



## AGENDA

### ZONING ADMINISTRATOR MEETING

Garden Grove Community Meeting Center  
11300 Stanford Avenue

Thursday, December 12, 2024

9:00 a.m.

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

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

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

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

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

1. PUBLIC HEARING ITEM(S):

a. [LOT LINE ADJUSTMENT NO. LLA-034-2024](#)

APPLICANT: Alice Rangel & Juan Rangel  
LOCATION: 9271 Catherine Avenue and 12261 Loreleen Street

REQUEST: A request for Lot Line Adjustment approval to eliminate two small parcels (Parcel A and Parcel B), for the purpose of reconfiguring the property line boundary between two

developed, single-family residential properties, located at 9271 Catherine Avenue (Parcel 1) and 12261 Loreleen Street (Parcel 2). No additional parcels will be created and no additional development is proposed. The site is in the R-1 (Single-Family Residential) 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).

b. [CONDITIONAL USE PERMIT NO. CUP-271-2024](#)

APPLICANT: Catherine Nguyen  
LOCATION: 8516 Garden Grove Boulevard

REQUEST: A request for Conditional Use Permit approval to operate an existing restaurant with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Eating Place) License. Upon approval and exercise of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-201-2021, would be revoked and replaced by Conditional Use Permit No. CUP-271-2024. The site is in the C-1 (T) (Neighborhood Commercial Transition) 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).

c. [CONDITIONAL USE PERMIT NO. CUP-272-2024](#)

APPLICANT: Samuel David Hale  
LOCATION: 8610 Garden Grove Boulevard

REQUEST: A request for Conditional Use Permit approval to operate a new, 2,300 square foot gym. The site in the GGMU-2 (Garden Grove Boulevard Mixed Use) 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).

3. [COMMENTS BY THE PUBLIC](#)

4. [ADJOURNMENT](#)

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NOS.:</b> 1.a	<b>SITE LOCATION:</b> Corner of Loreleen Street and Catherine Avenue, west of Gilbert Street, at 9271 Catherine Avenue & 12261 Loreleen Street
<b>HEARING DATE:</b> December 12, 2024	<b>GENERAL PLAN:</b> LDR (Low Density Residential)
<b>CASE NO.:</b> Lot Line Adjustment No. LLA-034-2024	<b>ZONE:</b> R-1-9 (Single-Family Residential)
<b>APPLICANTS:</b> Alice Rangel, Juan Rangel, & Thanh Nghia Nguyen	<b>CEQA DETERMINATION:</b> Exempt Section 15305 – Minor Alterations in Land Use Limitations
<b>PROPERTY OWNERS:</b> Alice Rangel, Juan Rangel, & Thanh Nghia Nguyen	<b>APNs:</b> 133-171-19 & 133-171-20

**REQUEST:**

A request for Lot Line Adjustment approval to eliminate two small parcels (Parcel “A” and Parcel “B”), for the purpose of reconfiguring the property line boundary between two (2) developed, single-family residential properties. No additional parcels will be created, and no additional development is proposed.

**BACKGROUND:**

The application involves two (2) primary properties, Parcel 1 and Parcel 2, at the reverse corner of Catherine Avenue and Loreleen Street. Parcel 1 fronts onto Catherine Avenue, at 9271 Catherine Avenue (APN: 133-171-20). Parcel 2 fronts onto Loreleen Street at 12261 Loreleen Street (APN: 133-171-19). Between the two (2) parcels are two (2) remnant parcels, identified as Parcel A (APN: 133-171-20) and Parcel B (APN: 133-171-19).

Both subject properties are zoned R-1 (Single-Family Residential), and have General Plan Land Use Designations of Low Density Residential. Surrounding the subject properties are also single-family residences in the R-1 zone.

Both Parcel 1 and Parcel 2 were developed with single-family residential dwellings, prior to the incorporation of the City. Parcel A is owned by the property owners of Parcel 1, but is developed as a part of the driveway for Parcel 2. Parcel B is owned by the property owners of Parcel 2, but is partially developed as a part of the rear yard for Parcel 1. A wood fence runs between the two properties, separating Parcel A from Parcel 1, and a portion of Parcel B from Parcel 2. The respective single-family homes have been developed without having full access to the smaller in-between parcels.

Furthermore, the Office of the Orange County Recorder has recorded Parcel A as a part of Parcel 2, and Parcel B as a part of Parcel 1. However, the owners of Parcel 1 legally own Parcel A, and the owners of Parcel 2 legally own Parcel B. Yet when the properties were developed, the development did not reflect what was recorded, nor did it reflect proper ownership of the properties.

In 2020, the Planning Commission approved Lot Line Adjustment No. LLA-025-2020 to create a new, singular property line between the properties, thus eliminating Parcel A and Parcel B. No additional development was a part of this request. Subsequently, the joint applicants submitted documents for technical analyses by the City's Engineering Division. The documents were reviewed and approved for recordation, but the final Lot Line Adjustment application was ultimately never recorded at the Orange County Recorder office. Therefore, after one year, plus an automatic one-year extension to account for the COVID-19 pandemic, Lot Line Adjustment LLA-025-2020 expired on September 10, 2022.

Now, the joint applicants have refiled their request, with the intent of completing, and recording the Lot Line Adjustment. The subject request is the same as the request in 2020; the proposed relocation of the line is in the exact same configuration as previously contemplated.

**PROJECT STATISTICS:**

Lot Sizes			
Property	Existing	Proposed	Municipal Code Requirement
9271 Catherine Ave (Parcel 1)	17,265 s.f., including Parcel A	17,461 s.f.	9,000 s.f.
12261 Loreleen St (Parcel 2)	30,172 s.f., including Parcel B	29,976 s.f.	9,000 s.f.

**DISCUSSION:**

Lot Line Adjustment

Parcel 1 currently has a lot size of approximately 17,265 square feet, and is developed with a single-family home. Parcel 2, also improved with a single-family dwelling, currently has a lot size of approximately 30,172 square feet. Currently, two (2) parcels (Parcels A and B) are in-between the two (2) single-family developments, creating a situation where portions of the respective single-family developments encroach into parcels that are not owned by the property owner. The owners of 9271 Catherine Avenue legally own a portion of 12261 Loreleen Street, and vice versa, but the portion they own is not a part of their single-family development.

In order to remedy this situation, a proposed Lot Line Adjustment would reconfigure the existing parcels by creating a singular property line. The proposed lot line would run diagonally in four segments. Starting from the street-front point where Parcel 1 and Parcel 2 meet, the new property line would run 64.59 feet, diagonal to the

intersection of Loreleen Street and Catherine Avenue. It would then turn slightly toward the north for 33.32 feet. The property line would then turn back slightly to the west for another 19.08 feet, before turning slightly toward the west again for the last 42.25 feet. The new property line would total approximately 159.24 linear feet.

By adjusting the property line, the resulting lots would be Parcel 1, Assessor's Parcel No. 133-171-20, and Parcel 2, Assessor's Parcel No. 133-171-19, per the submitted Lot Line Adjustment plans. The new lot size of Parcel 1 would be 17,461 square feet. The new lot size of Parcel 2 would be 29,976 square feet. Both adjusted lots would meet the minimum lot size and the minimum lot width required by the subject R-1-9 zone, which is 9,000 square feet and seventy-five feet (75'-0"), respectively. The proposed Lot Line Adjustment would create two (2) conforming lots. Even after altering the property lines, all development standards of the Garden Grove Municipal Code would be met by both existing single-family developments, including but not limited to: setbacks, lot coverage, and rear yard open space requirements.

An existing ten-foot (10'-0") wide, public utilities easement, labeled on the Lot Line Adjustment plans runs along the northerly property line of the subject parcels. The proposed property line would cross the utility easement diagonally, but will otherwise not alter the easement. The existing public utilities easement would be located within a required setback, per the R-1 development standards, and will not obstruct any future building improvements on either lot.

#### CEQA

CEQA's Class 5 exemption applies to minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density (CEQA Guidelines §15305.). This includes minor lot line adjustments, that do not result in the creation of a new parcel (CEQA Guidelines §15305.(a)). The subject request does not involve slopes greater than 20%, changes to land use or density, and do not create any new parcels. Therefore, the proposed project is exempt from CEQA.

#### **RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

1. Adopt Decision No. 1857-24, approving Lot Line Adjustment No. LLA-034-2024, subject to the recommended Conditions of Approval.



Maria Parra  
Planning Services Manager



By: Priit Kaskla, AICP  
Associate Planner

[Attachment 1: Vicinity Map](#)

[Attachment 2: Lot Line Adjustment Application](#)

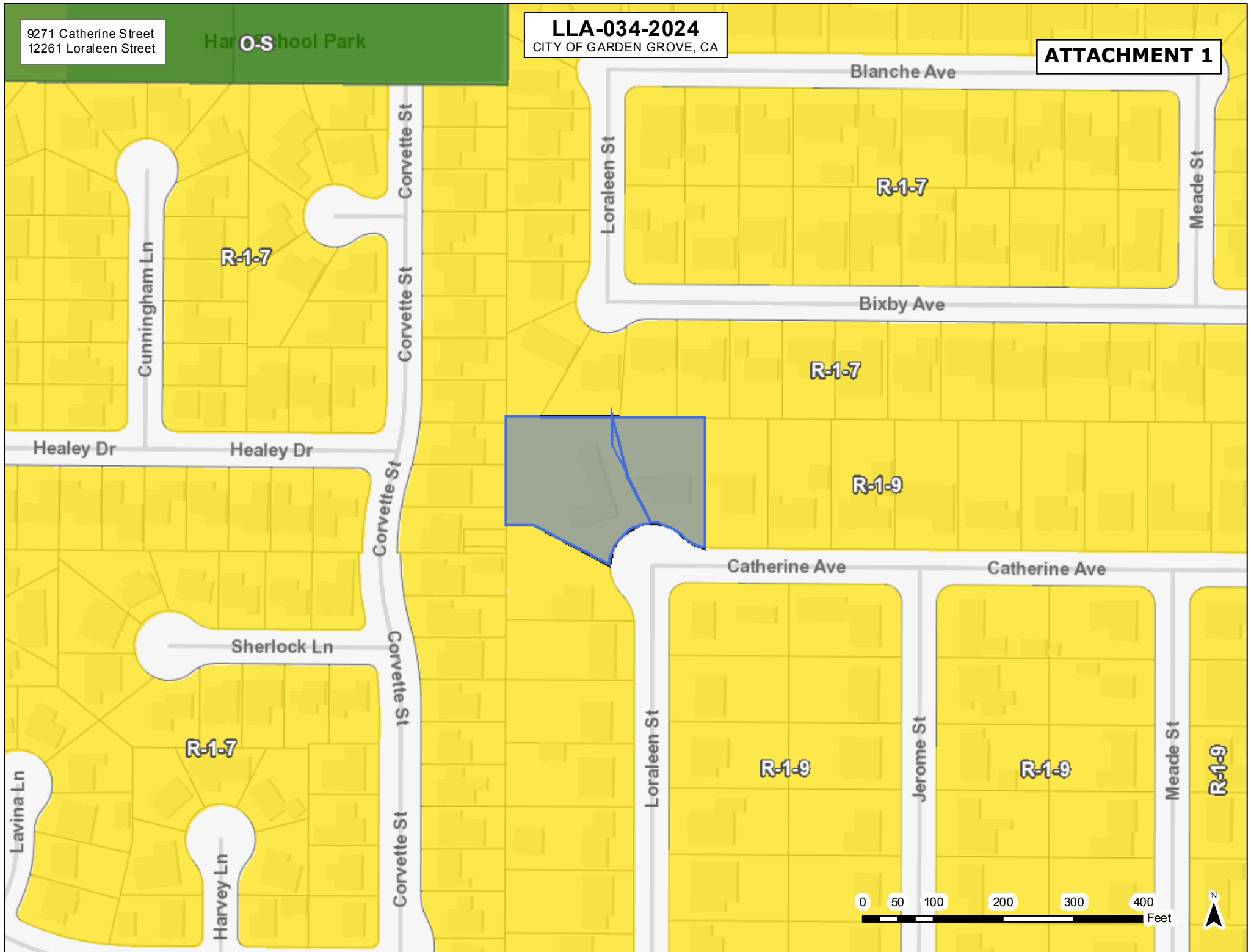
[Attachment 3: Decision No. 1857-24 with Exhibit "A" – Conditions of Approval](#)

9271 Catherine Street  
12261 Loreleen Street

Harvey School Park

**LLA-034-2024**  
CITY OF GARDEN GROVE, CA

**ATTACHMENT 1**



WHEN RECORDED MAIL TO:  
 City of Garden Grove  
 P.O. Box 3070  
 Garden Grove, CA 92842  
 Attn: Planning Services Division

SPACE ABOVE THIS LINE FOR RECORDERS USE

**LOT LINE ADJUSTMENT NO. LLA-034-2024**

**RECORD OWNERS:**

**PARCEL NO.** 1  
**NAME:** Juan Rangel  
**ADDRESS:** 9271 Catherine Ave  
Garden Grove, CA 92841  
**NAME:** Alice Rangel  
**ADDRESS:** 9271 Catherine Ave  
Garden Grove, CA 92841

**PARCEL NO.** 2  
**NAME:** Thanh Nghia Nguyen Trustee of Felicilo Trust  
**ADDRESS:** 12261 Loreleen Street  
Garden Grove, CA 92841  
**NAME:** Thanh Tuyen Nguyen  
**ADDRESS:** 12261 Loreleen Street  
Garden Grove, CA 92841

(I/We) hereby certify that: 1) (I am/We are) the record owner(s) of all parcels proposed for adjustment by this application, 2) (I/We) have knowledge of and consent to the filing of this application, and 3) the information submitted in connection with this application is true and correct.

**APPLICANT/OWNER**

**APPLICANT/OWNER**

By: [Signature]  
 Title: Juan Rangel

By: [Signature]  
 Title: Thanh Nghia Nguyen Trustee of the Felicilo

By: [Signature]  
 Title: Alice Rangel

By: [Signature]  
 Title: Thanh Tuyen Nguyen

By: \_\_\_\_\_  
 Title: \_\_\_\_\_

By: \_\_\_\_\_  
 Title: \_\_\_\_\_

Date: 2/20/2024

Date: 2/20/2024

Contact Person: Alice Rangel

Address: 12261 LORALEEN ST

Daytime Phone No.: 562-485-7555

GARDEN GROVE, CA 92841

**SPACE BELOW FOR OFFICIAL USE ONLY**

Date Received	Land Use Designation	CEQA Status	Subdivision Committee Action	Land Use
			<b>APPROVED</b>	<b>APPROVED</b>
Zoning	AP Numbers	Filing Fee	Date:	By:
			Date Filed	Date:
				Recording Date
			Receipt Number	

**City of Garden Grove**  
 Planning Services Division  
 (714) 741-5312

**CITY OF GARDEN GROVE  
EXHIBIT A  
LOT LINE ADJUSTMENT NO. LLA— 025- 2020**

**(LEGAL DESCRIPTION)**

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
JUAN RANGEL	133-171-20	PARCEL 1
ALICE RANGEL	133-171-20	PARCEL 1
Thanh Nghia Nguyen Trustee of the Felicitol Trust	133-171-19	PARCEL 2
Thanh Tuyen Nguyen	133-171-19	PARCEL 2

**PARCEL 1:**

THOSE PORTIONS OF LOTS 12 AND 13 OF TRACT NO. 1158, IN THE CITY OF GARDEN GROVE, IN THE COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 36, PAGE 26 OF MISCELLANEOUS MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AND THOSE PORTIONS OF PARCELS A AND B OF A PARCEL MAP IN THE CITY OF GARDEN GROVE, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1 PAGE 26 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY LYING EASTERLY OF THE FOLOWING DESCRIBED LINE.

COMMENCING AT THE CENTERLINE INTERSECTION OF CATHERINE AVENUE AND LORALEEN STREET AS SHOWN ON SAID PARCEL MAP, THENCE N 3° 09'52"W 60.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL A; THENCE WESTERLY ALONG A CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 60.00 FEET A LENGTH OF 0.49 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID CURVE N27°42'23"W 64.59 FEET; THENCE N19°02'22"W 33.32 FEET; THENCE N9°23'06"W 19.08 FEET; THENCE N12°24'58"W 42.25 FEET TO THE NORTHEAST CORNER OF SAID LOT 13.

AS MORE PARTICULARLY SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

**PARCEL 2:**

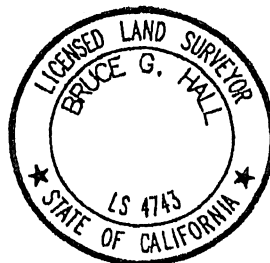
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EXCEPTING ALL WATER AND WATER RIGHTS OF EVERY KINGD AND CHARACTER IN, UPON AND UNDER SAID LAND.  
AS MORE PARTICULARLY SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION.

BRUCE G. HALL, PLS 4743  
LICENSE EXPIRES 09-30-2019





**CITY OF GARDEN GROVE  
EXHIBIT B  
LOT LINE ADJUSTMENT NO. LLA - 025 - 2020**

**(PLAT)**

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
JUAN RANGEL	133-171-20	PARCEL 1
ALICE RANGEL	133-171-20	PARCEL 1
Thanh Nghia Nguyen Trustee of the Felicitol Trust	133-171-19	PARCEL 2
THANH TUYEN NGUYEN	133-171-19	PARCEL 2
	1	

**LINE AND CURVE DATA:**

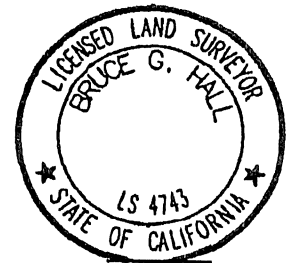
- L1 - N12°24'58"W 42.25'
- L2 - N09°23'06"W 19.08'
- L3 - N19°02'22"W 33.32'
- L4 - N27°42'23"W 64.59'
- L5 - N89°53'59"E 40.00'
- L6 - N03°09'52"W 60.00'
  
- C1 - Δ = 134°54'08" R = 60.00' L = 141.27'
- C2 - Δ = 86°58'46" R = 60.00' L = 91.09'
- C3 - Δ = 86°30'16" R = 60.00' L = 90.59'
- C4 - Δ = 02°37'58" R = 60.00' L = 1.39'
- C5 - Δ = 45°17'21" R = 60.00' L = 47.43'
- C6 - Δ = 48°23'43" R = 60.00' L = 50.68'
- C7 - Δ = 35°25'34" R = 60.00' L = 37.10'
- C8 - Δ = 00°28'29" R = 60.00' L = 0.49'

**LEGEND:**

- EXISTING BOUNDARY LINE TO REMAIN
- EXISTING BOUNDARY LINE TO BE ADJUSTED
- PROPOSED BOUNDARY LINE
- EASEMENT LINE

**EASEMENT NOTES:**

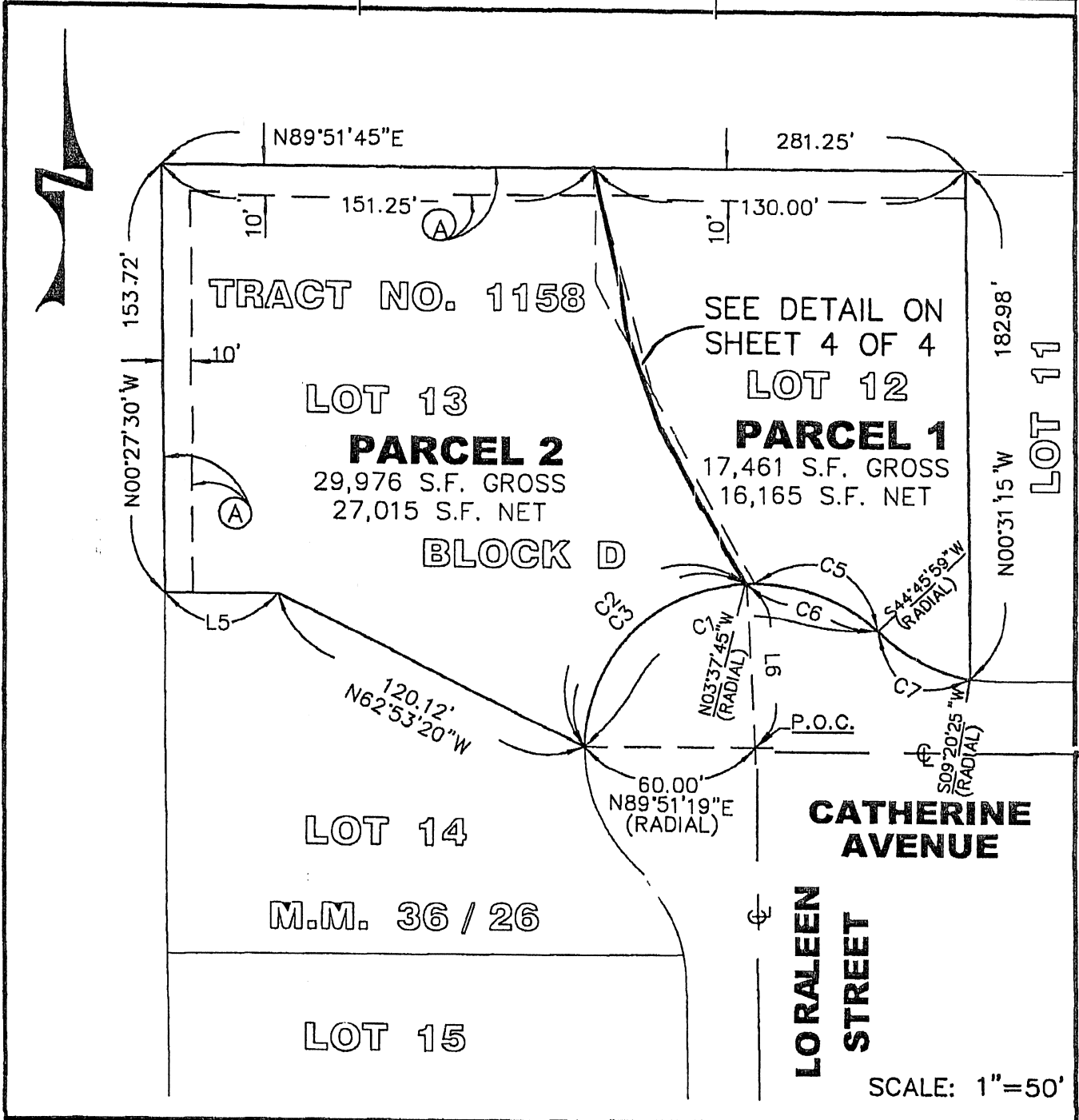
- Ⓐ - A 10' WIDE EASEMENT FOR PUBLIC UTILITIES DEDICATED PER TRACT NO. 1158, M.M. 36/26  
NOTE: THERE ARE EASEMENTS OF RECORD DELINEATED AND REFERENCED ON THE UNDERLYING MAPS OR THERE MAY BE OTHER RECORDED EASEMENTS WITHIN THE AREA BEING ADJUSTED THAT ARE NOT SHOWN ON THIS DOCUMENT THAT COULD ENCUMBER SAID PARCELS HEREIN.



**CITY OF GARDEN GROVE  
EXHIBIT B  
LOT LINE ADJUSTMENT NO. LLA - 025 - 2020**

**(PLAT)**

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
JUAN RANGEL	133-171-20	PARCEL 1
ALICE RANGEL	133-171-20	PARCEL 1
Thanh Nghia Nguyen Trustee of the Feliciloi Trust	133-171-19	PARCEL 2
THANH TUYEN NGUYEN	133-171-19	PARCEL 2

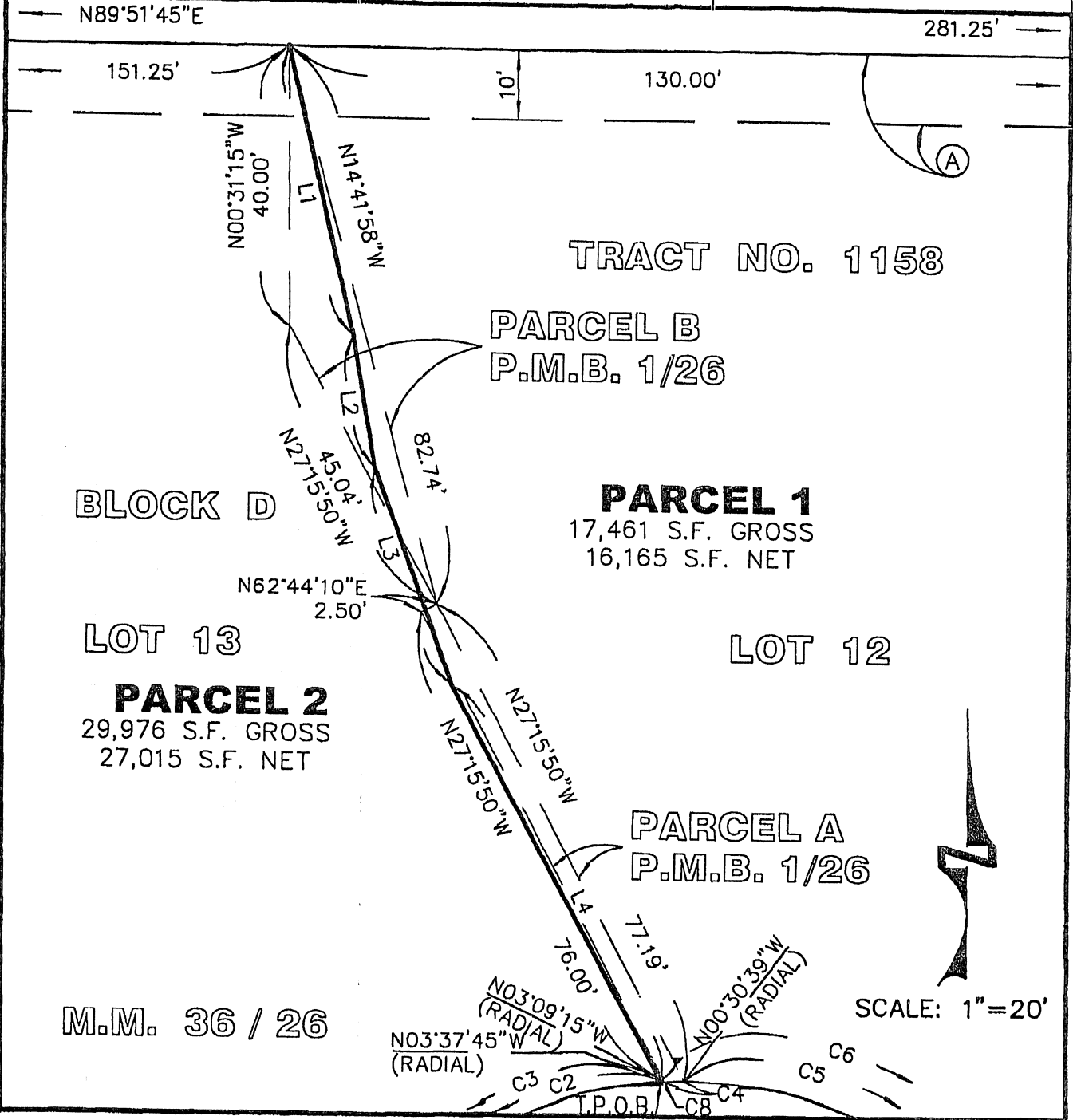


SCALE: 1"=50'

**CITY OF GARDEN GROVE  
EXHIBIT B  
LOT LINE ADJUSTMENT NO. LLA - 025 - 2020**

**(PLAT)**

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JUAN RANGEL	133-171-20	PARCEL 1
ALICE RANGEL	133-171-20	PARCEL 1
Thanh Nghia Nguyen Trustee of the Felclcl Trust	133-171-19	PARCEL 2
THANH TUYEN NGUYEN	133-171-19	PARCEL 2
	1	PARCEL 2



**CITY OF GARDEN GROVE  
EXHIBIT C  
LOT LINE ADJUSTMENT NO. LLA - 025 - 2020**

**(SITE PLAN)**

OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
JUAN RANGEL	133-171-20	PARCEL 1
ALICE RANGEL	133-171-20	PARCEL 1
Thanh Nghia Nguyen Trustee of the Feticial Trust	133-171-19	PARCEL 2
THANH TUYEN NGUYEN	133-171-19	PARCEL 2

**LINE AND CURVE DATA:**

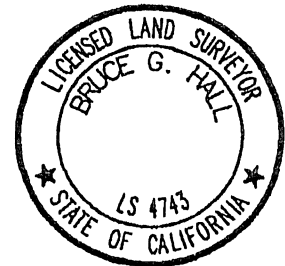
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- L4 - N27°42'23"W 64.59'
- L5 - N89°53'59"E 40.00'
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- C1 - Δ = 134°54'08" R = 60.00' L = 141.27'
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- C3 - Δ = 86°30'16" R = 60.00' L = 90.59'
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- C5 - Δ = 45°17'21" R = 60.00' L = 47.43'
- C6 - Δ = 48°23'43" R = 60.00' L = 50.68'
- C7 - Δ = 35°25'34" R = 60.00' L = 37.10'
- C8 - Δ = 00°28'29" R = 60.00' L = 0.49'

**LEGEND:**

- - EXISTING BOUNDARY LINE TO REMAIN
- - - - - - - - EXISTING BOUNDARY LINE TO BE ADJUSTED
- - PROPOSED BOUNDARY LINE
- - - - - - - - EASEMENT LINE
- B.L. - PROPOSED BOUNDARY LINE
- S.W. - SOUTHWESTERLY
- N.E. - NORTHEASTERLY

**EASEMENT NOTES:**

- (A) - A 10' WIDE EASEMENT FOR PUBLIC UTILITIES DEDICATED PER TRACT NO. 1158, M.M. 36/26  
NOTE: THERE ARE EASEMENTS OF RECORD DELINEATED AND REFERENCED ON THE UNDERLYING MAPS OR THERE MAY BE OTHER RECORDED EASEMENTS WITHIN THE AREA BEING ADJUSTED THAT ARE NOT SHOWN SHOWN ARE THIS DOCUMENT THAT COULD ENCUMBER SAID PARCELS HEREIN.

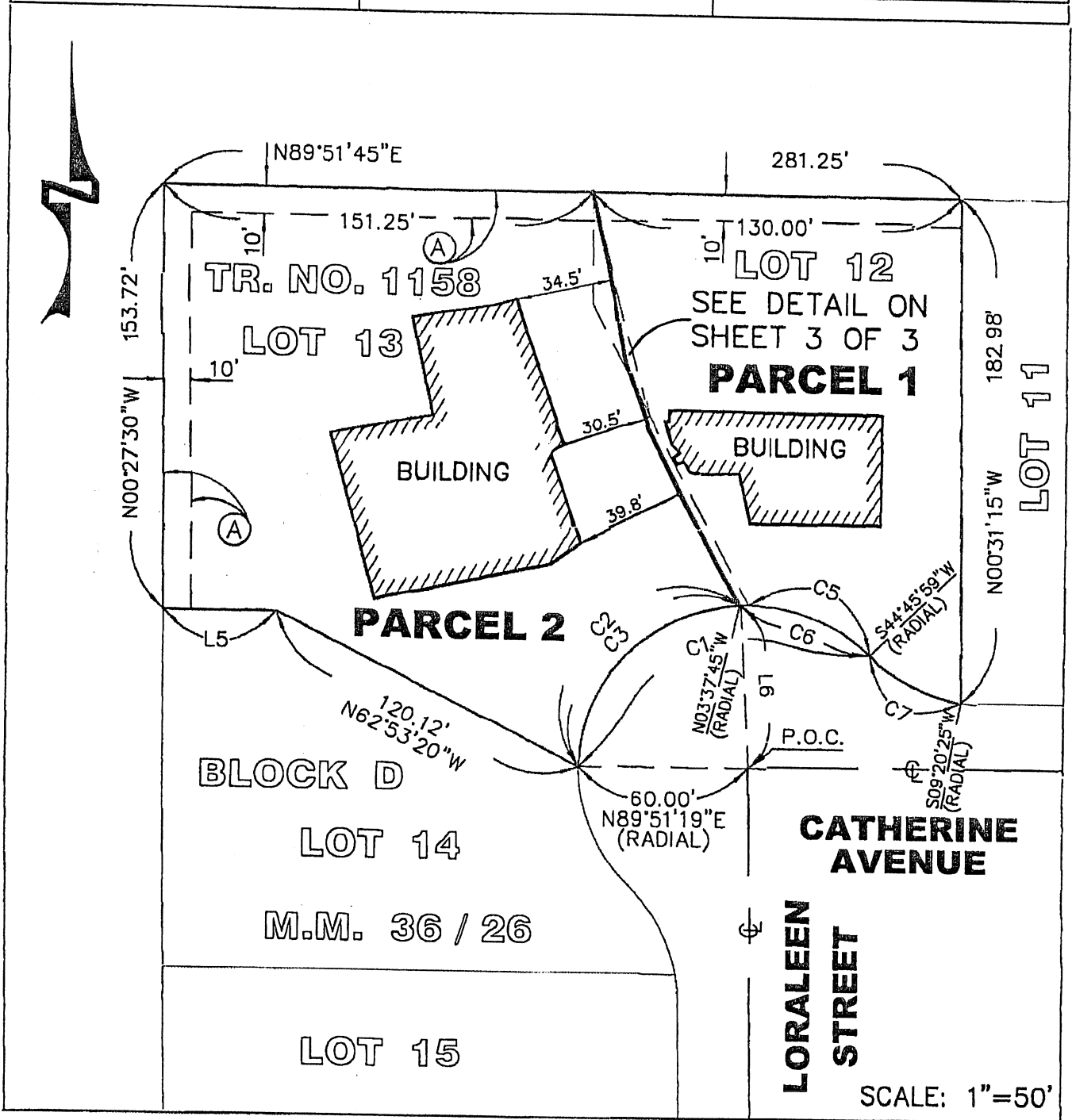


**CITY OF GARDEN GROVE**  
**EXHIBIT C**  
**LOT LINE ADJUSTMENT NO. LLA - 025 - 2020**

**ATTACHMENT 2**

**(SITE PLAN)**

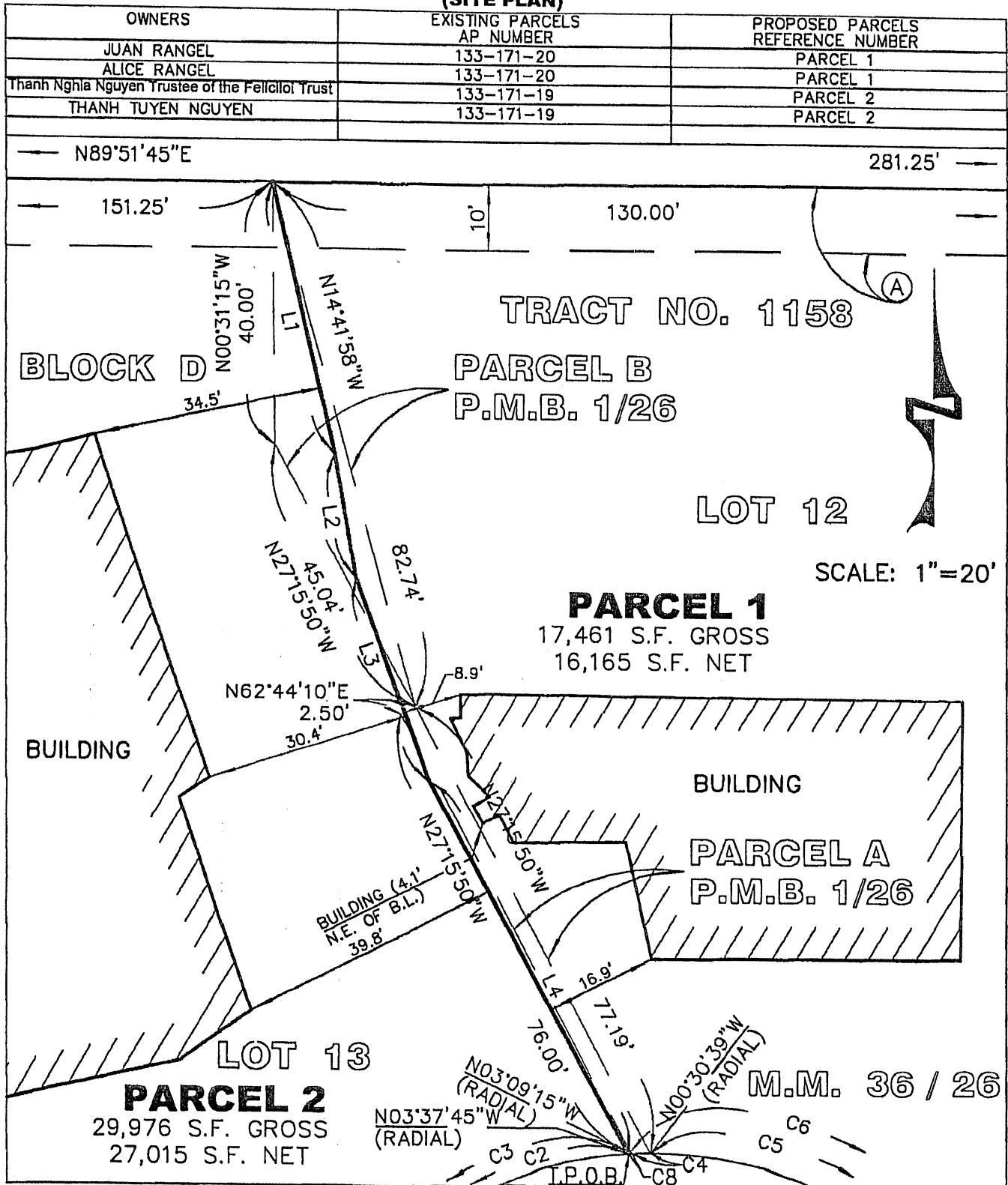
OWNERS	EXISTING PARCELS AP NUMBER	PROPOSED PARCELS REFERENCE NUMBER
JUAN RANGEL	133-171-20	PARCEL 1
ALICE RANGEL	133-171-20	PARCEL 1
Thanh Nghia Nguyen Trustee of the Feliciloi Trust	133-171-19	PARCEL 2
THANH TUYEN NGUYEN	133-171-19	PARCEL 2



SCALE: 1"=50'

**CITY OF GARDEN GROVE  
EXHIBIT C  
LOT LINE ADJUSTMENT NO. LLA - 025 - 2020**

**(SITE PLAN)**





PREPARED BY:  
 Bruce G. Hall  
 LICENSED LAND SURVEYOR  
 NO. 4743  
 STATE OF CALIFORNIA

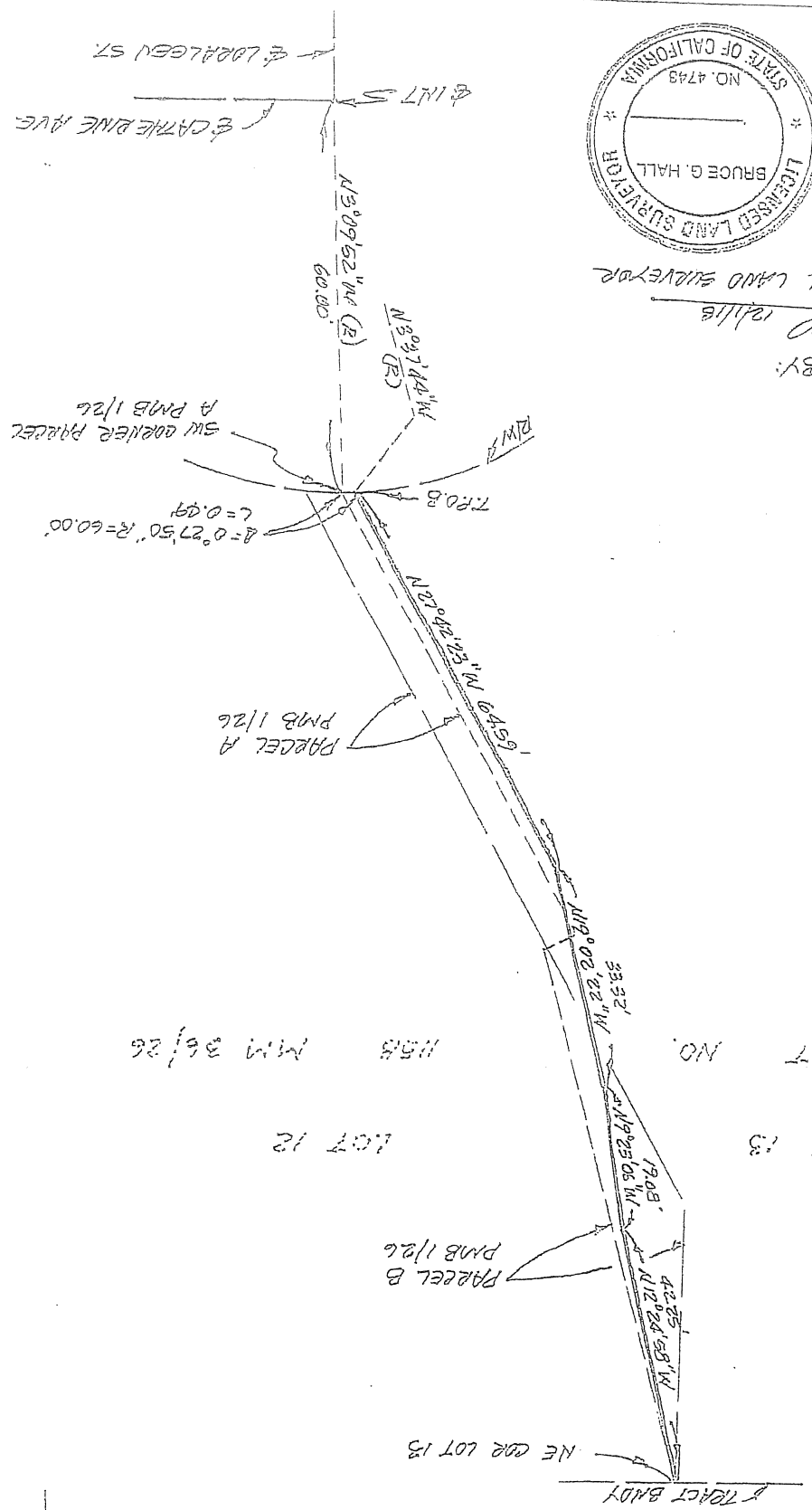


EXHIBIT "B"

DECISION NO. 1857-24

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING LOT LINE ADJUSTMENT NO. LLA-034-2024.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Lot Line Adjustment No. LLA-034-2024, for properties located at the intersection of Loraleen Street and Catherine Avenue, west of Gilbert Street, at 9271 Catherine Avenue and 12261 Loraleen Street, Assessor's Parcel Nos. 133-171-19 and 133-171-20.

BE IT FURTHER RESOLVED in the matter of Lot Line Adjustment No. LLA-034-2024, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was jointly initiated by Alice Rangel, Juan Rangel, and Thanh Nghia Nguyen ("The Applicant").
2. The applicant is requesting Lot Line Adjustment approval to eliminate two small parcels (Parcel "A" & Parcel "B"), for the purpose of reconfiguring the property line boundary between two developed, single-family residential properties, located at 9271 Catherine Avenue (Parcel 1) and 12261 Loraleen Street (Parcel 2).
3. Pursuant to the California Environmental Quality Act ("CEQA"), the Planning Commission hereby determines that the proposed project is categorically exempt from the CEQA pursuant to Section 15305, Minor Alterations In Land Use Limitations, of the CEQA Guidelines (14 Cal. Code Regs., Section §15305).
4. Both properties are zoned R-1 (Single-Family Residential), and have General Plan Land Use Designations of LDR (Low Density Residential).
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property has been reviewed.
6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on December 12, 2024, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting on December 12, 2024, 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 9.40.190, are as follows:



FACTS:

The application primarily involves two (2) properties, Parcel 1 and Parcel 2. Parcel 1 is located at 9271 Catherine Avenue (APN: 133-171-20), Parcel is located at 12261 Loreleen Street (APN: 133-171-19). Between Parcels 1 and 2 are two smaller parcels, identified as Parcel A and Parcel B.

All parcels are zoned R-1 (Single-Family Residential), and have General Plan Land Use Designations of LDR (Low Density Residential). Surrounding the subject properties are also R-1 zoned properties.

Both Parcel 1 and Parcel 2 were developed with single-family residential dwellings, prior to the incorporation of the City. Parcel A is owned by the property owners of Parcel 1, but is developed as a part of the driveway for Parcel 2. Parcel B is owned by the property owners of Parcel 2, but is partially developed as a part of the rear yard for Parcel 1. A wooden fence runs between the two properties, separating Parcel A from Parcel 1, and a portion of Parcel B from Parcel 2.

Furthermore, the Office of the Orange County Recorder has recorded Parcel A as a part of Parcel 2, and Parcel B as a part of Parcel 1. However, the owners of Parcel 1 legally own Parcel A, and the owners of Parcel 2 legally own Parcel B. Yet when the properties were developed, the development did not reflect what was recorded, nor did it reflect proper ownership of the properties.

The property owners have jointly agreed to rectify this situation. Therefore, the applicants have requested approval of a Lot Line Adjustment to create a new, singular property line between the two properties, eliminating Parcel A and Parcel B. No additional development would occur as a part of this request.

FINDINGS AND REASONS:LOT LINE ADJUSTMENT

1. The parcels, as the result of the Lot Line Adjustment, will conform to local zoning and building ordinances.

The subject properties have a General Plan Land Use Designation of LDR (Low Density Residential). According to the General Plan, the LDR land use is intended to create, maintain, and enhance residential areas characterized by detached, single unit structures, and single-family residential neighborhoods. No additional development is requested in conjunction with the proposed Lot Line Adjustment. There would not be any alterations to the existing single-residential residences or the neighborhood.

The subject properties are zoned R-1-9 (Single-Family Residential). The R-1 zone

is intended to provide for the establishment and promotion of single-family detached residences on individual lots and compatible associated activities. No additional development is requested in conjunction with the proposed Lot Line Adjustment. Thus, the existing single-family developments on Parcel 1 and Parcel 2 would be maintained. Furthermore, the proposed property line does not make either parcel nonconforming. Both properties would comply with all of the development standards of the Municipal Code, including, but not limited to: minimum lot sizes, minimum lot widths, setbacks, lot coverage, and rear yard open space.

The proposed Lot Line Adjustment would create a new singular property boundary between Parcel 1 (APN: 133-171-20) and Parcel 2 (APN: 133-171-19), and eliminate Parcel A and Parcel B. As a result, the new lot size of Parcel 1 would be 17,461 square feet, and the new lot size of Parcel 2 would be 29,976 square feet. An existing public utility easement running parallel to the subject properties' northerly property line would remain unaltered. Other than the elimination of Parcel A and Parcel B, and the creation of a new property boundary, no additional development is requested as a part of this request.

The requested Lot Line Adjustment complies with the City's General Plan, Zoning Ordinance, Subdivision Ordinance, and State Subdivision Map Act.

#### INCORPORATION OF FACTS AND FINDINGS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. The Lot Line Adjustment possesses characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.40.190.
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 Lot Line Adjustment No. LLA-034-2024.

Dated: December 12, 2024

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DAVID DENT  
ZONING ADMINISTRATOR

# **EXHIBIT "A"**

## **Lot Line Adjustment No. LLA-034-2024**

9271 Catherine Avenue & 12261 Loraleen Street

### **CONDITIONS OF APPROVAL**

#### **General Conditions**

1. The applicant and each owner of the property shall execute, and the applicant shall record a "Notice of Agreement with Condition of Approval and Discretionary Permit of Approval", as prepared by the City Attorney's Office, on the property. Proof of such recordation is required within 30 days of the approval.
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, the developer of the project, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns. 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 Zoning Administrator.
3. Approval of this Lot Line Adjustment 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. Minor modifications to these Conditions of Approval may be approved by the Community Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

#### **Engineering Division**

6. The applicant shall submit an updated title report along with copies of the recorded instruments listed in the title report.
7. The applicant shall submit copies of the reference maps used to prepare legal description and the plat per County of Orange Lot Line Adjustment Manual.

8. The applicant and his contractor shall be responsible for protecting all existing horizontal and vertical survey controls, monuments, ties (centerline and corner) and benchmarks located within the limits of the project. If any of the above require removal; relocation or resetting, the Contractor shall, prior to any construction work, and under the supervision of a California licensed Land Surveyor, establish sufficient temporary ties and benchmarks to enable the points to be reset after completion of construction. Any ties, monuments and bench marks disturbed during construction shall be reset per Orange County Surveyor Standards after construction. Applicant and his contractor shall also re-set the tie monuments where curb, or curb ramps are removed and replaced or new ramps are installed. The Applicant and his contractor shall be liable for, at his expense, any resurvey required due to his negligence in protecting existing ties, monuments, benchmarks or any such horizontal and vertical controls.

### **Community Development Department**

9. The applicants shall construct a new wall/fence that is placed over the new adjusted property line location, dividing Parcel 1 and Parcel 2, and obtain any required permit(s) (e.g., City building permit), as necessary.
10. The applicant shall submit a signed letter acknowledging receipt of the decision approving Lot Line Adjustment No. LLA-034-2024, 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 Lot Line Adjustment No. LLA-034-2024. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including, but not limited, to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
12. It shall be the applicant's responsibility to verify that any building or site improvements do not impermissibly interfere with any recorded easements on the subject property or the adjacent properties.
13. Unless a time extension is granted pursuant to Section 9.32.030.D.9 and Section of Title 9 of the Municipal Code, the use authorized by this approval of Lot Line Adjustment No. LLA-034-2024 shall become null and void if the

subject use or construction necessary and incidental thereto is not commenced within two (2) years of the expiration of the appeal period and thereafter diligently advanced until completion of the project.

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> <b>1.b.</b>	<b>SITE LOCATION:</b> Southwest corner of Garden Grove Boulevard and Wilson Street, at 8516 Garden Grove Boulevard
<b>HEARING DATE:</b> December 12, 2024	<b>GENERAL PLAN:</b> Medium Density Residential (MDR)
<b>CASE NO.:</b> Conditional Use Permit No. CUP-271-2024	<b>ZONE:</b> C-1 (T) (Neighborhood Commercial Transition Zone)
<b>APPLICANT:</b> Catherine Nguyen	<b>CEQA DETERMINATION:</b> Exempt
<b>PROPERTY OWNER:</b> Hoang Tram Tong	<b>APN:</b> 097-212-17

## **REQUEST:**

A request for Conditional Use Permit approval to operate an existing restaurant with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Eating Place) License. Upon approval and exercise of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-201-2021, would be revoked and replaced by Conditional Use Permit No. CUP-271-2024.

## **BACKGROUND:**

The subject site is developed with a multi-tenant commercial building located on the southwest corner of Garden Grove Boulevard and Wilson Street. The site has a General Plan Land Use designation of Medium Density Residential (MDR), and is zoned C-1(T) (Neighborhood Commercial Transition Zone). The site is adjacent to a C-1(T) zoned property to the west, R-3(T) (Multiple-Family Residential Transition Zone) zoned properties to the south, and GGMU-2 (Garden Grove Boulevard Mixed Use 2) zoned properties to the east, across Wilson Street, and to the north, across Garden Grove Boulevard.

The specific tenant space under application is an approximately 3,130 square foot space fronting Garden Grove Boulevard. According to Business Tax records, the tenant space has previously been occupied by multiple full-service restaurants dating back to 1971.

On February 11, 2021, the City approved Conditional Use Permit No. CUP-201-2021 to allow the subject restaurant to operate with an original State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Eating Place) License. The restaurant ceased its operation in 2022. Under the CUP-201-2021 approval, the tenant space was only 2,600 square feet. The restaurant operator expanded the restaurant to the abutting tenant space without a building permit, increasing the floor area by 560 square feet, from 2,600 square feet to 3,130 square feet. Other unpermitted work include relocating the kitchen, remodeling the restrooms, reconfiguring the dining area, installing new counter service area, and removing interior wall. A

Notice of Violation was issued by the City on October 25, 2024 requiring the property owner(s) to address all building code violations.

The applicant took over the restaurant in 2023, unaware of the unpermitted expansion and improvements to the interior of the restaurant, and continues to operate it under the name of Shai Restaurant without an ABC License. The applicant 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, Eating Place) License. Concurrent with the Condition Use Permit request, the applicant is working with City staff to submit building plan to the Building and Safety Division to obtain permits for the unpermitted alteration to the subject tenant space. The applicant is also requesting to revoke Conditional Use Permit No. CUP-201-2021, which previously governed the tenant space. 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.

### **DISCUSSION:**

The subject restaurant, Shai Restaurant, will continue to operate as a full-service dine-in restaurant that specializes in Vietnamese cuisine. The restaurant tenant space has a total floor area of approximately 3,130 square feet. The interior of the restaurant will consist of a dining area, a to-go area, a kitchen, and men's and women's restrooms. The dining area will be approximately 1,600 square feet in size and oriented toward Garden Grove Boulevard. The to-go area will be approximately 340 square feet, located to the rear of the restaurant, and oriented toward Wilson Street. Since the to-go area is intended for pickup orders only, no dining tables, chairs, or other types of seating (e.g., booth seating) for dine-in purposes would be allowed in this area. There is also an existing patio area in the front of the restaurant, along Garden Grove Boulevard. This area also cannot be used as a dining area because it is within the minimum required setback for the C-1(T) zone of fifteen feet (15'-0"). The project has been conditioned so as not to use both the to-go and patio area as dining area.

The restaurant's hours of operation will be from 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, which are consistent with the City's standard hours of operation for ABC Type "41" licensed restaurants. No live entertainment is included in the proposal. The Police Department is supportive of the restaurant's proposed operating 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 subject property is located in a high-crime district, and in an area with an under-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. 1858-24 for Conditional Use Permit No. CUP-271-2024. Approval of this Conditional Use Permit will establish conditions of approval to regulate the operation of the restaurant to minimize potential impacts to the community due to the sale of alcohol.

The Community 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" licensed establishment will apply.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

CEQA's Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, and minor alterations of existing facilities, with negligible or no expansion of use (CEQA Guidelines §15301). The subject establishment is an existing restaurant pad building. A restaurant with alcohol sales is conditionally permitted in the C-1(T) zone. The addition of the ABC license does not involve the increase the overall square footage of the existing building. Provided the conditions of approval are adhered to for the life of the project, the use will be compatible with other adjacent uses. Therefore, the proposed project is exempt from CEQA.

**RECOMMENDATION:**

Staff recommends that the Zoning Administrator take the following action:

1. Adopt Decision No. 1858-24, approving Conditional Use Permit No. CUP-271-2024, subject to the recommended Conditions of Approval.



MARIA PARRA  
Planning Services Manager



By: Huong Ly, AICP  
Associate Planner

Attachment 1: Vicinity Map

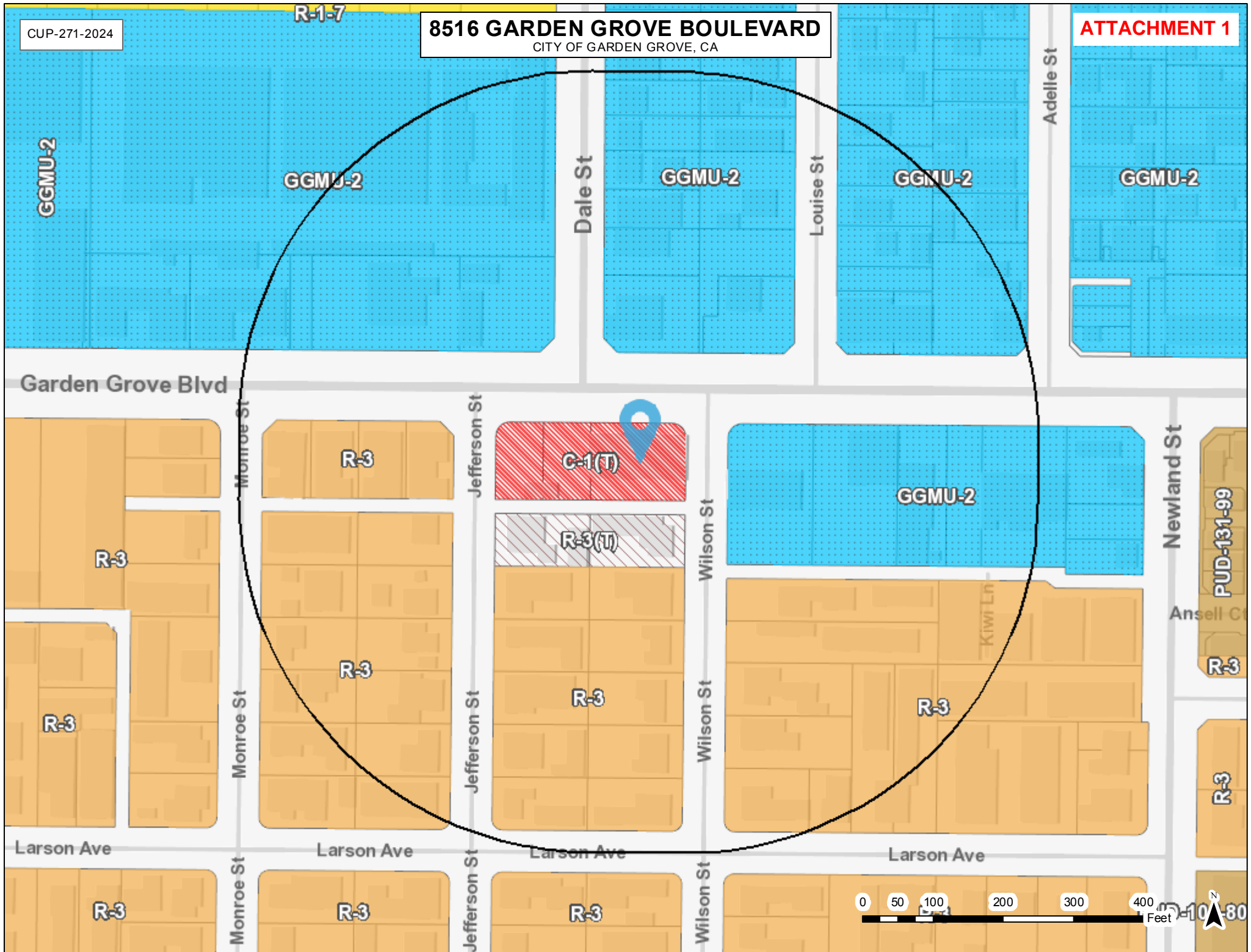
Attachment 2: Plans

Attachment 3: Decision No. 1858-24 for Conditional Use Permit No. CUP-271-2024 with Exhibit "A" - Conditions of Approval



# 8516 GARDEN GROVE BOULEVARD

CITY OF GARDEN GROVE, CA



GGMU-2

GGMU-2

GGMU-2

GGMU-2

GGMU-2

R-3

C-1(T)

R-3(T)

GGMU-2

R-3

R-3

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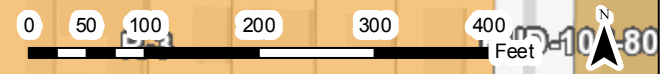
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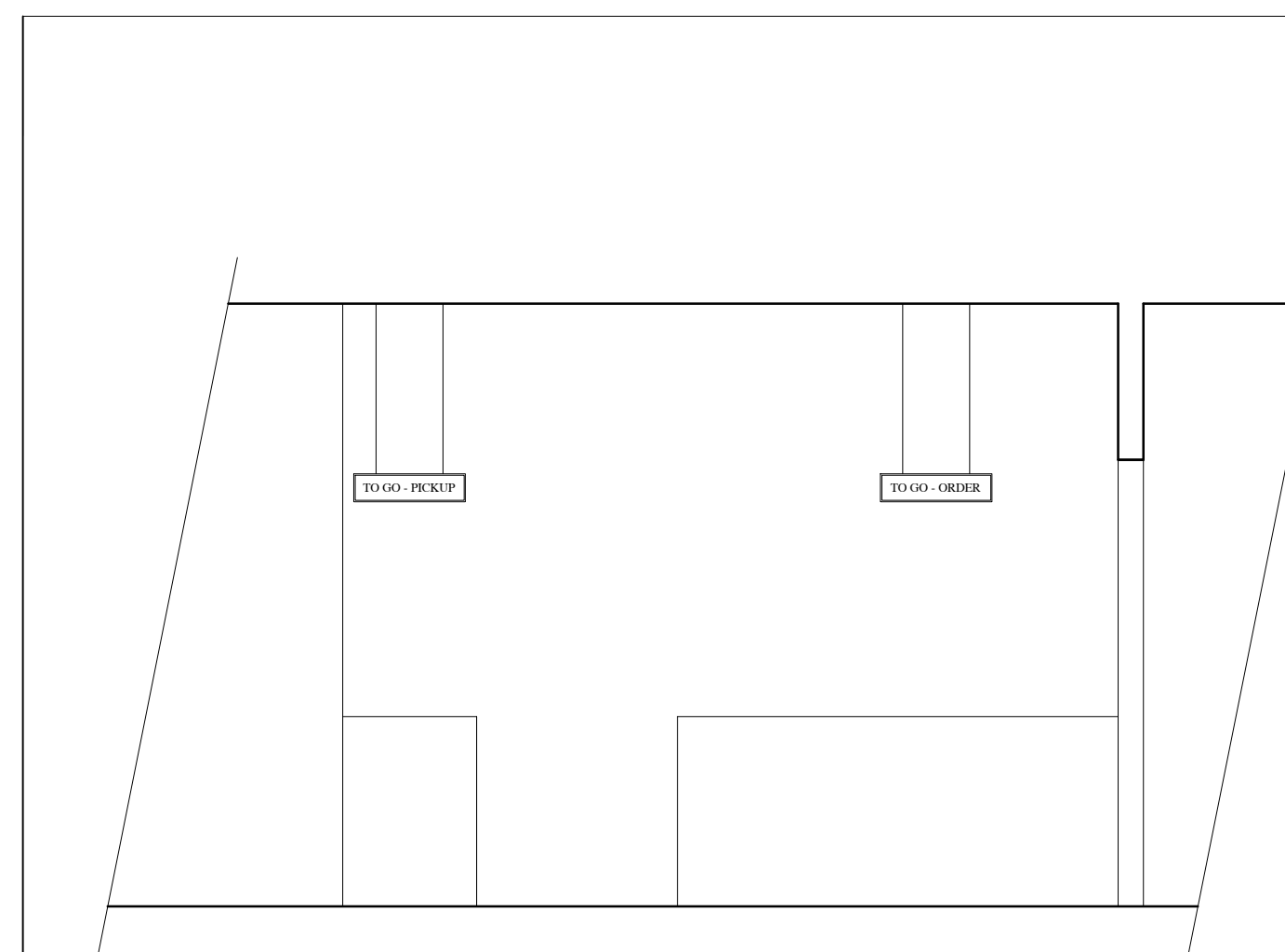
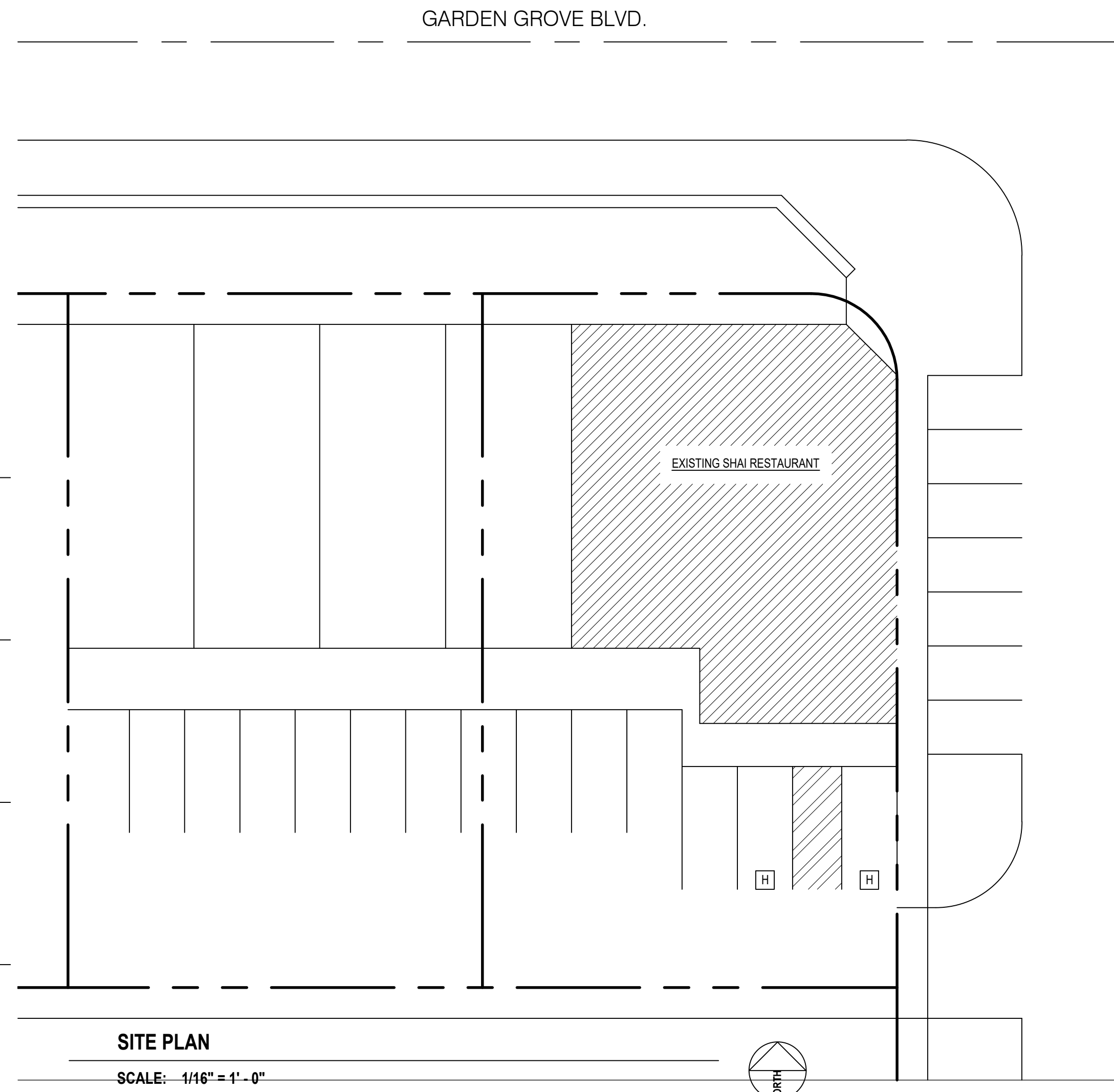
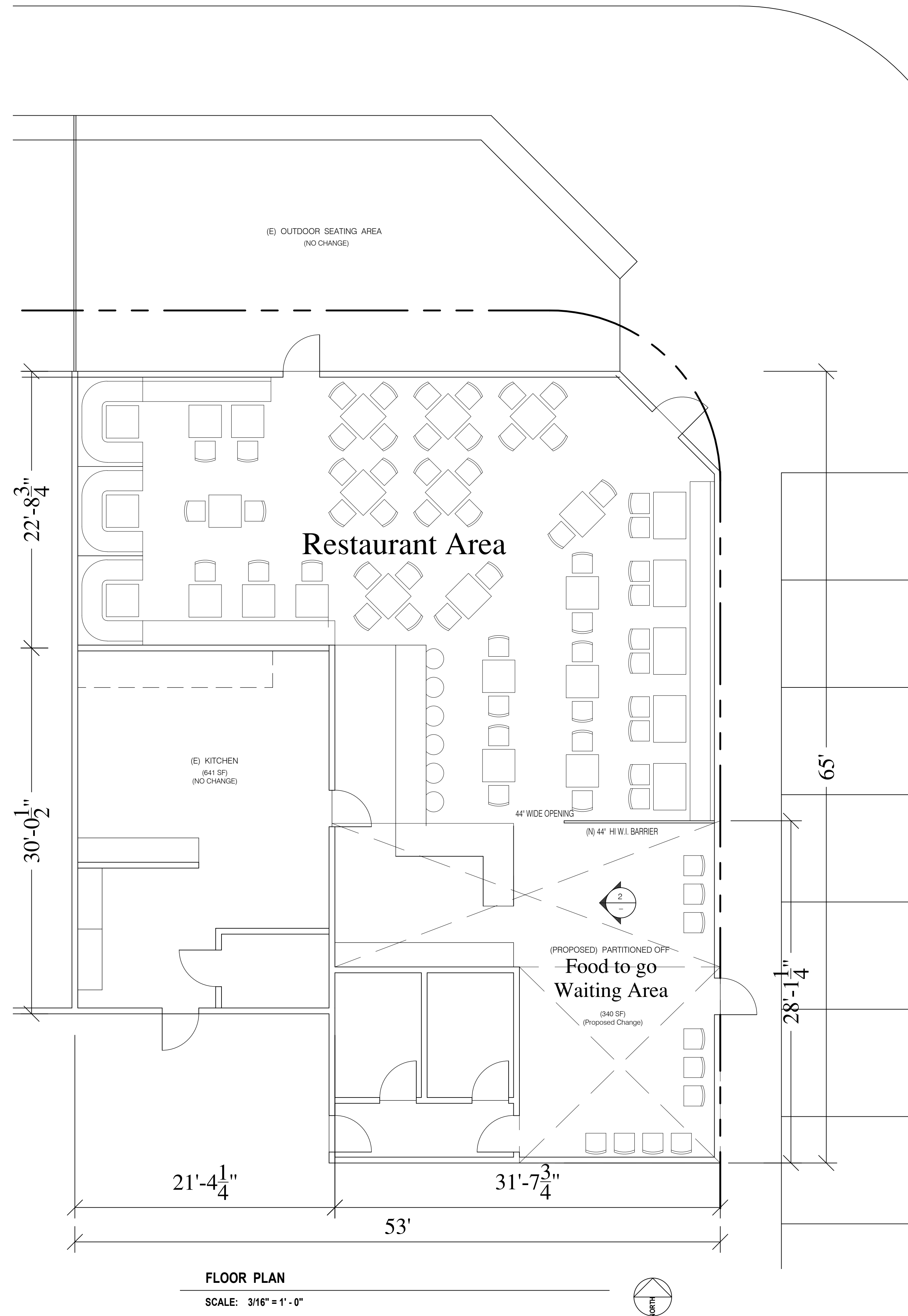


# ATTACHMENT 2

## PROJECT INFORMATION

PROJECT: PROPOSED PARTITION FOR THE FOOD TO GO WAITING AREA OF THE SHAI RESTAURANT  
 ADDRESS: 8516 GARDEN GROVE BLVD., GARDEN GROVE, CA 92844  
 APPLICANT: CATHERINE NGUYEN  
 catherineing1111@yahoo.com  
 (714) 417-3506

CONST TYPE: V-B  
 SPRINKLERED: NO  
 OCCUPANCY: A-2  
 SQUARE FOOTAGE:  
 (E) DINING AREA: 1875 SF  
 (E) KITCHEN: 641 SF  
 (N) PARTITIONED FOOD-TO-GO WAITING AREA: 640 SF



PROPOSED PARTITION FOR THE FOOD TO GO WAITING AREA OF THE SHAI RESTAURANT  
 8516 GARDEN GROVE BLVD., GARDEN GROVE, CA 92844  
 APPLICANT: CATHERINE NGUYEN (714) 417-3506 catherineing1111@yahoo.com

SHEET NAME:  
**SITE PLAN FLOOR PLAN DETAIL**

REV.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

DESIGNED:  
 DRAWN:  
 SCALE: AS NOTED  
 DATE: 5/30/2024  
 SHEET NO.:

**A-01**  
 PROJECT NO.:

DECISION NO. 1858-24

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-271-2024, AND REVOKING CONDITIONAL USE PERMIT NO. CUP-201-2021, FOR A PROPERTY LOCATED AT 8516 GARDEN GROVE BOULEVARD, ASSESSOR'S PARCEL NO. 097-212-17.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby revoke Conditional Use Permit No. CUP-201-2021, and replace it with Conditional Use Permit No. CUP-271-2024, for property located on the southwest corner of Garden Grove Boulevard and Wilson Street, at 8516 Garden Grove Boulevard, Assessor's Parcel No. 097-212-17, and hereby determines that public convenience or necessity would be served by issuance of an Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Eating Place) License at this location

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-271-2024, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Catherine Nguyen, with the authorization of the property owner, Hoang Tram Tong.
2. The applicant is requesting Conditional Use Permit approval to operate an existing restaurant with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Eating Place) License. Upon approval and exercise of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-201-2021, would be revoked and replaced by Conditional Use Permit No. CUP-271-2024.
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 site has a General Plan Land Use designation of Medium Density Residential (MDR), and is zoned C-1(T) (Neighborhood Commercial Transition Zone). The site is improved with a multi-tenant commercial building.
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, 2024, 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, 2024, and

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

FACTS:

The subject site is developed with a multi-tenant commercial building located on the southwest corner of Garden Grove Boulevard and Wilson Street. The site has a General Plan Land Use designation of Medium Density Residential (MDR), and is zoned C-1(T) (Neighborhood Commercial Transition Zone). The site is adjacent to a C-1(T) zoned property to the west, R-3(T) (Multiple-Family Residential Transition Zone) zoned properties to the south, and GGMU-2 (Garden Grove Boulevard Mixed Use 2) zoned properties to the east, across Wilson Street, and to the north, across Garden Grove Boulevard.

The specific tenant space under application is an approximately 3,130 square foot space fronting Garden Grove Boulevard. According to Business Tax records, the tenant space has previously been occupied by multiple full-service restaurants dating back to 1971.

On February 11, 2021, the City approved Conditional Use Permit No. CUP-201-2021 to allow the subject restaurant to operate with an original State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Eating Place) License. The restaurant ceased its operation in 2022. Under the CUP-201-2021 approval, the tenant space was only 2,600 square feet. The restaurant operator expanded the restaurant to the abutting tenant space without a building permit, increasing the floor area by 560 square feet, from 2,600 square feet to 3,130 square feet. Other unpermitted work include relocating the kitchen, remodeling the restrooms, reconfiguring the dining area, installing new counter service area, and removing interior wall. A Notice of Violation was issued by the City on October 25, 2024 requiring the property owner(s) to address all building code violations.

The applicant took over the restaurant in 2023, unaware of the unpermitted expansion and improvements to the interior of the restaurant, and continues to operate it under the name of Shai Restaurant without an ABC License. The applicant 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, Eating Place) License. Concurrent with the Condition Use Permit request, the applicant is

working with City staff to submit building plan to the Building and Safety Division to obtain permits for the unpermitted alteration to the subject tenant space. The applicant is also requesting to revoke Conditional Use Permit No. CUP-201-2021, which previously governed the tenant space. 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.

The subject restaurant, Shai Restaurant, will continue to operate as a full-service dine-in restaurant that specializes in Vietnamese cuisine. The restaurant tenant space has a total floor area of approximately 3,130 square feet. The interior of the restaurant will consist of a dining area, a to-go area, a kitchen, and men's and women's restrooms.

The restaurant's hours of operation will be from 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, which are consistent with the City's standard hours of operation for ABC Type "41" licensed restaurants.

The subject property is located in a high-crime district, and in an area with an under-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. 65.
- The crime count for the District is 148.
- Average crime count per district in the City is 69.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 114% 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. 888.01.
- ABC Census Reporting District No. 888.01 allows for ten (10) on-sale licenses within the District. Currently, there are nine (9) on-sale licenses in the District. The approval of this Conditional Use Permit will increase the number of on-sale ABC Licenses in District 888.01 by one (1), and the total number of on-sale licenses in the District will be ten (10), which would be an even-concentration of ABC on-sale licenses.

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 under-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, 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.) 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 Medium Density Residential (MDR), and is zoned C-1 (T) (Neighborhood Commercial Transition Zone). The MDR designation is intended to create, maintain and enhance residential areas characterized by mostly traditional multi-family apartments, condominiums, townhomes, and single-family small-lot subdivisions. The Transition Overlay Zone (T) is intended to encourage recycling of underutilized properties and consolidation of developable land, thereby achieving more efficient land use and improved site designs, while providing a smooth transition between residential and commercial properties. In particular, the subject proposal is consistent with General Plan goals, policies, and implementation programs, including specifically:

*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 fronts Garden Grove Boulevard, within a commercial building that consists of retail and other commercial services. The addition of alcohol sales to the restaurant will add an additional amenity to the restaurant that enhances the customer dining experience and maintains the intent of being a business serving the local community.

*Goal LU-4 Uses compatible with one another.* According to Business Tax records, the tenant space has previously been occupied by multiple full-service restaurants, dating back to 1971. Establishments that sell alcohol for on-site consumption are compatible with existing surrounding uses, which include other light 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, and will be harmonious with the persons who work and live in the area.

*Goal LU-5 Economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community.* Restaurant uses can enhance the vitality of the City's commercial centers. The proposed Conditional Use Permit would allow for the service of alcohol at the subject restaurant. The service of alcohol is intended to enhance the dining experience at the restaurant. This enhances 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 location of

the property at the intersection of Garden Grove Boulevard and Wilson Street serves both local residential neighborhoods and the larger community. The subject request for a Conditional Use Permit to allow the service of alcohol at the existing restaurant would add an additional amenity that enhances the customer dining experience and maintains the intent of being a business serving the local community, while also contributing to the mix of retail, personal and commercial services along a major commercial corridor. With the subject request, the proposed use will further enhance the variety of commercial uses in the area, and the Garden Grove Boulevard commercial corridor will become more resilient to any future demands.

*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 the subject restaurant. Approval of the Conditional Use Permit would provide the restaurant with additional resources to be successful.

*SAF-IMP-2C Involve law enforcement agencies in the design and planning phases of ABC licensed establishments to reduce design elements that conceal or encourage criminal activity.* The Garden Grove Police Department has reviewed all relevant data pertaining to the proposed 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. Standard Conditions of Approval for ABC Type "41" (On-Sale, Beer and Wine, Eating Place) licensed establishments have been incorporated, which in part, address hours of operation, loitering, on-site security, the sale of alcoholic beverages for off-site consumption, parking lot lighting, and graffiti abatement. The Police Department has reviewed the request and is supportive of the proposal.

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

The 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. Hours of operation will be limited to the City's standard hours of operation for ABC Type "41" restaurant establishments (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). Limitations on



the hours of 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 site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed uses 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, or landscaping. The subject tenant space has been occupied by a number of full-service restaurants since 1971. The existing site improvements are of adequate size to accommodate the proposed 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 site is located at the southwest corner of Garden Grove Boulevard and Wilson Street, which are fully developed streets that provide adequate traffic circulation and driveway access to parking areas. The site is adequately served by a driveway along Wilson Street. 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-271-2024.

Dated: December 12, 2024

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DAVID DENT  
ZONING ADMINISTRATOR

## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-271-2024**

8516 Garden Grove Boulevard

#### **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, Catherine 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 an 3,130 square foot restaurant to operate with an Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Eating Place) License as identified, and depicted, on the plans submitted by the applicant and made part of the record of the December 12, 2024 Zoning Administrator proceedings. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be approved by the Community Development Director.
5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community Development Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in the

intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

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

### **Orange County Fire Authority**

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

### **Public Works Environmental Services Division**

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

### **Police Department**

11. 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.
12. Hours of operation shall be permitted only between 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.
13. There shall be no customers or patrons in or about the premises when the establishment is closed.

14. 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.
15. The sale of alcoholic beverages for consumption off of the premises is prohibited.
16. The sale or service of alcohol shall cease thirty (30) minutes prior to the required closing time.
17. 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.
18. 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.
19. No payment (entrance fee/cover charge) shall be charged to gain access to the business at any time.
20. No "B-girl" or "hostess" activity (as defined in Penal Code Section 303) shall occur within the establishment at any time.
21. 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.
22. No employee or agent shall solicit or accept any alcoholic or nonalcoholic beverage from any customer while in the business.
23. 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.

24. In the event that the Alcoholic Beverage Control (ABC) License is suspended for any period of time and/or fined for any ABC violation as a result of disciplinary action, the Conditional Use Permit shall be presented to the Planning Commission for review or further consideration.
25. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010(a).

### **Community Development Department**

26. The establishment shall be operated as a "Bona Fide Eating Place" as defined by the Department of Alcoholic Beverage Control (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.
27. The applicant shall obtain appropriate building permits for the expansion and alteration of the restaurant prior to the issuance of the ABC license.
28. No outdoor dining areas are to be located in any required setback areas, including the patio area in front of the subject tenant space along Garden Grove Boulevard, per Municipal Code Section 9.16.020.050.V.
29. The to-go area as shown on the proposed floor plan shall remain as a pick-up only area. Furniture that would allow for dine-in opportunities shall not be allowed in this area.
30. 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.
31. 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.

32. 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.
33. A prominent, permanent sign stating "NO LOITERING IS ALLOWED ON OR IN FRONT OF THE PREMISES" shall be posted in a place that is clearly visible to patrons of the licensee. The sign lettering shall be four (4) to six (6) inches high with black letters on a white background. The sign shall be displayed near or at the entrance, and shall also be visible to the public.
34. There shall be no amusement devices permitted on the premises at any time.
35. 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.
36. There shall be no raised platform, stage or dance floor allowed on the premises at any time.
37. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
38. There shall be no deliveries to or from the premises between the hours of 10:00 p.m. and 7:00 a.m., seven (7) days a week.
39. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
40. 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.
41. All trash bins shall be kept inside the trash enclosure, and gates closed at all times, except during disposal and pick-up. Trash pick-up shall be at least three (3) times a week.
42. The applicant/property owner shall maintain all existing landscaped areas in a neat and healthy condition. Landscaping maintenance shall include pruning or removal of overgrown weeds and vegetation.

43. 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.
44. 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.
45. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department, Planning Services Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
46. 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.
47. 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.
48. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
49. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
50. 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.

51. 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.
52. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-271-2024 shall be kept on the premises at all times.
53. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-271-2024 and his/her agreement with all conditions of the approval.
54. 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.
55. If deemed necessary by the Community Development Director, the Conditional Use Permit may be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.
56. 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-271-2024. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including, but not limited to, any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.
57. 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-271-2024 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.

58. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community Development Department, Planning Services Division. In the event the use(s) authorized by the CUP cease and the property owner no longer desires to continue such use(s) on the property, property owner may voluntarily terminate the CUP and all rights and obligations thereunder by executing and recording a request for voluntary revocation and termination of the CUP in a form acceptable to the City.
59. 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.

# COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> 1.c	<b>SITE LOCATION:</b> South side of Garden Grove Boulevard between Newland Street and Wilson Street, at 8610 Garden Grove Boulevard
<b>HEARING DATE:</b> December 12, 2024	<b>GENERAL PLAN:</b> Residential/Commercial Mixed Use 2
<b>CASE NO.:</b> Conditional Use Permit No. CUP-272-2024	<b>ZONE:</b> Garden Grove Boulevard Mixed Use 2 (GGMU-2)
<b>APPLICANT:</b> Sam Hale	<b>CEQA DETERMINATION:</b> Exempt – Section 15301 – Existing Facilities
<b>PROPERTY OWNER:</b> JJD Development, LLC	<b>APN:</b> 097-213-31

**REQUEST:**

The applicant is requesting Conditional Use Permit (CUP) approval to operate a new, 2,300 square-foot gym.

**BACKGROUND:**

The subject site is developed with a multi-tenant commercial building located on the south side of Garden Grove Boulevard, between Newland Street and Wilson Street, at 8610 Garden Grove Boulevard. The site has a General Plan Land Use designation of Residential/Commercial Mixed Use 2, and is zoned Garden Grove Boulevard Mixed Use 2 (GGMU-2) zone.

The subject site is adjacent to R-3 (Multiple-Family Residential) zoned properties to the south. To the east, across Newland Street, the subject property is adjacent to residential developments that are zoned Planned Unit Development (PUD-131-99). To the north, across Garden Grove Boulevard, the site is adjacent to (GGMU-2) zoned properties. To the west, the subject property is adjacent to C-1(T) (Neighborhood Commercial Transition) zoned properties.

The subject site is approximately 24,000 square feet in size, and is improved with a multi-tenant commercial center. The subject commercial center is currently occupied by a variety of uses, including liquor store, a smoke shop, and a martial arts studio.

The subject tenant space is a 2,300 square feet, in-line tenant space, formerly occupied by a night club, Club Rendezvous. According to Business Tax records, Club Rendezvous occupied the tenant space from February 1, 2004 to June 13, 2022. The tenant space has remained vacant since June 2022.

The GGMU-2 zone permits "Athletic and Health Club, Spa or Gym" over 1,500 square feet subject to a Conditional Use Permit (CUP). The applicant proposes to operate a new gym within the subject, 2,300 square-foot, tenant space that will be called the Break-Off.

The mission of the Break-Off is to empower justice-impacted adults, minors, veterans, and recovering addicts through exercise and fitness. The gym will offer memberships for a fee, and will also offer free classes to at-risk individuals and Veterans through a grant-funded program, and partnership, with the Orange County Sherriff's Probation Department and OC Cares. The facility will be managed by the applicant along with several trained volunteer coaches.

As part of the application process, a site visit was conducted on November 20, 2024, and staff observed that the tenant space has been repurposed into a gym. The applicant has been advised that approval of a Conditional Use Permit and building permit for a change of occupancy, and for all applicable improvements, must be obtained prior to operation of the gym.

### **DISCUSSION:**

The tenant space to be occupied by the proposed gym is a total of 2,300 square feet, and will consist of an open workout area with equipment, a rest area, a restroom, and a storage room. No showers, locker rooms, saunas, or other such amenities are being proposed as part of this application. The applicant has indicated that a maximum of 10 individuals can participate in a workout at any given one session, with two (2) staff members being staffed at all times. Of these two (2) staff members, one (1) will serve as the manager, and one (1) will be a training instructor. There will also be fifteen (15) volunteer coaches to assist with some of the training sessions.

The proposed business hours of operation will be from 9:00 a.m. to 7:00 p.m., seven (7) days a week. Group sessions will vary by week and will be based on demand. A typical operating day will feature personal training sessions in the morning and afternoon, and group sessions in the evenings. Training sessions will typically feature traditional fitness and strength training. Given the limited capacity and nature of the proposed business, participants will be required to book training sessions ahead of time to limit capacity. All training sessions will last approximately 60 minutes.

According to the Garden Grove Municipal Code (GGMC), Spas, Health Clubs, and Gyms are parked at a ratio of one (1) parking space per 200 square feet of building area. As previously stated, the subject tenant space was previously occupied by a Night Club use, which had a higher parking ratio of one (1) space per seven (7) square feet of dance floor area, plus one (1) space per thirty-five (35) square feet of additional gross floor area or 43 parking spaces. At 2,300 square feet, the proposed use is required to provide twelve (12) parking spaces, which is less parking than the previous use. Furthermore, with the addition of the gym, the overall property is required to provide twenty-five (25) parking spaces, and site currently provides twenty-seven (27) parking spaces. Therefore, with the proposed

use, the property will continue to comply with the parking requirements of the Municipal Code.

The Community Development Department and the Police Department have reviewed the request, and are in support of the proposal. All standard conditions of approval for a gym will apply.

**California Environmental Quality Act (CEQA):**

CEQA's Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, and minor alterations of existing facilities, with negligible or no expansion of use (CEQA Guidelines §15301). The proposed gym will occupy and existing 2,300 square foot tenant space. The proposed does not involve the intensification or physical expansion of the existing tenant space. Therefore, the proposed project is exempt from CEQA.

**RECOMMENDATION:**

Staff recommends that the Zoning Administrator take the following action:

1. Adopt Decision No. 1859-24 approving Conditional Use Permit No. CUP-272-2024, subject to the recommended conditions of approval.



Maria Parra  
Planning Services Manager



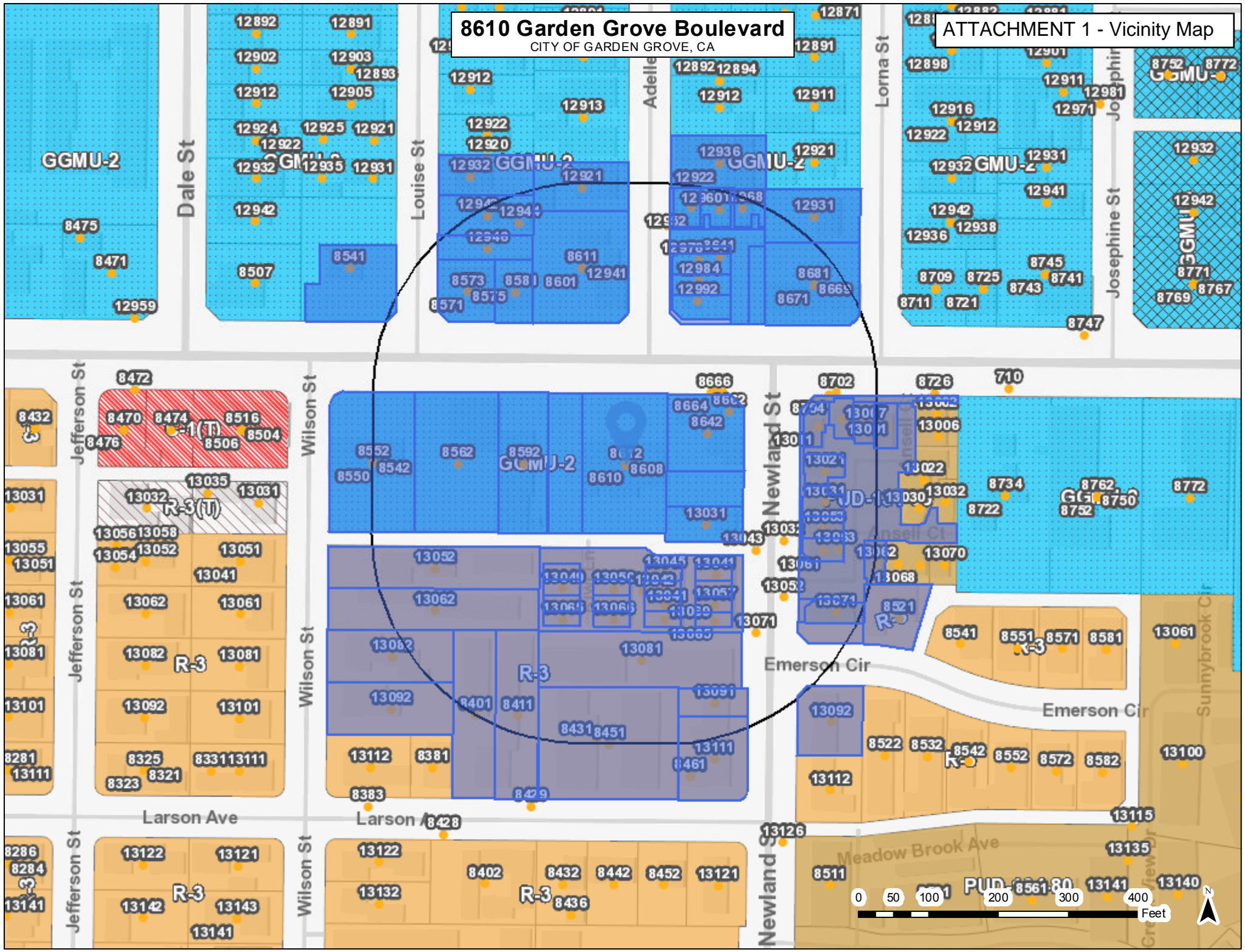
By: Adrian Andujo  
Planning Aide

[Attachment 1: Vicinity Map](#)

[Attachment 2: Plans](#)

[Attachment 3: Decision No. 1859-24 with Exhibit "A"- Conditions of Approval](#)

**8610 Garden Grove Boulevard**  
CITY OF GARDEN GROVE, CA



# THE BREAK OFF

8610 GARDEN GROVE BLVD.  
GARDEN GROVE, CA 92844

OWNER	PROJECT INFORMATION
MR. SAM HALE 8610 GARDEN GROVE BLVD. GARDEN GROVE, CA 92844	ADDRESS: 8610 GARDEN GROVE BLVD. GARDEN GROVE, CA 92844 APN: 097-213-31 TRACT: NO BLOCK: LOT:
ARCHITECT/CONSULTANT NOVUM ARCHITECTURE, INC. ALBERTO JUAREZ 116 S CATALINA AVE. STE. 122 REDONDO BEACH, CA 90277 TEL: 310.383.1827 EMAIL: ALBERTO@NOVUMARCHITECTURE.COM	PROPERTY TYPE: COMMERCIAL ZONE NUMBER OF STORIES: 1 ZONE: GARDEN GROVE MIXED USE-2 (GGMU-2) USE: OCC. GROUP B TO REMAIN BUILDING TYPE: TYPE V-B BUILDING SQUARE FOOTAGE: 6,216 S.F.
	PROPOSED TENANT IMPROVEMENT SPACE 2,300 S.F. LOT SQUARE FOOTAGE: 24,000 S.F. LOT COVERAGE: 7,125 / 24,000 = 33.6% BUILDING HEIGHT: APPROX. 18'-0" LANDSCAPING: APPROX. 200 SQ.FT.
	YEAR BUILT: 1960 FIRE SPRINKLERS: (NONE)
	PARKING REQUIREMENTS: PROPOSED 2 ADDITIONAL PARKING SPACES WELLNESS CENTER: 1/200 S.F. = 2300/200 = 11.5 SHAOLIN KUNG FU: 1 SPACE/ INSTRUCTOR & 1 PER 2 STUDENTS CRAZY LIQUOR: 1/200 S.F. = 933.71/200 = 4.6 CRAZY VAPE & SMOKE: 1/200 = 950.21/200 = 4.75
	TOTAL PARKING SPACES REQUIRED: = 25 EXISTING (INCLUDING 1 H.C.) TOTAL PARKING SPACES PROVIDED: = 27 (INCLUDING 1 H.C.)
SHEET INDEX	SCOPE OF WORK
ARCHITECTURAL A-0.0 SITE PLAN / COVER SHEET A-1.0 EXISTING & PROPOSED FLOOR PLANS	CONVERT EXISTING VACANT SPACE (PREVIOUSLY USED AS A TAVERN) INTO A NEW FITNESS AND WELLNESS CENTER. SPACE CONSISTS OF 2,300 S.F. AND HAS AN EXISTING ADA COMPLIANT RESTROOM THAT WILL REMAIN AS IS. MINOR ELECTRICAL LIGHTING TO BE INSTALLED. EXISTING MECHANICAL TO REMAIN AS IS. NO PLUMBING WORK TO BE DONE.
	VICINITY MAP
	OWNER/CONTRACTOR REVIEW

**NOTE TO OWNER**

THE CONSTRUCTION CONTRACT FOR THIS PROJECT IS TO BE NEGOTIATED DIRECTLY BETWEEN THE OWNER AND HIS/HER CONTRACTOR, AND THEY WILL ACT IN UNISON TO PROPERLY EXECUTE THE INTENT OF THESE AND OTHER DESIGN AND CONTRACT DOCUMENTS.

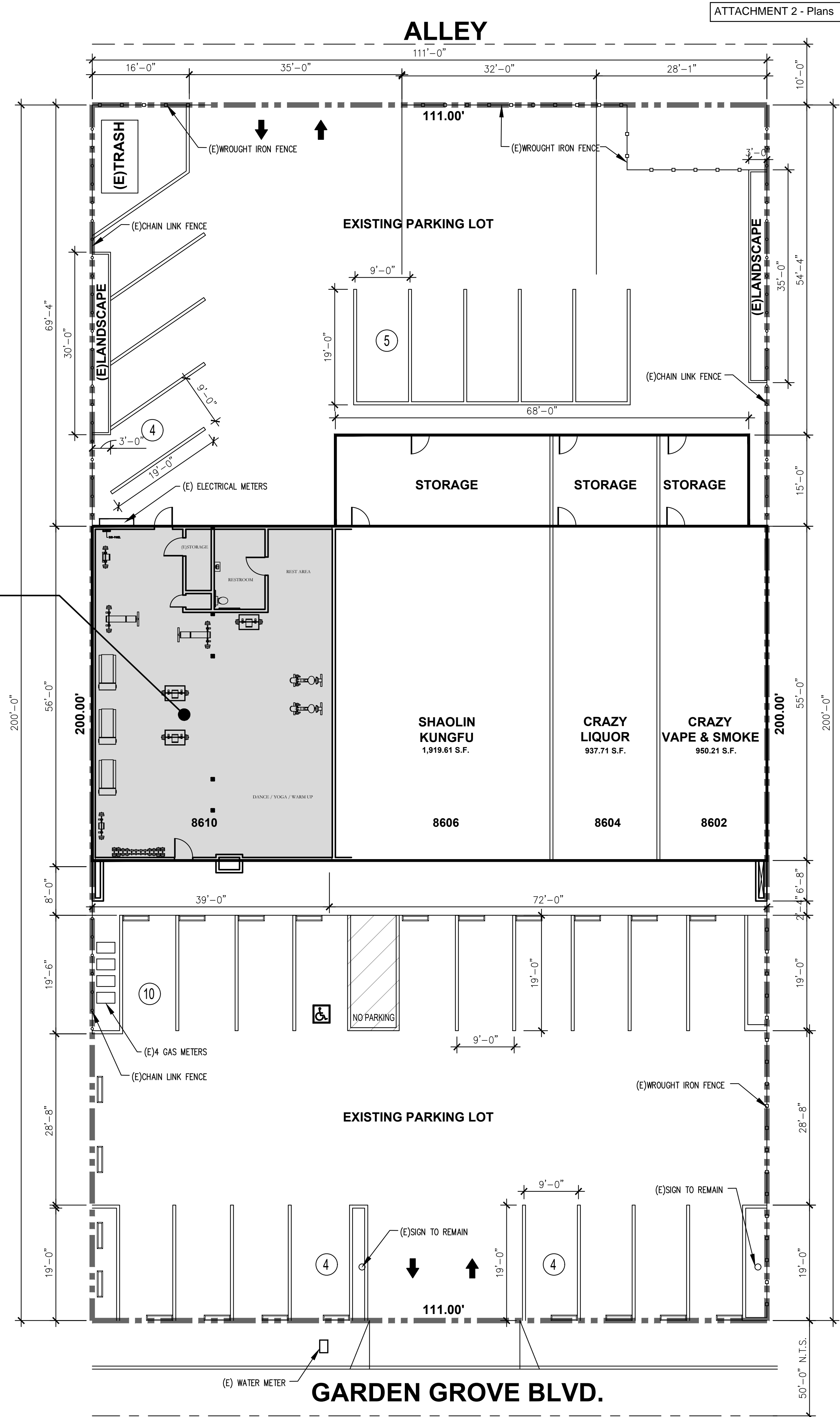
THE OWNER(S) OF ANY BUILDING AND HIS/HER CONSULTANTS ARE RESPONSIBLE FOR COMPLIANCE WITH THE MOST CURRENT FEDERAL REGULATIONS CONTAINED IN THE AMERICANS WITH DISABILITIES ACT (ADA) AND FAIR HOUSING ACT (HUD).

WHERE THE ADA OR HUD REQUIREMENTS EXCEED THOSE CONTAINED IN TITLE 24, PART 2, IT IS THE OWNER'S AND/OR CONSULTANT'S RESPONSIBILITY TO ENSURE COMPLIANCE WITH THE MOST CURRENT ADA AND HUD REGULATIONS, AS THE COUNTY/CITY IS NOT DELEGATED TO AUTHORITY TO PLAN REVIEW OR INSPECT PROJECTS FOR ADA AND HUD COMPLIANCE.

PRIOR TO PERMIT BEING FINALED, A COMPLETE REPORT OF THE COMMISSIONING PROCESS SHALL BE PROVIDED TO THE OWNER OR OWNER'S REPRESENTATIVE AND FACILITIES OPERATOR, AND FORM 5.410 - VERIFICATION SHALL BE COMPLETED AND PROVIDED TO INSPECTOR.

DOCUMENTATION TO BE PROVIDED SHOWING THAT A MINIMUM OF 75% OF NONHAZARDOUS CONSTRUCTION AND DEMOLITION DEBRIS WILL BE SALVAGED, RECYCLED, AND/OR REUSED.

**SUBJECT SPACE**



**CUP-272-2024**

2022 CODE COMPLIANCE

THE CURRENT PREVAILING BUILDING AND CONSTRUCTION CODES IN THE CITY OF LONG BEACH AS FOLLOWS:

THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE,  
2019 EDITION OF THE CALIFORNIA MECHANICAL CODE,  
2019 EDITION OF THE CALIFORNIA ELECTRICAL CODE,  
2019 CALIFORNIA FIRE CODE, TITLE 19 CALIFORNIA CODE OF REGULATIONS AND TITLE 18 OF THE LONG BEACH MUNICIPAL CODE.

BY USE OF THESE DOCUMENTS, THE OWNER AND THE CONTRACTOR CERTIFY THAT THEY HAVE REVIEWED THEM AND ARE IN AGREEMENT WITH THEIR CONTENT; ALSO THAT IF ANY CHANGES ARE REQUIRED THEY WILL BE DONE IN ACCORDANCE WITH ALL APPLICABLE CODES CONTRACTOR'S OR OWNER'S SUPERVISION. THE CONTRACTOR ASSUMES RESPONSIBILITY FOR COORDINATING THE VARIOUS OTHER DESIGNS WITH THESE DESIGN DOCUMENTS TO ASSURE CODE COMPLIANCE AND CORRECTNESS OF WORK. THE CONTRACTOR IS ALSO RESPONSIBLE FOR OBTAINING FINAL COMMENTS AND APPROVAL FROM ALL GOVERNING AGENCIES.

ATTACHMENT 2 - Plans

NOVUM ARCHITECTURE, INC.  
OFFICES: SOUTH BAY / ORANGE COUNTY  
116 S CATALINA AVE. STE. 122,  
REDONDO BEACH, CA 90277  
TEL: 310-383-1827 / 310-709-4476  
www.novumarchitecture.com

THE BREAK OFF  
8610 GARDEN GROVE BLVD.  
GARDEN GROVE, CA 92844

CLIENT:  
MR. SAM HALE

No.	Description	Date

COVER SHEET /  
SITE PLAN

Project Number GG-061924  
Date OCT 27, 2024  
Drawn By AJ  
Checked By AJ

**A-0.0**

Scale SEE DETAIL

SITE PLAN SCALE 3/32"=1" 1



**NOVUM**  
ARCHITECTURE, INC.

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MR. SAM HALE

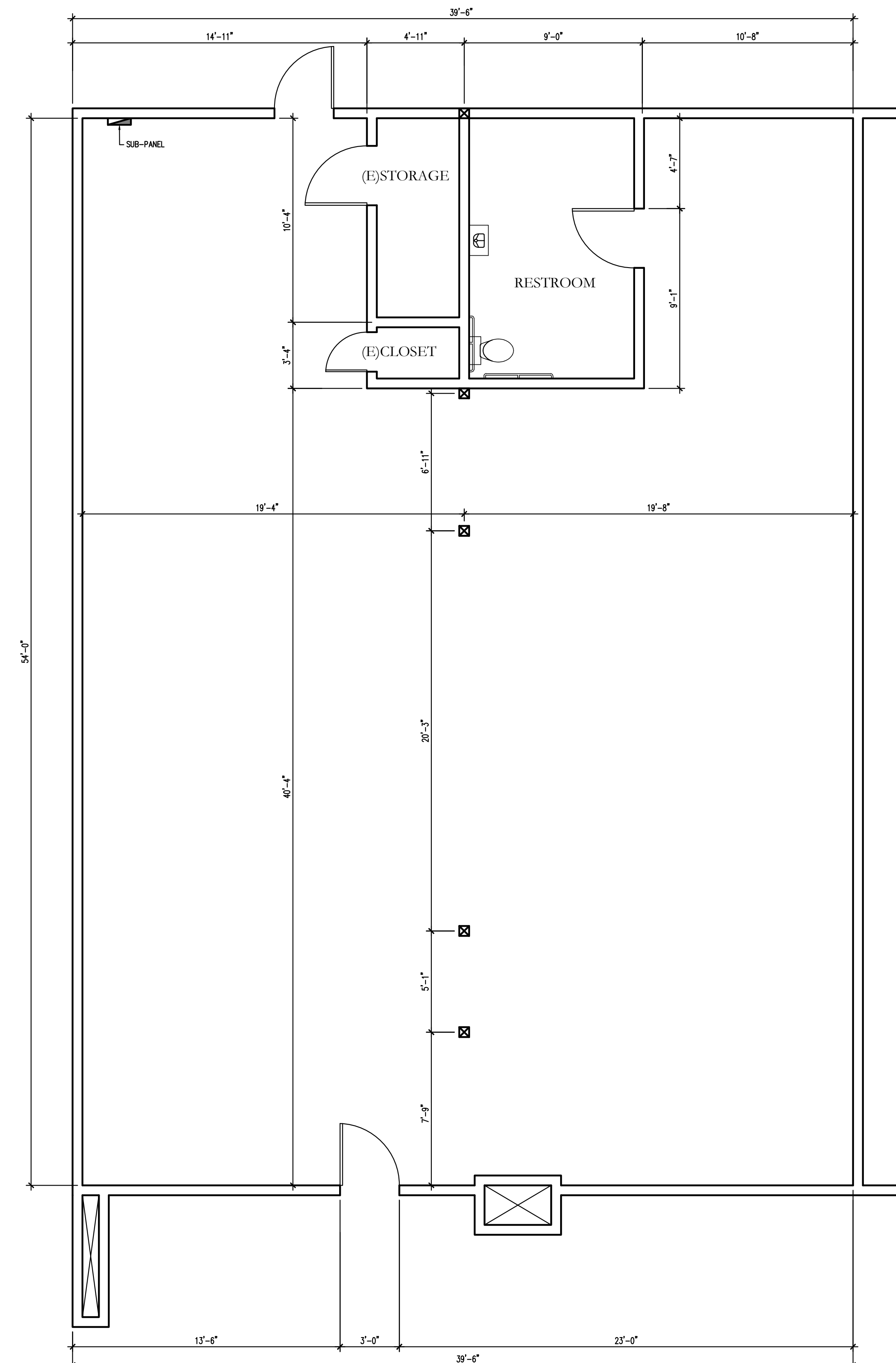
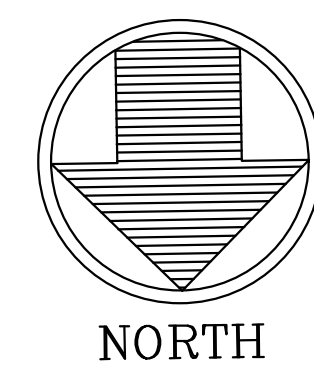
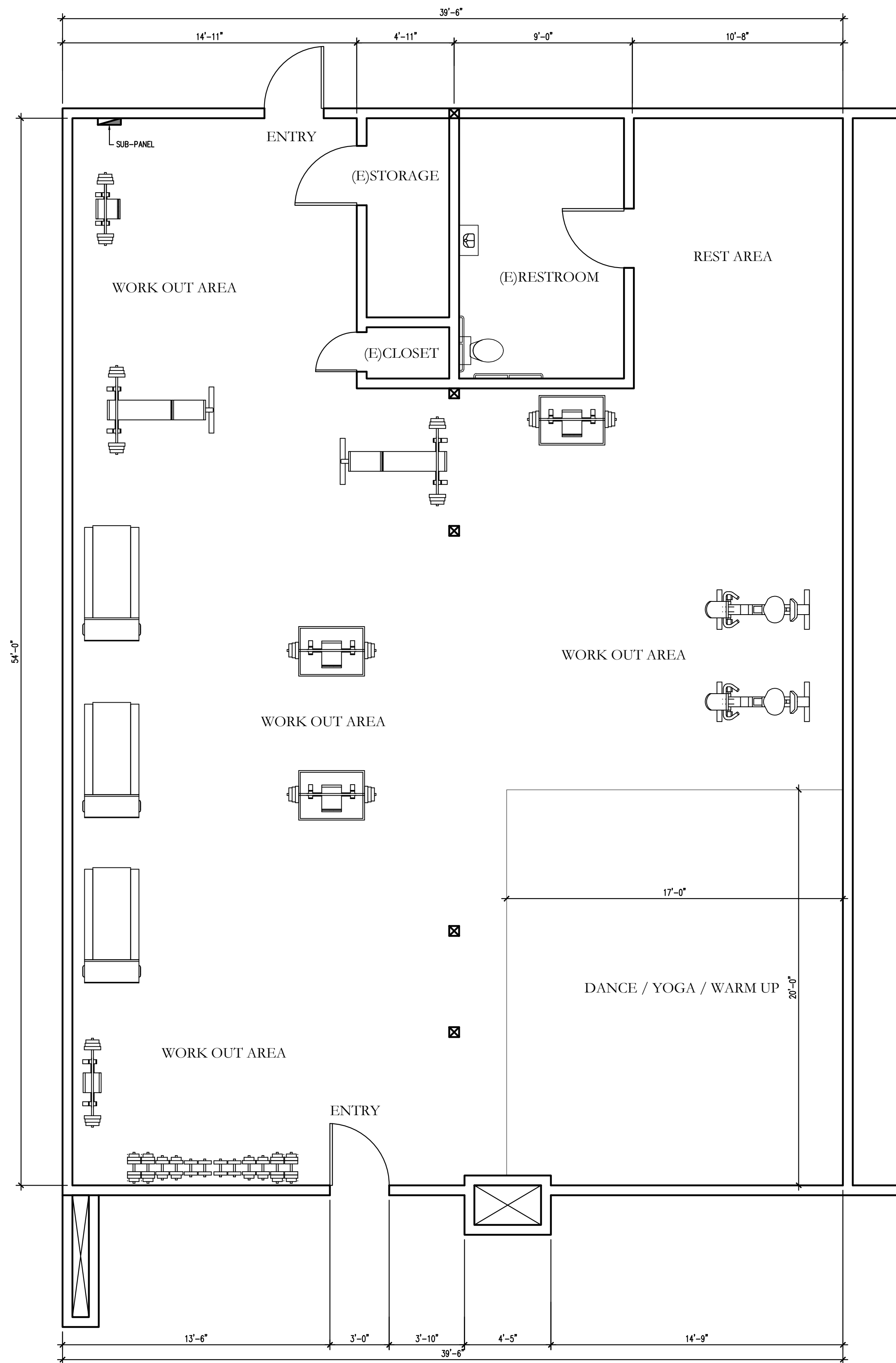
No.	Description	Date

EXISTING & PROPOSED  
FLOOR PLANS

Project Number GG-061924  
Date OCT 27, 2024  
Drawn By AJ  
Checked By AJ

**A-2.0**

Scale SEE DETAIL





## DECISION NO. 1859-24

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-272-2024 FOR PROPERTY AT 8610 GARDEN GOVE BOULEVARD, ASSESSOR'S PARCEL NO. 097-213-31.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-272-2024 for property located on the south side of Garden Grove Boulevard between Newland Street and Wilson Street, at 8610 Garden Grove Boulevard, Assessor's Parcel No. 097-213-31.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-272-2024, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Sam Hale and Alberto Juarez with the authorization of the property owner, JJD Development, LLC.
2. The applicant is requesting approval of a Conditional Use Permit to operate a new 2,300 square-foot gym at 8610 Garden Grove Boulevard.
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 Residential/Commercial Mixed Use 2, and is zoned Garden Grove Boulevard Mixed Use 2 (GGMU-2). The subject site is currently improved with a multi-tenant building, occupied by a variety of uses, including retail stores and a martial arts studio. The applicant will occupy an approximately 2,300 square-foot in-line tenant space.
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, 2024, 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, 2024, and

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

FACTS:

The subject site is developed with a multi-tenant commercial building located on the south side of Garden Grove Boulevard, between Newland Street and Wilson Street, at 8610 Garden Grove Boulevard. The site has a General Plan Land Use designation of Residential/Commercial Mixed Use 2, and is zoned Garden Grove Boulevard Mixed Use 2 (GGMU-2) zone.

The subject site is adjacent to R-3 (Multiple-Family Residential) zoned properties to the south. To the east, across Newland Street, the subject property is adjacent to residential developments that are zoned Planned Unit Development (PUD-131-99). To the north, across Garden Grove Boulevard, the site is adjacent to (GGMU-2) zoned properties. To the west, the subject property is adjacent to C-1(T) (Neighborhood Commercial Transition) zoned properties.

The subject site is approximately 24,000 square feet in size, and is improved with a multi-tenant commercial center. The subject commercial center is currently occupied by a variety of uses, including retail stores and a martial arts studio. The applicant proposes to operate a new gym in an approximately 2,300 square-foot in-line tenant space. The applicant will be required to submit construction plans for the proposed gym for approval by the city prior to operating the business.

The gym will operate from 9:00 a.m. to 7:00 p.m., seven (7) days a week. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

FINDINGS AND REASONS:

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

The subject property has a General Plan Land Use designation of Residential/Commercial Mixed Use Zone 2 and is zoned GGMU-2. The Residential/Commercial Mixed Use 2 (RC2) designation is intended to provide for a mix of residential and commercial uses mostly around older underutilized, multi-tenant commercial developments. The proposed use will provide a service to the surrounding neighborhoods, in addition to encouraging the revitalization of underutilized sites. 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*

proposed Athletic Health Club/Gym is located along Garden Grove Boulevard, in an area developed with retail office, and a professional service. The addition of a gym will provide an additional amenity to the adjacent residential neighborhoods. The proposed use can further serve the commercial district by providing a unique service that encourages revitalization of the area.

*Goal LU-4 The City seeks to develop uses that are compatible with one another.* The proposed gym will be located within a multi-tenant commercial center with a variety of uses, including a martial arts studio and retail stores. Furthermore, provided the conditions of approval are adhered to for the life of the project, the proposed use will be compatible with nearby commercial and residential uses.

*Goal LU-5 Economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community.* Gym uses can enhance the vitality of the City's commercial centers. The proposed gym, The Break Off, would operate as an "Athletic and Health Club, Spa, or Gym." This type of use is currently not established in the direct vicinity of the commercial center. This serves the need of the community, by turning a vacant tenant space into a new, more economically viable business.

*Goal LU-6 Revitalization of aging, underused or deteriorated commercial corridors, centers, and properties in the City.* The subject tenant space has been vacant since 2022. The proposed use would immediately fill a 2,300 square-foot tenant space in a relatively underutilized commercial center. This coincides with the overall revitalization of commercial properties along Garden Grove Boulevard. The proposed use can also help encourage other businesses to occupy adjacent tenant spaces in the subject shopping center.

*Policy LU-6.2 Encourage a mix of retail shops and services along the commercial corridors and in centers that better meet the community's needs.* The subject request for a new gym will add a new use to an underutilized major commercial corridor. The area surrounding the subject site already features a wide variety of commercial uses, such as retail stores, offices, personal services, and an art studio. The proposed use will further enhance the variety of uses in the commercial center and the surrounding area. By providing a wider selection of commercial uses, the Garden Grove Boulevard commercial corridor can become more resilient to any future demands.

*Goal ED-2 The City must attract new businesses, while supporting and assisting those already located within Garden Grove.* The Break Off is a new business to Garden Grove, with this subject request, this will be their first and only location within the City. The proposed business could not locate to the subject tenant space without the approval of a Conditional Use Permit. If the Conditional Use Permit is approved, it will allow for a new business to locate within the City.

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 proposed gym will occupy a tenant space that has been vacant since 2022. Hours of operation will be from 9:00 a.m. to 7:00 p.m., seven (7) days a week.

The proposed use will not unreasonably interfere with the existing uses, enjoyment, or valuation of other properties located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project. The proposed gym is similar in nature as the adjacent businesses and is compatible with the surrounding uses.

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

The site, with the existing site improvements and interior modifications, is of adequate size to accommodate the proposed use within the existing commercial center and surrounding area. No modifications are required to any of the existing site development features, including any buildings, yards, walls, fences, parking and loading facilities, and landscaping. The applicant is required to obtain a building permit from the city for a change in occupancy prior to operation of the proposed gym.

5. 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 located at the south side of Garden Grove Boulevard, between Newland Street and Wilson Street. The commercial center is adequately accessed by one (1) driveway along Garden Grove Boulevard, and an alleyway accessible along Newland Street and Wilson Street. On-site circulation is adequate to serve all the uses in the commercial center. Separately from this request, the applicant is proposing minor interior modifications to accommodate the new gym. 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-272-2024.

Dated: December 12, 2024

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DAVID DENT  
ZONING ADMINISTRATOR

## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-272-2024**

8610 Garden Grove Boulevard

#### **CONDITIONS OF APPROVAL**

##### **General Conditions**

1. The applicant and each owner of the property shall execute, and the applicant shall record a "Notice of Agreement with Condition of Approval and Discretionary Permit of Approval", as prepared by the City Attorney's Office, on the property. Proof of such recordation is required within 30 days of the approval.
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, Sam Hale, the architect 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 a 2,300 square-foot "Athletic and Health Club, Spa, or Gym," 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 Development Director.
5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community Development Director not to be minor in

nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

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

### **Police Department**

7. The standard hours of operation shall be between 9:00 a.m. to 7:00 p.m., seven (7) days a 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 due to noise, disturbances, or other problems that may be resolved by modifying the hours of operation.
8. There shall be no customers or patrons in or about the premises when the establishment is closed.
9. 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.
10. In the event security problems occur, and at the request of the Police Department, the permittee, at his/her own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
11. 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).
12. A sign shall be posted on the exterior of the building noticing that there shall be no illegal dumping around the premises of the establishment.

### **Community Development Department**

13. The establishment shall be operated as an "Athletic and health clubs, spas, or gyms" use as defined in the Municipal Code.
14. All activities associated with the gym shall be conducted within a fully enclosed permanent building.
15. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.

16. No area of the premises may be rented out or used for private parties at any time.
17. At no time shall the business operate as a massage establishment without first obtaining approval through the City. No enclosed rooms shall be used to provide massage services at any time.
18. 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.
19. There shall be no cooking of food within the establishment, nor any food provided by the establishment. Retail sales of pre-packaged items is permissible.
20. Only members that are registered at the gym shall be permitted to participate in any gym class that is held on the premises or use any services offered. No promotional events sponsored by outside promoters and/or with non-members shall be permitted at any time. No entrance fee or cover charge shall be charged to view or attend any events on the premises.
21. 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.
22. 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, but the sound emitted from the premises shall not be audible outside of the establishment.
23. There shall be no raised platform, stage or dance floor allowed on the premises at any time.
24. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
25. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.



Conditional Use Permit No. CUP-272-2024  
Conditions of Approval

26. 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.
27. 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.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.
33. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to, and approved by, the Community Development Department, Planning Services Division. No advertising material shall be placed thereon.

34. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
35. 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.
36. 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.
37. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-272-2024 shall be kept on the premises at all times.
38. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-272-2024 and his/her agreement with all conditions of the approval.
39. 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.
40. If deemed necessary by the Community Development Director, the Conditional Use Permit may be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.
41. 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-272-2024. The applicant shall pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City

including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

42. 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-272-2024 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within two (2) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.

### **Building and Safety Division**

43. The applicant shall submit construction plans to the Building and Safety Division and obtain the appropriate building permit approval for a change in occupancy, and for all applicable improvements, prior to the operation of the business. Construction plans submitted to the city shall comply with the following:
  - a. All work shall comply with the current California Building Standards Code at the time of permit application.
  - b. An accessible path of travel shall be provided from the public sidewalk to the building entrance, and from any accessible parking to the building entrance, in compliance with CBC Chapter 11B.
  - c. All restrooms shall comply with CBC Chapter 11B, Division 6.
  - d. At least one of each type of exercise machine and equipment shall comply with CBC Section 11B-1004.
  - e. Occupancy separations shall comply with CBC Table 508.4.

### **Water Services Division**

44. Any new water service installations two inches (0'-2") and smaller, may be installed by the City of Garden Grove at the owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services three inches (0'-3") and larger, shall be installed by developer/owner's contractor per City standards.

45. Water meters shall be located within the City right-of-way. Fire services and water services three inches (0'-3") and larger, shall be installed by a contractor with a Class A or C-34 license, per City standards and inspected by approved Public Works inspection.
46. A Reduced Pressure Principle Device (RPPD) backflow prevention device shall be installed for meter protection. The landscape system shall also have RPPD device. Any carbonation dispensing equipment shall have a RPPD device. Installation shall be per City Standards and shall be tested by a certified backflow device tester immediately after installation. Cross connection inspector shall be notified for inspection after the installation is completed. Owner shall have RPPD device tested once a year thereafter by a certified backflow device tester and the test results to be submitted to Public Works, Water Services Division. Property owner must open a water account upon installation of RPPD device.
47. New utilities shall have a minimum five-foot (5'-0") horizontal and a minimum one-foot (1'-0") vertical clearance from sewer or water main and appurtenances.
48. If required, any 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 Division.
49. If needed, owner shall install new sewer lateral with clean out connecting to existing private sewer system on site. It is the responsibility of the owner to install appropriate size sewer lateral.
50. The contractor shall abandon any existing unused sewer lateral(s) on the property owner's side in accordance with the California Plumbing Code.