed, powder-coated, TYPICAL. Final colors selected by CITY.



PANELS AND CONNECTIONS

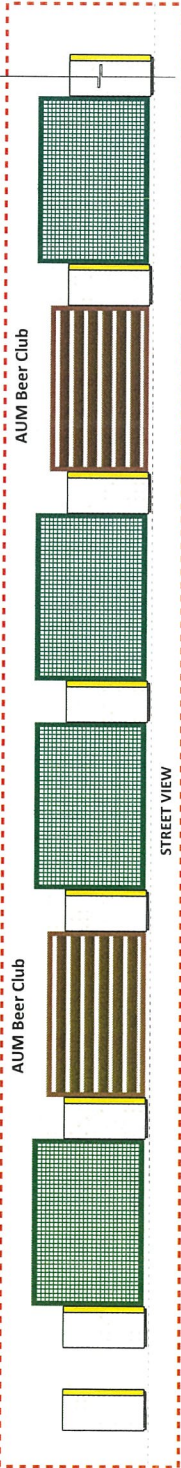


CONCRETE PLANTERS Elevations

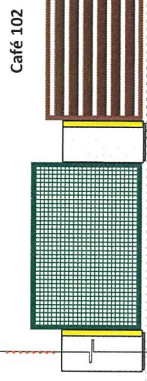


**FOR REFERENCE ONLY**

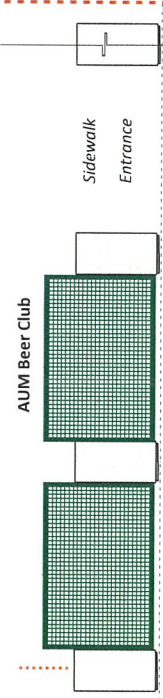
PARKLET ELEVATIONS



**FOR REFERENCE ONLY**



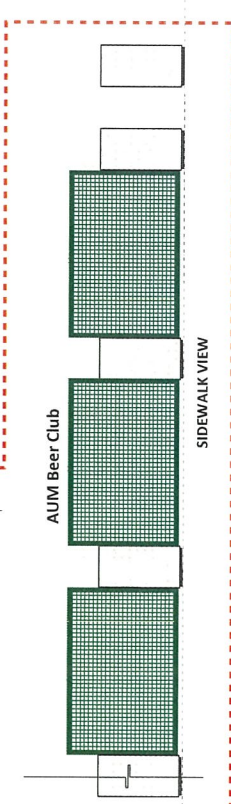
STREET VIEW



Café 102

Sidewalk Entrance

SIDEWALK VIEW



STREET VIEW

Sidewalk Entrance

AUM Beer Club

AUM Beer Club

SIDEWALK VIEW

DECISION NO. 1773-18

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-143-2018.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-143-2018 for a parcel of land located on the east side of Main Street between Acacia Parkway and Garden Grove Boulevard, at 12900 Main Street, Assessor's Parcel No. 090-161-34.

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

1. The subject case was initiated by Monster Ton.
2. The applicant is requesting Conditional Use Permit (CUP) approval to operate a new restaurant, AUM Beer Club, located at 12900 Main Street (Assessor's Parcel No. 090-161-34), within an existing 4,200 square foot restaurant tenant space, with a State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, which is to be processed by ABC through a "premises-to-premises" transfer to the subject location.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act.
4. The property has a General Plan Land Use Designation of Civic Center Mixed Use, and is zoned CC-2 (Civic Center Main Street). The subject site is improved with an existing 4,200 square foot restaurant tenant space, which is currently vacant and was previously in operation as a restaurant occupied by Doug's Downtown Grill.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on October 11, 2018, and all interested persons were given an opportunity to be heard.
8. The Zoning Administrator gave due and careful consideration to the matter at its meeting on October 11, 2018, 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, are as follows:

**FACTS:**

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

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

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

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

- The subject site is located in Crime Reporting District No. 124.
- The crime count for the District is 605.
- Average crime count per district in the City is 176.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 244% above the citywide average; therefore, it is considered a high-crime area.
- The subject site is located in Alcoholic Beverage Control (ABC) Census Report District No. 886.02.
- ABC Census Reporting District No. 886.02 allows for five (5) on-sale licenses within the District. Currently, there are three (3) on-sale licenses in the district. Approval of this ABC Type "47" License will increase the number of licenses in the district by one (1), thereby increasing the total number of on-sale ABC licenses in the district to four (4).

**FINDING OF PUBLIC CONVENIENCE OR NECESSITY**

A finding for public convenience or necessity would have to be made in order to approve an establishment that is requesting a new original Alcoholic Beverage Control license that is located within a district with a high crime rate and/or in an



area with an over-concentration of ABC licenses. California Business and Professions Code Section 23817.5 prohibits the ABC from issuing new alcoholic licenses in areas of over-concentration. Business and Professions Code Section 23958 states:

The department further shall deny an application for a license if issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, except as provided in Section 23958.4.

Business and Professions Code Section 23958.4 provides the following exception:

(b) Notwithstanding Section 23958, the department may issue a license as follows:

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

Although the establishment is located in a high-crime area with an under-concentration of on-sale ABC licenses, Staff is able to support a finding for public convenience or necessity given the potential community benefit through the addition of an ABC Type "47" license, which would provide an additional amenity that would enhance the dining experience at the AUM Beer Club restaurant. The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The conditions of approval will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

Furthermore, the establishment shall provide an assortment of foods normally offered in restaurants, and the kitchen shall be open, and preparing food, during all hours that the establishment is open. At all times the establishment is open, the sale of alcohol shall be incidental to the sale of food; and the quarterly gross sales of alcoholic beverages shall not exceed 35% of the total gross sale of food during the same period. Lastly, no live entertainment, (karaoke, one-man band, solo performer, live music, etc.) including amplified music, shall be permitted on the premises, unless approved via the conditional use permit process.

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

FINDINGS AND REASONS:

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

The subject site has a General Plan Land Use Designation of Civic Center Mixed Use and is zoned CC-2 (Civic Center Main Street). Eating establishments with alcohol sales are conditionally permitted in this zone. This approval will allow the AUM Beer Club restaurant to operate with an ABC Type "47" (On-Sale, General, Public Eating Place) License to sell beer and wine, which is anticipated to be processed by ABC through a "premises-to-premises" transfer to the subject location. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

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 is required to operate as a family-style restaurant and will operate with hours of operation that are limited to: 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. Food is required to be served during all hours of operation, and the sale of alcohol will 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.

The use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project.

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.

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 the main public street, Main Street, including additional drive aisle access from the rear (east) side of the establishment. The site is also adequately served by the public service facilities required such as public utilities: gas, electric, water, and sewer facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. Conditional Use Permit No. CUP-143-2018 does possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030 (Conditional Use Permits) and 9.16.020.080 (Alcoholic Beverage Sales).
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:

Dated: October 11, 2018



\_\_\_\_\_  
ALLISON WILSON  
ZONING ADMINISTRATOR

## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-143-2018**

12900 Main Street  
(Assessor's Parcel No. 090-161-34)

#### **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 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 Planning Commission, 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. Modifications which do not change the intent of the project may be approved by the Community and Economic Development Director.
4. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the intensification of the project or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

FINAL

**Public Works Water Services Division**

6. New water service installations 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 3" and larger, shall be installed by owner's/developer's contractor per City Standards.
7. Water meters shall be located within the City right-of-way or within a dedicated waterline easement. Fire services and larger water services 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.
8. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD 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.
9. Any new or existing water valve located within new concrete driveway or sidewalk construction shall be reconstructed per City Standard B-753.
10. 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.
11. 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 Public Works, 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.
12. 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.

13. 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.
14. 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.
15. 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.

#### **Fire Department**

16. The business shall comply with the requirements of the California Fire Code, Article 12, and, if not already provided, shall include the following: at least two (2) exits; aisle width to be maintained according to the California Fire Code; doors shall swing in the direction of travel; no knowledge-type locking devices provided as necessary; gates shall be maintained according to the Uniform Fire Code; and exit signs and emergency power equipment to be maintained according to the California Fire Code.
17. The restaurant shall comply with the requirements of the California Fire Code, Article 10, and if not already provided, shall include the following: Provision of a Fire Protection System; and occupancy permits according to the Uniform Fire Code.

FINAL

**Police Department**

18. 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.
19. Hours of operation for the restaurant shall be permitted Sunday through Thursday from 11:00 a.m. to 12:00 a.m., and Friday and Saturday from 11:00 a.m. to 1:30 a.m. The hours of operation shall be applicable to the entire premises. The City of Garden Grove reserves the right to reduce hours of operation, by order of the Chief of the Police Department, in the event problems arise concerning the operation of this business.
20. There shall be no customers or patrons in or about the premises when the establishment is closed.
21. 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.
22. The sale of alcoholic beverages for consumption off the premises is prohibited. No consumption of alcoholic beverages shall occur outside of the establishment at any time, except for within the designated/delineated outdoor dining areas as shown on the approved floor plan for Conditional Use Permit No. CUP-143-2018.
23. 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).
24. 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.
25. 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.

26. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation up to \$1,000 pursuant to GGMC 1.22.010(a).
27. 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.

**Community and Economic Development Department**

28. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by Alcoholic Beverage Control (ABC) License. The restaurant shall contain sufficient space and equipment to accommodate a full restaurant kitchen, and the kitchen shall be open and preparing food during all hours the establishment is open. The establishment shall provide an assortment of foods normally offered in restaurants. The service of only appetizers, sandwiches and/or salads shall not be deemed in compliance with this requirement.
29. At all times when the establishment is open for business, the sale of alcoholic beverages shall be incidental to the sale of food.
30. The quarterly gross sales of alcoholic beverages shall not exceed 35% of the sales of food.
31. 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.
32. No outside storage or displays shall be permitted at any time.
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 establishment's entrance, and shall also be visible to the public.
34. There shall be no forms of live entertainment, dancing, karaoke, sports bar activity, or disc jockey entertainment permitted on the premises at any time. Amplified music, for ambient purposes only, may be permitted within the



interior restaurant area, but the sound emitted from the premises shall not be audible outside of the establishment, including any time when the 25 foot (25'-0") wide roll-up door is opened.

35. 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.
36. The exterior/outdoor patio 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 new 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. A clear and unobstructed path to all exits shall be maintained.
  - e. Provide adequate lighting to illuminate the exterior/outdoor patio dining area for safety and security.
  - f. Applicant to submit an exterior/outdoor patio dining area monitoring plan/program, for review and approval to the Planning Division, to ensure compliance with the Conditions of Approval.
  - g. Ensure access into the exterior/outdoor patio dining area shall solely be from within the interior restaurant space, and not directly from exterior areas and/or public rights-of-ways.
  - h. 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.

37. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.16.020.070.
38. 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.
39. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
40. 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.
41. In the event the parking demand generated by the restaurant, at any given time, causes a nuisance, hindrance, and/or problem with parking and/or circulation in the Main Street parking areas, and/or within the adjacent parking areas immediately to the west and/or east of the subject site, the applicant shall devise and implement a plan approved by the City to relieve the situation.

Upon written request by the City, the applicant shall submit a plan to manage parking issues for review and approval by the Community and Economic Development Department. The plan may include, but is not be limited to: reducing the hours of operation, instituting an off-site parking arrangement; having on-site parking control personnel; and/or others actions that may be deemed applicable to the situation.

If the City's Community and Economic Development Director deems such action is necessary to address parking and circulation problems, such action shall be implemented within 30 days of written notice. Failure to take appropriate action shall be deemed a violation of these Conditions of Approval and may result in the City restricting the overall use of the facility.

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 loading area at the rear of the restaurant shall be kept free from all debris and trash. No outside storage shall be permitted in this area.
44. The applicant/property owner shall provide adequate trash enclosures with receptacles to accommodate the uses on the site along with adequate pick-ups during the week. All trash enclosures shall match the color and material of the buildings or block wall on the site and be Code compliant. The trash bins shall be kept inside the trash enclosure, and the gates shall remain closed at all times except during disposal and pick-up. The trash shall be picked up as needed to accommodate the use; the owner/developer shall increase the number of pick-ups as required.
45. The applicant shall submit revised plans to the Building and Safety Division that reflect any revisions made to Permit No. 14-2653 that were not reflected in the original scope of work within 30 days from the date of this approval. Once the revisions to the floor plan are approved by the Building and Safety Division, the applicant shall submit a copy of the revised floor plan to the Planning Division.
46. The area located at the rear of the building shall be properly maintained, and be kept free and clear of any trash and debris. There shall be no storage or parking of commercial vehicles on the property, except for temporary deliveries.
47. The applicant shall abate all graffiti vandalism within the premises. The applicant 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 as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
48. The applicant shall maintain all landscaped areas in a neat and healthy condition. Landscaping maintenance shall include pruning or removal of overgrown weeds and vegetation. If the applicant chooses to add landscaping in planters, the applicant shall permanently maintain said landscaping.

49. 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.
50. 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 and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
51. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Services Division. No advertising material shall be placed thereon.
52. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
53. 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.
54. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
55. A copy of the decision approving Conditional Use Permit No. CUP-143-2018 shall be kept on the premises at all times.
56. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-143-2018, and his/her agreement with all conditions of the approval.
57. The Conditional Use Permit shall 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.

58. 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. 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.
59. Any Conditional Use Permit previously governing this tenant space shall become null and void, and superseded in its entirety, by approval of Conditional Use Permit No. CUP-143-2018.
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 and Economic Development Department, Planning Services Division.
61. 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 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.



GARDEN GROVE

# CITY OF GARDEN GROVE

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September 27, 2022

Monster Ton  
12900 Main Street  
Garden Grove, CA 92840

**SUBJECT: APPROVAL OF DIRECTOR'S REVIEW NO. DR-067-2022 FOR PROPERTY LOCATED AT 12900 MAIN STREET, GARDEN GROVE, CA**

Dear Monster Ton,

Your request for a Director's Review to install a temporary parklet on Main Street, has been approved based on the following:

The subject property is located on the east side of Main Street, between Acacia Parkway and Garden Grove Boulevard, at 12900 Main Street. The property has a General Plan Land Use Designation of CC (Civic Center Mixed Use), and is zoned CC-2 (Civic Center Main Street). The subject site is improved with an existing 4,200 square foot restaurant tenant space, which is currently in operation as a restaurant occupied by AUM Beer House, and has frontage along Historic Main Street.

In October of 2018, the City of Garden Grove approved Conditional Use Permit No. CUP-143-2018 to operate a new restaurant, AUM Beer House, within the existing 4,200 square foot restaurant tenant space, previously occupied by Doug's Downtown Grill, with a State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, which was processed by ABC through a "premises-to-premises" transfer.

The City of Garden Grove was awarded a grant by Supervisor Andrew Do to support local businesses in the wake of the COVID-19 pandemic. The grant will fund the installation of parklets for outdoor dining in the parallel parking spaces that flank either side of Main Street. The City will design, construct, and install the parklets. The parklet designs are modular, allowing for easy installation, and ultimately, removal. The outdoor parklets will be permitted for a period of two (2) years from their installation date, with any extensions subject to the approval of the Community and Economic Development Director. All other improvements and costs associated with the parklets (e.g., furniture, umbrellas, permanent sidewalk dining areas, etc.) will be borne by the applicant.

The project design includes the following:

The temporary parklet dining area will be provided in the street parking that fronts AUM Beer House, across the public sidewalk from the main entrance. Customers will access the parklet by crossing the public sidewalk, and entering through an opening in the parklet railing. The dining area will measure approximately 11'-0" x 50'-0", and will feature a semi-permanent enclosure consisting of planters, wire screens, and steel louvres. The parklet dining area will not impede on required pedestrian or vehicle access in the public right-of-way. The parklet will be directly adjacent to the parklet for Café 102 to the south.

Pursuant to Garden Grove Municipal Code Section 9.32.030, approval of a Director's Review allows for outdoor dining areas within the public right-of-way on Main Street. A separate Conditional Use Permit approval pursuant to the provisions of Municipal Code Section 9.18.060, Alcohol Beverage Sales, is required for the sale, service and/or consumption of alcohol within an outdoor dining area in the public right-of-way. Therefore, approval of this Director's Review is for the outdoor dining parklet only. A condition of approval will require approval of a Conditional Use Permit to sell, serve and/or consume alcohol within the outdoor dining parklet.

### **CONDITIONS OF APPROVAL**

This approval is based on the fact that the project complies with the General Plan, and the development standards of the CC-2 zone, which includes regulations for outdoor dining areas in the public right-of-way, per Title 9 of the Municipal Code. Also, the project will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the adjoining properties. The project is exempt from CEQA review, pursuant to Class 1 and Class 3 Exemptions – Existing Facilities, and New Construction or Conversion of Small Structures (CEQA Guidelines §15301, and 15303).

The decision is subject to the following conditions of approval:

#### **Community and Economic Development Department**

1. The property owner shall record a "Notice of Agreement with Conditions of Approval with a Director's Review", as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to the issuance of any building permits. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes to the conditions of approval require approval by the Community and Economic Development Department Director.
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, Monster Ton for AUM Beer House. The term "property owner" shall mean and refer to the property

owner, Monster Ton for AUM Beer House, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants.

3. Approval of this Director's Review 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. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Department Director. If major modifications are made in the proposed development that result in the intensification of the project, or create impacts that have not been previously addressed, the appropriate entitlement applications shall be filed, reflecting the revisions made.
5. The approved floor plan, site plan, building design, and the use of the property, is an integral part of the decision approving this Director's Review. There shall be no change in the design of the plans without the approval of the Community and Economic Development Department. Any change in the approved plans or use of the property, that has the effect of expanding or intensifying the proposed development, shall require the applicant to obtain appropriate entitlements.
6. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.
7. The parklet is permitted for a period of two (2) years after building permit final. Any time extensions are subject to the approval of the Community and Economic Development Director.
8. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Title Sections 8.47.040 to 8.47.060 referred to as the Noise Control Ordinance as adopted:
  - a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day)
  - b. Sunday and Federal Holidays - may work the same hours, but be subject to the restrictions as stipulated in Sections 8.47.040 to 8.47.060 of the Municipal Code.
9. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, the use of methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered



equipment, where feasible, the use of solar or low-emission water heaters, and the use of low-sodium parking lot lights, to ensure compliance with Title 24.

10. The proposed parklet 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 parklet dining area in the public right-of-way may only be located 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 relocated subject to approval of the Public Works Director or designee.
  - c. The subject parklet 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 parklet dining area in the public right-of-way shall be arranged and located in such a manner that a four-foot (4'-0") minimum 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 a parklet 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 (7'-0") 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.
11. All parklets in the public right-of-way shall be subject to the following operational standards of Section 9.18.090.050.I.4 of the Municipal Code:

- a. Hours of operation of a parklet 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 parklet 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. Parklet 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 parklet dining areas shall be used for sit-down food and beverage service only; no stand-up service is permitted.
  - f. No entertainment shall be permitted within a parklet dining area.
  - g. The use of mist systems or other devices spraying water over the public right-of-way is prohibited.
  - h. All plans and permits for a parklet 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.
  - i. No outside storage or displays shall be permitted at any time.
12. 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 parklet's entrance, and shall also be visible to the public.
  13. 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.
  14. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).

15. 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.
16. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
17. 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.
18. Any proposed structural rehabilitation or significant alterations of existing building façades proposed in conjunction with an outside eating area in the public right-of-way, including the construction of dining alcoves, shall be subject to review and recommendation by the Zoning Administrator and the Downtown Commission.
19. The applicant shall abate all graffiti vandalism within the premises. The applicant 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 as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
20. Any and all corrections notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
21. Conditional Use Permit approval, pursuant to the provisions of Municipal Code Section 9.18.060, Alcohol Beverage Sales, is required for the sale, service and/or consumption of alcohol within the outdoor dining parklet.
22. The applicant shall submit signed letters acknowledging receipt of the decision approving Director's Review No. DR-067-2022, and his/her agreement with all conditions of approval.

23. 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 Director's Review No. DR-067-2022. 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.
24. 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 Director's Review No. DR-067-2022 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.

#### **Building and Safety Division**

25. The project shall comply with all requirements of the current California Building Standards Code (CBC) at the time of plan submittal.
26. The applicant shall provide detailed plans including, but not limited to, proposed seating, exiting, and plumbing fixture loads.

#### **Engineering Division**

27. The applicant shall be subject to Permit Issuance Fees.
28. All fees shall be calculated based on the current fee schedule at the time of permit issuance.
29. A separate encroachment permit is required for any type of construction activity or equipment set-up related work performed within public right-of-way prior on Main Street. No drilling or excavation will be allowed within public right-of-way. The encroachment permit shall only be issued to the restaurant owner or a contractor that carries an "A" General Engineering license. Valid liability insurance must be submitted to Engineering Division.
30. The applicant shall provide the square footage of the outdoor dining area to the City of Garden Grove Engineering Division on an approved outdoor dining site plan from the Planning Services Division.

31. A separate outdoor dining operation permit is required annually along with a valid liability insurance to be submitted to the Engineering Division, and Risk Management Division.
32. The outdoor 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.
33. The applicant and their contractor shall be responsible for protecting all existing improvements on Main Street that front the project, including trash cans, public benches, bike racks, trees, planter boxes, and signs.
34. The width of the proposed parklet shall not exceed eleven feet (11'-0"), in order to maintain a minimum twelve-foot (12'-0") vehicular travel lane in each direction on Main Street.
35. Any required partial Main Street closure shall occur outside of peak travel periods.
36. Concrete K-rails are not 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 public right-of-way.
37. The City of Garden Grove has the right to perform maintenance, if needed, within the public right-of-way at any given time.

This action can be appealed during a seven (7) day appeal period. Therefore, this decision will not become final until Wednesday, October 5, 2022. If you have any questions, please contact Mary Martinez, Associate Planner, in the Planning Services Division at (714) 741-5315.

Sincerely,



LISA L. KIM  
Assistant City Manager/Community and Economic Development Director



By: Mary Martinez  
Associate Planner

DECISION NO. 1828-22

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-143-2018 (SUPPLEMENTAL PARKLET).

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-143-2018 (SUPPLEMENTAL PARKLET) for a parcel of land located on the east side of Main Street, between Acacia Parkway and Garden Grove Boulevard, 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 (SUPPLEMENTAL PARKLET), the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Monster Ton for AUM Beer House.
2. The applicant is requesting Conditional Use Permit approval to allow an existing restaurant, AUM Beer House, currently operating under Conditional Use Permit No. CUP-143-2018 with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, to extend the sale of alcoholic beverages to a temporary parklet located within the public street.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, and Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act.
4. The property has a General Plan Land Use Designation of Civic Center Mixed Use, and is zoned CC-2 (Civic Center Main Street). The subject site is improved with an existing 4,200 square foot restaurant, AUM Beer House.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on October 13, 2022, and all interested persons were given an opportunity to be heard.
8. The Zoning Administrator gave due and careful consideration to the matter at its meeting on October 13, 2022, 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, are as follows:

FACTS:

The subject site is improved with an existing 4,200 square foot restaurant tenant space, which is currently in operation as a restaurant occupied by AUM Beer House, and has frontage along Historic Main Street. The subject property is zoned CC-2 (Civic Center Main Street) and has a General Plan Land Use Designation of Civic Center Mixed Use.

In October of 2018, the City of Garden Grove approved Conditional Use Permit No. CUP-143-2018 to operate a new restaurant, AUM Beer House, within the existing 4,200 square foot restaurant tenant space, previously occupied by Doug's Downtown Grill, with a State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, which was processed by ABC through a "premises-to-premises" transfer.

The applicant obtained Director's Review approval to add a temporary parklet in the public right-of-way, directly adjacent to the restaurant. The City of Garden Grove was awarded a grant by Supervisor Andrew Do to support local businesses in the wake of the COVID-19 pandemic. The grant will fund the installation of parklets for outdoor dining in the parallel parking spaces that flank either side of Historic Main Street. The City will design, construct, and install the parklets. The parklet designs are modular, allowing for easy installation, and ultimately, removal. All other improvements and costs associated with the parklets (e.g., furniture, umbrellas, permanent sidewalk dining areas, etc.) will be borne by the applicant. The parklet was approved under Director's Review No. DR-067-2022 on September 27, 2022.

Garden Grove Municipal Code Section 9.32.030 allows for restaurants to serve alcohol in outdoor dining areas located in the public right-of-way on Historic Main Street, pursuant to Conditional Use Permit approval. AUM Beer House is a full-service, sit-down, family-style restaurant that also serves beer, wine and spirits under CUP-143-2018. Therefore, extending the sale of alcoholic beverages to the parklet project qualifies for a Conditional Use Permit. All conditions of approval under CUP-143-2018 are to remain in full force and effect. This approval pertains to the service of alcoholic beverages within the parklet only. The conditions of approval under this approval are to be in effect so long as the parklet associated with the eating establishment exists on the premises.

FINDINGS AND REASONS:

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

The subject site has a General Plan Land Use Designation of Civic Center Mixed Use and is zoned CC-2 (Civic Center Main Street). Eating establishments are allowed to serve alcohol within an outdoor dining area in the public right-of-

way subject to Conditional Use Permit approval. The restaurant is currently operating under CUP-143-2018 with an ABC Type "47" (On-Sale, General, Public Eating Place) License to sell beer, wine, and spirits. Approval of the supplemental conditional use permit will allow the existing restaurant to extend its sale and service of alcoholic beverages to a temporary outdoor dining parklet that will only be served by the existing restaurant. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

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. Conditions of approval will require that the parklet dining area be used for sit-down food and beverage service only with no stand-up service. At all times, the service of food is required for any sale or service of alcoholic beverages, and all alcoholic beverages are required to be served, delivered, and removed to and from the parklet area by the staff of the restaurant. Moreover, sales and service of alcoholic beverages in the parklet will require a valid license issued by the Department of Alcoholic Beverage Control at all times. In addition, no entertainment will be allowed within the parklet area. The restaurant is required to operate as a family-style restaurant and will operate the parklet under the conditions of approval of DR-067-2022, which limits the hours of operation to the parklet to 10:00 p.m. during any day of the week. 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.

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 parklet will serve an existing restaurant on Main Street that was previously found to be of adequate size to accommodate development features required to integrate the use with the uses in the surrounding area under CUP-143-2018. The proposed parklet will allow temporary service and sales of alcoholic beverages within the public right-of-way as an extension of the existing restaurant. The public right-of-way is of adequate size to



accommodate the parklet while continuing to allow parking and vehicular access on Main Street.

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.

As approved under DR-067-2022, the temporary outdoor dining parklet will be associated with an existing restaurant. Approval of the supplemental Conditional Use Permit will allow the existing restaurant to extend its sale and service of alcoholic beverages to the temporary parklet. The parklet is adequately served by the main public street, Main Street, and will serve an existing restaurant that is also adequately served by the public service facilities required such as public utilities: gas, electric, water, and sewer facilities.

#### INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. Conditional Use Permit No. CUP-143-2018 (SUPPLEMENTAL PARKLET) does possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030 (Conditional Use Permits) and 9.16.020.080 (Alcoholic Beverage Sales).
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 (SUPPLEMENTAL PARKLET).

Dated: October 13, 2022

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DAVID DENT  
ZONING ADMINISTRATOR

## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-143-2018 (SUPPLEMENTAL PARKLET)**

12900 Main Street  
(Assessor's Parcel No. 090-161-07)

### **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 Monster Ton for AUM Beer House, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. This Conditional Use Permit only authorizes the sale, service and/or consumption of alcohol within the 550 square foot (11'-0" x 50'-0") temporary parklet for outdoor dining in the public right-of-way for an existing 4,200 square foot restaurant, AUM Beer House, currently operating with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License under CUP-143-2018, as identified on the floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be

approved by the Community and Economic Development Director.

5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
6. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.
7. All conditions of approval under Conditional Use Permit No. CUP-143-2018 and Director's Review No. DR-067-2022 shall remain in full force and effect. The following conditions pertain to the sale and service of alcoholic beverages within the associated parklet only. These conditions shall be in effect so long as the parklet associated with the eating establishment exists on the premises. Conditional Use Permit No. CUP-143-2018 (SUPPLEMENTAL PARKLET) shall terminate 15 days after the parklet is removed from the site.

**Community and Economic Development Department**

8. All parklets in the public right-of-way with sale and service of alcoholic beverages shall be subject to the following operational standards of Section 9.18.090.050.I.5 of the Municipal Code:
  - a. The sale, service, and/or consumption of alcoholic beverages within an outdoor dining area is prohibited unless authorized pursuant to a conditional use permit approved by the City and a valid license issued by the Department of Alcoholic Beverage Control. All provisions and conditions of such permits and licenses shall be complied with at all times.
  - b. A barrier acceptable to the City and the Department of Alcoholic Beverage Control is required.
  - c. The service of food shall accompany any sale or service of alcoholic beverages.

Conditional Use Permit No. CUP-143-2018 (SUPPLEMENTAL PARKLET)  
Conditions of Approval

- d. All alcoholic beverages shall be served, delivered, and removed to and from the outdoor dining area by the staff of associated eating establishment.
  - e. Hours of operation of a parklet dining area in the public right-of-way shall not extend beyond 10:00 p.m. during any day of the week.
9. A copy of the decision approving Conditional Use Permit No. CUP-143-2018 (SUPPLEMENTAL PARKLET) shall be kept on the premises at all times.
  10. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-143-2018 (SUPPLEMENTAL PARKLET), and his/her agreement with all conditions of the approval.
  11. 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 (SUPPLEMENTAL PARKLET). 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.
  12. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division.
  13. 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 (SUPPLEMENTAL PARKLET) 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.

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> 1.c.	<b>SITE LOCATION:</b> West side of Main Street, between Acacia Parkway and Garden Grove Boulevard, at 12911 Main Street
<b>HEARING DATE:</b> October 13, 2022	<b>GENERAL PLAN:</b> Civic Center Mixed Use
<b>CASE NO.:</b> Conditional Use Permit No. CUP-268-09 (SUPPLEMENTAL PARKLET)	<b>ZONE:</b> CC-2 (Civic Center Main Street)
<b>APPLICANT:</b> Jennifer Stewart	<b>CEQA DETERMINATION:</b> Exempt
<b>PROPERTY OWNER:</b> Ismael C. Jauregui, Jr.	<b>APN:</b> 089-213-17

**REQUEST:**

A request for Conditional Use Permit approval to allow an existing restaurant, Azteca Restaurant and Lounge, currently operating under Conditional Use Permit No. CUP-268-09, with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, to extend the sale of alcoholic beverages to a temporary parklet located within the public street.

**BACKGROUND:**

The subject site is improved with an existing 4,815 square foot restaurant tenant space, which is currently in operation as a full-service restaurant occupied and operated by Azteca Restaurant and Lounge, and has frontage along Historic Main Street. The subject restaurant has been operating at this location since 1980. The subject property is zoned CC-2 (Civic Center Main Street) and has a General Plan Land Use Designation of Civic Center Mixed Use.

In June of 2009, the City of Garden Grove approved Conditional Use Permit No. CUP-268-09, which allowed the existing restaurant, Azteca Mexican Restaurant, to continue operation with an Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, and also allowed the restaurant to continue to operate with limited live entertainment.

As of the preparation of this staff report, the applicant is currently in the process with the City to obtain Director's Review approval to add a temporary parklet in the public right-of-way, directly adjacent to the restaurant. The City of Garden Grove was awarded a grant by Supervisor Andrew Do to support local businesses in the wake of the COVID-19 pandemic. The grant will fund the installation of parklets for outdoor dining in the parallel parking spaces that flank either side of Historic Main

Street. The City will design, construct, and install the parklets. The parklet designs are modular, allowing for easy installation, and ultimately, removal. All other improvements and costs associated with the parklets (e.g., furniture, umbrellas, permanent sidewalk dining areas, etc.) will be borne by the applicant. The parklet was approved under Director's Review DR-068-2022 on September 28, 2022.

Garden Grove Municipal Code Section 9.32.030 allows for restaurants to serve alcohol in outdoor dining areas located in the public right-of-way on Historic Main Street, pursuant to Conditional Use Permit approval. Azteca Restaurant and Lounge is a full-service, sit-down, family-style restaurant that also serves beer, wine and spirits under CUP-268-09. Therefore, extending the sale of alcoholic beverages to the parklet project qualifies for a Conditional Use Permit. All Conditions of Approval under CUP-268-09 and DR-068-2022 are to remain in full force and effect. This approval pertains to the service of alcoholic beverages within the parklet only. The Conditions of Approval under this approval are to be in effect so long as the parklet associated with the eating establishment exists on the premises.

**DISCUSSION:**

The applicant proposes to extend sales and service of food and alcoholic beverages to the proposed parklet under the existing ABC Type "47" License. There are no proposed changes to the floor plan or operational characteristics of the existing restaurant. The temporary parklet dining area, as approved under DR-068-2022, will be provided in the street parking that fronts Azteca Restaurant and Lounge, across the public sidewalk from the main entrance. Customers will access the parklet by crossing the public sidewalk, and entering through an opening in the parklet railing. The dining area will measure approximately 11'-0" x 50'-0", and will feature a semi-permanent enclosure consisting of planters, wire screens, and steel louvres. The parklet dining area will not impede on required pedestrian or vehicle access in the public right-of-way.

Conditions of Approval will require that the parklet dining area be used for sit-down food and beverage service only with no stand-up service. At all times, the service of food is required for any sale or service of alcoholic beverages, and all alcoholic beverages are required to be served, delivered, and removed to and from the parklet area by the staff of the restaurant. Moreover, sales and service of alcoholic beverages in the parklet will require a valid license issued by the Department of Alcoholic Beverage Control at all times. In addition, no entertainment will be allowed within the parklet area.

As approved under CUP-268-09, the hours of operation for Azteca Restaurant and Lounge will continue to be from 8:00 a.m. to 2:00 a.m., seven (7) days a week. However, to minimize any potential impacts to the surrounding neighborhood, the hours of operation for the parklet will not be allowed to extend beyond 10:00 p.m. during any day of the week.

The parklet is meant to be temporary for a period of two (2) years after the building permit final. However, time extensions may be granted at the discretion of the Community and Economic Development Director.

The Community and Economic Development Department and the Police Department have reviewed the request and are in support of the proposal. The restaurant will be required to comply with the conditions of approval under CUP-268-09, as approved by Resolution No. 5687, in addition to the standard Conditions of Approval for outdoor dining in the parklet within the public right-of-way, as approved under CUP-268-09 (SUPPLEMENTAL PARKLET).

**RECOMMENDATION:**

Staff recommends that the Zoning Administrator take the following action:

1. Approve Conditional Use Permit No. CUP-268-09 (SUPPLEMENTAL PARKLET), subject to the recommended Conditions of Approval.



Lee Marino  
Planning Services Manager



By: Chris Chung  
Senior Planner

Attachment 1: Resolution No. 5687 for Conditional Use Permit No. CUP-268-09  
Attachment 2: Approval Letter of Director's Review No. DR-068-2022



RESOLUTION NO. 5687

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE  
RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT NO. CUP-268-09

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-268-09 for a property located on the west side of Main Street, north of Garden Grove Boulevard at 12911 Main Street, Assessor's Parcel No. 089-213-17.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-268-09, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by the Ismael C. Jauregui Jr. for Azteca Mexican Restaurant.
2. The applicant is requesting a Conditional Use Permit to allow the Azteca Mexican Restaurant to continue to operate with an Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, and to allow the restaurant to continue to operate with limited live entertainment.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act.
4. The property has a General Plan Land Use Designation of Civic Center Mixed Use and is zoned Community Center Specific Plan-MX32 & Main Street Historical Retail Overlay (H-R) zone. The property is improved with a Mexican restaurant that has been operating at this location since 1980.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on June 4, 2009, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter at its meeting on June 4, 2009, and

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 9.24.030, are as follows:

FACTS:

1980 without approval of a Conditional Use Permit for the sale of alcohol, and with non-conforming live entertainment for many years as part of its "Crooner's Lounge." Title 9 of the Municipal Code Section 9.08.080 requires a Conditional Use Permit when there is a change of ownership for an ABC licensed establishment that does not possess a Conditional Use Permit approved after January 1, 1986. In order to allow the change of ownership, the applicant is required to apply for a Conditional Use Permit to allow a transfer of ownership of the existing ABC license.

Furthermore, the applicant is requesting Conditional Use Permit approval to allow the restaurant to continue to operate with limited live entertainment.

The Main Street Historical Retail Overlay Zone (H-R) does not permit entertainment in restaurants. However, the City is processing a separate entitlement request, Interpretation of Use No. IOU-105-09, that would allow restaurants with limited live entertainment as an incidental use with a Conditional Use Permit in the zone.

Approval of this request is contingent upon the Planning Commission approving Interpretation of Use No. IOU-105-09.

FINDINGS AND REASONS:

1. The proposed use will be consistent with the City's adopted General Plan.

The subject site has a General Plan Land Use Designation of Civic Center Mixed Use and is zoned CCSP-MX32&HR (Community Center Specific Plan-Mixed Use Area 32 & Main Street Historical Retail Overlay (H-R) Zone). Eating establishments with alcohol sales are conditionally permitted in this zone. The restaurant has been operating with an alcohol license since 1980 at this location. Approval of this request will allow the restaurant to continue to operate with an alcohol license under a Conditional Use Permit. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

The General Plan Update 2030 identifies the Civic Center Focus Area, which includes Main Street, as an area to allow entertainment provided that the entertainment remains as a consistent use with the special character of the area, and that the proposed entertainment will guarantee the livability of existing and future residential developments.

The City of Garden Grove is processing a separate entitlement request, Interpretation of Use No. IOU-105-09, that would allow restaurants with limited live entertainment as an incidental use with a Conditional Use Permit in the Main Street Historical Retail Overlay (H-R) zone. This approval will allow

the Azteca Mexican Restaurant to legalize its existing non-conforming live entertainment.

Therefore, the proposed uses will be consistent with the City's adopted General Plan.

2. The proposed use will adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding 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 remain incidental to the sale of food, and the limited live entertainment will be incidental to the restaurant use.

The restaurant operates as a family-style restaurant. The request will allow the restaurant to continue to operate with an ABC Type "47" (On-Sale, General, Public Eating Place) License. The restaurant is conditioned to have food available to customers during all the hours of operation, and the sale of alcohol is required to remain incidental to the sale of food. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

The restaurant has been operating with non-conforming live entertainment as part of its Crooner's Lounge for many years. The Police Department has reviewed the request, and will support the restaurant to continue to operate with a solo-amplified performer and karaoke. In order to limit noise and vibrations to neighboring properties, all amplified sound or vibrations emitted from the premises cannot be audible outside the boundaries (walls) of the establishment, and the applicant would be required to provide sound attenuation where necessary. Provided that 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.

3. The proposed use will not interfere with the use, enjoyment, or valuation of the property of other persons located in the vicinity of the site.

The use will not unreasonably interfere with the use, enjoyment, or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project. The restaurant has been operating with an alcohol license and with live entertainment for many years. Provided that the restaurant operates as a bona-fide public eating-place with ancillary alcohol sales and limited live entertainment, the proposed use will be compatible with the surrounding uses. 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.

- 4. The proposed use will not endanger or otherwise constitute a menace to public health, safety, or general welfare.  
The use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. The conditions of approval will ensure the public health, safety and welfare as long as the restaurant operates as a bona-fide family style restaurant with ancillary alcohol sales and limited live entertainment.

INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

In addition to the foregoing, the Planning Commission incorporates herein by this reference, the facts and reasons 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 9.24.030 (Conditional Use Permit).
- 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-268-09.

ADOPTED this 4th day of June, 2009

/s/ KRIS BEARD  
CHAIR

I HEREBY CERTIFY that the foregoing resolution was duly adopted at the regular meeting of the Planning Commission of the City of Garden Grove, State of California, held on June 4, 2009, by the following votes:

AYES:	COMMISSIONERS:	BEARD, BONIKOWSKI, BUI, CABRAL, ELLSWORTH, KIRKHAM, TRAN
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE

/s/ JUDITH MOORE  
SECRETARY

PLEASE NOTE: Any request for court review of this decision must be filed within 90 days of the date this decision was final (See Code of Civil Procedure Section 1094.6).

A decision becomes final if it is not timely appealed to the City Council. Appeal deadline is June 25, 2009.

**EXHIBIT "A"**

**Conditional Use Permit No. CUP-268-09**

12911 Main Street

**CONDITIONS OF APPROVAL**

**General Conditions**

1. The applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit Approval," as prepared by the City Attorney's Office, on the property within 30 days of approval. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Hearing Body.
2. 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.
3. If major modifications are made to the approved floor plan, site plan, or other related changes, that result in the intensification of the project or create impacts that have been previously addressed, the proper entitlements shall be obtained reflecting such changes.
4. All requirements of the Garden Grove Building Division and Fire Department shall be met, including any required occupancy permits and inspections.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

**Fire Department**

6. The limited live entertainment shall be permitted provided that the existing occupancy load of the restaurant remains the same. Any changes to the existing interior layout of the restaurant shall be approved by the Fire Department.
7. The applicant shall submit a revised floor plan to the Fire Department, within 15 days from the day of this approval, that shows the location of the entertainment area and the placement of all the dining tables during the

proposed entertainment hours. A copy of the approved plan shall be submitted to the Planning Division.

**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. There shall be no pool tables or amusement devices on the premises at any time.
10. Hours of operation shall be permitted only between the hours of 8:00 a.m. to 2:00 a.m., seven days a week.
11. The Police Department may request a modification to the hours of operation due to noise, disturbances or other problems that may arise and that may be resolved by modifying the business hours.
12. There shall be no customers or patrons in or about the premises when the establishment is closed.
13. The sale of alcoholic beverages for consumption off the premises is prohibited.
14. All alcohol sales/service shall stop 30 minutes prior to the required closing time.
15. 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 the Alcoholic Beverage Control Department within 60 days from the date of this approval.
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 Planning Commission for review or further consideration.
17. Entertainment shall be limited to the following days, type of entertainment, and hours:
  - a. Friday Nights: Karaoke from 11 p.m. to 1:00 a.m.
  - b. Saturday Nights: Karaoke from 9:00 p.m. to 1:00 a.m.
  - c. Wednesday Nights: Karaoke (guitar hero) from 10:00 p.m. to 1 a.m.

- d. 1<sup>st</sup> Thursday of the month: solo-amplified performer from 8:00 p.m. to 10:00 p.m.
  - e. 1<sup>st</sup> Sunday of the month: solo-amplified performer from 7:30 p.m. to 8:30 p.m.
  - f. 2<sup>nd</sup> Sunday of the month: solo-amplified performer from 7:00 p.m. to 10:00 p.m.
18. No dancing, nightclub or D.J. (disc jockey) shall be permitted.
19. Background music emitted from a jukebox or other amplified stereo system, shall stop 30 minutes prior to the designated closing time. All other live entertainment, including scheduled performances and karaoke, shall stop at the designated times stipulated in Condition of Approval No. 17.
20. No raised platform or stage shall be permitted on the premises at any time. The entertainment shall be centrally located within the restaurant's dining area, and shall be heard and/or viewed by customers sitting at regular dining tables and booths. Customers shall not be allowed to stand for the purpose of hearing and/or viewing the entertainment.
21. At all times that the business is operating, the dining tables and chairs shall remain in place to accommodate dining within the restaurant area. At no time shall the restaurant's dining area be converted into a dance floor, nightclub area or other entertainment area by removing or reconfiguring the dining tables and chairs. The applicant shall submit a revised floor plan that shows the location of the entertainment area and the dining tables during entertainment hours as specified in Condition of Approval No. 7.
22. Entertainment shall be incidental to the restaurant, and shall not be utilized as a primary use or as an attraction to draw customers to the establishment.
23. The business shall comply with all requirements for eating establishments/restaurants with limited live entertainment as set forth in the Main Street Historical Retail Overlay (H-R) zone of Title 9 of the Municipal Code.
24. The restaurant is considered a full-service, family-style restaurant, and as such, there shall be no age restriction to enter the restaurant area at any time; however, the business owner may restrict access to the separate bar area, as delineated on the approved floor plan, to persons 21 years of age and older.



25. No payment (entrance fee/cover charge) shall be charged to gain access to the business at any time.
26. 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.
27. No "B-girl" or "hostess" activity (as defined in Penal Code Section 303) shall occur within the establishment at any time.
28. 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.
29. No employee or agent shall solicit or accept any alcoholic or nonalcoholic beverage from any customer while in the business.
30. All live entertainment at the establishment is the sole responsibility of the owner/operator of the establishment. The owner/operator of the establishment shall be solely responsible for all bookings and contractual arrangements for any type of live entertainment allowed. Any advertisement (written, email, web page, etc.) shall promote the establishment first with secondary/incidental listings of any live entertainment. Any such advertisement that is printed (handbill, flier, printed promotion) shall be limited to distribution within the City of Garden Grove.
31. 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.
32. 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.

33. No low level lighting shall be provided so that it is difficult or impossible to clearly see or identify individuals inside the restaurant and bar areas.

**Community Development Department**

34. Approval of this Conditional Use Permit will allow the establishment to continue to operate with a Type "47" (On-Sale, General, Public Eating Place) ABC License, and to operate with limited live entertainment. There shall be no additional changes in the design of the floor plan without the approval of the Community Development Department, Planning Division. Any additional changes in the approved floor plan, modification to the premises, or other action, which have the effect of expanding or intensifying the present use, shall require approval of the appropriate entitlements.
35. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by ABC. 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.
36. Food service shall be provided during all hours the restaurant is open, including when the entertainment is occurring, and shall also be available at all times when alcoholic beverages are being served.
37. Food shall accompany any sales and service of alcoholic beverages in the restaurant area.
38. At all times when the establishment is open for business, the sale of alcoholic beverages shall be incidental to the sale of food.
39. Alcohol sales shall not exceed 35% of the business gross sales, with a minimum of 65% food sales. Any income or revenue derived from sales of merchandise, and non-food related items, shall be excluded from the business gross sales in the calculation of the ratio of food to alcoholic beverage sales.
40. No outside storage or displays shall be permitted at any time.
41. 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.
42. Amplified sound or vibrations emitted from the premises shall not be audible outside the boundaries (walls) of the establishment. The property owner shall provide sound attenuation where necessary to limit noise and vibrations to neighboring properties, and as approved by the Community Development Department.
  43. Outside amplified music shall be permitted between the hours of 8:00 a.m. to 10:00 p.m.
  44. All noise shall comply with the City of Garden Grove's Municipal Code Noise Control Ordinance.
  45. All entertainment shall be conducted within the wholly enclosed restaurant/building.
  46. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
  47. There shall be no deliveries to or from the premises before 8:00 a.m. and after 9:00 p.m., seven days a week.
  48. All rear doors, with exception of the customer entrance located on the west side of the restaurant building, shall be kept closed at all times, except to permit employee ingress and egress, and to permit deliveries and in emergencies.
  49. 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.
  50. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up.
  51. Graffiti shall be removed from the premises, and all parking lots under the control of the licensee and/or the property owner, within 120 hours of application/notification.

52. 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.
53. 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 Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
54. 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 Division. No advertising material shall be placed thereon.
55. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
56. 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.
57. 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.
58. A copy of the resolution and the conditions of approval for Conditional Use Permit No. CUP-268-09 shall be kept on the premises at all times.
59. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-268-09, and his/her agreement with all conditions of the approval.
60. The Conditional Use Permit shall 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.
61. 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-268-09. 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.



## CITY OF GARDEN GROVE

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September 28, 2022

Azteca Restaurant and Lounge  
Attn: Jennifer Stewart  
12911 Main Street  
Garden Grove, CA 92840

**SUBJECT: APPROVAL OF DIRECTOR'S REVIEW NO. DR-068-2022 FOR PROPERTY LOCATED AT 12911 MAIN STREET, GARDEN GROVE, CA**

Dear Jennifer,

Your request for a Director's Review, to install a temporary parklet on Main Street, has been approved based on the following:

The subject property is approximately 6,000 square feet, and is located on the west side of historic Main Street, between Acacia Parkway and Garden Grove Boulevard. The property has a General Plan Land Use Designation of Civic Center Mixed Use, and is zoned CC-2 (Civic Center Main Street). The property is currently improved with a 4,815 square foot restaurant commercial building, with frontage along Historic Main Street. The building has been occupied since, and in operation as, a restaurant since 1980.

The Azteca Restaurant and Lounge has operated at the subject location as a full service restaurant with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License with limited live-entertainment since 1980. In June of 2009, the City of Garden Grove approved Conditional Use Permit No. CUP-268-09, which allowed the existing restaurant, Azteca Mexican Restaurant, to continue operation with an ABC Type "47" License, and also allowed the restaurant to continue to operate with limited live entertainment.

The subject request is to add a 550 square foot (11'-0" x 50'-0") temporary parklet in the public right-of-way. The temporary parklet dining area will be provided in the street parking that fronts Azteca Restaurant and Lounge, across the public sidewalk from the main entrance. Customers will access the parklet by crossing the public sidewalk, and entering through an opening in the parklet railing. The dining area will measure approximately 11'-0" x 50'-0", and will feature a semi-permanent enclosure consisting of planters, wire screens, and steel louvres. The parklet dining area will not impede on required pedestrian or vehicle access in the public right-of-way.

The City of Garden Grove was awarded a grant by Supervisor Andrew Do to support local businesses in the wake of the COVID-19 pandemic. The grant will fund the installation of parklets for outdoor dining in the parallel parking spaces that flank either side of Main Street. The City will design, construct, and install the parklets. The parklet designs are modular, allowing for easy installation, and ultimately, removal. The outdoor parklets will be permitted for a period of two (2) years from their installation date, with any extensions subject to the approval of the Community and Economic Development Director. All other improvements and costs associated with the parklets (e.g., furniture, umbrellas, permanent sidewalk dining areas, etc.) will be borne by the applicant.

The project design includes the following:

The temporary parklet dining area will be provided in the street parking that fronts Azteca Restaurant and Lounge, across the public sidewalk from the main entrance. Customers will access the parklet by crossing the public sidewalk, and entering through an opening in the parklet railing. The dining area will measure approximately 11'-0" x 50'-0", and will feature a semi-permanent enclosure consisting of planters, wire screens, and steel louvers. The parklet dining area will not impede on required pedestrian or vehicle access in the public right-of-way. The parklet will abut the parklet for E Patisserie Café to the south.

Pursuant to Garden Grove Municipal Code Section 9.32.030, approval of a Director's Review allows for outdoor dining areas within the public right-of-way on Main Street. A separate Conditional Use Permit approval, pursuant to the provisions of Municipal Code Section 9.18.060, Alcohol Beverage Sales, is required for the sale, service and/or consumption of alcohol within an outdoor dining area in the public right-of-way. Therefore, approval of this Director's Review is for the outdoor dining parklet only. A condition of approval will require approval of a Conditional Use Permit for the sale, service and/or consumption alcohol within the outdoor dining parklet.

### **CONDITIONS OF APPROVAL**

This approval is based on the fact that the project complies with the General Plan, and the development standards of the CC-2 zone, which includes regulations for outdoor dining areas in the public right-of-way, per Title 9 of the Municipal Code. Also, the project will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the adjoining properties. The project is exempt from CEQA review, pursuant to a Class I Exemption – Existing Facilities (CEQA Guidelines §15301.).

The decision is subject to the following conditions of approval:

**Community and Economic Development Department**

1. The property owner shall record a "Notice of Agreement with Conditions of Approval with a Director's Review", as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to the issuance of any building permits. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes to the conditions of approval require approval by the Community and Economic Development Department Director.
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, Jennifer Stewart. The term "property owner" shall mean and refer to the property owner, Ismael C. Jauregui, Jr., the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants.
3. Approval of this Director's Review 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. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Department Director. If major modifications are made in the proposed development that result in the intensification of the project, or create impacts that have not been previously addressed, the appropriate entitlement applications shall be filed, reflecting the revisions made.
5. The approved floor plan, site plan, building design, and the use of the property, is an integral part of the decision approving this Director's Review. There shall be no change in the design of the plans without the approval of the Community and Economic Development Department. Any change in the approved plans or use of the property, that has the effect of expanding or intensifying the proposed development, shall require the applicant to obtain appropriate entitlements.
6. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.
7. The parklet is permitted for a period of two (2) years after building permit final. Any time extensions are subject to the approval of the Community and Economic Development Director.



8. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Title Sections 8.47.040 to 8.47.060 referred to as the Noise Control Ordinance as adopted:
  - a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day)
  - b. Sunday and Federal Holidays – may work the same hours, but be subject to the restrictions as stipulated in Sections 8.47.040 to 8.47.060 of the Municipal Code.
9. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, the use of methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible, the use of solar or low-emission water heaters, and the use of low-sodium parking lot lights, to ensure compliance with Title 24.
10. The proposed parklet 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 parklet in the public right-of-way may only be located 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 relocated subject to approval of the Public Works Director or designee.
  - c. The subject parklet 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 parklet dining area in the public right-of-way shall be arranged and located in such a manner that a four-foot (4'-0") minimum 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 a parklet 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 (7'-0") 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.
11. All parklets in the public right-of-way shall be subject to the following operational standards of Section 9.18.090.050.I.4 of the Municipal Code:
- a. Hours of operation of a parklet 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 parklet 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. Parklet 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 parklet dining areas shall be used for sit-down food and beverage service only; no stand-up service is permitted.
  - f. No entertainment shall be permitted within a parklet dining area.
  - g. The use of mist systems or other devices spraying water over the public right-of-way is prohibited.

- h. All plans and permits for a parklet 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.
  - i. No outside storage or displays shall be permitted at any time.
12. 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.
  13. 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.
  14. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
  15. 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.
  16. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division, prior to issuance of a building permit.
  17. 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.
  18. Any proposed structural rehabilitation or significant alterations of existing building façades proposed in conjunction with an outside eating area in the public right-of-way, including the construction of dining alcoves, shall be subject to review and recommendation by the Zoning Administrator and the Downtown Commission.
  19. The applicant shall abate all graffiti vandalism within the premises. The applicant 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 as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.

20. Any and all corrections notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
21. Conditional Use Permit approval pursuant to the provisions of Municipal Code Section 9.18.060, Alcohol Beverage Sales, is required for the sale, service and/or consumption of alcohol within the outdoor dining parklet.
22. The applicant shall submit signed letters acknowledging receipt of the decision approving Director's Review No. DR-068-2022, and his/her agreement with all conditions of approval.
23. 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 Director's Review No. DR-068-2022. 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.
24. 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 Director's Review No. DR-068-2022 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.

**Building and Safety Division**

25. The project shall comply with all requirements of the current California Building Standards Code (CBC) at the time of plan submittal.

26. The applicant shall provide detailed plans including, but not limited to, proposed seating, exiting, and plumbing fixture loads.

**Engineering Division**

27. The applicant shall be subject to permit issuance fees.
28. All fees shall be calculated based on the current fee schedule at the time of permit issuance.
29. A separate encroachment permit is required for any type of construction activity or equipment setup related work performed within public right-of-way prior on Main Street. No drilling or excavation will be allowed within public right-of-way. The encroachment permit shall only be issued to the restaurant owner or a contractor that carries an "A" General Engineering license. Valid liability insurance must be submitted to Engineering Division.
30. The applicant shall provide the square footage of the outdoor dining area to the City of Garden Grove Engineering Division on an approved outdoor dining site plan from the Planning Services Division.
31. A separate outdoor dining operation permit is required annually along with a valid liability insurance to be submitted to the Engineering Division, and Risk Management Division.
32. The outdoor 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.
33. The applicant and their contractor shall be responsible for protecting all existing improvements on Main Street that front the project, including trash cans, public benches, bike racks, trees, planter boxes, and signs.
34. The width of the proposed parklet shall not exceed eleven feet (11'-0"), in order to maintain a minimum twelve-foot (12'-0") vehicular travel lane in each direction on Main Street.
35. Any required partial Main Street closure shall occur outside of peak travel periods.
36. Concrete K-rails are not 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 public right-of-way.

Director's Review No. DR-068-2022  
12911 Main Street  
September 28, 2022  
Page 9

37. The City of Garden Grove has the right to perform maintenance, if needed, within the public right-of-way at any given time.

This action can be appealed during a seven (7) day appeal period. Therefore, this decision will not become final until Thursday, October 6, 2022. If you have any questions, please contact Huong Ly, Assistant Planner, in the Planning Services Division at (714) 741-5302.

Sincerely,



LISA L. KIM  
Assistant City Manager/Community and Economic Development Director



By: Huong Ly  
Assistant Planner

CC: Jennifer Stewart  
Ismael C. Jauregui, Jr.



CC-2

Main St

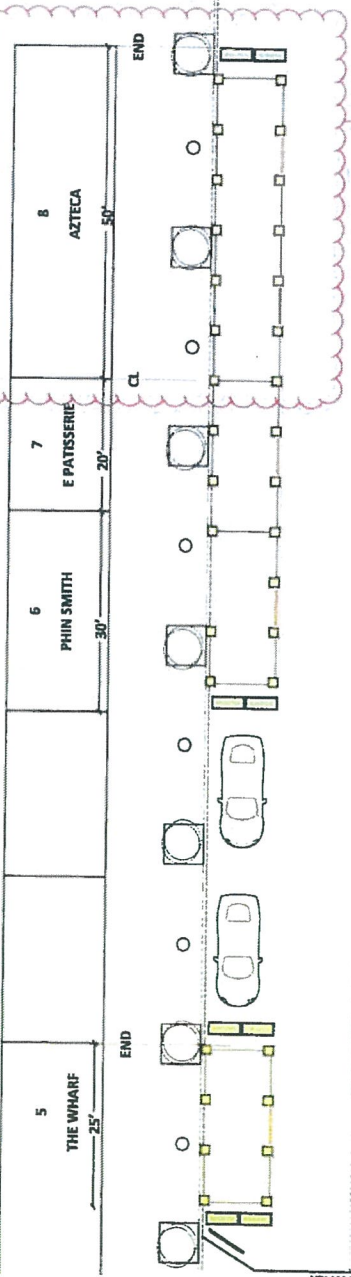
12911 Main Street  
CITY OF GARDEN GROVE, CA

CU 2

PUD(M)

DR-068-2022

Conceptual Parklet Drawing - Main Street 03.08.2022



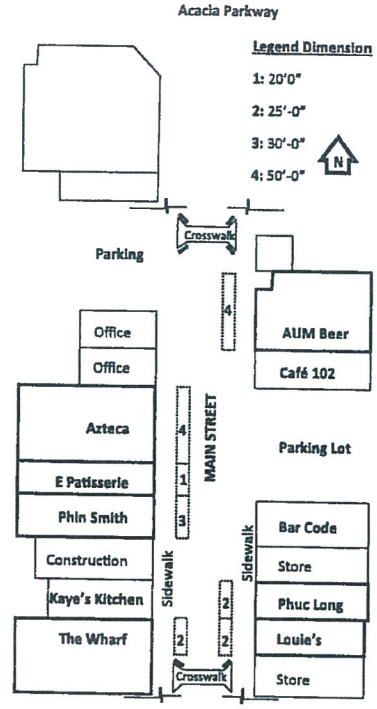
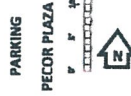
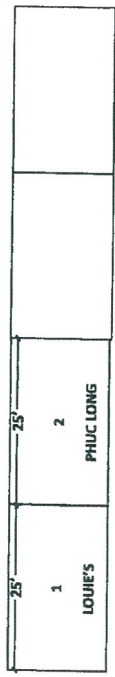
Subject site

MAIN STREET

MAIN STREET

CROSSWALK

CROSSWALK

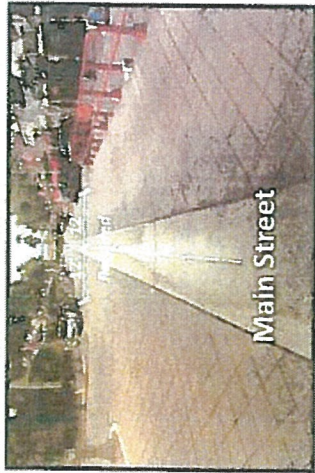


- Legend Dimension**
- 1: 20'-0"
  - 2: 25'-0"
  - 3: 30'-0"
  - 4: 50'-0"





Conceptual Parklet Drawing Main Street 03.08.2022



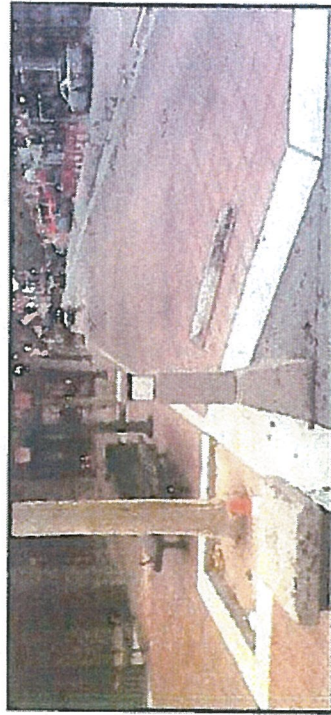
Main Street



End and Start of Parklet Area

Slight pitch angle from the sidewalk down to Main Street concrete gutter centerline. No penetration into the existing street pavers will be permitted.

No raised curb



3'-5" TYP.

3'-5" TYP.

8'-0"

8'-0"

13'-0"

13'-0"

12'-0" (drive side) - Required

12'-0" (drive side) - Required

45'-0"

45'-0"

8'-0"

8'-0"

12'-0" (drive side) - Required

12'-0" (drive side) - Required

13'-0"

13'-0"

8'-0"

8'-0"

12'-0" (drive side) - Required

12'-0" (drive side) - Required

13'-0"

13'-0"

8'-0"

8'-0"

12'-0" (drive side) - Required

12'-0" (drive side) - Required

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12'-0" (drive side) - Required

12'-0" (drive side) - Required

13'-0"

13'-0"

8'-0"

8'-0"

12'-0" (drive side) - Required

12'-0" (drive side) - Required

Field Verify All Measurements

PLANTER—MATERIAL and PLANTING

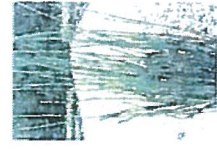
A

PURPLE FOUNTAIN GRASS—  
1-gallon



B

HORSETAIL REED GRASS—  
3-gallon



C

BLUE FESTUCA COOL GRASS—  
1-gallon



D

SEDUM SPURIMUM DRAGONS BLOOD—  
FLATS



TYPICAL



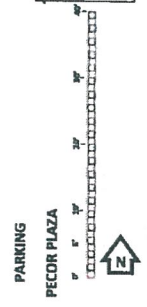
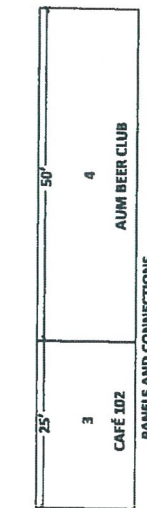
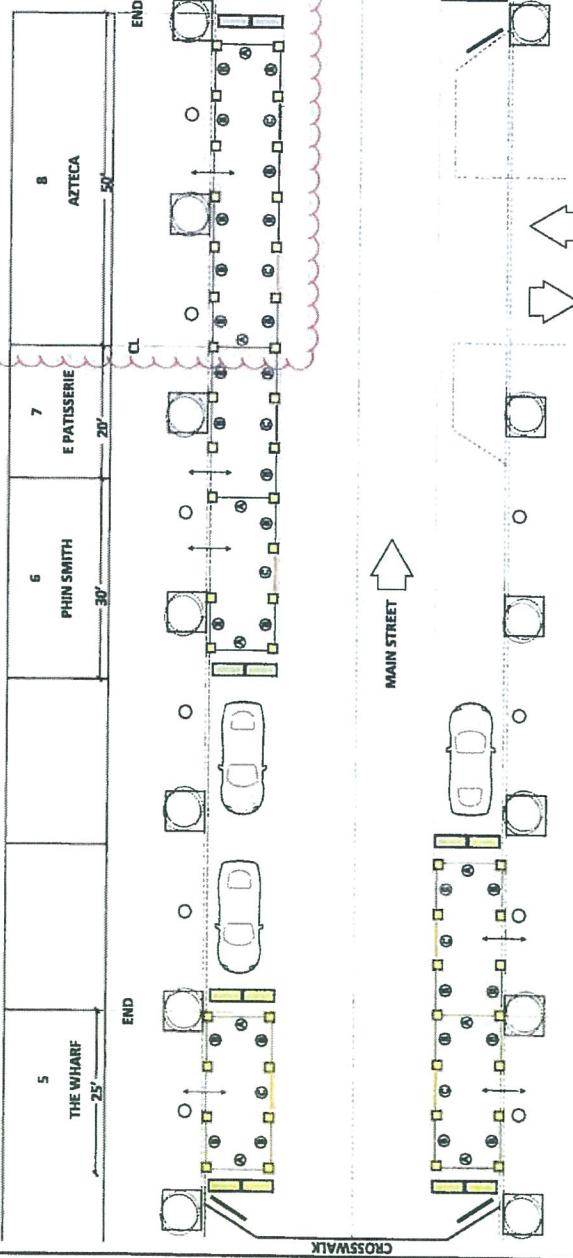
EAST SIDE



WEST SIDE

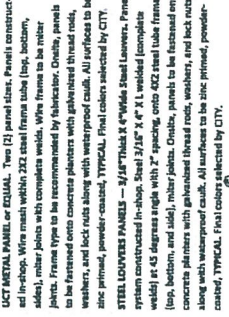


Conceptual Parklet Drawing Main Street 05.08.2022



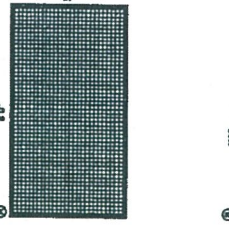
PANELS AND CONNECTIONS

**WIRE MESH PANELS** — 6-gauge steel, all surfaces zinc primed, powder-coated steel mesh. All surfaces zinc primed, powder-coated steel mesh. All surfaces zinc primed, powder-coated steel mesh. All surfaces zinc primed, powder-coated steel mesh. All surfaces zinc primed, powder-coated steel mesh. All surfaces zinc primed, powder-coated steel mesh.



CONCRETE PLANTERS

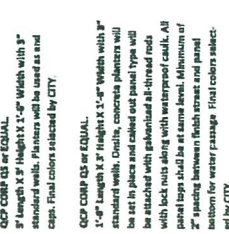
**Support End Caps**  
Plan  
1 1/2" x 3 1/2" x 1 1/2"



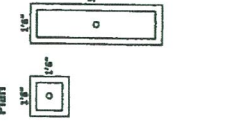
**Reflective Taps**  
Prep and Install Diamond Grade—  
Congruity Markings Series 983—Yellow,  
minimum 2" wide on concrete planters as  
shown below.



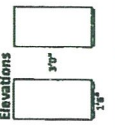
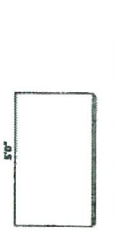
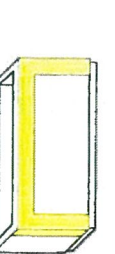
**CONCRETE PLANTERS**  
Louie's  
1 1/2" x 3 1/2" x 1 1/2"



**CONCRETE PLANTERS**  
Phuc Long  
1 1/2" x 3 1/2" x 1 1/2"



**CONCRETE PLANTERS**  
Elevations  
3 1/2" x 1 1/2" x 1 1/2"



**SIMPSON STRONG TIE** all-thread rod galvanized, washers, and lock nuts to fasten all panels onto the concrete planters. Per City Building Official, minimum 1/2" diameter rod.

Minimum 2" gap between flush floor and bottom of panel, typical.

Typ. 4" Wide 1/4" Panel 45 Degree  
Typ. Spacing 12"

8'0" x 8'0" x 8'0"

8'0" x 8'0" x 8'0"

8'0" x 8'0" x 8'0"

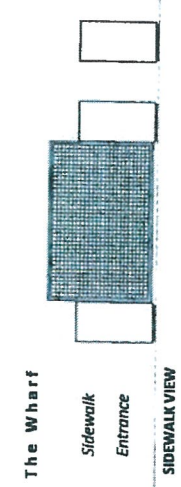
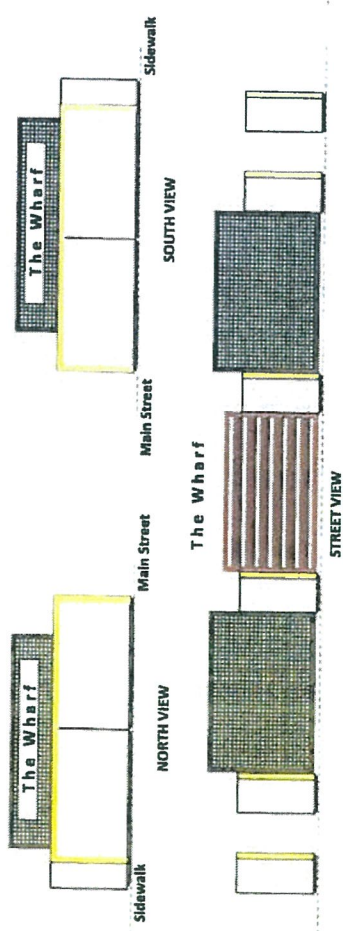
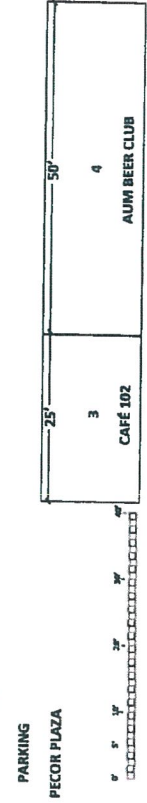
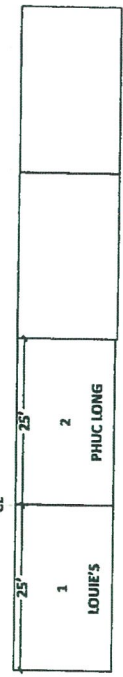
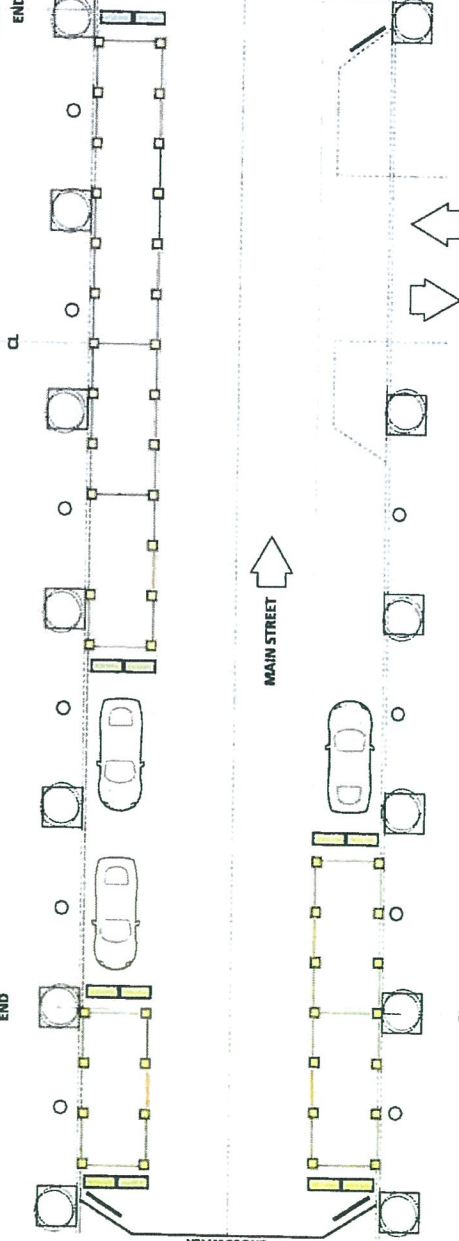
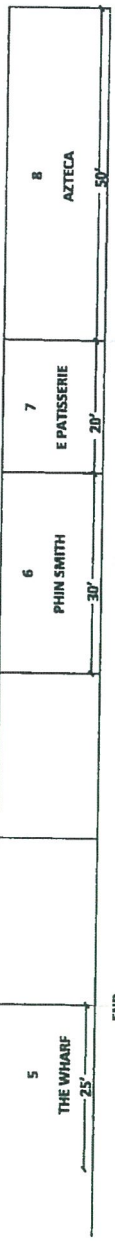
8'0" x 8'0" x 8'0"

8'0" x 8'0" x 8'0"

8'0" x 8'0" x 8'0"

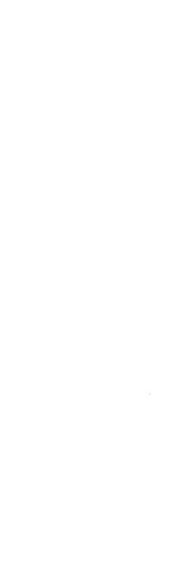
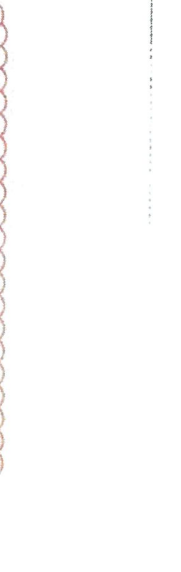
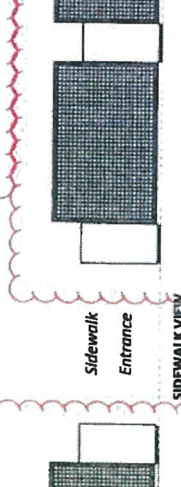
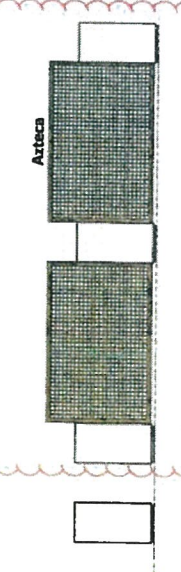
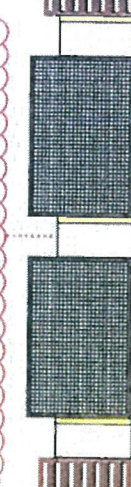
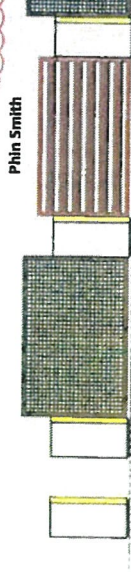
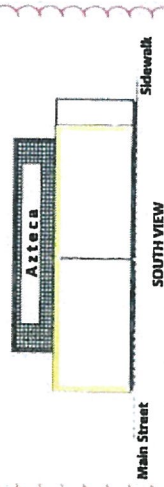
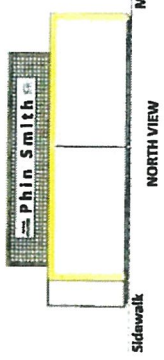
8'0" x 8'0" x 8'0"

Conceptual Parklet Drawing Main Street 03.08.2022



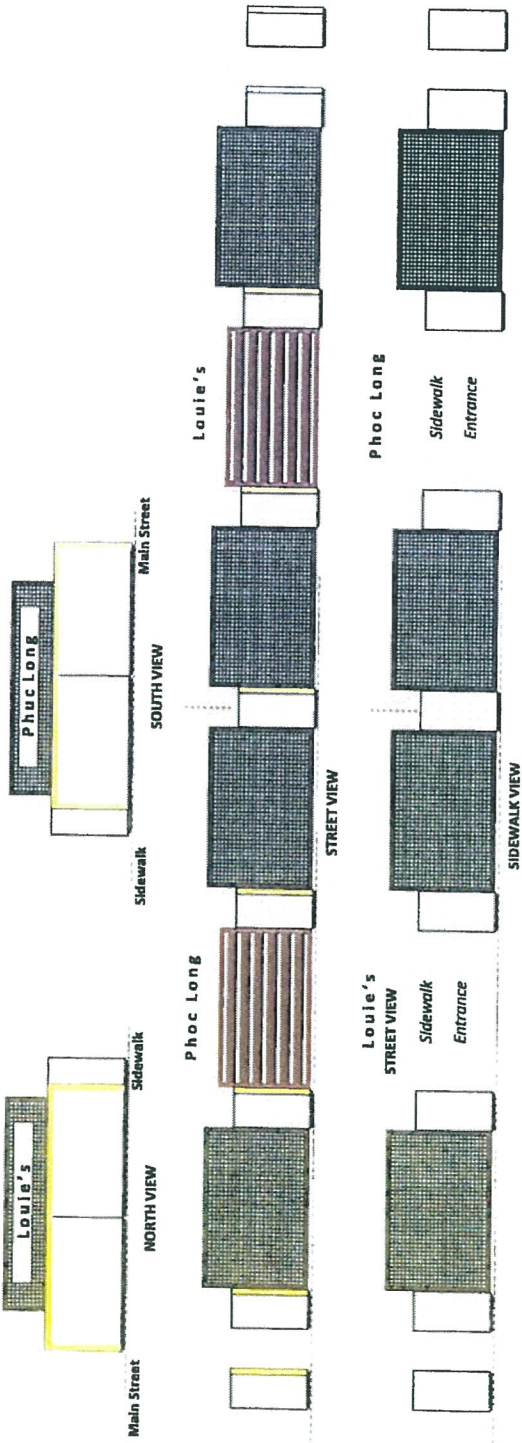
Conceptual Parklet Drawing Main Street 03.08.2022

PARKLET ELEVATIONS



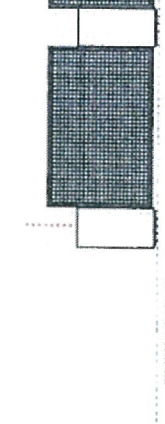
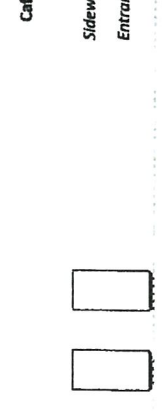
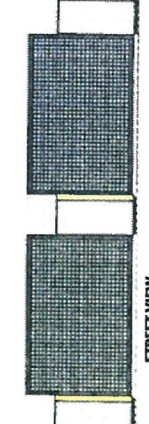
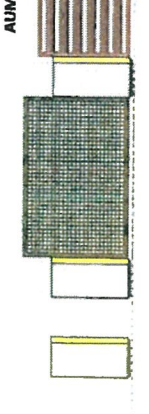
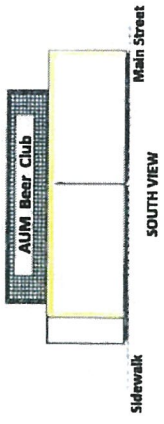
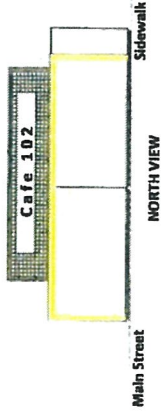
Conceptual Parklet Drawing Main Street 03.08.2022

PARKLET ELEVATIONS



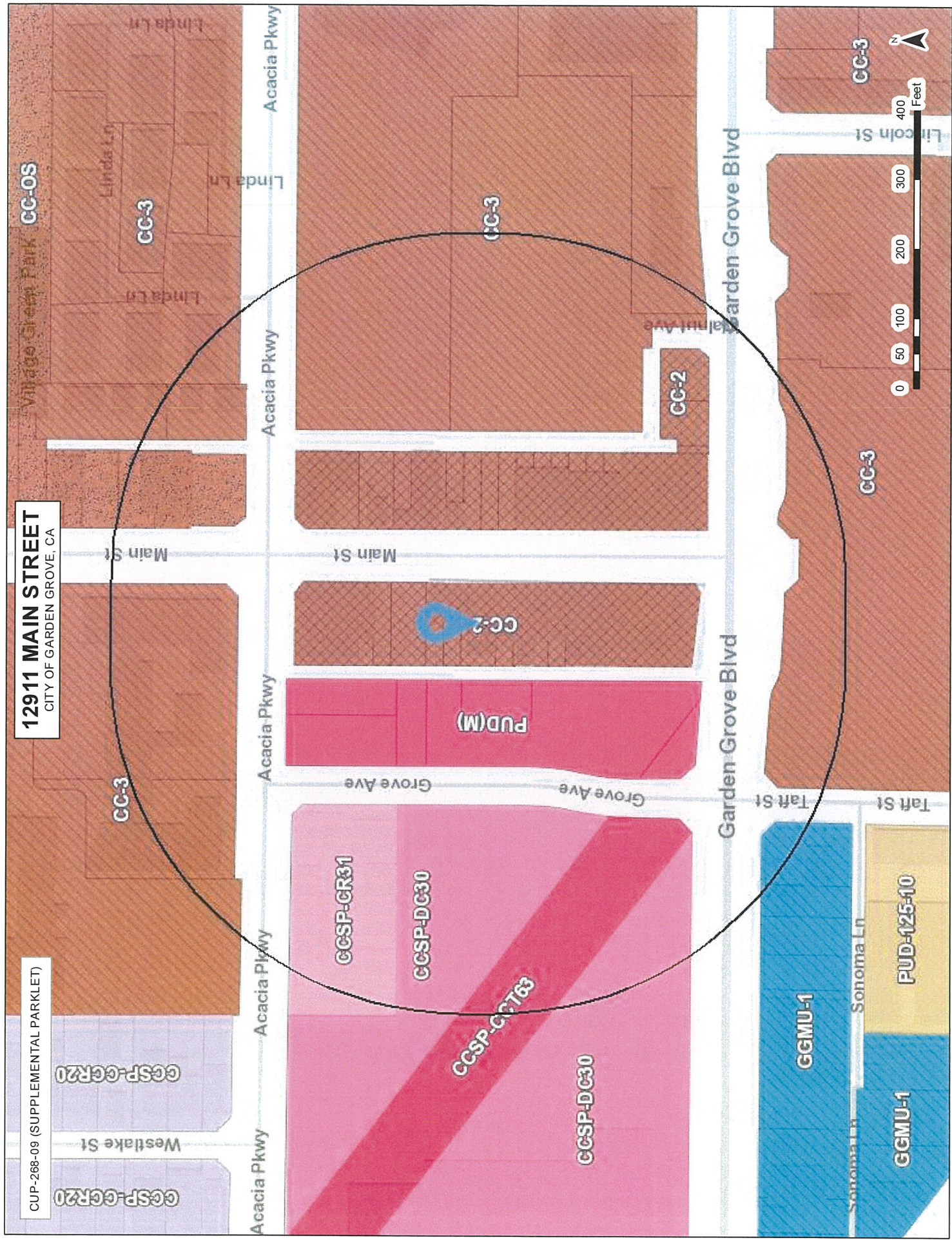
Conceptual Parklet Drawing Main Street 03.08.2022

PARKLET ELEVATIONS



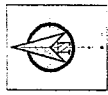
**12911 MAIN STREET**  
CITY OF GARDEN GROVE, CA

CUP-268-09 (SUPPLEMENTAL PARKLET)

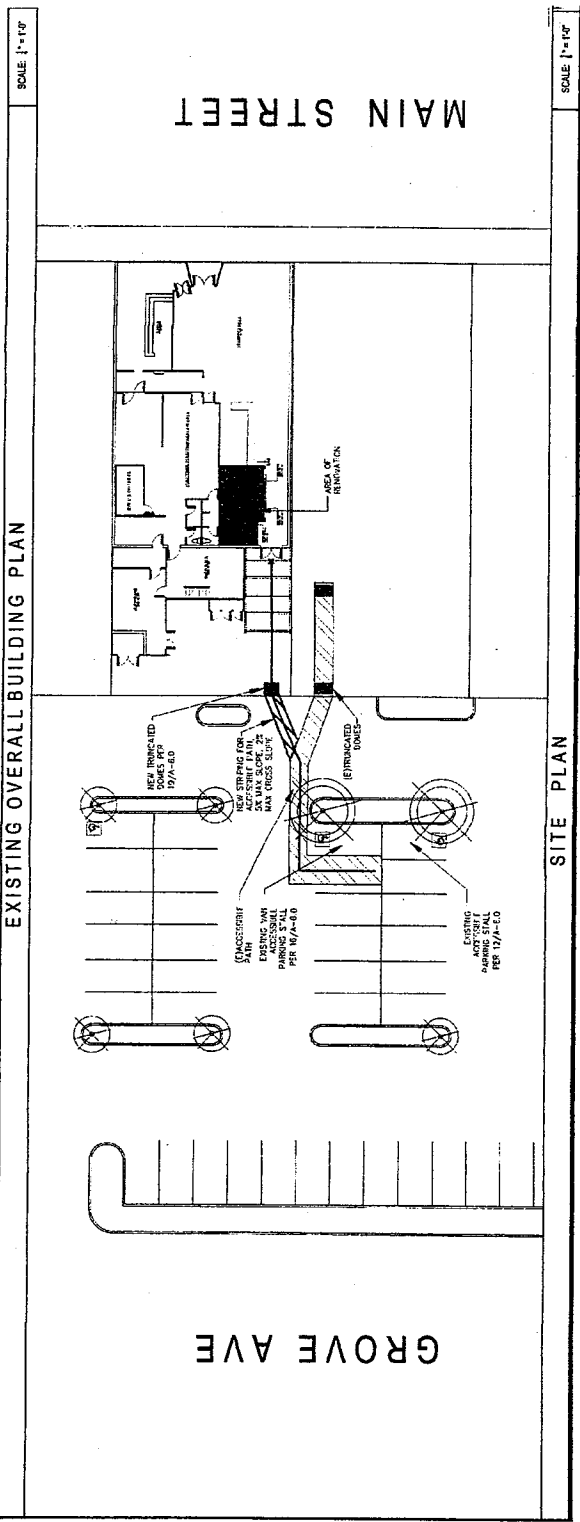
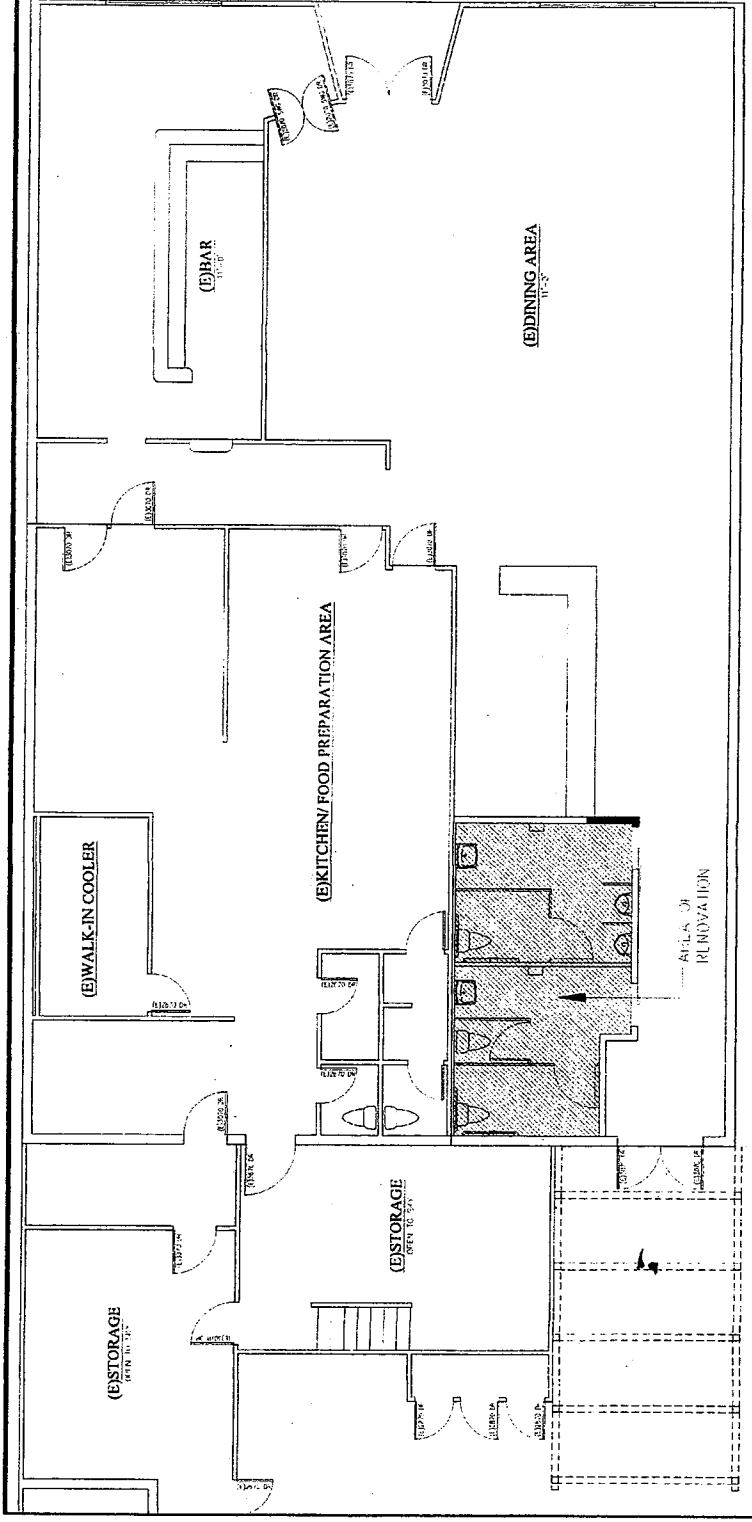
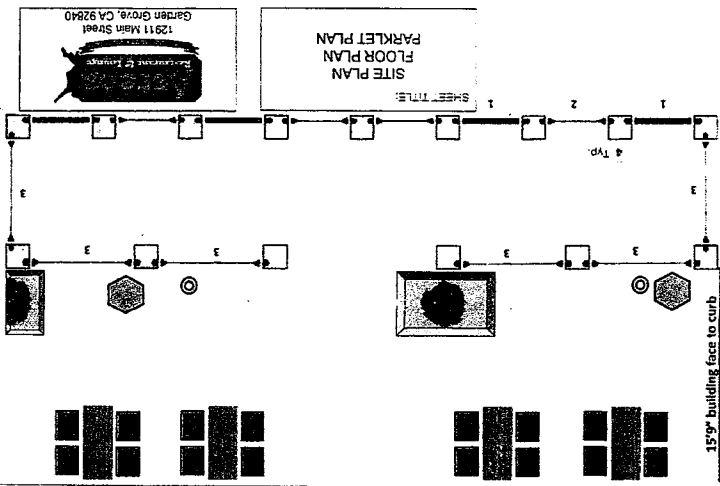


PROJECT DESCRIPTION:  
 AZTECA RESTAURANT  
 Exterior Parking  
 February 22, 2022

DRAWINGS PROVIDED BY:  
 LARRY MANCIE  
 Azteca Manager  
 503-267-5864

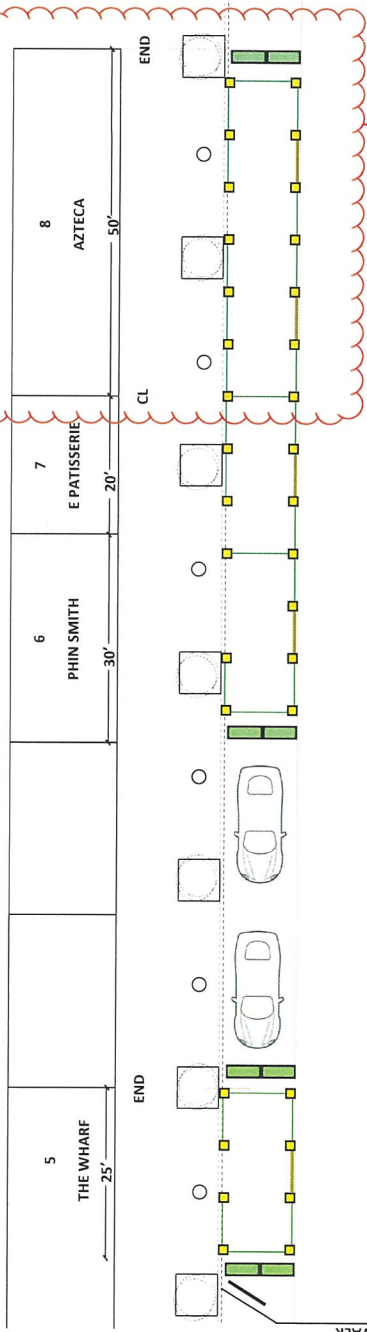


- LEGEND**
- Wooden table 24" x 48"
  - Straight back chair 18" x 18"
  - Stanchion 42" tall, 12" base
  - Mature Tree
  - Concrete Tree Surround 7.5" x 5.9"
  - Light Pole 14" diameter
  - Shrub Planter 36" diameter
  - ① 4'-0" Steel Panel
  - ② 4'-0" Wire Panel
  - ③ 7'-0" Wire Panel
  - ④ Concrete Planters (15) 24" x 24"





Conceptual Parklet Drawing Main Street 05.08.2022



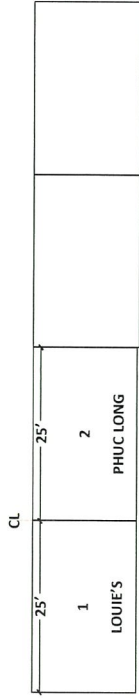
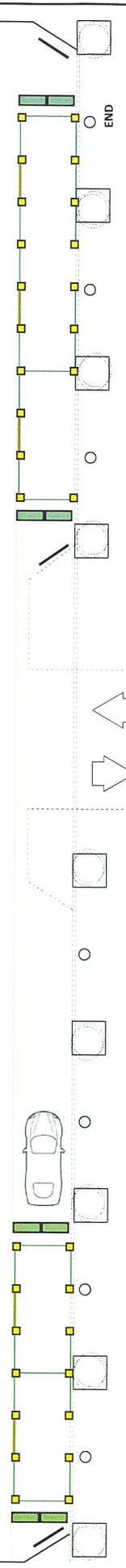
Subject site

MAIN STREET

MAIN STREET

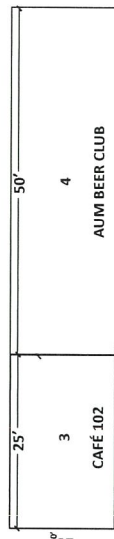
CROSSWALK

CROSSWALK



PARKING

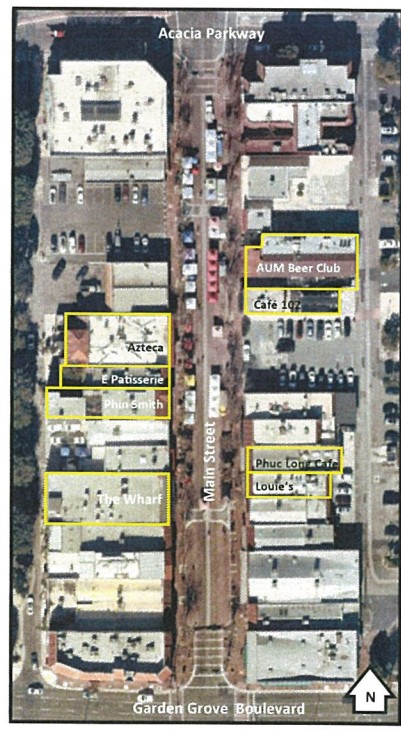
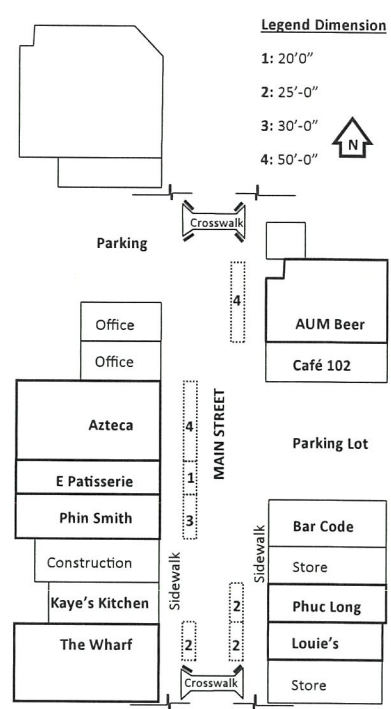
PECOR PLAZA



Acacia Parkway

Legend Dimension

- 1: 20'-0"
- 2: 25'-0"
- 3: 30'-0"
- 4: 50'-0"



Conceptual Parklet Drawing Main Street 05.08.2022

PLANTER—MATERIAL and PLANTING

**A** PURPLE FOUNTAIN GRASS—  
1-gallon



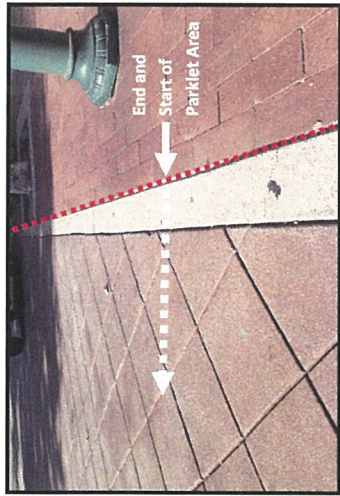
**B** HORSETAIL REED GRASS—  
1-gallon



**C** BLUE FESTUCA COOL GRASS—  
1-gallon



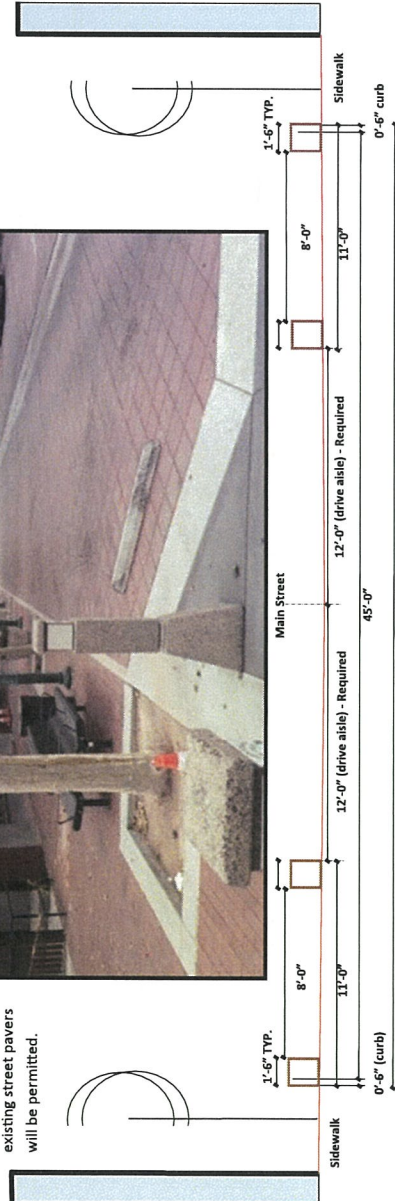
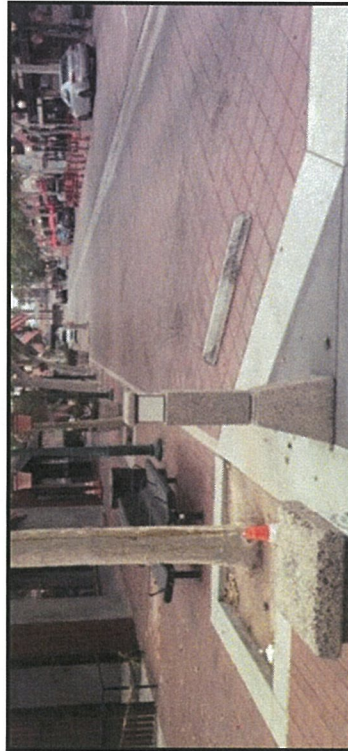
**D** SEDUM SPURIUM DRAGONS BLOOD—  
FLATS



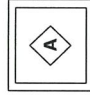
No raised curb



Slight pitch angle from the sidewalk down to Main Street concrete gutter centerline.  
No penetration into the existing street pavers will be permitted.



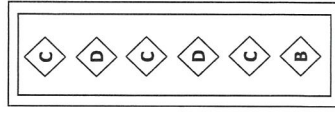
TYPICAL



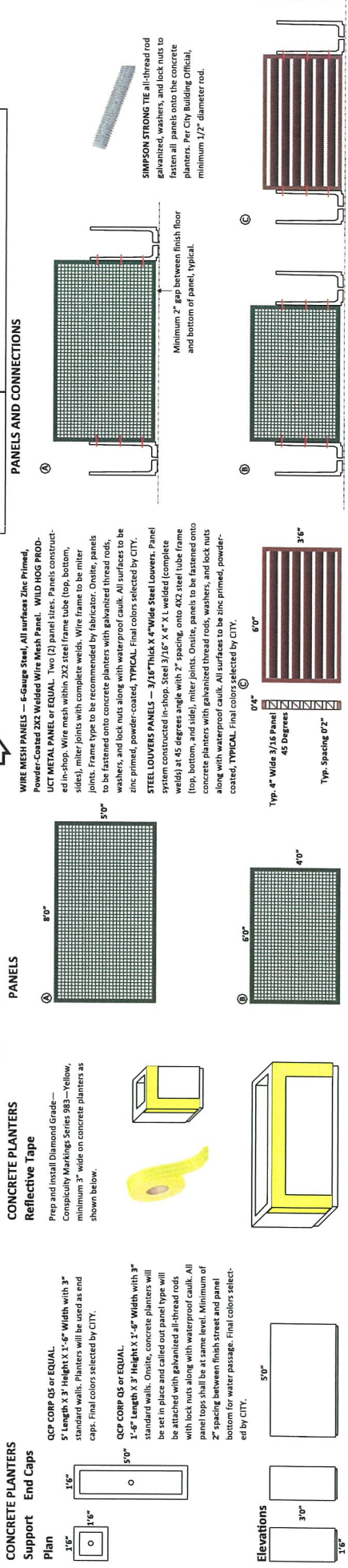
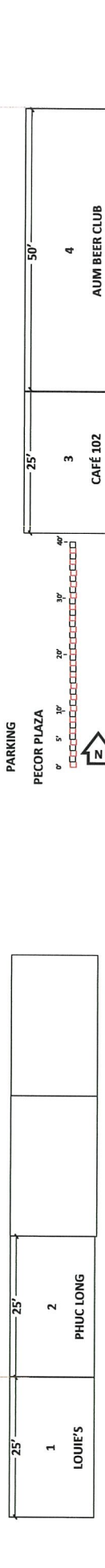
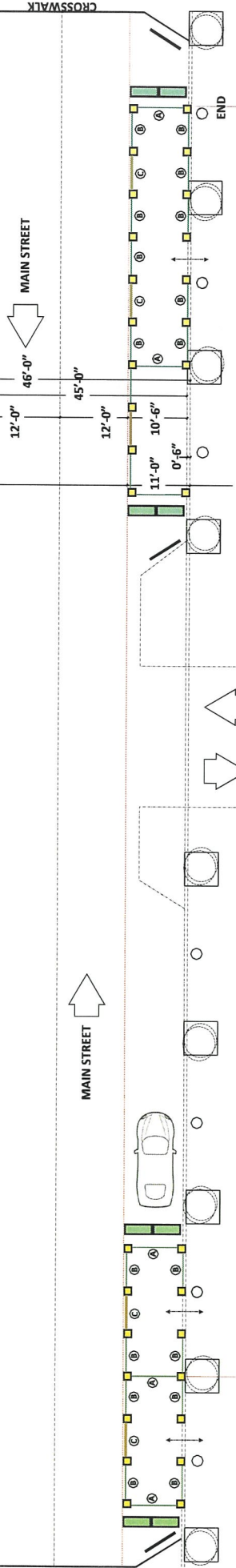
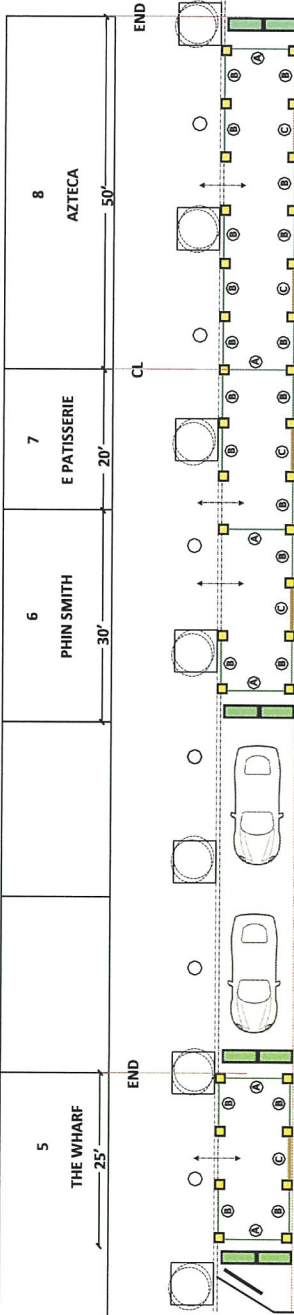
EAST SIDE



WEST SIDE



Conceptual Parklet Drawing Main Street 03.08.2022



**WIRE MESH PANELS** — 6-Gauge Steel, All surfaces Zinc Primed, Powder-Coated 2X2 Welded Wire Mesh Panel. WILD HOG PRODUCT METAL PANEL or EQUAL. Two (2) panel sizes. Panels constructed in-shop. Wire mesh within 2X2 steel frame tube (top, bottom, sides), miter joints with complete welds. Wire frame to be miter joints. Frame type to be recommended by fabricator. Onsite, panels to be fastened onto concrete planters with galvanized threaded rods, washers, and lock nuts along with waterproof caulk. All surfaces to be zinc primed, powder-coated, TYPICAL. Final colors selected by CITY.

**STEEL LOUVERS PANELS** — 3/16" Thick X 4" Wide Steel Louvers. Panel system constructed in-shop. Steel 3/16" X 4" X L welded (complete frame) at 45 degrees angle with 2" spacing, onto 4X2 steel tube frame (top, bottom, and side), miter joints. Onsite, panels to be fastened onto concrete planters with galvanized threaded rods, washers, and lock nuts along with waterproof caulk. All surfaces to be zinc primed, powder-coated, TYPICAL. Final colors selected by CITY.

**CONCRETE PLANTERS**  
**Support End Caps**  
 Plan  
 1 1/8" x 1 1/8" x 1 1/8"  
 1 1/8" x 1 1/8" x 1 1/8"  
 1 1/8" x 1 1/8" x 1 1/8"  
 Elevations  
 30" x 1 1/8"  
 50" x 1 1/8"

**CONCRETE PLANTERS**  
**Reflective Tape**  
 Prep and install Diamond Grade—Conspicuity Markings Series 983—Yellow, minimum 3" wide on concrete planters as shown below.

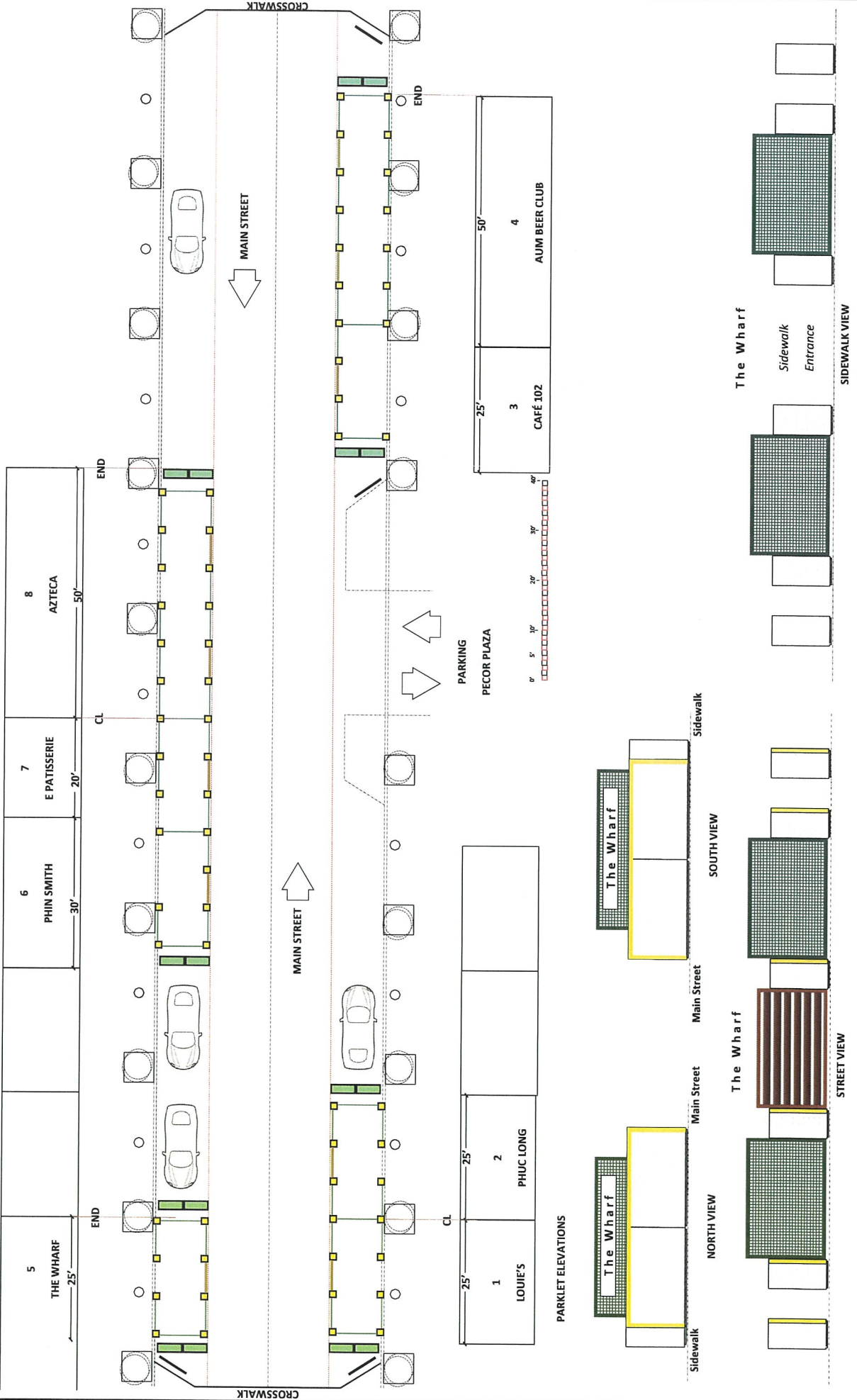
**CONCRETE PLANTERS**  
**Support End Caps**  
 Plan  
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 1 1/8" x 1 1/8" x 1 1/8"  
 1 1/8" x 1 1/8" x 1 1/8"  
 Elevations  
 30" x 1 1/8"  
 50" x 1 1/8"

**CONCRETE PLANTERS**  
**Support End Caps**  
 Plan  
 1 1/8" x 1 1/8" x 1 1/8"  
 1 1/8" x 1 1/8" x 1 1/8"  
 1 1/8" x 1 1/8" x 1 1/8"  
 Elevations  
 30" x 1 1/8"  
 50" x 1 1/8"

**CONCRETE PLANTERS**  
**Support End Caps**  
 Plan  
 1 1/8" x 1 1/8" x 1 1/8"  
 1 1/8" x 1 1/8" x 1 1/8"  
 1 1/8" x 1 1/8" x 1 1/8"  
 Elevations  
 30" x 1 1/8"  
 50" x 1 1/8"

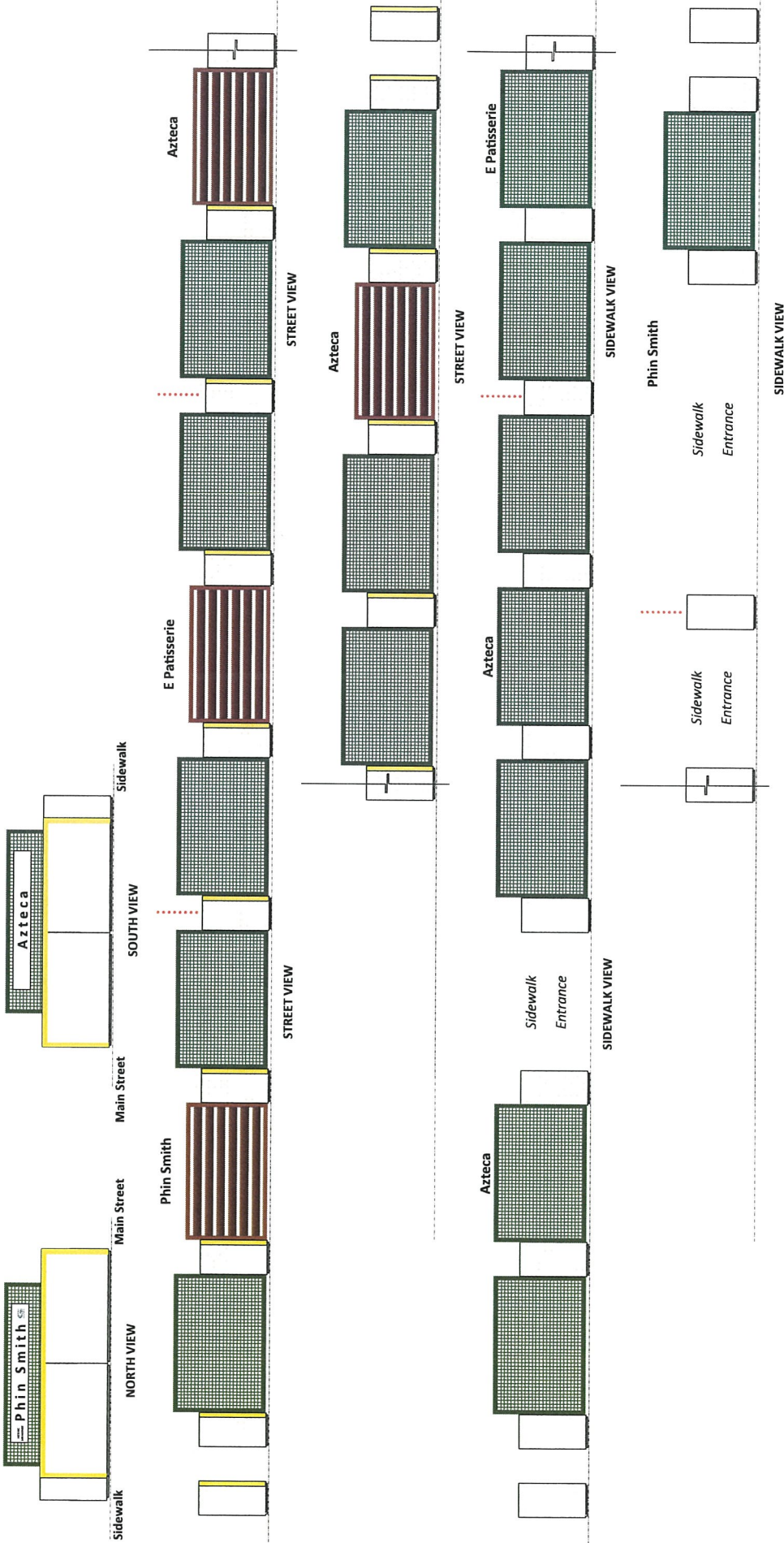
**CONCRETE PLANTERS**  
**Support End Caps**  
 Plan  
 1 1/8" x 1 1/8" x 1 1/8"  
 1 1/8" x 1 1/8" x 1 1/8"  
 1 1/8" x 1 1/8" x 1 1/8"  
 Elevations  
 30" x 1 1/8"  
 50" x 1 1/8"

Conceptual Parklet Drawing Main Street 03.08.2022



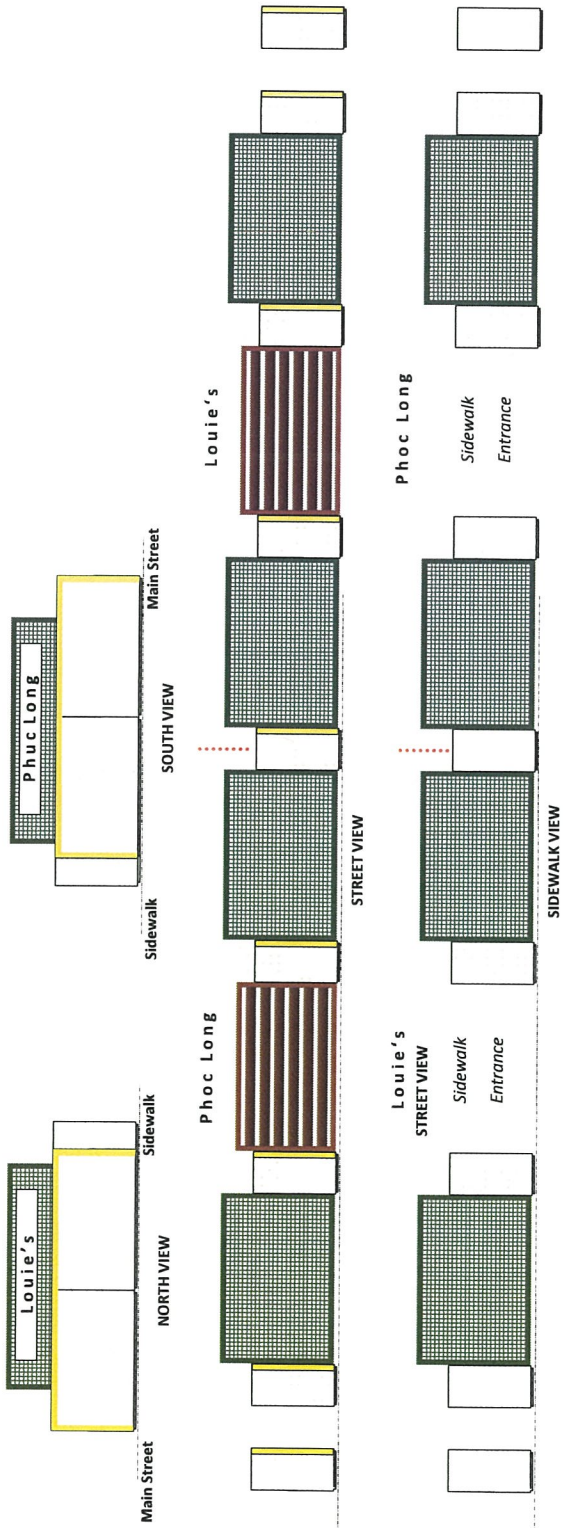
Conceptual Parklet Drawing Main Street 03.08.2022

PARKLET ELEVATIONS



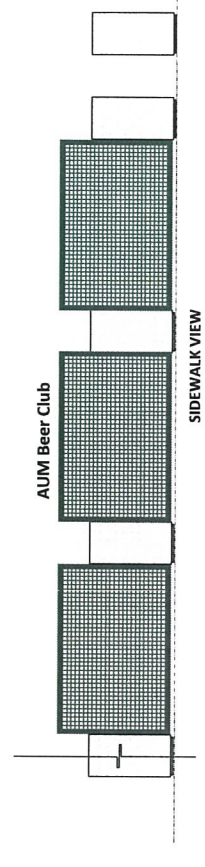
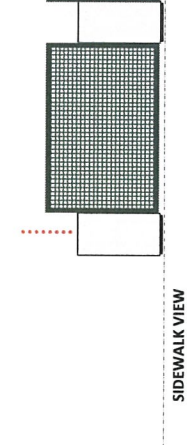
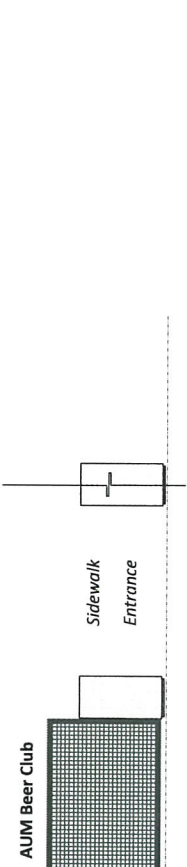
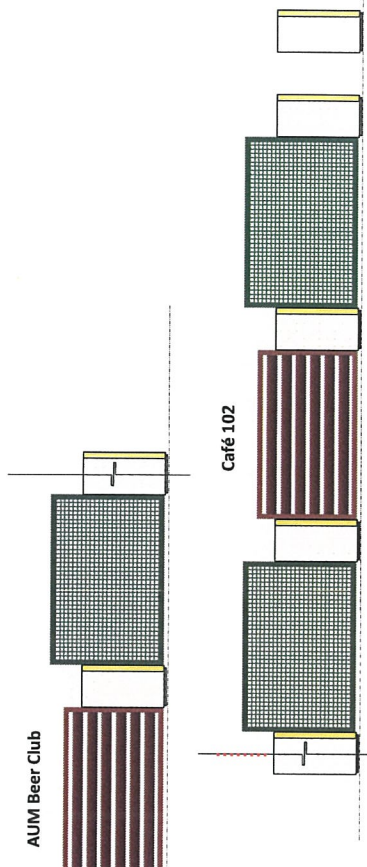
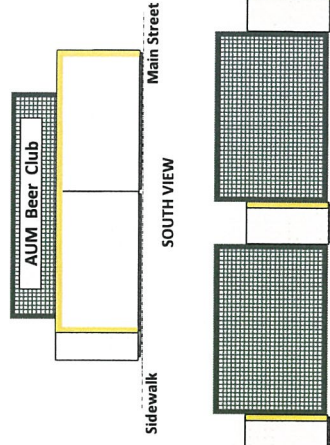
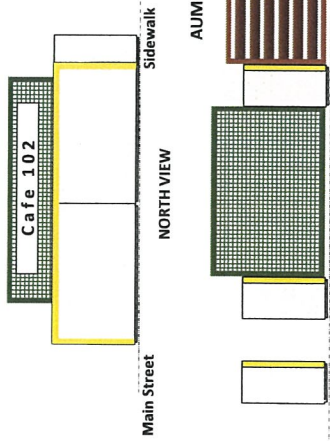
Conceptual Parklet Drawing Main Street 03.08.2022

PARKLET ELEVATIONS



Conceptual Parklet Drawing Main Street 03.08.2022

PARKLET ELEVATIONS



DECISION NO. 1829-22

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-268-09 (SUPPLEMENTAL PARKLET).

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-268-09 (SUPPLEMENTAL PARKLET) for a parcel of land located on the west side of Main Street between Acacia Parkway and Garden Grove Boulevard, at 12911 Main Street, Assessor's Parcel No. 089-213-17.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-268-09 (SUPPLEMENTAL PARKLET), the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Jennifer Stewart, with the authorization of the property owner, Ismael C. Jauregui, Jr.
2. The applicant is requesting Conditional Use Permit approval to allow an existing restaurant, Azteca Restaurant and Lounge, currently operating under Conditional Use Permit No. CUP-268-09, with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, to extend the sale of alcoholic beverages to a temporary parklet located within the public street.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, and Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act.
4. The property has a General Plan Land Use Designation of Civic Center Mixed Use, and is zoned CC-2 (Civic Center Main Street). The subject site is improved with an existing 4,815 square foot restaurant tenant space, which is currently in operation as a full-service restaurant occupied and operated by Azteca Restaurant and Lounge.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on October 13, 2022, and all interested persons were given an opportunity to be heard.
8. The Zoning Administrator gave due and careful consideration to the matter at its meeting on October 13, 2022, 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, are as follows:

FACTS:

The subject site is improved with an existing 4,815 square foot restaurant tenant space, which is currently in operation as a full-service restaurant occupied and operated by Azteca Restaurant and Lounge, and has frontage along Historic Main Street. The subject restaurant has been operating at this location since 1980. The subject property is zoned CC-2 (Civic Center Main Street) and has a General Plan Land Use Designation of Civic Center Mixed Use.

In June of 2009, the City of Garden Grove approved Conditional Use Permit No. CUP-268-09, which allowed the existing restaurant, Azteca Mexican Restaurant, to continue operation with an Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, and also allowed the restaurant to continue to operate with limited live entertainment.

As of the preparation of this staff report, the applicant is currently in the process with the City to obtain Director's Review approval to add a temporary parklet in the public right-of-way, directly adjacent to the restaurant. The City of Garden Grove was awarded a grant by Supervisor Andrew Do to support local businesses in the wake of the COVID-19 pandemic. The grant will fund the installation of parklets for outdoor dining in the parallel parking spaces that flank either side of Historic Main Street. The City will design, construct, and install the parklets. The parklet designs are modular, allowing for easy installation, and ultimately, removal. All other improvements and costs associated with the parklets (e.g., furniture, umbrellas, permanent sidewalk dining areas, etc.) will be borne by the applicant. The parklet was approved under Director's Review DR-068-2022 on September 28, 2022.

Garden Grove Municipal Code Section 9.32.030 allows for restaurants to serve alcohol in outdoor dining areas located in the public right-of-way on Historic Main Street, pursuant to Conditional Use Permit approval. Azteca Restaurant and Lounge is a full-service, sit-down, family-style restaurant that also serves beer, wine and spirits under CUP-268-09. Therefore, extending the sale of alcoholic beverages to the parklet project qualifies for a Conditional Use Permit. All Conditions of Approval under CUP-268-09 and DR-068-2022 are to remain in full force and effect. This approval pertains to the service of alcoholic beverages within the parklet only. The Conditions of Approval under this approval are to be in effect so long as the parklet associated with the eating establishment exists on the premises.

FINDINGS AND REASONS:

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

The subject site has a General Plan Land Use Designation of Civic Center Mixed Use and is zoned CC-2 (Civic Center Main Street). Eating establishments are allowed to serve alcohol within an outdoor dining area in the public right-of-way subject to Conditional Use Permit approval. The restaurant is currently operating under Conditional Use Permit No. CUP-268-09 with an ABC Type "47" (On-Sale, General, Public Eating Place) License to sell beer, wine, and spirits. Approval of the supplemental Conditional Use Permit will allow the existing restaurant to extend its sale and service of alcoholic beverages to a temporary outdoor dining parklet that will only be served by the existing restaurant. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

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. Conditions of Approval will require that the parklet dining area be used for sit-down food and beverage service only with no stand-up service. At all times, the service of food is required for any sale or service of alcoholic beverages, and all alcoholic beverages are required to be served, delivered, and removed to and from the parklet area by the staff of the restaurant. Moreover, sales and service of alcoholic beverages in the parklet will require a valid license issued by the Department of Alcoholic Beverage Control at all times. In addition, no entertainment will be allowed within the parklet area. The restaurant is required to operate as a family-style restaurant and will operate the parklet under the Conditions of Approval of DR-068-2022, which limits the hours of operation to the parklet to 10:00 p.m. during any day of the week. 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.

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 parklet will serve an existing restaurant on Main Street that was previously

found to be of adequate size to accommodate development features required to integrate the use with the uses in the surrounding area under Conditional Use Permit No. CUP-268-09. The proposed parklet will allow temporary service and sales of alcoholic beverages within the public right-of-way as an extension of the existing restaurant. The public right-of-way is of adequate size to accommodate the parklet while continuing to allow parking and vehicular access on Main Street.

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.

As approved under Director's Review No. DR-068-2022, the temporary outdoor dining parklet will be associated with an existing restaurant. Approval of the supplemental Conditional Use Permit will allow the existing restaurant to extend its sale and service of alcoholic beverages to the temporary parklet. The parklet is adequately served by the main public street, Main Street, and will serve an existing restaurant that is also adequately served by the public service facilities required such as public utilities: gas, electric, water, and sewer facilities.

#### INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. Conditional Use Permit No. CUP-268-09 (SUPPLEMENTAL PARKLET) does possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030 (Conditional Use Permits) and 9.16.020.080 (Alcoholic Beverage Sales).
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-268-09 (SUPPLEMENTAL PARKLET).

Dated: October 13, 2022

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DAVID DENT  
ZONING ADMINISTRATOR

## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-268-09 (SUPPLEMENTAL PARKLET)**

12911 Main Street  
(Assessor's Parcel No. 089-213-17)

### **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, Jennifer Stewart, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. This Conditional Use Permit only authorizes the sale, service and/or consumption of alcohol within the 550 square foot (11'-0" x 50'-0") temporary parklet for outdoor dining in the public right-of-way for an existing 4,815 square foot restaurant, Azteca Restaurant and Lounge, currently operating with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License under Conditional Use Permit No. CUP-268-09 as identified on the floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be approved by the Community and Economic

Development Director.

5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
6. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.
7. All conditions of approval under Conditional Use Permit No. CUP-268-09 and Director's Review No. DR-068-2022 shall remain in full force and effect. The following conditions pertain to the sale and service of alcoholic beverages within the associated parklet only. These conditions shall be in effect so long as the parklet associated with the eating establishment exists on the premises. Conditional Use Permit No. CUP-268-09 (SUPPLEMENTAL PARKLET) shall terminate 15 days after the parklet is removed from the site.

**Community and Economic Development Department**

8. All parklets in the public right-of-way with sale and service of alcoholic beverages shall be subject to the following operational standards of Section 9.18.090.050.I.5 of the Municipal Code:
  - a. The sale, service, and/or consumption of alcoholic beverages within an outdoor dining area is prohibited unless authorized pursuant to a conditional use permit approved by the City and a valid license issued by the Department of Alcoholic Beverage Control. All provisions and conditions of such permits and licenses shall be complied with at all times.
  - b. A barrier acceptable to the City and the Department of Alcoholic Beverage Control is required.
  - c. The service of food shall accompany any sale or service of alcoholic beverages.

Conditional Use Permit No. CUP-268-09 (SUPPLEMENTAL PARKLET)  
Conditions of Approval

- d. All alcoholic beverages shall be served, delivered, and removed to and from the outdoor dining area by the staff of associated eating establishment.
  - e. Hours of operation of a parklet dining area in the public right-of-way shall not extend beyond 10:00 p.m. during any day of the week.
9. A copy of the decision approving Conditional Use Permit No. CUP-268-09 (SUPPLEMENTAL PARKLET) shall be kept on the premises at all times.
  10. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-268-09 (SUPPLEMENTAL PARKLET), and his/her agreement with all conditions of the approval.
  11. 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-268-09 (SUPPLEMENTAL PARKLET). 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.
  12. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division.
  13. 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-268-09 (SUPPLEMENTAL PARKLET) 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.

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> 1.d	<b>SITE LOCATION:</b> East side of Main Street, between Acacia Parkway and Garden Grove Boulevard, at 12942 Main Street
<b>HEARING DATE:</b> October 13, 2022	<b>GENERAL PLAN:</b> Civic Center Mixed Use
<b>CASE NO.:</b> Conditional Use Permit No. CUP-057-2016 (REV. 2019) (SUPPLEMENTAL PARKLET)	<b>ZONE:</b> CC-2 (Civic Center Main Street)
<b>APPLICANT:</b> Angelo Tavlarides	<b>CEQA DETERMINATION:</b> Exempt
<b>PROPERTY OWNER:</b> Stavros Family Trust	<b>APN:</b> 090-161-13

**REQUEST:**

A request for Conditional Use Permit approval to allow an existing restaurant, Louie's On Main, currently operating under Conditional Use Permit No. CUP-057-2016 (REV. 2019) with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, to extend the sale of alcoholic beverages to a temporary parklet located within the public street.

**BACKGROUND:**

The subject property is approximately 2,800 square feet, and is located on the east side of historic Main Street, between Acacia Parkway and Garden Grove Boulevard. The property has a General Plan Land Use Designation of Civic Center Mixed Use, and is zoned CC-2 (Civic Center Main Street). The property is currently improved with an approximate 2,000 square foot commercial building, with frontage along Main Street.

According to business license records, Louie's On Main has operated at the subject location as a full-service restaurant with an ABC Type "47" (On-Sale, General, Public Eating Place) License since 1987. In 2016, the City approved Conditional Use Permit No. CUP-057-2016 to allow the transfer of ownership of the existing restaurant, Louie's On Main, and to continue its operation with an ABC Type "47" License. In 2019, the City approved CUP-057-2016 (REV. 2019) to modify the existing Conditional Use Permit to allow outdoor dining with alcohol sales and on-site consumption within the fenced outdoor dining area within the public right-of-way (sidewalk), abutting the building front façade.

The applicant obtained Director's Review approval to add a temporary parklet in the public right-of-way, directly adjacent to the restaurant. The City of Garden Grove was awarded a grant by Supervisor Andrew Do to support local businesses in the wake of the COVID-19 pandemic. The grant will fund the installation of parklets for outdoor dining in the parallel parking spaces that flank either side of Historic Main Street. The City will design, construct, and install the parklets. The parklet designs are modular, allowing for easy installation, and ultimately, removal. All other improvements and costs associated with the parklets (e.g., furniture, umbrellas, permanent sidewalk dining areas, etc.) will be borne by the applicant. The parklet was approved under Director's Review DR-069-2022 on October 5, 2022.

Garden Grove Municipal Code Section 9.32.030 allows for restaurants to serve alcohol in outdoor dining areas located in the public right-of-way on Historic Main Street, pursuant to Conditional Use Permit approval. Louie's On Main is a full-service, sit-down, family-style restaurant that also serves beer, wine and spirits under CUP-057-2016 (REV. 2019). Therefore, extending the sale of alcoholic beverages to the parklet project qualifies for a Conditional Use Permit. All conditions of approval under CUP-057-2016 (REV. 2019) and DR-069-2022 are to remain in full force and effect. This approval pertains to the service of alcoholic beverages within the parklet only. The conditions of approval under this approval are to be in effect so long as the parklet associated with the eating establishment exists on the premises.

### **DISCUSSION:**

The applicant proposes to extend sales and service of food and alcoholic beverages to the proposed parklet under the existing ABC Type "47" License. There are no proposed changes to the floor plan or operational characteristics of the existing restaurant. The temporary parklet dining area, as approved under DR-069-2022, will be provided in the street parking that fronts Louie's on Main, across the public sidewalk from the main entrance. Customers will access the parklet by crossing the public sidewalk, and entering through an opening in the parklet railing. The dining area will measure approximately 11'-0" x 25'-0", and will feature a semi-permanent enclosure consisting of planters, wire screens, and steel louvres. The parklet dining area will not impede on required pedestrian or vehicle access in the public right-of-way.

Conditions of approval will require that the parklet dining area be used for sit-down food and beverage service only with no stand-up service. At all times, the service of food is required for any sale or service of alcoholic beverages, and all alcoholic beverages are required to be served, delivered, and removed to and from the parklet area by the staff of the restaurant. Moreover, sales and service of alcoholic beverages in the parklet will require a valid license issued by the Department of Alcoholic Beverage Control at all times. In addition, no entertainment will be allowed within the parklet area.



CASE NUMBER CUP-057-2016 (REV. 2019) (SUPPLEMENTAL PARKLET)

As approved under CUP-057-2016 (REV. 2019), the hours of operation for Louie's on Main will continue to be from 8:00 a.m. to 12:00 a.m., Sunday through Thursday, and 8:00 a.m. to 2:00 a.m., Friday and Saturday. However, to minimize any potential impacts to the surrounding neighborhood, the hours of operation for the parklet will not be allowed to extend beyond 10:00 p.m. during any day of the week.

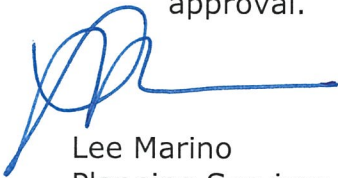
The parklet is meant to be temporary for a period of two (2) years after the building permit final. However, time extensions may be granted at the discretion of the Community and Economic Development Director.

The Community and Economic Development Department and the Police Department have reviewed the request and are in support of the proposal. The restaurant will be required to comply with the conditions of approval under CUP-057-2016 (REV. 2019), as approved by Decision No. 1790-19, in addition to the standard conditions of approval for outdoor dining in the parklet within the public right-of-way, as approved under CUP-057-2016 (REV. 2019) (SUPPLEMENTAL PARKLET).

**RECOMMENDATION:**

Staff recommends that the Zoning Administrator take the following action:

1. Approve Conditional Use Permit No. CUP-057-2016 (REV. 2019) (SUPPLEMENTAL PARKLET), subject to the recommended conditions of approval.



Lee Marino  
Planning Services Manager



By: Huong Ly  
Assistant Planner

Attachment 1: Resolution No. 1790-19 for Conditional Use Permit No. CUP-057-2016 (REV. 2019)

Attachment 2: Director's Review No. DR-069-2022

**12942 MAIN STREET**  
CITY OF GARDEN GROVE, CA

CUP-057-2016 (REV. 2019) (SUPPLEMENTAL PARKLET)

Grove Ave

PUD(M)

CC-2

Main St

CC-2

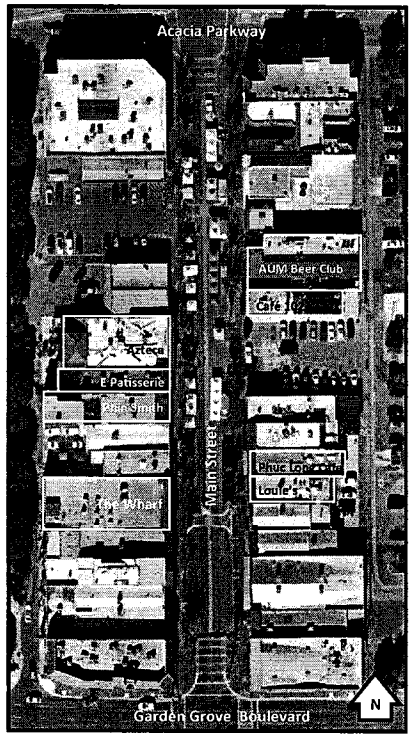
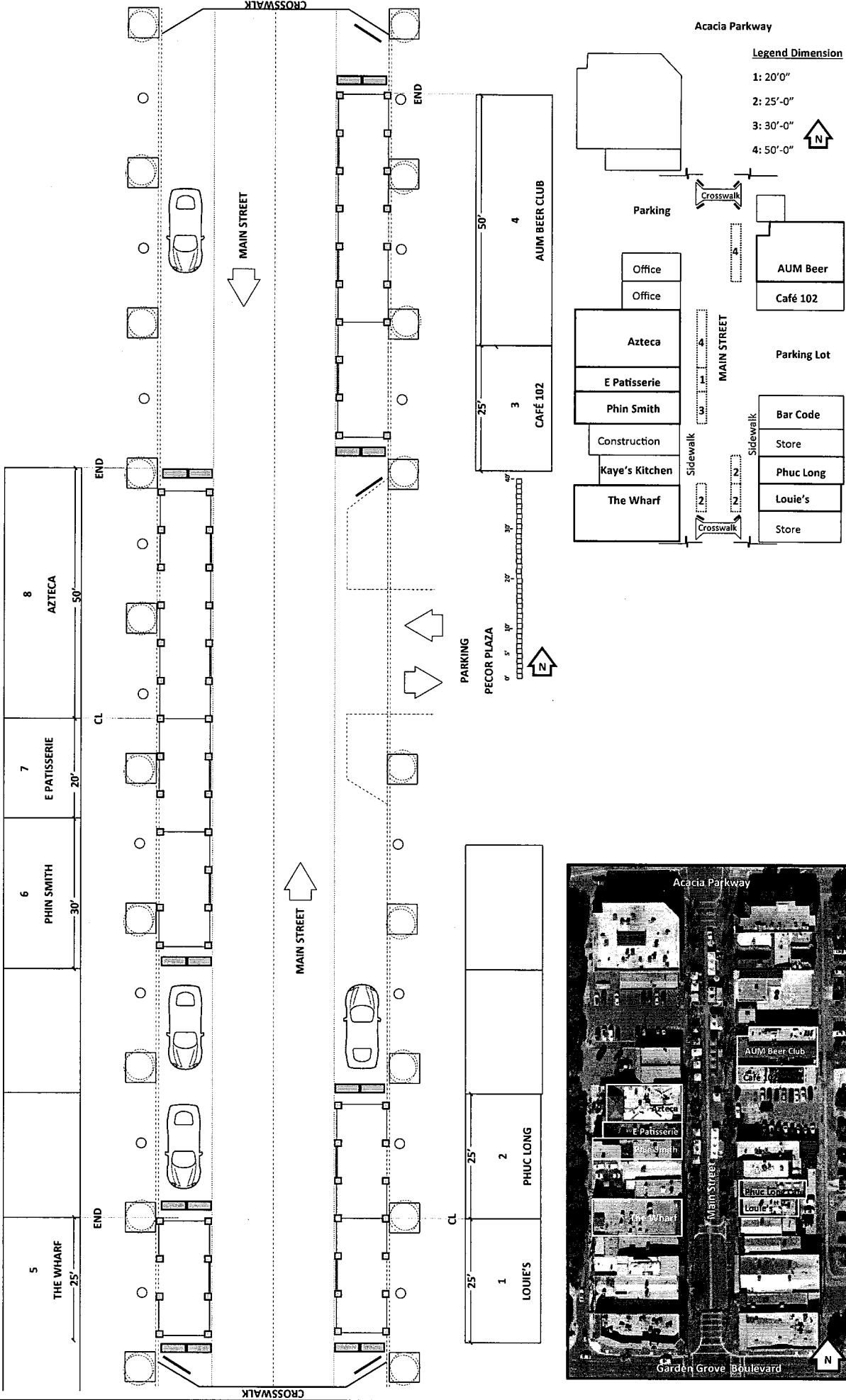
CC-3

Walnut Ave

Garden Grove Blvd



Conceptual Parklet Drawing Main Street 03.08.2022



Acacia Parkway

**Legend Dimension**  
 1: 20'-0"  
 2: 25'-0"  
 3: 30'-0"  
 4: 50'-0"

↑ N

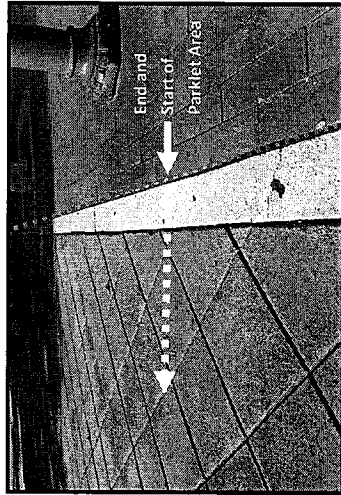
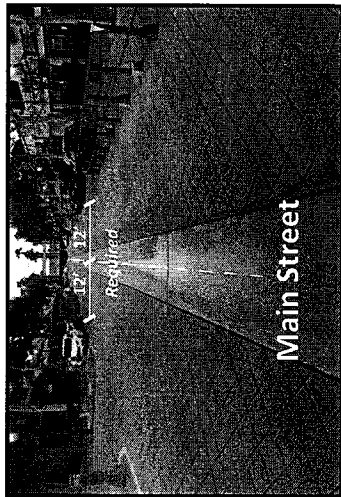
PARKING PLAZA  
 5' 10' 20' 30' 40' 50'

↑ N

Garden Grove Boulevard

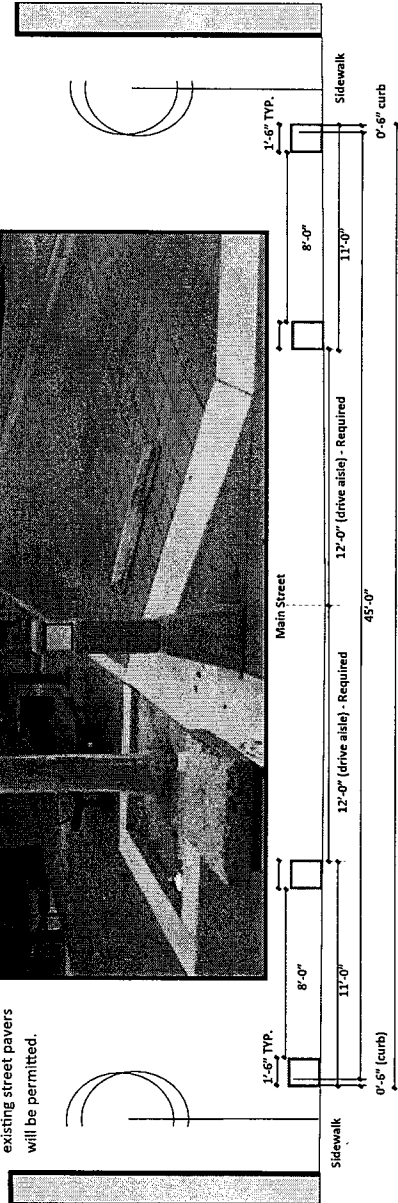
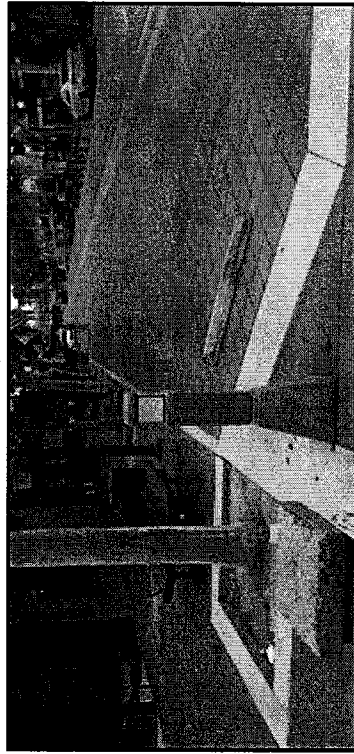
↑ N

Conceptual Parklet Drawing Main Street 03.08.2022



Slight pitch angle from the sidewalk down to the Main Street concrete gutter centerline.  
No penetration into the existing street pavers will be permitted.

No raised curb



Field Verify All Measurements

PLANTER—MATERIAL and PLANTING

**A**

PURPLE FOUNTAIN GRASS—  
1-gallon



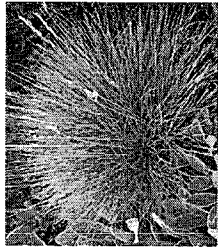
**B**

HORSETAIL REED GRASS—  
1-gallon



**C**

BLUE FESTUCA COOL GRASS—  
1-gallon



**D**

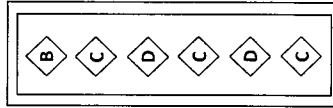
SEDUM SPURIUM DRAGONS BLOOD  
—FLATS



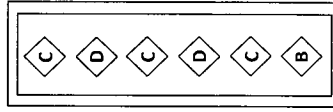
TYPICAL



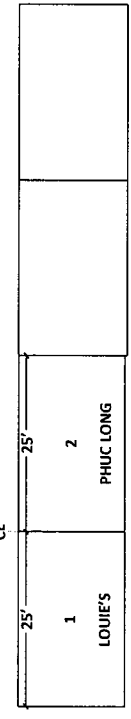
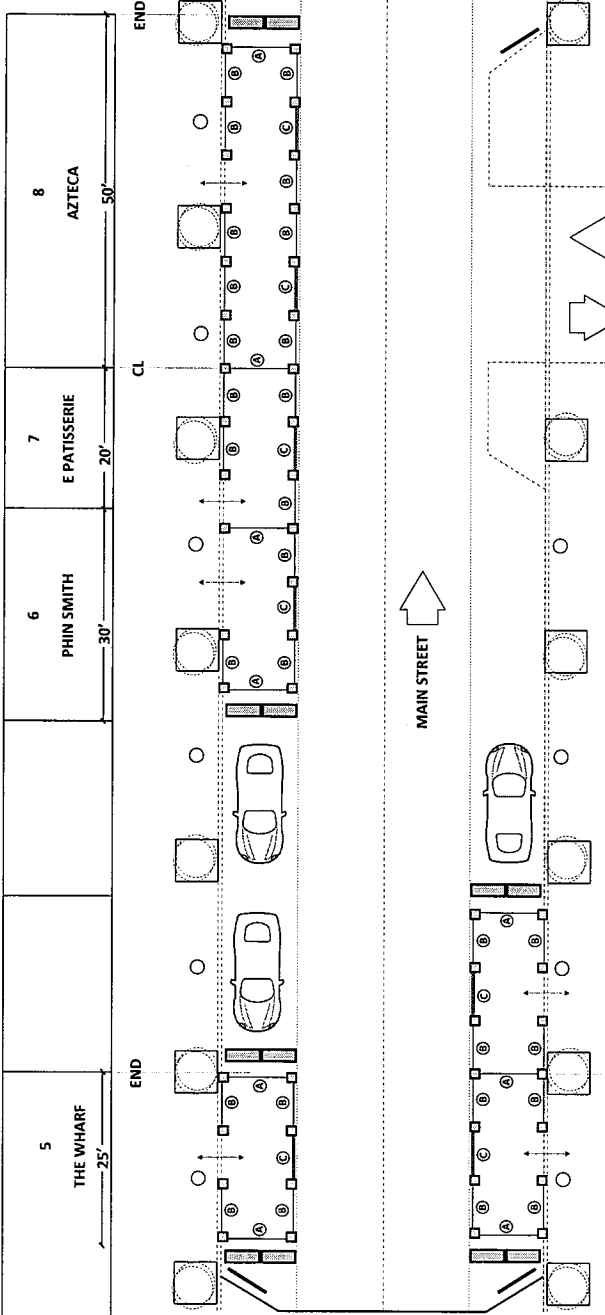
EAST SIDE



WEST SIDE



Conceptual Parklet Drawing Main Street 03.08.2022



**CONCRETE PLANTERS Support End Caps**  
 Plan  
 1'-6"  
 1'-8"

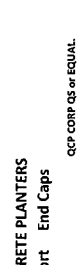
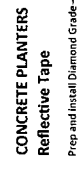
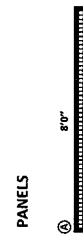
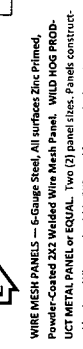
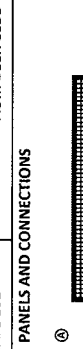
**CONCRETE PLANTERS Reflective Tape**  
 Prep and Install Diamond Grade—  
 Conspicuity Markings Series 993—Yellow,  
 minimum 3" wide on concrete planters as  
 shown below.

**CONCRETE PLANTERS**  
 QCP CORP QS or EQUAL  
 5' Length X 3' Height X 1'-6" Width with 3"  
 standard walls. Planters will be used as end  
 caps. Final colors selected by CITY.  
 QCP CORP QS or EQUAL  
 1'-5" Length X 3' Height X 1'-5" Width with 3"  
 standard walls. Onsite, concrete planters will  
 be set in place and called out panel type will  
 be attached with galvanized all-thread rods  
 with lock nuts along with waterproof caulk. All  
 panel tops shall be at same level. Minimum of  
 2" spacing between finish street and panel  
 bottom for water passage. Final colors select-  
 ed by CITY.

**WIRE MESH PANELS** — 6-Gauge Steel, All surfaces Zinc Primed,  
 Powder-Coated 2X2 Welded Wire Mesh Panel. WILD HOG PRO-D-  
 LUCT METAL PANEL or EQUAL. Two (2) panel ribs. Panels construct-  
 ed in-shop. Wire mesh within 2X2 steel frame tube (top, bottom,  
 sides), miter joints with complete welds. Wire frame to be miter  
 joints. Frame type to be recommended by fabricator. Onsite, panels  
 to be fastened onto concrete planters with galvanized thread rods,  
 washers, and lock nuts along with waterproof caulk. All surfaces to be  
 zinc primed, powder-coated, TYPICAL. Final colors selected by CITY.  
**STEEL LOUNGE PANELES** — 3/16" Thick X 4" Wide Steel Louvers. Panel  
 system constructed in-shop. Steel 3/16" X 4" X 1/4" welded (complete  
 welds) at 45 degree angle with 2" spacing, onto 402 steel tube frame  
 (top, bottom, and side), miter joints. Onsite, panels to be fastened onto  
 concrete planters with galvanized thread rods, washers, and lock nuts  
 along with waterproof caulk. All surfaces to be zinc primed, powder-  
 coated, TYPICAL. Final colors selected by CITY.

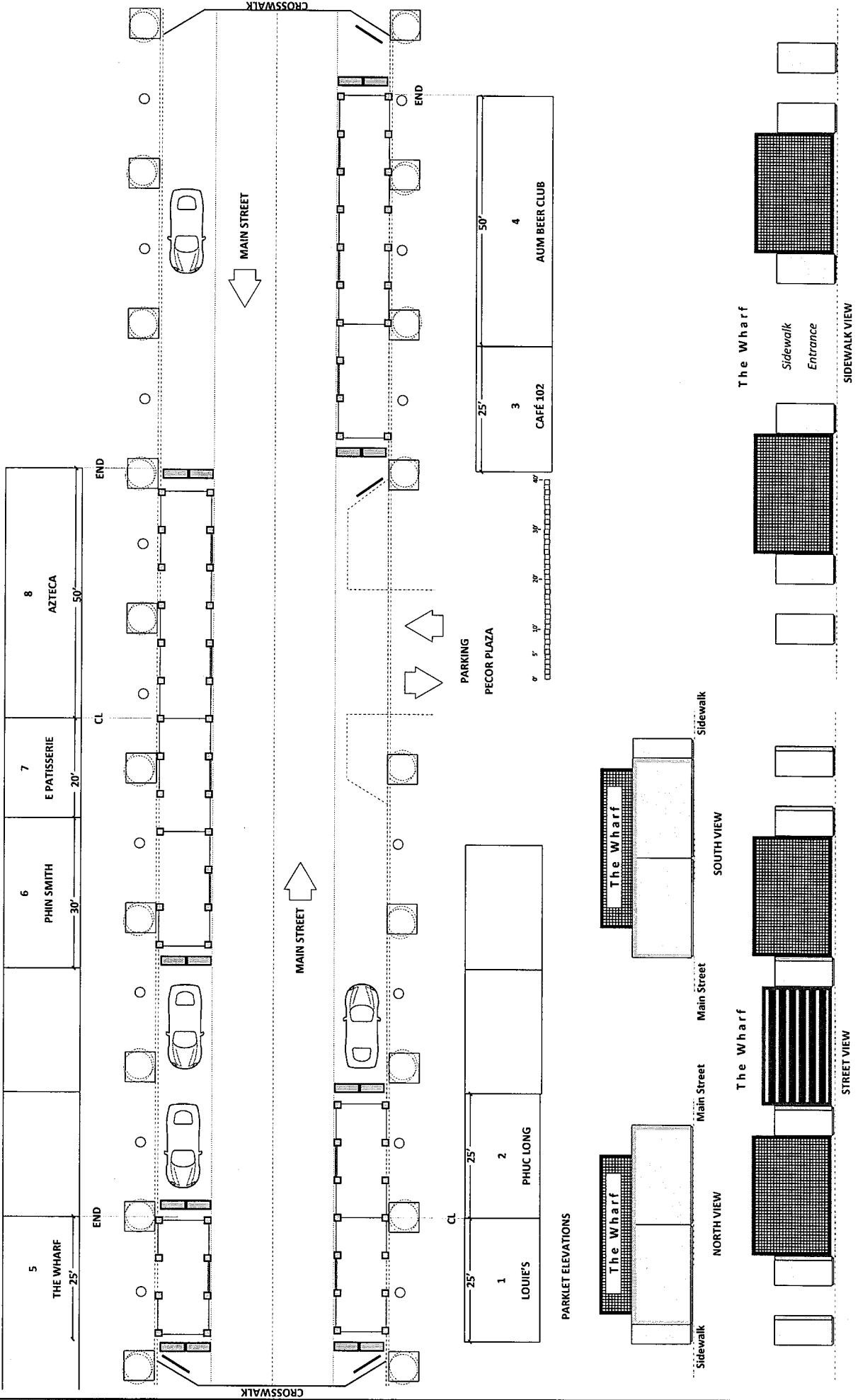
**PANELS AND CONNECTIONS**

**SIMPSON STRONG TIE** all-thread rod  
 galvanized, washers, and lock nut to  
 fasten all panels onto the concrete  
 planters. Per City Building Official,  
 minimum 1/2" diameter rod.



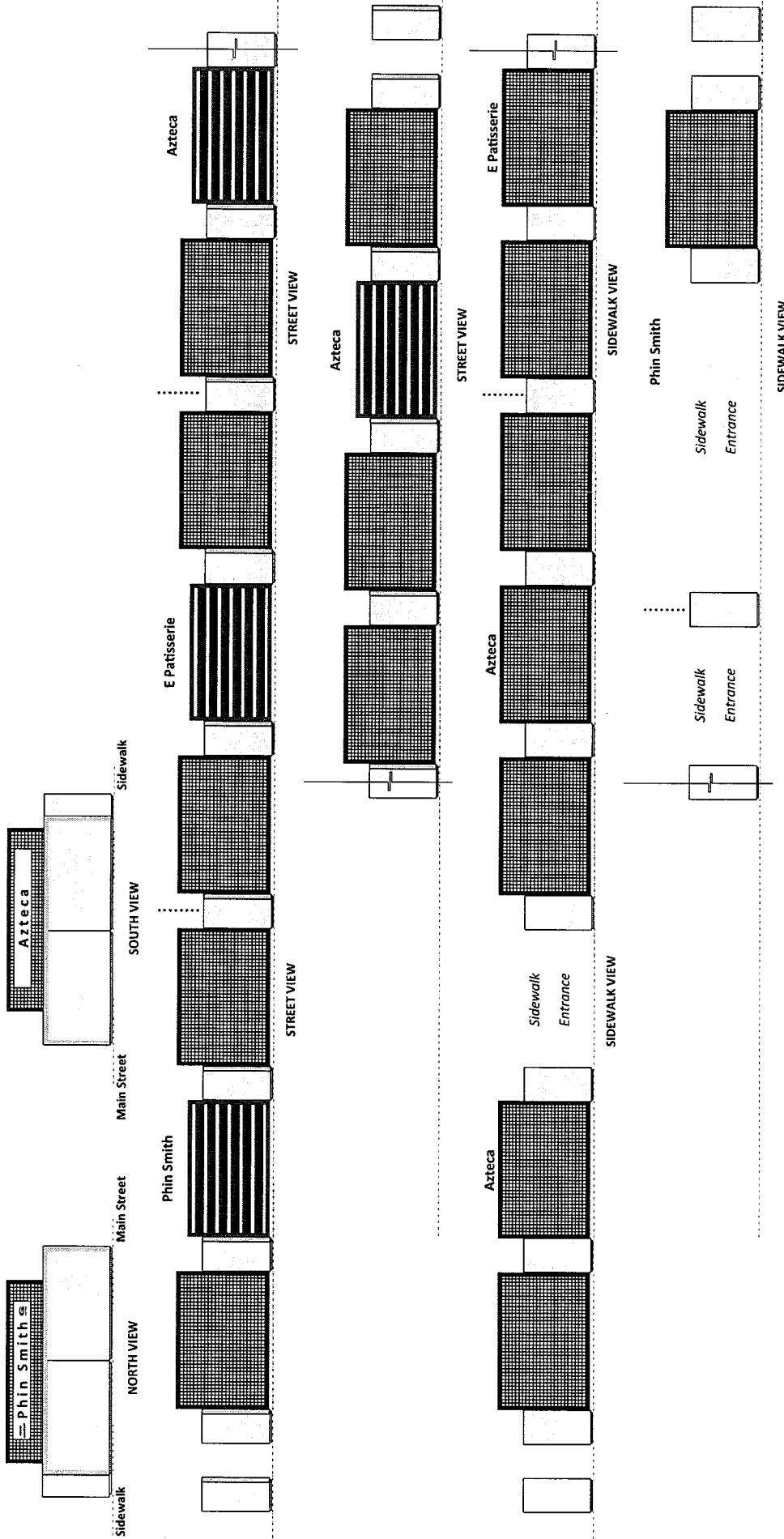
**Elevations**  
 5'0"  
 3'0"  
 1'6"

Conceptual Parklet Drawing Main Street 03.08.2022



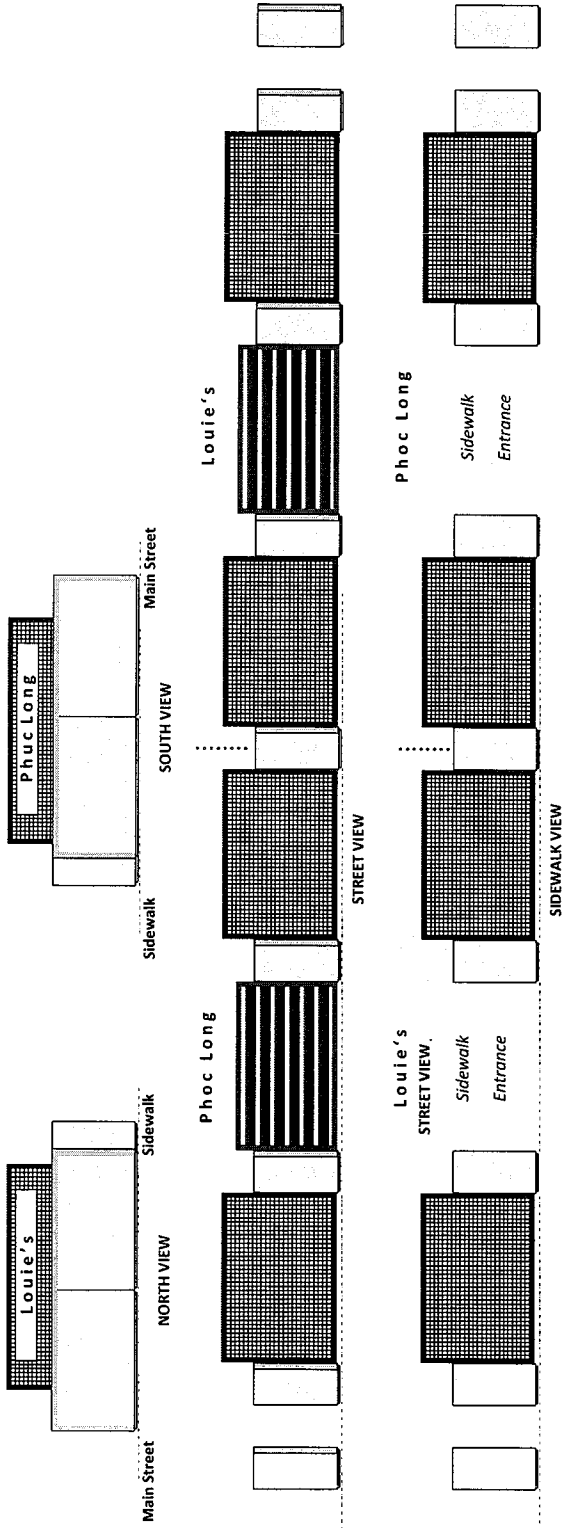
Conceptual Parklet Drawing Main Street 03.08.2022

PARKLET ELEVATIONS



Conceptual Parklet Drawing Main Street 08.08.2022

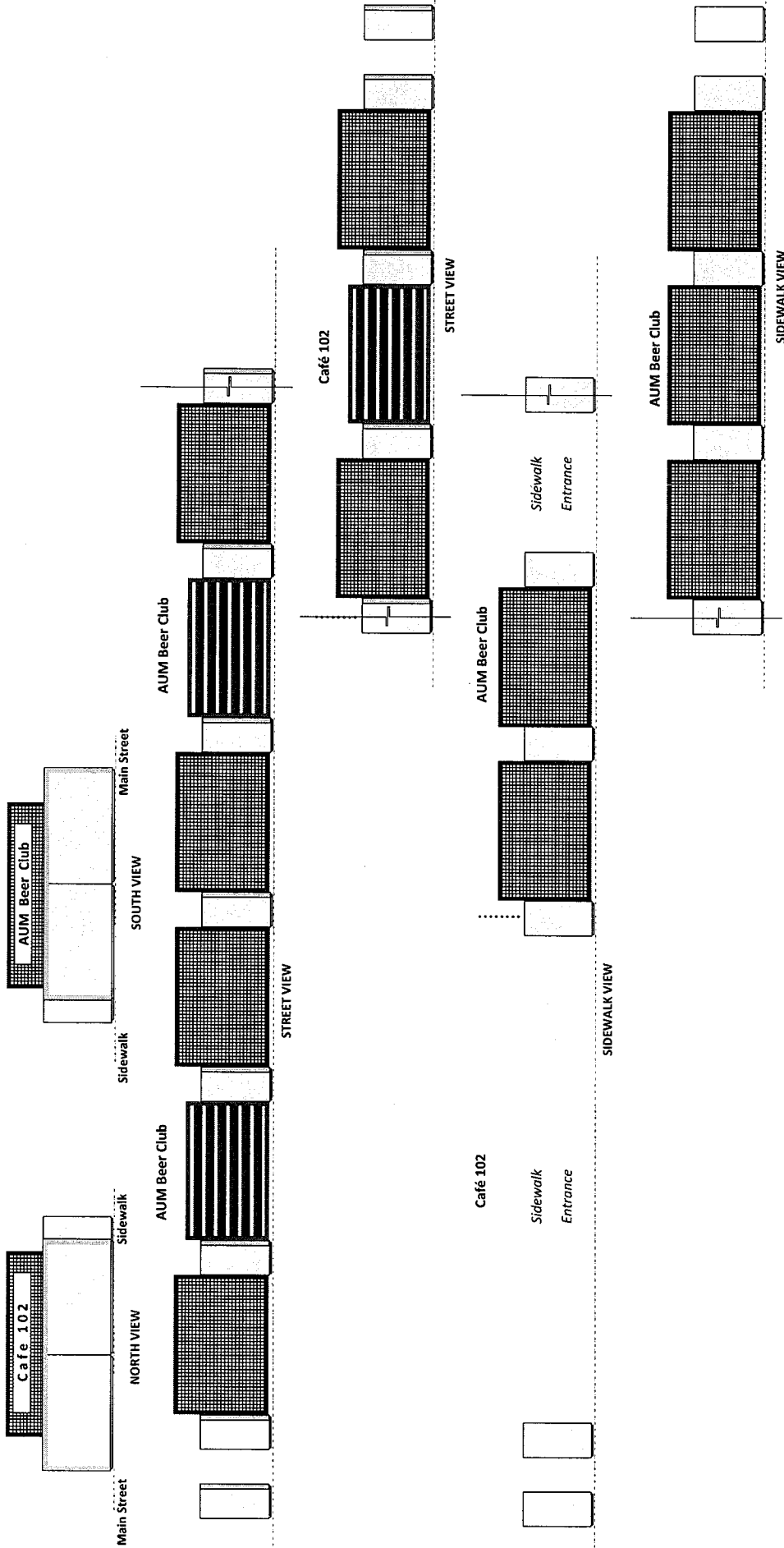
PARKLET ELEVATIONS





Conceptual Parklet Drawing Main Street 05.08.2022

PARKLET ELEVATIONS



DECISION NO. 1790-19

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-057-2016 (REV. 2019).

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-057-2016 (REV. 2019) for a property located on the east side of Main Street, north of Garden Grove Boulevard, at 12942 Main Street, Assessor's Parcel No. 090-161-13

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-057-2016 (REV.19), the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Angelo Tavlarides for Louie's on Main.
2. The applicant requests to modify the approved Conditional Use Permit No. CUP-057-2016 (REV. 19) to allow outdoor dining with alcohol sales incidental to the sale of food in the public right-of-way for an existing restaurant, Louie's on Main, located at 12942 Main Street, which currently operates under Conditional Use Permit No. CUP-057-2016 with an Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act.
4. The property has a General Plan Land Use designation of Civic Center Mixed Use, and is zoned Civic Center-Main Street (CC-2).
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on December 12, 2019, and all interested persons were given an opportunity to be heard.
8. The Zoning Administrator gave due and careful consideration to the matter during its meeting of December 12, 2019; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Zoning Administrator, as required under Municipal Code Section 9.32.030.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:**

Louie's on Main operates as a full-service, dine-in, family-style restaurant. The restaurant offers a wide selection of breakfast, lunch, and dinner entrees. The menu includes burgers, sandwiches, salads, and breakfast items. The restaurant is approximately 2,000 square feet in size, and consists of an open dining area with an eating bar area, a kitchen, storage rooms, restrooms, and a walk-in cooler.

The applicant proposes to extend the restaurant's services to a secured and fenced outdoor area within the public right-of-way (sidewalk) located adjacent to the front façade of the restaurant. The new outdoor service area is approximately 182 square feet in size, and will be secured by a three-foot (3'-0") tall wrought iron fence that will separate the dining area from the remaining public sidewalk. After installation of the fence, the remaining width of the sidewalk will be at a minimum of four feet measured from the outer edge of the fence to the curb line and to the closest public fixtures, which will provide an adequate clearance for pedestrians to pass through, as well as meeting the minimum ADA (American Disabilities Act) Accessibility requirements.

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 public furniture and fixtures including the trash can, benches, and bike racks. 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 10:00 a.m. to 12:00 a.m., Sunday through Monday, and 9:00 a.m. to 2:00 a.m., Friday and Saturday; except that the hour 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. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Chief of the Police Department.

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

- The subject site is located in Crime Reporting District No. 124.
- The crime count for the District is 259.
- Average crime count per district in the City is 97.
- A District is considered high when it exceeds the Citywide average by 20%.

- The subject District has a crime count of 167% above the citywide average; therefore, it is considered a high crime area.
- The subject site is located in Alcoholic Beverage Control (ABC) Census Report District No. 886.02.
- ABC Census Reporting District No. 886.02 allows for five (5) on-sale licenses within the District. Currently, there are four (4) on-sale licenses in the District. Approval of this CUP will not increase the number of on-sale licenses in the district.

The ABC license for the restaurant is existing, and no new licenses will be added to the district with approval of this CUP. However, a finding of public convenience or necessary has been made for this application.

#### FINDING OF PUBLIC CONVENIENCE OR NECESSITY

A finding for public convenience or necessity has been made since the restaurant is located within a district with a high crime rate and/or in an area with an over-concentration of ABC licenses. California Business and Professions Code Section 23817.5 prohibits the ABC from issuing new alcoholic licenses in areas of over-concentration. Business and Professions Code Section 23958 states:

The department further shall deny an application for a license if issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, except as provided in Section 23958.4.

Business and Professions Code Section 23958.4 provides the following exception:

(b) Notwithstanding Section 23958, the department may issue a license as follows:

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within 90 days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

Although the proposed establishment is located in a high-crime area with an under-concentration of on-sale ABC licenses, staff is able to support a finding for public convenience or necessity given the potential community benefit through the addition of beer, wine, and spirits license, which would provide an additional amenity that would enhance the dining experience at the Louie's on Main restaurant. The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The conditions of approval

will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

Furthermore, the establishment shall provide an assortment of foods normally offered in restaurants, and the kitchen shall be open, and preparing food, during all hours that the establishment is open. At all times the establishment is open, the sale of alcohol shall be incidental to the sale of food; and the quarterly gross sales of alcoholic beverages shall not exceed 35% of the total gross sale of food during the same period. Lastly, no live entertainment, (karaoke, one-man band, solo performer, live music, etc.), shall be permitted on the premises. Amplified music may be permitted provided the sound emitted from the premises shall not be audible outside of the establishment.

Finally, the request to serve alcoholic beverages incidental to the sales of food in the new outdoor dining area within the public right-of-way does not include any change in the existing operation of the Louie's on Main restaurant. The existing establishment is currently, and will continue to operate under governance of the State Alcoholic Beverage License Type "47". The approval of this request does not constitute any change to the restaurant's existing operation, nor introduce new use to the requested location; except that the sales of alcoholic beverages, incidental to the sales of food, will be extended to the designated, fenced outdoor dining area within the public right-of-way, located adjacent to the front façade of the establishment.

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

#### 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 subject site has a General Plan Land Use Designation of Civic Center Mixed Use and is zoned CC-2 (Civic Center-Main Street). The intent for this area is a mixed-use designation that promotes civic, commercial, open space, and residential uses. While Goal LU-5 of the General Plan encourages developments that are economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community, Goal ED-3 intends to maximize the community market potential in order to enhance and retain retail opportunities to serve the population. The restaurant is located within the mixed-use Main Street Area, and eating establishments with alcohol

sales are conditionally permitted in this zone. As the restaurant operator wants to incorporate 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-057-2016 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 (side walk). The outdoor dining area will abut to the front façade (storefront) of the restaurant, and will operate in conjunction with the existing indoor dining operation. The existing operation will remain unchanged; except that hours of operation for the outdoor dining area will not be extended beyond 10:00 p.m. any day of the week. Approval of this request will allow the restaurant to expand its operation, and to be able to serve a larger clientele, while providing additional amenities and services for the residents and visitors of the Historic Main Street. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

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 this location since 1987, and will continue to operate as a family-style restaurant. No changes to the restaurant's operation are proposed with this approval. The restaurant will continue to operate from 10:00 a.m. to 12:00 a.m., Sunday through Thursday, and 9:00 a.m. to 2:00 a.m., Friday and Saturday, except that hours of operation for the outdoor dining area will not be extended beyond 10:00 p.m. any day of the week. The proposed outdoor dining area in the public right-of-way abutted to the front façade of the restaurant will be secured and separated from the remaining public sidewalk by a three-foot (3'-0") tall wrought iron fence. After installation of the fence, the remaining width of the public sidewalk will be at a minimum of four feet measured from the outer edge of the fence to the curb line and to the closest public fixtures, which will provide an adequate clearance for pedestrians to pass through, as well as meeting the minimum ADA (American 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 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 not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the

vicinity of the site while providing 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 walk-way by installing a three-foot (3'-0") tall wrought iron fence. In addition, the City requires the applicant to relocate all of the public furniture including trash can and bike racks, and to provide adequate pedestrians clearances, as well as meeting the minimum ADA (American 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 existing public streets. The site is also adequately served by the public service facilities required such as public utilities: gas, electric, water, and sewer 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 Civic Center Mixed Use, and is zoned CC-2 (Civic Center – Main Street). While Goal LU-5 of the General Plan encourages developments that are economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community, Goal ED-3 intends to maximize the community market potential in order to enhance and retain retail opportunities to serve the population. The restaurant is located within the mixed-use Historic Main

Street Area, and eating establishments with alcohol sales and outdoor dining within the public right-of-way are conditionally permitted in this zone. As the restaurant operator wants to incorporate 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-057-2016 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 (side walk).

The new outdoor service area is approximately 182 square feet in size, and will be secured by a three-foot (3'-0") tall wrought iron fence that will separate the dining area from the remaining public walk-way. After installation of the fence, the remaining width of the public walk-way will be at a minimum of four feet measured from the outer edge of the fence to the curb line and to the closest public amenity, which will provide an adequate clearance for pedestrian walk-way, as well as meeting the minimum ADA (American Disabilities Act) Accessibility Requirements.

The designated outdoor dining area is designed to meet all of the applicable development standards and Building Code requirements to maintain a safe passage for pedestrians while providing new dining experience to the residents and visitors of the Garden Grove Historic Main Street, and promote active streetscape of the Historic Main Street. 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. 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 abutted to its front façade to provide alcoholic beverage sales incidental to the sale of food. 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.

Louie's on Main is a full-service, dine-in, family-style restaurant that has been operating at this location under the same ownership since 1987 with the ABC Type "47" (On-Sale, General, Public Eating Place) License under governance of the Conditional Use Permit No. CUP-057-2016. As the restaurant operator wants to incorporate 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-057-2016 to extend the restaurant's operation, including sales of alcohol incidental to the sale of food, to the fenced and secured area within the public right-of-way (side walk). The outdoor dining area will abut to the front façade (storefront) of the restaurant, and will operate in conjunction with the existing indoor dining operation.

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, relocating public furniture and fixtures including the trash can, benches and bike racks. 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 10:00 a.m. to 12:00 a.m., Sunday through Monday, and 9:00 a.m. to 2:00 a.m., Friday and Saturday; except that the hour 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 requirement of the zoning code 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 Chief of the Police Department.

The applicant is required to submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-057-2016 (REV. 2019), and his/her agreement with all conditions of the approval. No installation of the outdoor dining area within the public right-of-way is allowed without the Notice of Agreement signed, notarized and recorded by the applicant.

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 1987, and will continue to operate as a family-style restaurant. No changes to the restaurant's operation are proposed with this approval. The restaurant will continue to operate from 10:00 a.m. to 12:00 a.m., Sunday through Thursday, and 9:00 a.m. to 2:00 a.m., Friday and Saturday, except that hours of operation for the outdoor dining area will 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 three-foot (3'-0") tall wrought iron fence. After installation of the fence, the remaining width of the public walk-way will be at a minimum of four feet measured from the outer edge of the fence to the curb line and/or to the closest public amenity, which will provide an adequate clearance for pedestrians to pass through, as well as meeting the 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).
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-057-2016 (REV. 2019).

Dated: December 12, 2019

  
\_\_\_\_\_  
ALLISON WILSON  
ZONING ADMINISTRATOR

## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-057-2016 (REV. 2019)**

12942 Main Street

#### **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 the project applicant, Angelo Taviarides for Louie's On Main, 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 Zoning Administrator, except as otherwise provided herein.
3. This Conditional Use Permit only authorizes the existing Louie's On Main restaurant that is currently operating with an Alcoholic Beverage Control (ABC) Type "47" (On-sale, General, Public Eating Place) License under the Conditional Use Permit No. CUP-057-2016 to serve food and alcoholic beverages in the fenced, outdoor dining area in the public right-of-way as identified on the floor plan and site plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Director.
4. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the intensification of the project or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.

FINAL

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

**Police Department**

6. 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.
7. Hours of operation shall be permitted only between the hours of 8:00 a.m. to 12:00 a.m., Sunday through Thursday, and 8:00 a.m. to 2:00 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 hours of operation shall be applicable to the entire premises. The City of Garden Grove reserves the right to reduce hours of operation, by order of the Chief of the Police Department, in the event problems arise concerning the operation of this business.
8. There shall be no customers or patrons in or about the premises when the establishment is closed.
9. 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.
10. The sale of alcoholic beverages for consumption off the premises is prohibited, except in the designated and fenced outdoor dining area within the public right-of-way.
11. 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.
12. 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.

13. 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).
14. 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.
15. The sale and service of alcohol shall cease thirty (30) minutes prior to the required closing time.

**Public Works – Engineer Division**

16. The applicant shall be subject to Traffic Mitigation Fees, Drainage Facilities Fees, Orange County Sanitary District Fees, and other applicable mitigation fees identified in Section 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.
17. All fees shall be calculated based on the current fee schedule at the time of permit issuance.
18. A separate encroachment permit/construction permit is required for any type of work performed within public right-of-way prior on Main Street. Encroachment permit will only be issued to the contractors that carry State Contractor's License classification on an "A" General Engineering Contractor or C8 Concrete Specialty License or C12 Earthwork and Paving Contractor.
19. The applicant shall provide square footage of the outdoor dining area to the City of Garden Grove Engineering Division on an approved outdoor dining site plan from Planning Division.
20. A separate outdoor dining operation permit is required annually along with a valid liability insurance to be submitted to Engineering and Risk Management.
21. The outdoor 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.

22. The applicant and his 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.
23. Any required partial Main Street closure should occur outside of peak travel periods.
24. No at- or above-ground fixed equipment shall be placed on the City of Garden Grove public right of way or within outdoor dining area.

**Community Development Department**

25. 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. All previous conditions of approval for the alcohol sales inside the existing establishment shall remain in full force and effect, except as modified herein.
26. 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.
27. The proposed outdoor 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 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 dining area in the public right-of-way shall be fully accessible to, and useable by, the physically handicapped in compliance with applicable law.

FINAL

- d. The subject outdoor dining area in the public right-of-way shall be arranged and located in such a manner that a four-foot (4'-0") minimum 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 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 10 feet 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.
28. Barriers, in form the of a wrought iron fence, demarcating an approved outdoor 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 in height and no more than three feet six inches in height.
  - c. The location of any barrier shall be subject to the approval of the Director or applicable hearing body and the provisions and conditions of the encroachment permit.



29. All outdoor dining areas 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 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 dining areas shall be used for sit-down food and beverage service only; no stand-up service is permitted.
  - f. No entertainment shall be permitted within an outdoor dining area.
  - g. 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.
  - h. 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.
  - i. Food service shall be provided during all hours the restaurant is open, and shall also be available at all times when alcoholic beverages are being served.

- j. Food shall accompany any sales and service of alcoholic beverages in the restaurant area and the designated outdoor dining area.
  - k. The sale of alcoholic beverages for consumption off the premises is prohibited except within the designated outdoor dining area.
30. No outside storage or displays shall be permitted at any time.
  31. 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.
  32. 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.
  33. There shall be no raised platform, stage or dance floor allowed on the premises at any time.
  34. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.16.020.070.
  35. There shall be no deliveries to or from the premises before 7:00 a.m. and after 10:00 p.m., seven days a week.
  36. The restaurant shall be allowed to continue to use the rear doors of the restaurant for customer and employee ingress and egress.
  37. 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.
  38. The trash bin 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.
  39. 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.

40. 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.
41. 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 and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
42. 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 Division. No advertising material shall be placed thereon.
43. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
44. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows. Any opaque material applied to the store front, such as window shall count toward the maximum window coverage area.
45. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
46. A copy of the decision approving Conditional Use Permit No. CUP-057-2016 (Rev. 2019) shall be kept on the premises at all times.

FINAL

Conditional Use Permit No. CUP-057-2016 (Rev. 2019)  
Conditions of Approval

47. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-057-2016 (Rev. 2019), and his/her agreement with all conditions of the approval.
48. If deemed necessary by the Community and Economic Development Director, the Conditional Use Permit may be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.
49. 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-057-2016 (Rev. 2019) shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.
50. 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.
51. Any proposed structural rehabilitation or significant alterations of existing building façades proposed in conjunction with an outside eating area in the public right-of-way, including the construction of new dining alcoves, shall be subject to review and recommendation by the Zoning Administrator and the Downtown Commission in accordance with this section.
52. 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 CUP-057-2016 (Rev. 2019). The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City, including, but not limited to, any award of attorney fees to a party challenging such project

approval. The City shall retain the right to select its counsel of choice in any action referred to herein.



October 5, 2022

Louie's on Main  
Attn: Angelo Tavlarides  
12942 Main Street  
Garden Grove, CA 92840

**SUBJECT: APPROVAL OF DIRECTOR'S REVIEW NO. DR-069-2022 FOR PROPERTY LOCATED AT 12942 MAIN STREET, GARDEN GROVE, CA**

Dear Angelo Tavlarides,

Your request for a Director's Review, to install a temporary parklet on Main Street, has been approved based on the following:

The subject property is approximately 2,800 square feet, and is located on the east side of historic Main Street, between Acacia Parkway and Garden Grove Boulevard. The property has a General Plan Land Use Designation of Civic Center Mixed Use, and is zoned CC-2 (Civic Center Main Street). The property is currently improved with an approximately 2,000 square foot restaurant commercial building, with frontage along Main Street.

According to business license records, Louie's On Main has operated at the subject location as a full-service restaurant with an ABC Type "47" (On-Sale, General, Public Eating Place) License since 1987. In 2016, the City approved Conditional Use Permit No. CUP-057-2016 to allow the transfer of ownership of the existing restaurant, Louie's On Main, and to continue its operation with an ABC Type "47" License. In 2019, the City approved CUP-057-2016 (REV. 2019) to modify the existing Conditional Use Permit to allow outdoor dining with alcohol sales and on-site consumption within the fenced outdoor dining area within the public right-of-way (sidewalk), abutting the building front façade.

The subject request is to add a 275 square foot (11'-0" x 25'-0") temporary parklet in the public right-of-way. The temporary parklet dining area will be provided in the street parking that fronts Louie's On Main, across the public sidewalk from the main entrance and the existing outdoor dining. Customers will access the parklet by crossing the public sidewalk, and entering through an opening in the parklet railing. The dining area will measure approximately 11'-0" x 25'-0", and will feature a semi-permanent enclosure consisting of planters, wire screens, and steel louvres.

The parklet dining area will not impede on required pedestrian or vehicle access in the public right-of-way.

The City of Garden Grove was awarded a grant by Supervisor Andrew Do to support local businesses in the wake of the COVID-19 pandemic. The grant will fund the installation of parklets for outdoor dining in the parallel parking spaces that flank either side of Main Street. The City will design, construct, and install the parklets. The parklet designs are modular, allowing for easy installation, and ultimately, removal. The outdoor parklets will be permitted for a period of two (2) years from their installation date, with any extensions subject to the approval of the Community and Economic Development Director. All other improvements and costs associated with the parklets (e.g., furniture, umbrellas, etc.) will be borne by the applicant.

The project design includes the following:

The temporary parklet dining area will be provided in the street parking that fronts Louie's On Main, across the public sidewalk from the main entrance. Customers will access the parklet by crossing the public sidewalk, and entering through an opening in the parklet railing. The dining area will measure approximately 11'-0" x 25'-0", and will feature a semi-permanent enclosure consisting of planters, wire screens, and steel louvres. The parklet dining area will not impede on required pedestrian or vehicle access in the public right-of-way. The parklet will abut the parklet for Phuc Long Coffee and Tea to the north.

Pursuant to Garden Grove Municipal Code Section 9.32.030, approval of a Director's Review allows for outdoor dining areas within the public right-of-way on Main Street. A separate Conditional Use Permit approval pursuant to the provisions of Municipal Code Section 9.18.060, Alcohol Beverage Sales, is required for the sale, service and/or consumption of alcohol within an outdoor dining area in the public right-of-way. Therefore, approval of this Director's Review is for the outdoor dining parklet only. A condition of approval will require approval of a Conditional Use Permit for the sale, service and/or consumption of alcohol within the outdoor dining parklet.

### **CONDITIONS OF APPROVAL**

This approval is based on the fact that the project complies with the General Plan, and the development standards of the CC-2 zone, which includes regulations for outdoor dining areas in the public right-of-way, per Title 9 of the Municipal Code. Also, the project will not adversely affect the health, peace, comfort, or welfare of the persons residing or working in the adjoining properties. The project is exempt

from CEQA review, pursuant to a Class I Exemption – Existing Facilities (CEQA Guidelines §15301.).

The decision is subject to the following conditions of approval:

**Community and Economic Development Department**

1. The property owner shall record a "Notice of Agreement with Conditions of Approval with a Director's Review", as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to the issuance of any building permits. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes to the conditions of approval require approval by the Community and Economic Development Department Director.
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, Angelo Tavlarides. The term "property owner" shall mean and refer to the property owner, Stavros Family Trust, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants.
3. Approval of this Director's Review 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. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Department Director. If major modifications are made in the proposed development that result in the intensification of the project, or create impacts that have not been previously addressed, the appropriate entitlement applications shall be filed, reflecting the revisions made.
5. The approved floor plan, site plan, building design, and the use of the property, is an integral part of the decision approving this Director's Review. There shall be no change in the design of the plans without the approval of the Community and Economic Development Department. Any change in the approved plans or use of the property, that has the effect of expanding or intensifying the proposed development, shall require the applicant to obtain appropriate entitlements.
6. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.



7. The parklet is permitted for a period of two (2) years after building permit final. Any time extensions are subject to the approval of the Community and Economic Development Director.
8. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Title Sections 8.47.040 to 8.47.060 referred to as the Noise Control Ordinance as adopted:
  - a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day)
  - b. Sunday and Federal Holidays – may work the same hours, but be subject to the restrictions as stipulated in Sections 8.47.040 to 8.47.060 of the Municipal Code.
9. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, the use of methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible, the use of solar or low-emission water heaters, and the use of low-sodium parking lot lights, to ensure compliance with Title 24.
10. The proposed parklet 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 parklet in the public right-of-way may only be located 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 relocated subject to approval of the Public Works Director or designee.
  - c. The subject parklet 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 parklet dining area in the public right-of-way shall be arranged and located in such a manner that a four-foot (4'-0") minimum 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 a parklet 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 (7'-0") 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.
11. All parklets in the public right-of-way shall be subject to the following operational standards of Section 9.18.090.050.I.4 of the Municipal Code:
- a. Hours of operation of a parklet 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 parklet 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. Parklet 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 parklet dining areas shall be used for sit-down food and beverage service only; no stand-up service is permitted.
  - f. No entertainment shall be permitted within a parklet dining area.

- g. The use of mist systems or other devices spraying water over the public right-of-way is prohibited.
  - h. All plans and permits for a parklet 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.
  - i. No outside storage or displays shall be permitted at any time.
- 12. 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.
- 13. 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.
- 14. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
- 15. 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.
- 16. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division, prior to issuance of a building permit.
- 17. 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.
- 18. Any proposed structural rehabilitation or significant alterations of existing building façades proposed in conjunction with an outside eating area in the public right-of-way, including the construction of dining alcoves, shall be subject

to review and recommendation by the Zoning Administrator and the Downtown Commission.

19. The applicant shall abate all graffiti vandalism within the premises. The applicant 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 as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
20. Any and all corrections notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant, and all agents thereof.
21. Conditional Use Permit approval pursuant to the provisions of Municipal Code Section 9.18.060, Alcohol Beverage Sales, is required for the sale, service and/or consumption of alcohol within the outdoor dining parklet.
22. The applicant shall submit signed letters acknowledging receipt of the decision approving Director's Review No. DR-069-2022, and his/her agreement with all conditions of approval.
23. 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 Director's Review No. DR-069-2022. 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.
24. 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 Director's Review No. DR-069-2022 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.

### **Building and Safety Division**

25. The project shall comply with all requirements of the current California Building Standards Code (CBC) at the time of plan submittal.
26. The applicant shall provide detailed plans including, but not limited to, proposed seating, exiting, and plumbing fixture loads.

### **Engineering Division**

27. The applicant shall be subject to permit issuance fees.
28. All fees shall be calculated based on the current fee schedule at the time of permit issuance.
29. A separate encroachment permit is required for any type of construction activity or equipment setup related work performed within public right-of-way prior on Main Street. No drilling or excavation will be allowed within public right-of-way. The encroachment permit shall only be issued to the restaurant owner or a contractor that carries an "A" General Engineering license. Valid liability insurance must be submitted to Engineering Division.
30. The applicant shall provide the square footage of the outdoor dining area to the City of Garden Grove Engineering Division on an approved outdoor dining site plan from the Planning Services Division.
31. A separate outdoor dining operation permit is required annually along with a valid liability insurance to be submitted to the Engineering Division, and Risk Management Division.
32. The outdoor 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.
33. The applicant and their contractor shall be responsible for protecting all existing improvements on Main Street that front the project, including trash cans, public benches, bike racks, trees, planter boxes, and signs.
34. The width of the proposed parklet shall not exceed eleven feet (11'-0"), in order to maintain a minimum twelve-foot (12'-0") vehicular travel lane in each direction on Main Street.

35. Any required partial Main Street closure shall occur outside of peak travel periods.
36. Concrete K-rails are not 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 public right-of-way.
37. The City of Garden Grove has the right to perform maintenance, if needed, within the public right-of-way at any given time.

This action can be appealed during a seven (7) day appeal period. Therefore, this decision will not become final until Thursday, October 13, 2022. If you have any questions, please contact Huong Ly, Assistant Planner, in the Planning Services Division at (714) 741-5302.

Sincerely,



LISA L. KIM  
Assistant City Manager/Community and Economic Development Director

By: Huong Ly  
Assistant Planner

CC: Angelo Tavlarides  
Stavros Family Trust

DR-069-2022

**12942 MAIN STREET**  
CITY OF GARDEN GROVE, CA

Grove Ave

Grove Ave

PUD (M)

CC-2

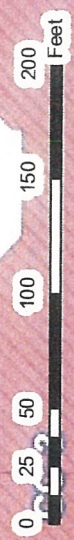
Main St

CC-2

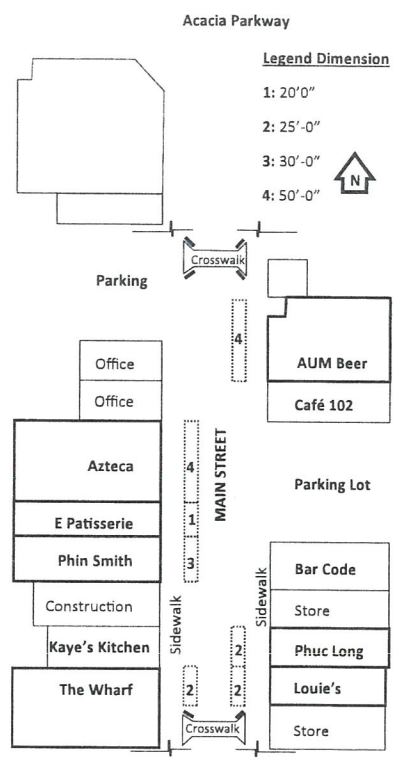
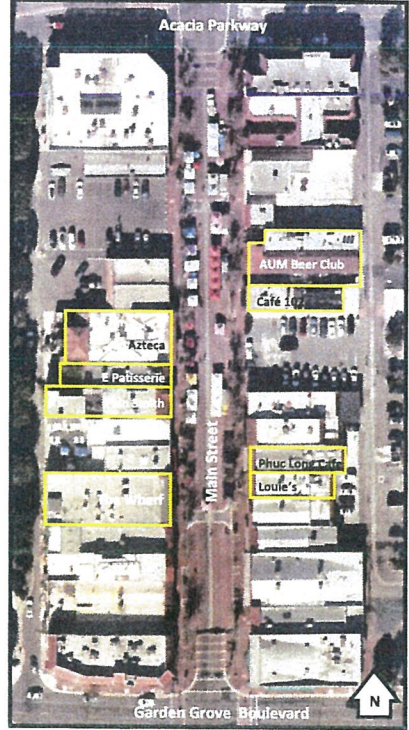
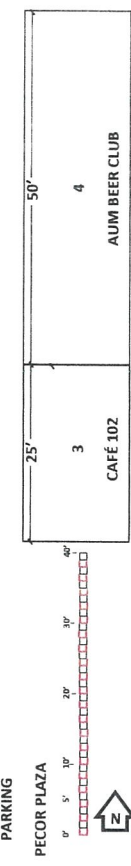
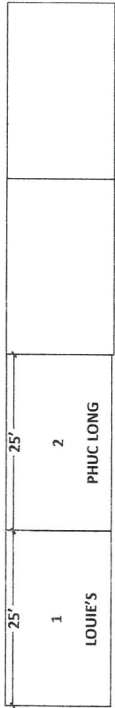
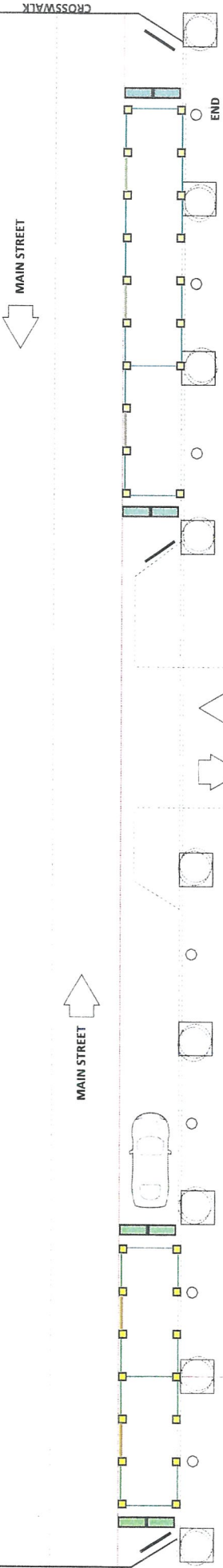
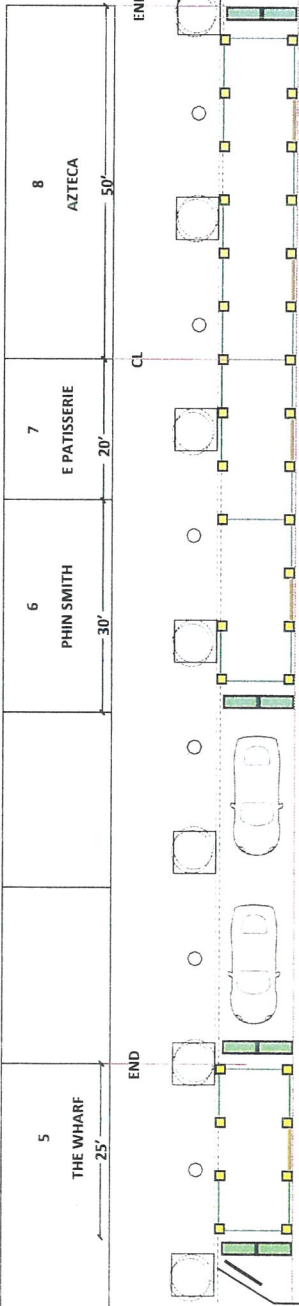
CC-3

Walnut Ave

Garden Grove Blvd



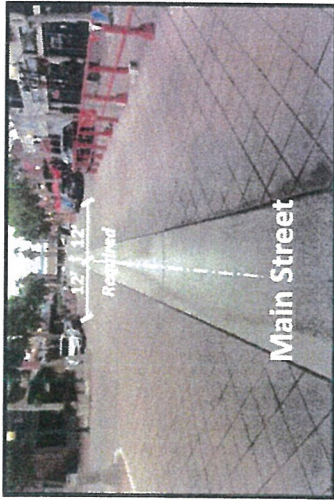
Conceptual Parklet Drawing Main Street 05.08.2022



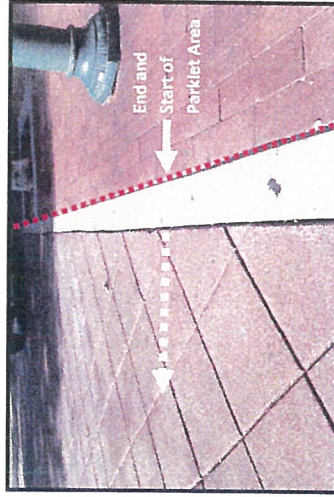
- Legend Dimension**
- 1: 20'-0"
  - 2: 25'-0"
  - 3: 30'-0"
  - 4: 50'-0"



Conceptual Parklet Drawing Main Street 05.08.2022

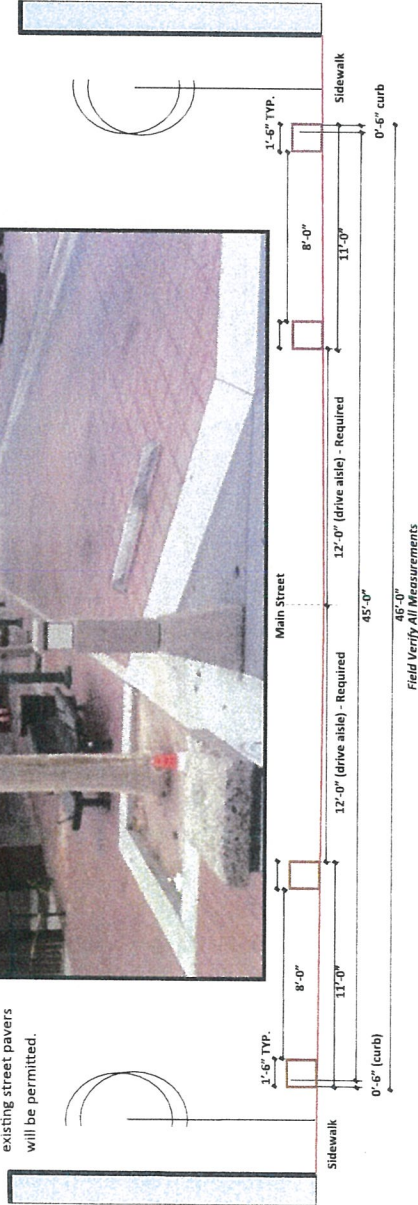


Main Street



Slight pitch angle from the sidewalk down to the Main Street concrete gutter centerline.  
No penetration into the existing street pavers will be permitted.

No raised curb



PLANTER—MATERIAL and PLANTING

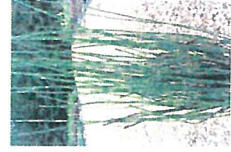
A

PURPLE FOUNTAIN GRASS—  
1-gallon



B

HORSETAIL REED GRASS—  
1-gallon



C

BLUE FESTUCA COOL GRASS—  
1-gallon



D

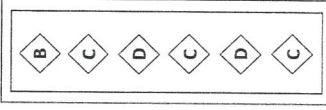
SEDUM SPURIUM DRAGONS BLOOD  
—FLATS



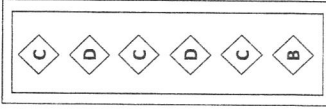
TYPICAL



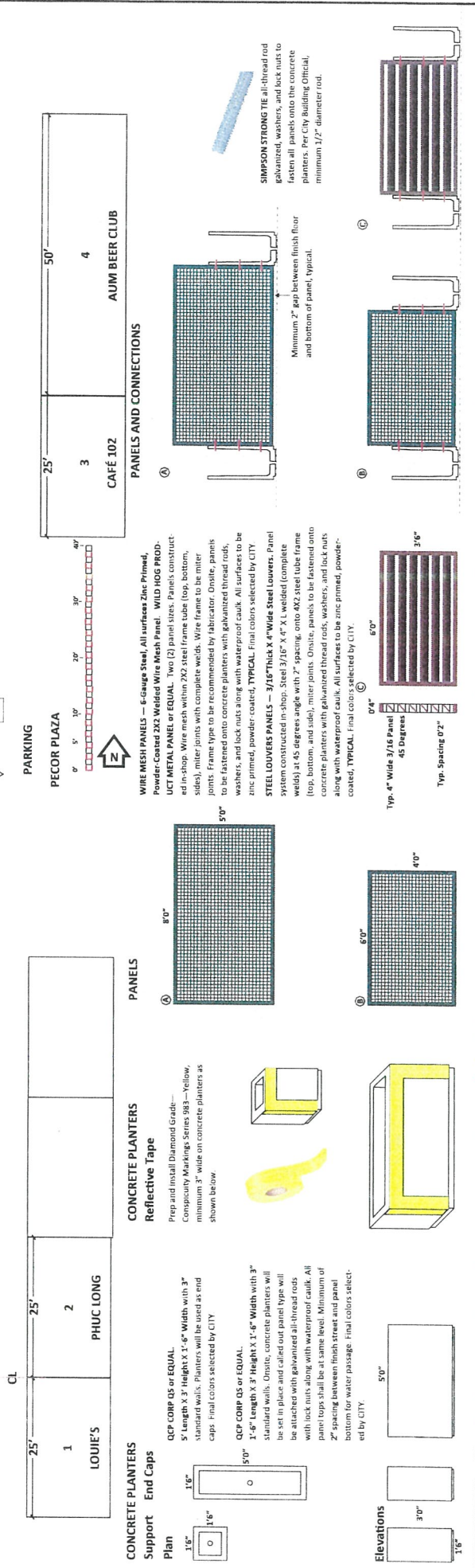
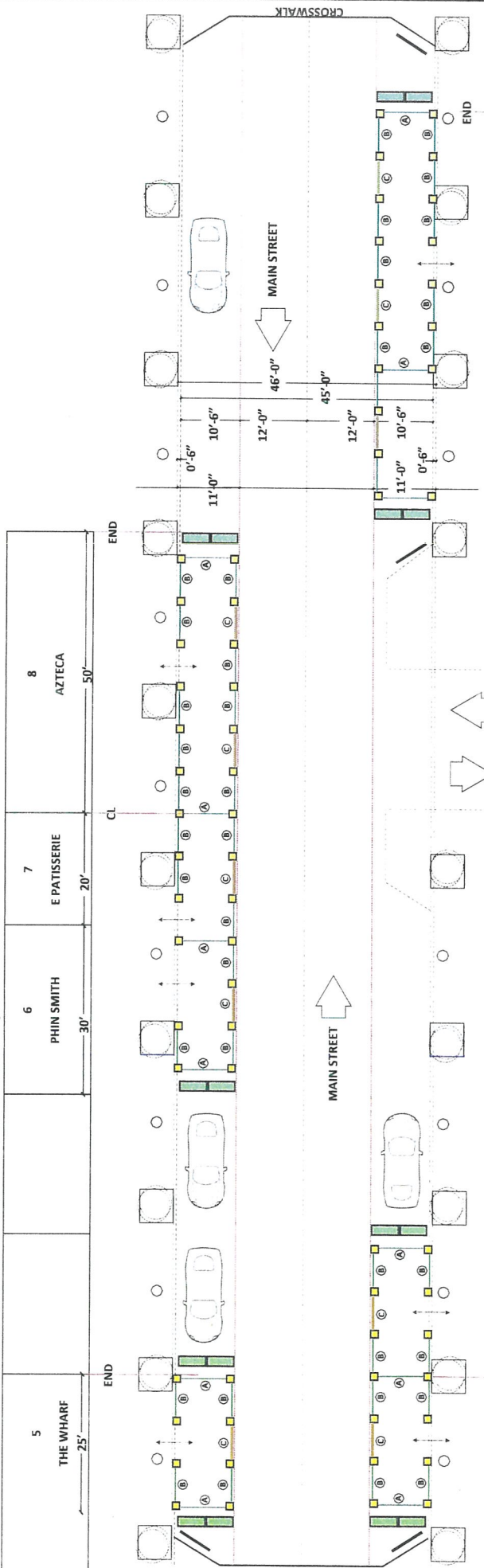
EAST SIDE



WEST SIDE

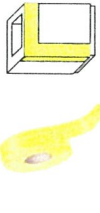


Conceptual Parklet Drawing Main Street 03.08.2022



**WIRE MESH PANELS** — 6-Gauge Steel, All surfaces Zinc Primed, Powder-Coated 2X2 Welded Wire Mesh Panel. WILD HOG PRODUCTIONS METAL PANEL OR EQUAL. Two (2) panel sizes. Panels constructed in-shop. Wire mesh within 2X2 steel frame tube (top, bottom, sides), miter joints with complete welds. Wire frame to be mitered joints. Frame type to be recommended by fabricator. Onsite, panels to be fastened onto concrete planters with galvanized threaded rods, washers, and lock nuts along with waterproof caulk. All surfaces to be zinc primed, powder-coated, TYPICAL. Final colors selected by CITY.

**STEEL LOUVERS PANELS** — 3/16" Thick X 4" Wide Steel Louvers. Panel system constructed in-shop. Steel 3/16" X 4" X L welded (complete welds) at 45 degree angle with 2" spacing onto 4X2 steel tube frame (top, bottom, and side), miter joints. Onsite, panels to be fastened onto concrete planters with galvanized threaded rods, washers, and lock nuts along with waterproof caulk. All surfaces to be zinc primed, powder-coated, TYPICAL. Final colors selected by CITY.



**CONCRETE PLANTERS Support End Caps**  
 1'6" x 1'6" x 1'6" (shown in elevation)  
 QCP CONP 05 or EQUAL.  
 1'-6" Length X 3" Height X 1'-6" Width with 3" standard walls. Planters will be used as end caps. Final colors selected by CITY.

**CONCRETE PLANTERS Reflective Tape**  
 Prep and install Diamond Grade—Conspicuity Markings Series 393—Yellow, minimum 3" wide on concrete planters as shown below.

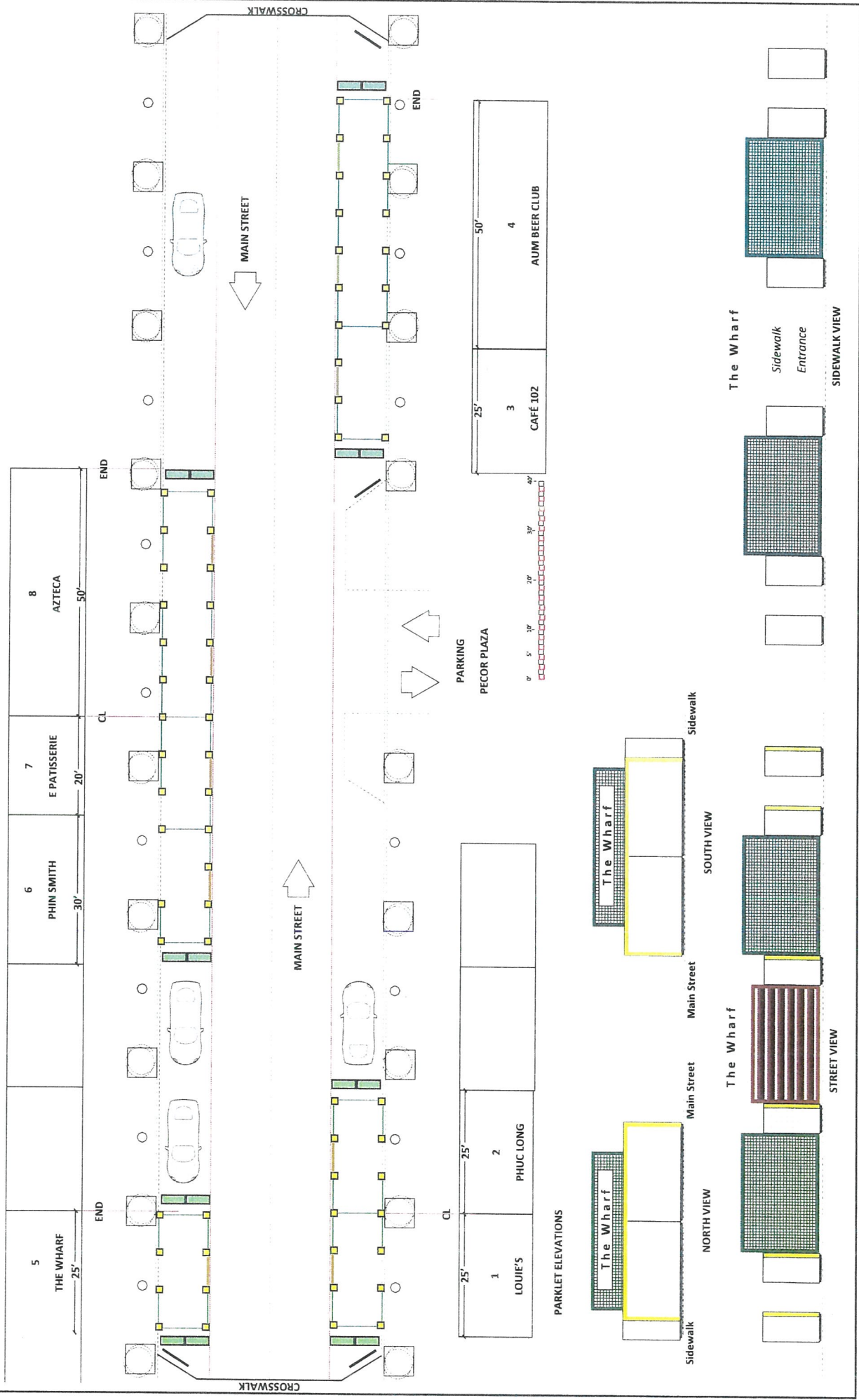
**CONCRETE PLANTERS Panels**  
 8'0" x 8'0" (shown in elevation)  
 6'0" x 4'0" (shown in elevation)  
 QCP CONP 05 or EQUAL.  
 1'-6" Length X 3" Height X 1'-6" Width with 3" standard walls. Onsite, concrete planters will be set in place and called out panel type will be attached with galvanized all-thread rods with lock nuts along with waterproof caulk. All panel tops shall be at same level. Minimum of 2" spacing between finish street and panel bottom for water passage. Final colors selected by CITY.

**CONCRETE PLANTERS Elevations**  
 3'0" x 1'6" (shown in elevation)  
 5'0" x 1'6" (shown in elevation)

**PANELS AND CONNECTIONS**  
 SIMPSON STRONG TIE all-thread rod galvanized, washers, and lock nuts to fasten all panels onto the concrete planters. Per City Building Official, minimum 1/2" diameter rod.  
 Minimum 2" gap between finish floor and bottom of panel, typical.

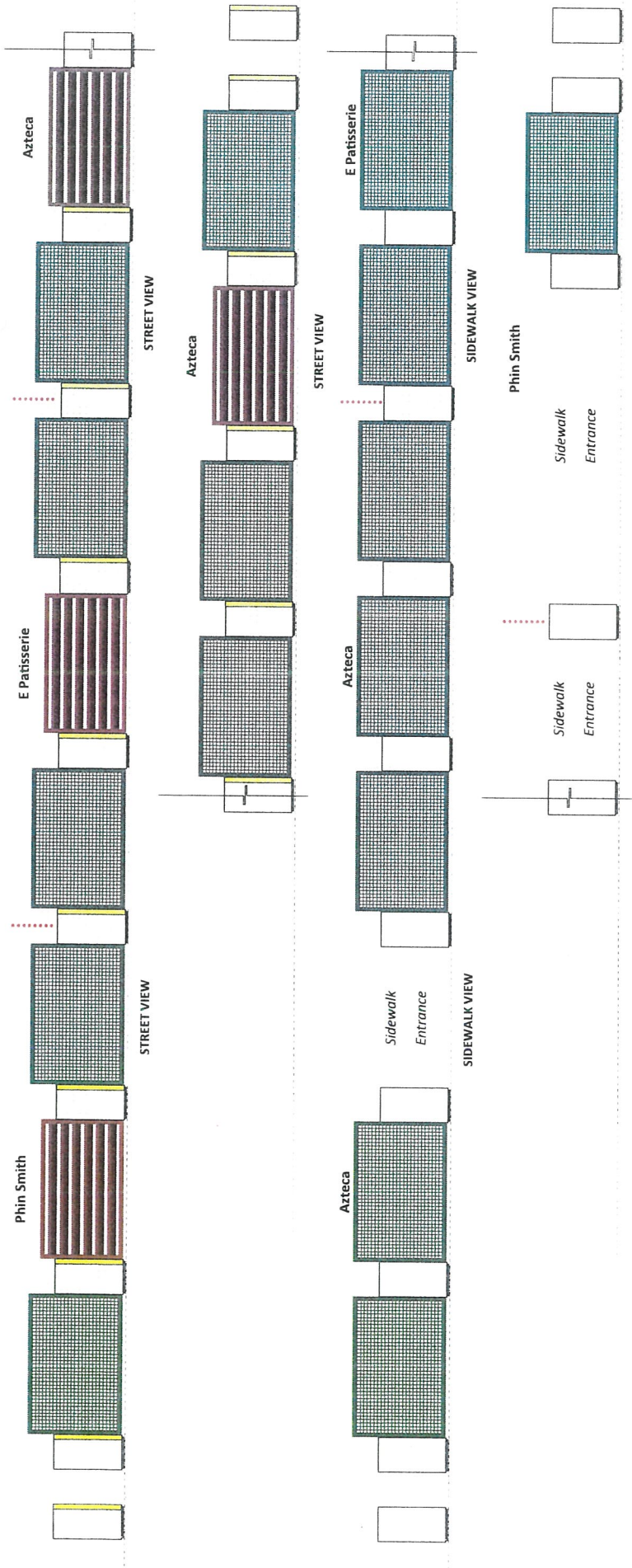
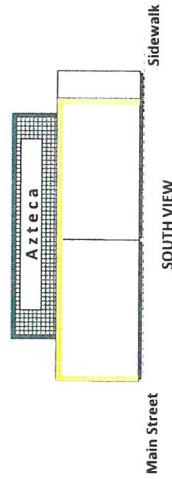
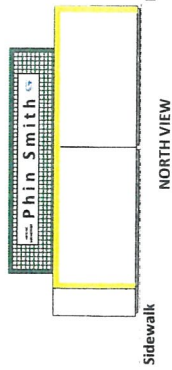
Typ. 4" Wide 3/16 Panel  
 45 Degrees  
 Typ. Spacing 0'2"

Conceptual Parklet Drawing Main Street 03.08.2022



Conceptual Parklet Drawing Main Street 03.08.2022

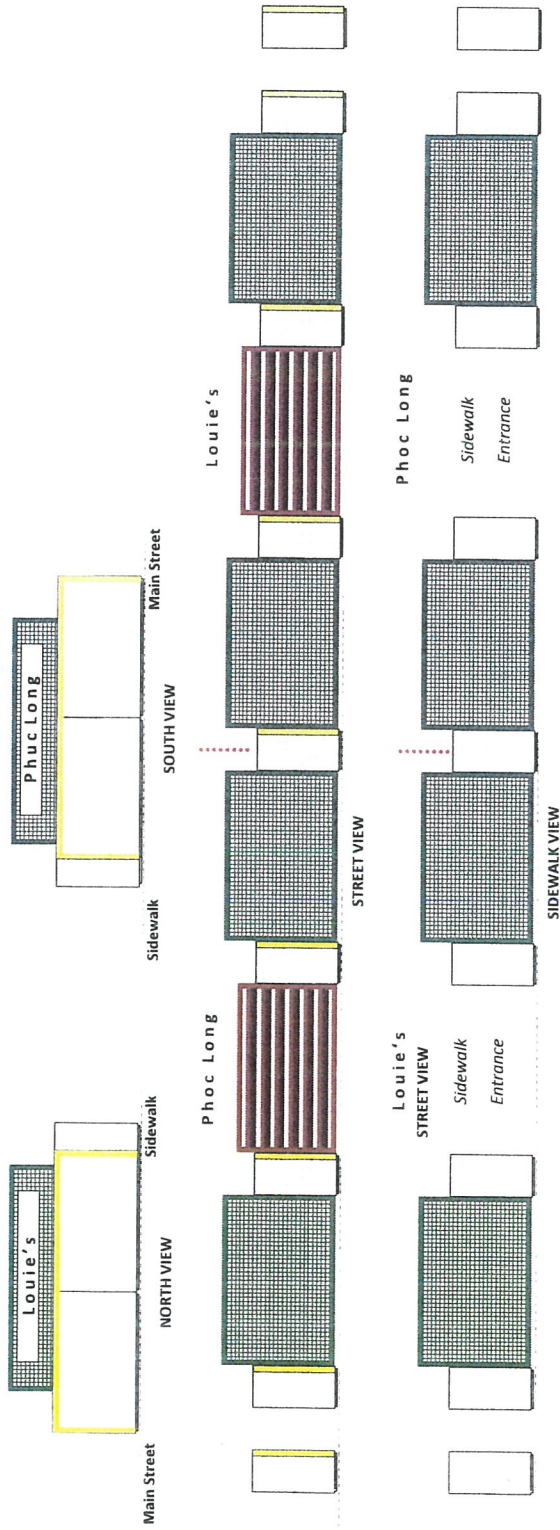
PARKLET ELEVATIONS



SIDEWALK VIEW

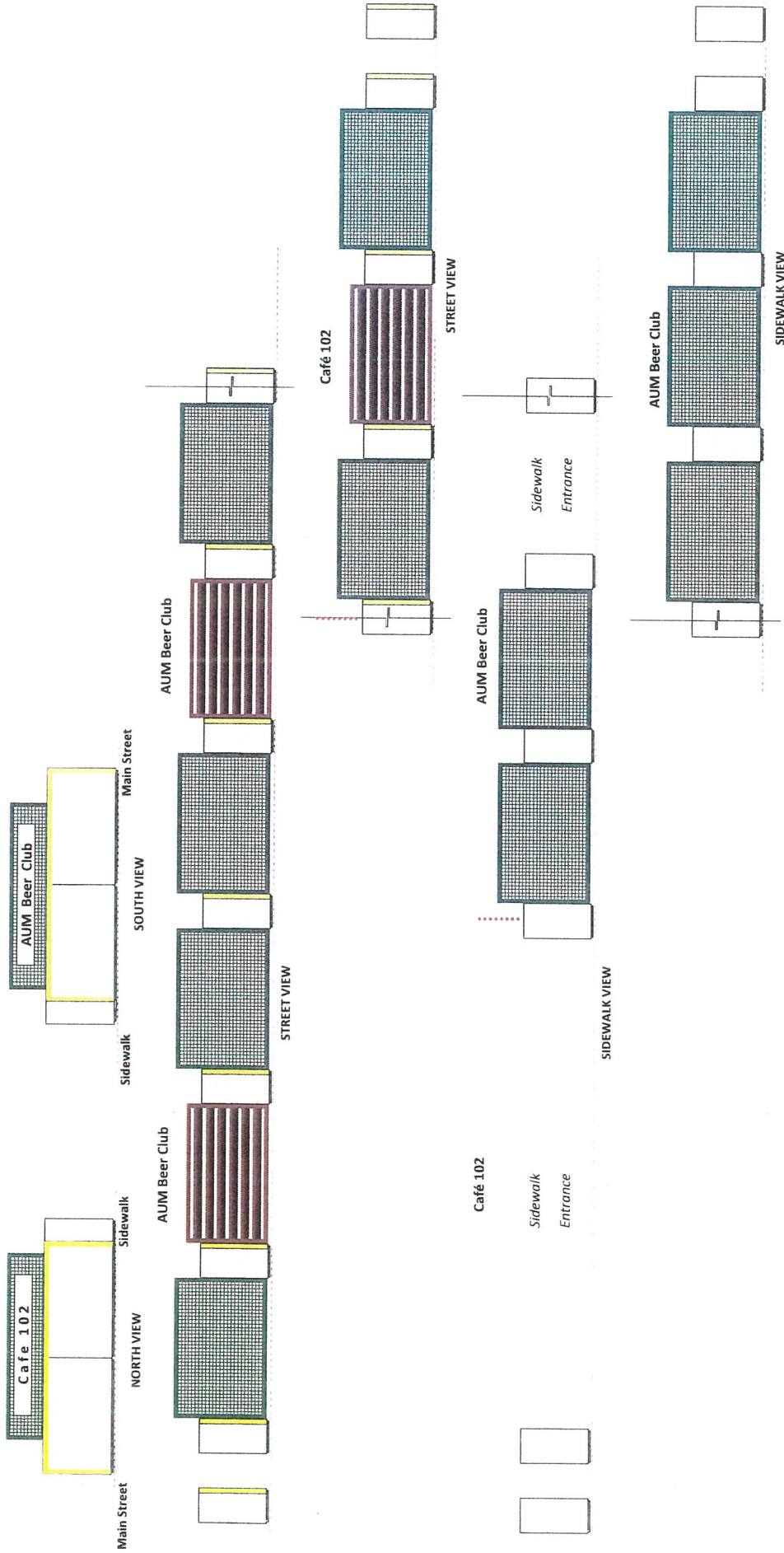
Conceptual Parklet Drawing Main Street 03.08.2022

PARKLET ELEVATIONS



Conceptual Parklet Drawing Main Street 03.08.2022

PARKLET ELEVATIONS



DECISION NO. 1830-22

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-057-2016 (REV. 2019) (SUPPLEMENTAL PARKLET).

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-057-2016 (REV. 2019) (SUPPLEMENTAL PARKLET) for a parcel of land located on the east side of Main Street, between Acacia Parkway and Garden Grove Boulevard, at 12942 Main Street, Assessor's Parcel No. 090-161-13.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-057-2016 (REV. 2019) (SUPPLEMENTAL PARKLET) the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Angelo Tavlarides, with the authorization of the property owner, Stavros Family Trust.
2. The applicant is requesting Conditional Use Permit approval to allow an existing restaurant, Louie's On Main, currently operating under Conditional Use Permit No. CUP-057-2016 (REV. 2019) with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License, to extend the sale of alcoholic beverages to a temporary parklet located within the public street.
3. The City of Garden Grove has determined that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, and Section 15303, New Construction or Conversion of Small Structures, of the California Environmental Quality Act.
4. The property has a General Plan Land Use Designation of Civic Center Mixed Use, and is zoned CC-2 (Civic Center Main Street). The subject site is improved with an existing 2,000 square foot restaurant, Louie's On Main.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on October 13, 2022, and all interested persons were given an opportunity to be heard.
8. The Zoning Administrator gave due and careful consideration to the matter at its meeting on October 13, 2022, 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, are as follows:

**FACTS:**

The subject property is approximately 2,800 square feet, and is located on the east side of historic Main Street, between Acacia Parkway and Garden Grove Boulevard. The property has a General Plan Land Use Designation of Civic Center Mixed Use, and is zoned CC-2 (Civic Center Main Street). The property is currently improved with an approximate 2,000 square foot commercial building, with frontage along Main Street.

According to business license records, Louie's On Main has operated at the subject location as a full-service restaurant with an ABC Type "47" (On-Sale, General, Public Eating Place) License since 1987. In 2016, the City approved Conditional Use Permit No. CUP-057-2016 to allow the transfer of ownership of the existing restaurant, Louie's On Main, and to continue its operation with an ABC Type "47" License. In 2019, the City approved CUP-057-2016 (REV. 2019) to modify the existing Conditional Use Permit to allow outdoor dining with alcohol sales and on-site consumption within the fenced outdoor dining area within the public right-of-way (sidewalk), abutting the building front façade.

The applicant obtained Director's Review approval to add a temporary parklet in the public right-of-way, directly adjacent to the restaurant. The City of Garden Grove was awarded a grant by Supervisor Andrew Do to support local businesses in the wake of the COVID-19 pandemic. The grant will fund the installation of parklets for outdoor dining in the parallel parking spaces that flank either side of Historic Main Street. The City will design, construct, and install the parklets. The parklet designs are modular, allowing for easy installation, and ultimately, removal. All other improvements and costs associated with the parklets (e.g., furniture, umbrellas, permanent sidewalk dining areas, etc.) will be borne by the applicant. The parklet was approved under Director's Review DR-069-2022 on October 5, 2022.

Garden Grove Municipal Code Section 9.32.030 allows for restaurants to serve alcohol in outdoor dining areas located in the public right-of-way on Historic Main Street, pursuant to Conditional Use Permit approval. Louie's On Main is a full service, sit-down, family-style restaurant that also serves beer, wine and spirits under CUP-057-2016 (REV. 2019). Therefore, extending the sale of alcoholic beverages to the parklet project qualifies for a Conditional Use Permit. All conditions of approval under CUP-057-2016 (REV. 2019) and DR-069-2022 are to remain in full force and effect. This approval pertains to the service of alcoholic beverages within the parklet only. The conditions of approval under this approval are to be in effect so long as the parklet associated with the eating establishment exists on the premises.

**FINDINGS AND REASONS:**

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



The subject site has a General Plan Land Use Designation of Civic Center Mixed Use and is zoned CC-2 (Civic Center Main Street). Eating establishments are allowed to serve alcohol within an outdoor dining area in the public right-of-way subject to Conditional Use Permit approval. The restaurant, Louie's On Main, is currently operating under CUP-057-2016 (REV. 2019) with an ABC Type "47" (On-Sale, General, Public Eating Place) License to sell beer, wine, and spirits. Approval of the supplemental Conditional Use Permit will allow the existing restaurant to extend its sale and service of alcoholic beverages to a temporary outdoor dining parklet that will only be served by the existing restaurant. Provided that the conditions of approval are complied with, the use will be consistent with the General Plan.

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. Conditions of approval will require that the parklet dining area be used for sit-down food and beverage service only with no stand-up service. At all times, the service of food is required for any sale or service of alcoholic beverages, and all alcoholic beverages are required to be served, delivered, and removed to and from the parklet area by the staff of the restaurant. Moreover, sales and service of alcoholic beverages in the parklet will require a valid license issued by the Department of Alcoholic Beverage Control at all times. In addition, no entertainment will be allowed within the parklet area. The restaurant is required to operate as a family-style restaurant and will operate the parklet under the conditions of approval of DR-069-2022, which limits the hours of operation to the parklet to 10:00 p.m. during any day of the week. 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.

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 parklet will serve an existing restaurant on Main Street that was previously found to be of adequate size to accommodate development features required to integrate the use with the uses in the surrounding area under CUP-057-2016 (REV. 2019). The proposed parklet will allow temporary service and sales of alcoholic beverages within the public right-of-way as an extension of the existing restaurant. The public right-of-way is of adequate size to

accommodate the parklet while continuing to allow parking and vehicular access on Main Street.

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.

As approved under Director's Review No. DR-069-2022, the temporary outdoor dining parklet will be associated with an existing restaurant. Approval of the supplemental Conditional Use Permit will allow the existing restaurant to extend its sale and service of alcoholic beverages to the temporary parklet. The parklet is adequately served by the main public street, Main Street, and will serve an existing restaurant that is also adequately served by the public service facilities required such as public utilities: gas, electric, water, and sewer facilities.

#### INCORPORATION OF FACTS AND REASONS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. Conditional Use Permit No. CUP-057-2016 (REV. 2019) (SUPPLEMENTAL PARKLET) does possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030 (Conditional Use Permits) and 9.16.020.080 (Alcoholic Beverage Sales).
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-057-2016 (REV. 2019) (SUPPLEMENTAL PARKLET).

Dated: October 13, 2022

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DAVID DENT  
ZONING ADMINISTRATOR

## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-057-2016 (REV. 2019) (SUPPLEMENTAL PARKLET)**

12942 Main Street  
(Assessor's Parcel No. 090-161-13)

### **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 Angelo Tavlarides, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. This Conditional Use Permit only authorizes the sale, service and/or consumption of alcohol within the 275 square foot (11'-0" x 25'-0") temporary parklet for outdoor dining in the public right-of-way for an existing 2,000 square foot restaurant, Louie's On Main, currently operating with an existing State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Public Eating Place) License under CUP-057-2016 (REV. 2019), as identified on the floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project,

Conditional Use Permit No. CUP-057-2016 (REV. 2019) (SUPPLEMENTAL PARKLET)  
Conditions of Approval

may be approved by the Community and Economic Development Director.

5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
6. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.
7. All conditions of approval under Conditional Use Permit No. CUP-057-2016 (REV. 2019) and Director's Review No. DR-069-2022 shall remain in full force and effect. The following conditions pertain to the sale and service of alcoholic beverages within the associated parklet only. These conditions shall be in effect so long as the parklet associated with the eating establishment exists on the premises. Conditional Use Permit No. CUP-057-2016 (REV. 2019) (SUPPLEMENTAL PARKLET) shall terminate 15 days after the parklet is removed from the site.

**Community and Economic Development Department**

8. All parklets in the public right-of-way with sale and service of alcoholic beverages shall be subject to the following operational standards of Section 9.18.090.050.I.5 of the Municipal Code:
  - a. The sale, service, and/or consumption of alcoholic beverages within an outdoor dining area is prohibited unless authorized pursuant to a conditional use permit approved by the City and a valid license issued by the Department of Alcoholic Beverage Control. All provisions and conditions of such permits and licenses shall be complied with at all times.
  - b. A barrier acceptable to the City and the Department of Alcoholic Beverage Control is required.
  - c. The service of food shall accompany any sale or service of alcoholic beverages.

Conditional Use Permit No. CUP-057-2016 (REV. 2019) (SUPPLEMENTAL PARKLET)  
Conditions of Approval

- d. All alcoholic beverages shall be served, delivered, and removed to and from the outdoor dining area by the staff of associated eating establishment.
  - e. Hours of operation of a parklet dining area in the public right-of-way shall not extend beyond 10:00 p.m. during any day of the week.
9. A copy of the decision approving Conditional Use Permit No. CUP-057-2016 (REV. 2019) (SUPPLEMENTAL PARKLET) shall be kept on the premises at all times.
  10. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-057-2016 (REV. 2019) (SUPPLEMENTAL PARKLET), and his/her agreement with all conditions of the approval.
  11. 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-057-2016 (REV. 2019) (SUPPLEMENTAL PARKLET). 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.
  12. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division.
  13. 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-057-2016 (REV. 2019) (SUPPLEMENTAL

Conditional Use Permit No. CUP-057-2016 (REV. 2019) (SUPPLEMENTAL PARKLET)  
Conditions of Approval

PARKLET) 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.

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> 1.e.	<b>SITE LOCATION:</b> Southwest corner of Westminster Avenue and Euclid Street, at 10912 Westminster Avenue
<b>HEARING DATE:</b> October 13, 2022	<b>GENERAL PLAN:</b> LC (Light Commercial)
<b>CASE NO.:</b> Conditional Use Permit No. CUP-230-2022	<b>ZONE:</b> C-2 (Community Commercial)
<b>APPLICANT:</b> Power Tran	<b>CEQA DETERMINATION:</b> Exempt – Section 15301 – Existing Facilities
<b>PROPERTY OWNER:</b> HMZ Retail	<b>APN:</b> 099-181-10, 099-181-59, & 099-181-60

**REQUEST:**

A request to operate an existing restaurant, Tran Co Nuong Kitchen, with a new original ABC Type "41" (On-sale, Beer & Wine, Public Eating Place) License, located at 10912 Westminster Avenue.

**BACKGROUND:**

The subject tenant space is an approximately 2,000 square foot tenant space within the Saigon Square shopping center, located on the southwest corner of Westminster Avenue and Euclid Street, at 10912 Westminster Avenue. The subject shopping center is currently occupied by a variety of uses, including retail, restaurants, a supermarket, and personal service businesses.

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

The specific tenant space under application is an approximately 2,000 square-foot tenant space, on the southern side of the shopping center. According to Business Tax records, Tran Co Nuong Kitchen has occupied the space since May 2022. Prior to their operation, the subject location was previously occupied by a variety of other restaurants, dating back to at least 1982.

The applicant for the restaurant is now requesting Conditional Use Permit approval to operate with a new original State Alcoholic Beverage Control (ABC) Type "41"

(On-Sale, Beer and Wine, Public Eating Place) License. Garden Grove Municipal Code Section 9.16.020.080 requires a Conditional Use Permit for the addition of a new ABC License to a new restaurant.

**DISCUSSION:**

The restaurant tenant space has a total floor area of approximately 2,000 square feet. Within the tenant space, the restaurant provides a kitchen and food preparation area, a service counter, two restrooms, and a seating area for approximately forty-four (44) patrons. The subject tenant space has a history of being used as a restaurant, and therefore does not require any additional parking.

Tran Co Nuong Kitchen operates as a full-service restaurant, specializing in Vietnamese food. Beer and wine sales will be permitted only for on-site consumption. The service of beer and wine is intended to complement meals, and enhance the dine-in experience. Sales of alcohol will be incidental to the service of food. At no time shall the quarterly sales of alcohol exceed 35% of the quarterly sales of food. Entertainment is not a part of the subject request, and is not permitted as a part of this Conditional Use Permit. Ambient music, not audible outside of the restaurant, will be permissible.

Tran Co Nuong Kitchen's hours of operation will be 8:00 a.m. to 8:00 p.m., seven (7) days a week. These hours are consistent with the City's standard operating hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. The restaurant has been conditioned to allow for operating hours between the City standard hours. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

The restaurant is located in a high-crime district, and in an area with an over-concentration of Alcoholic Beverage Control "on-sale" licenses. In order to approve the request, a Finding of Public Convenience or Necessity is required. A summary of the district and the Findings of Public Convenience or Necessity can be found in Decision No. 1831-22 for Conditional Use Permit No. CUP-230-2022.

The Community and Economic Development Department and the Police Department have reviewed the request and are supporting the proposal. All standard conditions of approval for an ABC Type "41" License will apply.

**CEQA:**

CEQA's Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, and minor alterations of existing facilities, with negligible or no expansion of use (CEQA Guidelines §15301). The subject request for the ABC License does not expand the use of restaurant. The restaurant is a permitted use, and the addition of the ABC license does not involve the intensification or expansion of said use. Therefore, the proposed project is exempt from CEQA.



**RECOMMENDATION:**

Staff recommends that the Zoning Administrator take the following action:

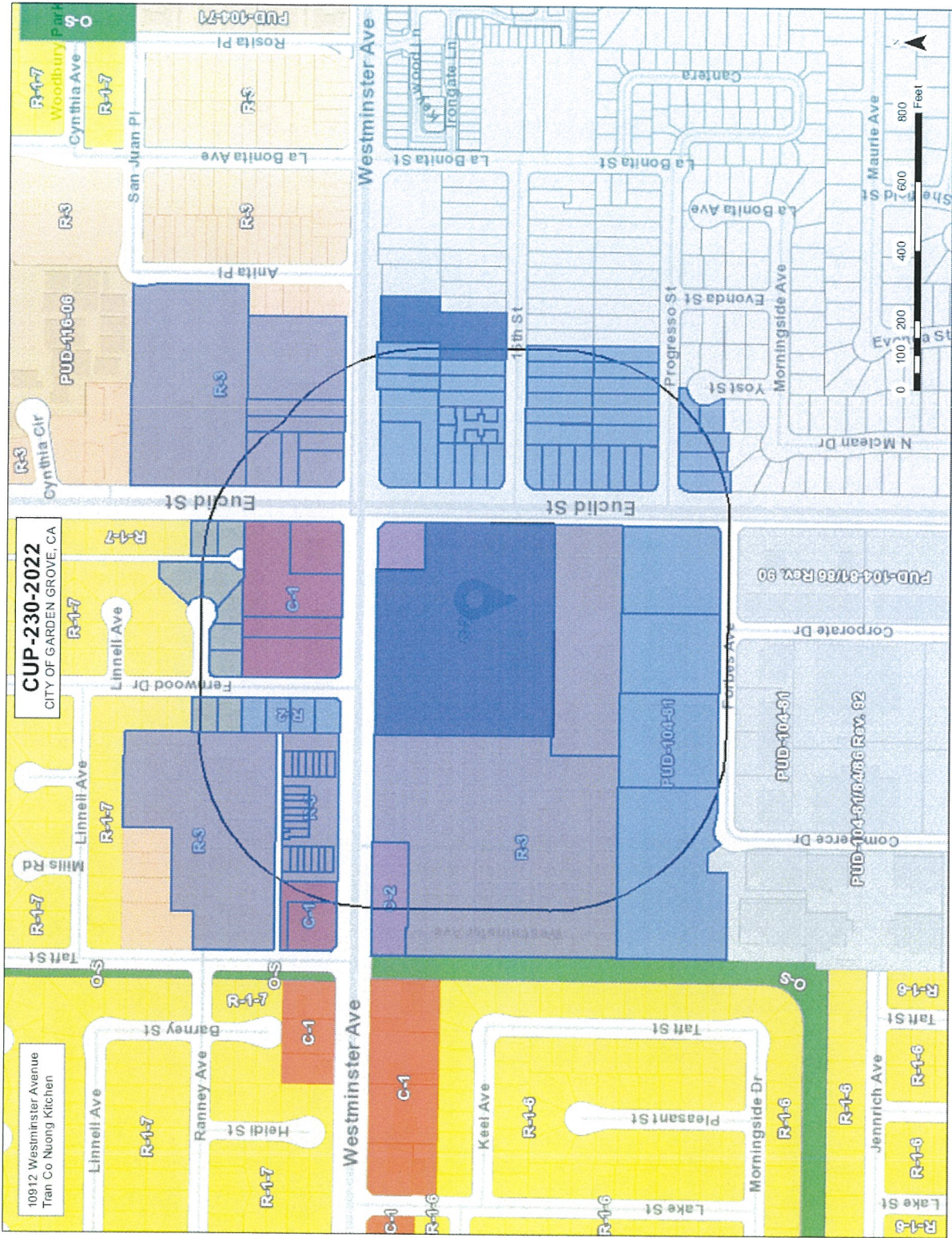
1. Adopt Decision No. 1831-22, approving Conditional Use Permit No. CUP-230-2022, subject to the recommended conditions of approval.

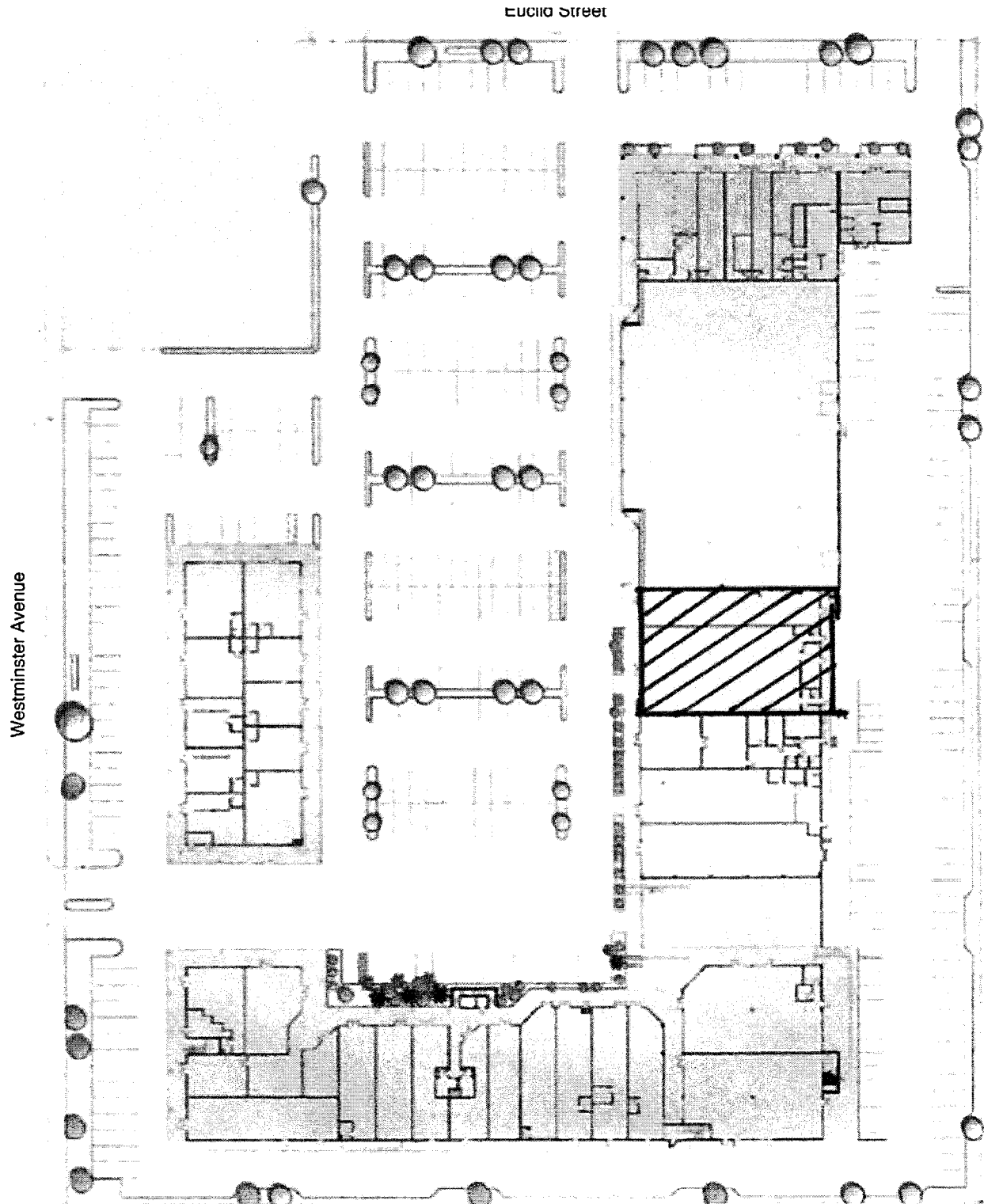


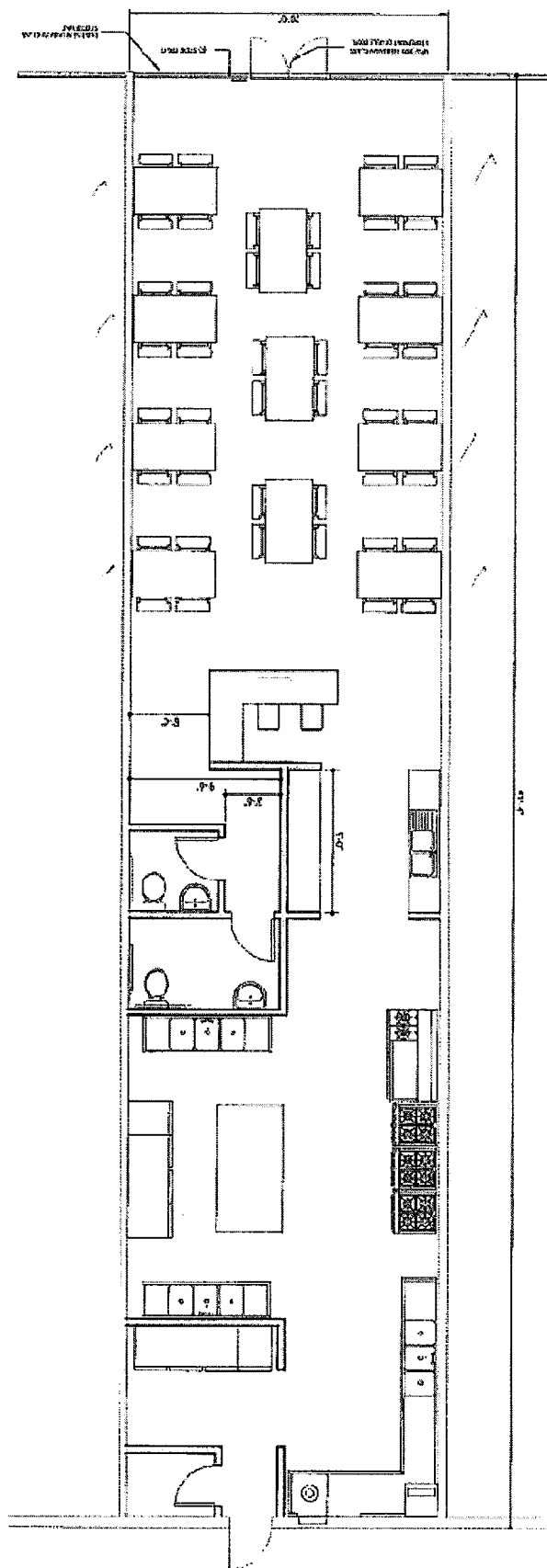
LEE MARINO  
Planning Services Manager



By: Priit Kaskla  
Assistant Planner







DECISION NO. 1831-22

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-230-2022 FOR PROPERTY AT 10912 WESTMINSTER AVENUE, ASSESSOR'S PARCEL NOS. 099-181-10, 099-181-59, AND 099-181-60.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-230-2022 for property located on the southwest corner of Westminster Avenue and Euclid Street, at 10912 Westminster Avenue, Assessor's Parcel No. 099-181-10, 099-181-59, and 099-181-60.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-230-2022, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Power Tran.
2. The applicant is requesting approval of a Conditional Use Permit to allow an existing restaurant, Tran Co Nuong Kitchen, to operate with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Wine and Beer, Public Eating Place) License.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the Zoning Administrator hereby determines that the proposed project is categorically exempt from the CEQA pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines (14 Cal. Code Regs., Section §15301).
4. The subject property has a General Plan Land Use Designation of LC (Light Commercial), and is zoned C-2 (Community Commercial). The subject property is currently improved with a multi-tenant shopping center.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on October 13, 2022, and all interested persons were given an opportunity to be heard.
8. The Zoning Administrator gave due and careful consideration to the matter during its meeting of October 13, 2022, and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Zoning Administrator, as required under Municipal Code Section 9.32.030 (Conditional Use Permits), are as follows:

FACTS:

The subject site is developed with a multi-tenant commercial center located on the southwest corner of Westminster Avenue and Euclid Street, at 10912 Westminster Avenue. The site has a General Plan Land Use designation of LC (Light Commercial), and is zoned C-2 (Community Commercial).

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

The specific tenant space under application is an approximately 2,000 square foot, toward the southern end of the shopping center. According to Business Tax records, the subject location was previously occupied by numerous restaurants, dating back to 1982. The current restaurant opened in May 2022. The applicant for the restaurant is now requesting Conditional Use Permit approval to operate with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. Garden Grove Municipal Code Section 9.16.020.080 requires a Conditional Use Permit for the addition of a new ABC License to an existing restaurant.

Tran Co Nuong Kitchen's hours of operation will be 8:00 a.m. to 8:00 p.m., seven (7) days a week. These hours are consistent with the City's standard operating hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

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

- The subject site is located in Crime Reporting District No. 117.
- The crime count for the District is 120.
- Average crime count per district in the City is 70.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 71% above the Citywide average; therefore, it is considered a high-crime area.

- The subject site is located in Alcoholic Beverage Control Census Report District No. 889.03.
- ABC Census Reporting District No. 889.03 allows for ten (10) on-sale licenses within the District. Currently, there are nineteen (19) on-sale licenses in the District. The approval of this CUP will add a new ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The approval of this Conditional Use Permit will increase the number of on-sale ABC Licenses in District 889.03 by one (1), and the total number of on-sale licenses in the District will be twenty (20).

PUBLIC CONVENIENCE OR NECESSITY:

A finding for public convenience or necessity would have to be made in order to approve an establishment that is requesting a new original Alcoholic Beverage Control license that is located within a district with a high crime rate and/or in an area with an over-concentration of ABC licenses. California Business and Professions Code Section 23817.5 prohibits the ABC from issuing new alcoholic licenses in areas of over-concentration. Business and Professions Code Section 23958 states:

The department further shall deny an application for a license if issuance of that license would tend to create a law enforcement problem, or if issuance would result in or add to an undue concentration of licenses, except as provided in Section 23958.4.

Business and Professions Code Section 23958.4 provides the following exception:

(b) Notwithstanding Section 23958, the department may issue a license as follows:

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer or body, determines within ninety (90) days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

Although the subject site is located in an area considered to be in a high-crime district and in an area with an over-concentration of on-sale ABC licenses, a finding for public convenience or necessity is warranted given the potential community benefit through the operation of the restaurant with an ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The addition of the new ABC Type "41" License would

provide and maintain an amenity that enhances the customer dining experience and maintains the intent of being a business serving the local community. The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. Provided the Conditions of Approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

Furthermore, the establishment shall provide an assortment of foods normally offered in restaurants, and the kitchen shall be open and preparing food during all hours that the establishment is open. At all times the establishment is open, the sale of alcohol shall be incidental to the sale of food; and the quarterly gross sales of alcoholic beverages shall not exceed 35% of the total gross sale of food during the same period. Lastly, no live entertainment, (karaoke, one-man band, solo performer, live music, etc.) including amplified music, shall be permitted on the premises.

**FINDINGS AND REASONS:**

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

The subject property has a General Plan Land Use designation of LC (Light Commercial), and is zoned C-2 (Community Commercial). The Light Commercial designation is intended to allow a range of commercial activities that serve local residential neighborhoods and the larger community. The C-2 zone is intended to provide a broad range of commercial retail and service needs for the residents of the City, and surrounding communities. In particular, the subject proposal is consistent with the following General Plan Goals, Policies, and Implementation Measures:

*Policy LU-1.4 Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts / entertainment, in appropriate locations.* The subject restaurant is located on Westminster Avenue, in an area already developed with a variety of restaurant, retail, personal service, and other commercial businesses. The subject restaurant, with the proposed service of alcohol, can further enhance the commercial district along Westminster Avenue. Particularly, the restaurant can serve the local clientele in the nearby residential neighborhoods, as well as visitors from further destinations.

*Goal LU-4 Uses compatible with one another.* The proposed use is a restaurant with the incidental service of alcohol. The location of the restaurant is in a previously developed commercial center, with a variety of uses. Various restaurants have occupied the subject tenant space in the past. Directly adjacent to the subject use are retail, restaurant, and personal service uses. Restaurant uses are compatible with these uses, and other lighter, commercial



uses. Furthermore, provided the conditions of approval are adhered to for the life of the project, the use will be compatible with other commercial uses.

*Goal LU-5 Economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community.* Restaurant uses, in a variety of different cuisines and services, can enhance the vitality of the City's commercial centers. The proposed Conditional Use Permit would allow for the service of alcohol at an existing restaurant, Tran Co Nuong Kitchen. The service of alcohol is intended to enhance the dining experience at the restaurant. This can enrich the community by providing another unique dining opportunity.

*Policy LU-6.2 Encourage a mix of retail and commercial services along the major corridors and in centers to meet the community's needs.* The subject tenant space is located in a shopping center on the intersection of Euclid Street and Westminster, two major corridors. The subject request for a Conditional Use Permit allowing the service of alcohol at Tran Co Nuong Kitchen would expand the use of the restaurant by allowing sales of alcohol incidental to the sale of food. With the subject request, the proposed use will further enhance the variety of commercial uses already in the area. By approving the subject request, the shopping center, and the commercial district centered on Westminster Avenue and Euclid Street would provide an even greater variety of commercial services to meet the community's needs.

*Goal ED-2 The City must attract new businesses, while supporting and assisting those already located within Garden Grove.* The proposed Conditional Use Permit is intended to enhance the dining experience at an existing restaurant, Tran Co Nuong Kitchen. The sale and service of alcohol is to be incidental to the service of food at the restaurant. Should the Conditional Use Permit be approved, the City is providing an existing business all the resources they need to be successful.

*SAF-IMP-2C Involve law enforcement agencies in the design and planning phases of ABC licensed establishments to reduce design elements that conceal or encourage criminal activity.* The Garden Grove Police Department has reviewed all relevant data pertaining to the proposed Conditional Use Permit. The intent of their review is to reduce the number of alcohol-related crimes, and promote the safe operation of the restaurant. No concerns were raised by the Police Department regarding the addition of an ABC License to the restaurant. As a result, they are supportive of the Conditional Use Permit request, and recommend approval, subject to the recommended conditions of approval.

2. That the requested use at the location proposed will not: adversely affect the health, peace, comfort, or welfare of the persons residing or working in the surrounding area, or unreasonably interfere with the use, enjoyment, or

valuation of the property of other persons located in the vicinity of the site, or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The conditions of approval can minimize potential impacts to the adjoining area. Proposed hours of operation will be limited to between 8:00 a.m. to 8:00 p.m., seven (7) days a week. The restaurant has been conditioned to allow for operating hours between the City standard hours. Limitations on the hours of operation, and alcohol sales can limit any impacts on the surrounding area.

The use will not unreasonably interfere with the use, enjoyment, or valuation of other property located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project. By operating as a full service restaurant, with ancillary beer and wine sales for on-site consumption only, the use will be compatible with the surrounding uses.

3. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title or as is otherwise required in order to integrate such use with the uses in the surrounding area.

The subject shopping center site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed use within the surrounding area. No modifications are required to any of the existing site development features on site. This includes any buildings, yards, walls, fences, parking and loading facilities, and landscaping. The subject tenant space has been occupied by restaurant uses since at least 1982. The space will be of adequate size to accommodate the use within the surrounding area.

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

The subject site is located on the southwest corner of Westminster Avenue and Euclid Street. The commercial center is adequately accessed by two (2) driveways along Westminster Avenue, and two (3) driveways along Euclid Street. On-site circulation is adequate to serve all the uses in the commercial center. The site is also sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities. As a part of this request, no changes are proposed for the design and function of the subject restaurant, or shopping center. Therefore, the site will continue to be adequately served by all existing highways, streets, and other public and private service facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. The Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-230-2022.

Dated: October 13, 2022

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DAVID DENT  
ZONING ADMINISTRATOR

## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-230-2022**

10912 Westminster Avenue

#### **CONDITIONS OF APPROVAL**

##### **General Conditions**

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Power Tran, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. This Conditional Use Permit only authorizes the operation of an approximately 2,000 square foot restaurant with an Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Eating Place) License as identified on the floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Director.
5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic

Development Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

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

**Orange County Fire Authority**

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

**Police Department**

8. There shall be no gaming tables or gaming machines, as outlined in 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 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. The hours of operation shall be applicable to the entire premises. The City of Garden Grove reserves the right to reduce hours of operation by order of the Chief of the Police Department, in the event problems arise due to noise, disturbances or other problems that may be resolved by modifying the hours of operation.
10. There shall be no customers or patrons in or about the premises when the establishment is closed.
11. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
12. The sale of alcoholic beverages for consumption off the premises is prohibited. Consumption of alcoholic beverages shall not occur anywhere outside of the establishment at any time.

13. The sale or service of alcohol shall cease thirty (30) minutes prior to the required closing time.
14. There shall be no enclosed booths on the premises at any time. Walls and/or partitions exceeding thirty-six (36) inches in height, which partially enclose or separate booths, shall be of a clear and transparent material. No item shall be placed in the area of the booths that would limit or decrease the visibility of the interior of the business from any location within the business.
15. The applicant shall maintain a level of lighting in the establishment sufficient to ensure that individuals inside the restaurant can be clearly seen and identified by an observer at all times. Low-level lighting that does not enable an observer to clearly see and identify individuals inside the restaurant is prohibited.
16. No payment (entrance fee/cover charge) shall be charged to gain access to the business at any time.
17. No "B-girl" or "hostess" activity (as defined in Penal Code Section 303) shall occur within the establishment at any time.
18. No employee or agent shall, be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the establishment, nor shall the business provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
19. No employee or agent shall solicit or accept any alcoholic or nonalcoholic beverage from any customer while in the business.
20. The business shall show proof to the Police Department that all members of the business staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through Alcoholic Beverage Control (ABC) or an ABC approved "Responsible Beverage Service (RBS) Training" program.
21. In the event that the Alcoholic Beverage Control (ABC) License is suspended for any period of time and/or fined for any ABC violation as a result of disciplinary action, the Conditional Use Permit shall be presented to the Planning Commission for review or further consideration.

22. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010 (a).

**Community and Economic Development Department**

23. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by Alcoholic Beverage Control (ABC) License. The restaurant shall contain sufficient space and equipment to accommodate a full restaurant kitchen, and the kitchen shall be open and preparing food during all hours the establishment is open. The establishment shall provide an assortment of foods normally offered in restaurants. The service of only appetizers, sandwiches and/or salads shall not be deemed in compliance with this requirement.
24. At all times when the establishment is open for business, the sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall not exceed 35% of the quarterly gross sales of food.
25. Food service shall be provided during all hours the restaurant is open, and shall also be available at all times when alcoholic beverages are being served.
26. The applicant shall, upon request, provide the City of Garden Grove with an audited report of sales ratio of food to alcoholic beverages.
27. No outdoor storage or display shall be permitted outside of the building, including, but not limited to, storage and display of merchandise, cardboard, pallets, or boxes.
28. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the entrance, and shall also be visible to the public.
29. There shall be no live entertainment, dancing, karaoke, or disc jockey (DJ) entertainment permitted on the premises at any time. Amplified background music emitted from a jukebox or other amplified stereo system may be permitted to enhance the dining experience, but the sound emitted from the premises shall not be audible outside of the establishment.

30. There shall be no raised platform, stage or dance floor allowed on the premises at any time.
31. There shall be no amusement devices permitted on the premises at any time.
32. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
33. There shall be no deliveries to or from the premises before 7:00 a.m. and after 10:00 p.m., seven days a week.
34. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
35. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
36. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least three (3) times a week.
37. The applicant/property owner shall maintain all existing landscaped areas in a neat and healthy condition. Landscaping maintenance shall include pruning or removal of overgrown weeds and vegetation.
38. The applicant/property owner shall abate all graffiti vandalism within the premises. The applicant/property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant/property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.
39. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.



40. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
41. The applicant shall be responsible for providing adequate parking area lighting in compliance with City regulations. Lighting in the parking area shall be directed, positioned, or shielded in such a manner so as not to unreasonably illuminate adjacent properties.
42. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.
43. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
44. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
45. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows. Any opaque material applied to the store front, such as window tint, shall count toward the maximum window coverage area.
46. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
47. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-230-2022 shall be kept on the premises at all times.
48. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-230-2022 and his/her agreement with all conditions of the approval.
49. The Conditional Use Permit may be called for review by City staff, the City Council, or Planning Commission, if noise or other complaints are filed and

verified as valid by the Code Enforcement office or other City department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.

50. If deemed necessary by the Community and Economic Development Director, the Conditional Use Permit may be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.
51. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Conditional Use Permit No. CUP-230-2022. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
52. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-230-2022 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.
53. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division. In the event the use(s) authorized by the CUP cease and the property owner no longer desires to continue such use(s) on the property, property owner may voluntarily terminate the CUP and all rights and obligations thereunder by executing and recording a request for voluntary revocation and termination of the CUP in a form acceptable to the City.

54. No alcoholic beverages shall be sold until all conditions of approval have been met, as determined by the Planning Services Division, and the State Alcoholic Beverage Control Board (ABC) has approved the release of the ABC License.