

AGENDA

ZONING ADMINISTRATOR MEETING

Garden Grove Community Meeting Center 11300 Stanford Avenue

Thursday, December 14, 2023

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 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.

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

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

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

1. PUBLIC HEARING ITEM(S):

a. CONDITIONAL USE PERMIT NO. CUP-254-2023

APPLICANT: Madidon Enterprises, LLC LOCATION: 13062 Chapman Avenue

REQUEST: A request for Conditional Use Permit approval to operate

an existing 2,100 square foot restaurant, Doheny's Tavern Gill and Sports Bar, with a new State Alcoholic

Beverage Control Type "47" (On-Sale, General, Public Eating Place) License. Upon approval and exercising of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-587-02, shall be revoked and become null and void. The site is in the C-1 (Neighborhood Commercial) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301- Existing Facilities- of the State CEQA Guidelines.

b. CONDITIONAL USE PERMIT NO. CUP-252-2023

APPLICANT: Devon Thai

LOCATION: 12500 Valley View Street #A

REQUEST:

A request for Conditional Use Permit approval to allow a new liquor store, Liquor Logic, to operate with an original State Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, General) License. The site is in the PUD-102-76 (Planned Unit Development) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15301- Existing Facilities- of the

State CEOA Guidelines.

2. COMMENTS BY THE PUBLIC

3. ADJOURNMENT

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.a.	SITE LOCATION: South side of					
	Chapman Avenue, east of Haster Street,					
	at 13062 Chapman Avenue					
HEARING DATE: December 14, 2023	GENERAL PLAN: Light Commercial (LC)					
CASE NO.: Conditional Use Permit No.	ZONE: C-1 (Neighborhood Commercial)					
CUP-254-2023						
APPLICANT: Madidon Enterprises, LLC	CEQA DETERMINATION: Exempt -					
	Section 15301 – Existing Facilities					
PROPERTY OWNER: Sharon Lang	APN: 231-151-26					

REQUEST:

The applicant is requesting approval to operate an existing 2,100 square foot restaurant, Doheny's Tavern Grill and Sports Bar, with a new State Alcoholic Beverage Control Type "47" (On-Sale, General, Eating Place) License. Upon approval and exercising of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-587-02, shall be revoked and become null and void.

BACKGROUND:

The subject site is an approximately 1.81-acre L-shaped parcel that is currently improved with a commercial shopping center, Haster Square, comprised of two (2) multi-tenant buildings. The subject tenant space is occupied by a 2,100 square foot restaurant located on the northern end of the commercial building to the north of the site, at 13062 Chapman Avenue. The subject shopping center is currently occupied by a variety of uses, including restaurants, retail, and personal service businesses. The site is currently accessed by two (2) driveways along Haster Street, and two (2) additional driveways along Chapman Avenue.

The subject property has a General Plan Land Use Designation of Light Commercial (LC), and is zoned C-1 (Neighborhood Commercial). The subject shopping center is adjacent to R-3 (Multiple-Family Residential) zoned properties to the east and south, currently improved with residential uses, C-1 zoned properties to the west across Haster Street, and to the north across Chapman Avenue, currently improved with commercial uses.

According to the Business Tax records, the subject tenant space has been in operation as a restaurant since 2002 under different ownership. The previous restaurant, Tartan Room, operated under approved by Conditional Use Permit No. CUP-587-02, which allowed the restaurant to operate with a State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Eating Place) License. According to Business Tax records, the business license for Tartan Room expired in

CASE NUMBER CUP-254-2023

April 2020. According to ABC records, the associated State ABC Type "47" License (#381460) was surrendered in June 2023. The applicant recently took ownership of the restaurant in July 2023 and is in the process of acquiring a new State ABC Type "47" License with ABC.

The applicant is requesting Conditional Use Permit approval to operate the existing restaurant with a new original State ABC Type "47" (On-Sale, General, Eating Place) License. Garden Grove Municipal Code Section 9.16.020.080 requires approval of a Conditional Use Permit for the addition of a new original ABC License to a restaurant. In conjunction with this approval, CUP-587-02 will be revoked and become null and void.

DISCUSSION:

The applicant, Doheny's Tavern Grill and Sports Bar, is not proposing any changes to the operation of the restaurant and there are no proposed changes to the existing floor plan. The interior of the restaurant will continue to consist of a kitchen, an office, storage areas, restrooms, a bar area, and customer dining areas. In addition to seating, the customer dining area will continue to consist of a jukebox, three (3) dartboards, and two (2) pool tables.

The applicant will continue to operate the establishment as a full-service restaurant. The restaurant will continue to operate from 8:00 a.m. to 2:00 a.m., seven (7) days a week. The Police Department is supportive of the restaurant's 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 restaurant's menu consists of dishes consistent with full-service restaurants. The options are traditional American dishes, such as burgers, salads, sandwiches, tacos, pastas, and steaks, along with all-day breakfast options, appetizers, desserts, and a kids menu.

The subject property is located in a high-crime district, and in an area with a low-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. 1847-23 for Conditional Use Permit No. CUP-254-2023. Upon approval and exercising of Conditional Use Permit No. CUP-254-2023, for the ABC Type "47" (On-Sale, General, Eating Place) License, CUP-587-02 shall be revoked, and become null and void. 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 "47" License will apply.

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CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

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

RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following action:

1. Adopt Decision No. 1847-23, approving Conditional Use Permit No. CUP-254-2023, subject to the recommended Conditions of Approval, and revoking Conditional Use Permit No. CUP-587-02.

MARIA PARRA

Planning Services Manager

By: Mary Martinez Urban Planner

Kaneca Pompey

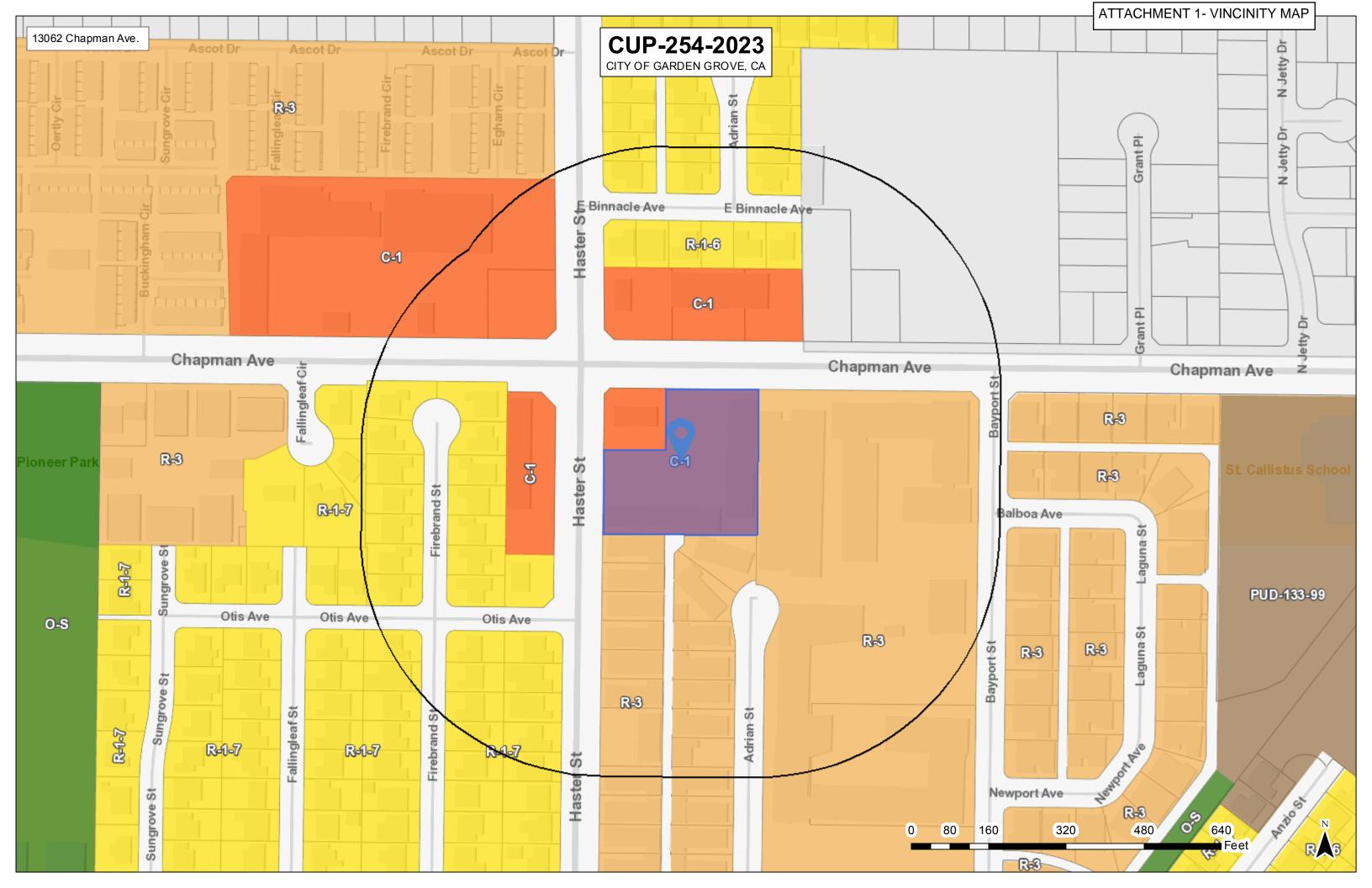
Contract Planner

Attachment 1: Vicinity Map

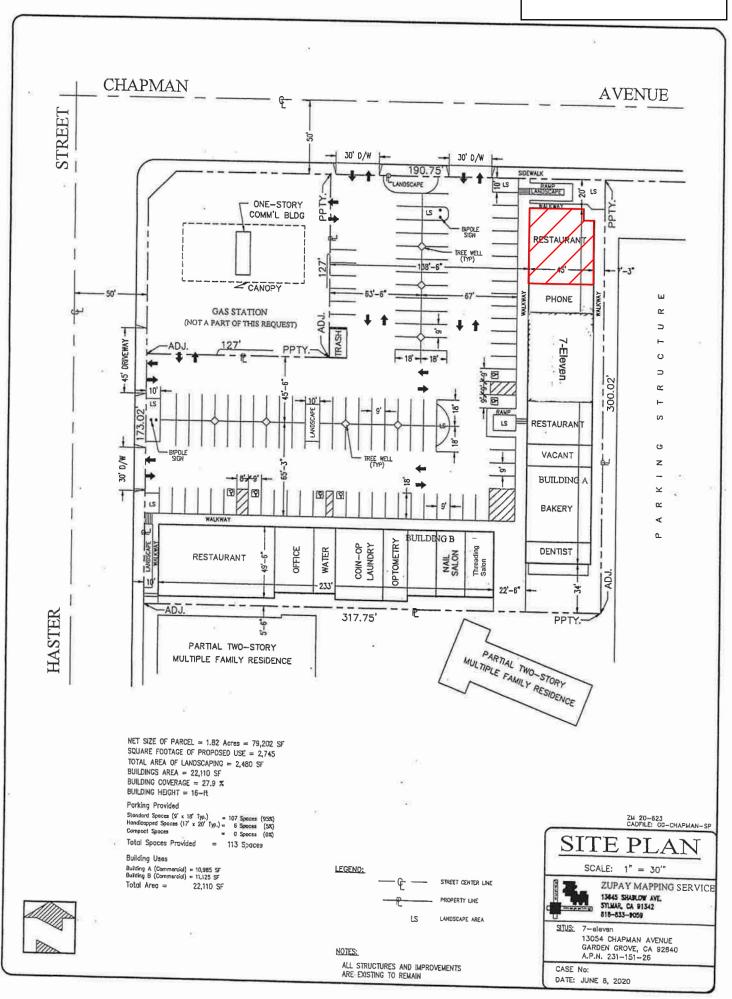
Attachment 2: Plans

Attachment 3: Decision No. 1847-23 for Conditional Use Permit


No. CUP-254-2023 with Exhibit "A" - Conditions of Approval



ATTACHMENT 2- PLANS



CUP-254-2023



DECISION NO. 1847-23

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-254-2023 AND REVOKING CONDITIONAL USE PERMIT NO. CUP-587-02, FOR PROPERTY LOCATED AT 13062 CHAPMAN AVENUE, ASSESSOR'S PARCEL NO. 231-151-26.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-254-2023 and revoke Conditional Use Permit No. CUP-587-02, for property located on the south side of Chapman Avenue, east of Haster Street, at 13062 Chapman Avenue, Assessor's Parcel No. 231-151-26, and hereby determines that public convenience or necessity would be served by issuance of an Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Eating Place) License at this location.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-254-2023, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

- 1. The subject case was initiated by Madidon Enterprises, LLC, with the authorization of the property owner, Sharon Lang.
- 2. The applicant is requesting approval of a Conditional Use Permit to operate an existing 2,100 square foot restaurant, Doheny's Tavern Grill and Sports Bar, located at 13062 Chapman Avenue, with a new State Alcoholic Beverage Control Type "47" (On-Sale, General, Eating Place) License. Upon approval and exercising of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-587-02, shall be revoked and become null and void.
- 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 Light Commercial (LC), and is zoned C-1 (Neighborhood Commercial). The subject site is currently improved with a multi-tenant commercial center, Haster Square.
- 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 14, 2023, 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 14, 2023, 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 an approximately 1.81-acre L-shaped parcel that is currently improved with a commercial shopping center, Haster Square, comprised of two (2) multi-tenant buildings. The subject tenant space is occupied by a 2,100 square foot restaurant located on the northern end of the commercial building to the north of the site, at 13062 Chapman Avenue. The subject shopping center is currently occupied by a variety of uses, including restaurants, retail, and personal service businesses. The site is currently accessed by two (2) driveways along Haster Street, and two (2) additional driveways along Chapman Avenue.

The subject property has a General Plan Land Use Designation of Light Commercial (LC), and is zoned C-1 (Neighborhood Commercial). The subject shopping center is adjacent to R-3 (Multiple-Family Residential) zoned properties to the east and south, currently improved with residential uses, C-1 zoned properties to the west across Haster Street, and to the north across Chapman Avenue, currently improved with commercial uses.

According to the Business Tax records, the subject tenant space has been in operation as a restaurant since 2002 under different ownership. The previous restaurant, Tartan Room, was in operated under Conditional Use Permit No. CUP-587-02, which allowed the restaurant to operate with a State Alcoholic Beverage Control (ABC) Type "47" (On-Sale, General, Eating Place) License. According to Business Tax records, the business license for Tartan Room expired in April 2020. According to ABC records, the associated State ABC Type "47" License (#381460) was surrendered in June 2023. The applicant recently took ownership of the restaurant in July 2023 and is in the process of acquiring a new State ABC Type "47" License with ABC.

The applicant is requesting Conditional Use Permit approval to operate the existing restaurant with a new original State ABC Type "47" (On-Sale, General, Eating Place) License. Garden Grove Municipal Code Section 9.16.020.080 requires approval of a Conditional Use Permit for the addition of a new original ABC License to a restaurant. In conjunction with this approval, CUP-587-02 will be revoked and become null and void.

The restaurant is located in a high-crime district, and in an area with a low-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. 163.
- The crime count for the District is 160.
- Average crime count per district in the City is 70.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 129% 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. 761.03.
- ABC Census Reporting District No. 761.03 allows for twelve (12) on-sale licenses within the District. Currently, there are six (6) on-sale licenses in the District. The approval of this CUP will replace the previous ABC Type "47" license with a new ABC Type "47" (On-Sale, General, Eating Place) License. Therefore, the total number of on-sale licenses in the District will remain at six (6).

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.

ABC Census Reporting District No. 761.03 shows the subject site to be located in an area considered to be in a high-crime district. Even though the subject site is located in an area considered to be in a high-crime district, staff is able to support a finding for public convenience or necessity given the potential community benefit through the operation of the restaurant with an ABC Type "47" (On-Sale, General, Eating Place) License. The 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 conditions will require that the sale of alcohol shall not exceed the sale of food. Lastly, no live entertainment, (karaoke, one-man band, solo performer, live music, etc.) shall be permitted on the premises.

Therefore, the City of Garden Grove hereby determines and approves a Finding of Public Convenience or Necessity for Conditional Use Permit No. CUP-254-2023.

FINDINGS AND REASONS:

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

The subject property has a General Plan Land Use Designation of Light Commercial (LC), and is zoned C-1 (Neighborhood Commercial). The LC Land User designation is intended to allow for a range of commercial activities that serve local residential neighborhoods and the larger community. Retail sales of alcohol beverages in conjunction with an eating establishment is conditionally permitted in the C-1 zone. The restaurant has been operating since 2002. In June 2023, the previous owner surrendered the restaurant's original Type "47" (On-sale, General, Eating place) associated with Conditional Use Permit No. CUP-587-02. This approval will allow the new owner of the existing restaurant to operate with a new ABC Type "47" (On-Sale, General, Eating Place) License. Provided that the Conditions of Approval are complied with, the use will be consistent with the General Plan. Additionally, the subject proposal is consistent with the following General Plan Goals, Policies, and Implementation

Measures:

Policy LU-1.3 - Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts / entertainment, in appropriate locations. The subject restaurant is located in an area already developed with retail uses, restaurants, and other commercial services. Thus, the operation of the existing restaurant with a new ABC Type "47" License at the subject location is consistent with the surrounding uses.

Goal LU-4 – The City seeks to develop uses that are compatible with one another. The request is to serve alcohol at an existing restaurant. The location of the restaurant is within an existing multi-tenant commercial center, with a variety of commercial uses. Directly adjacent to the subject use are similar restaurants, retail, and personal service uses. Restaurants with the sale and service of alcohol are compatible with these uses, and other lighter commercial uses. Furthermore, provided the Conditions of Approval are adhered to for the life of the project, the use will be compatible with other commercial uses, 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, in a variety of different cuisines and services, can enhance the vitality of the City's commercial centers. The proposed Conditional Use Permit would allow for the continued service of alcohol at an existing restaurant. The service of alcohol is intended to enhance the dining experience at the restaurant. Thus enhancing the community by providing another unique dining opportunity.

Goal ED-2 - The City must attract new businesses, while supporting and assisting those already located within Garden Grove. The proposed Conditional Use Permit is intended to enhance the dining experience at an existing restaurant. Approval of the Conditional Use Permit would provide the restaurant with additional resources to be successful. Thus, the restaurant will support those already located within the City, while attracting new businesses to the area.

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 "47" (On-Sale, General, 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 proposal and is supportive of the request.

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 existing restaurant has been in operation at the subject location since 2002. The Conditions of Approval will minimize potential impacts to the adjoining area. Hours of operation will continue to be between 8:00 a.m. to 2:00 a.m., seven (7) days a week. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

The use will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. The Police Department has reviewed the proposal, and all appropriate conditions of approval have been incorporated. The conditions of approval will ensure public health, safety and welfare.

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.

All site improvements are existing. No change to the structure is included in the proposal. The site, with the existing site improvements, is 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 subject site is located on the south side of Chapman Avenue, east of Haster Street. The commercial center is adequately accessed by two (2) driveways along Haster Street, and two (2) additional driveways along Chapman Avenue. On-site circulation is adequate to serve all of the uses within the commercial center. The site is also sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities. As a part of this request, no changes are proposed for the design

and function of the subject restaurant or the 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-254-2023.

Dated: December 14, 2023

DAVED DENT

DAVID DENT ZONING ADMINISTRATOR

EXHIBIT "A"

Conditional Use Permit No. CUP-254-2023

13062 Chapman Avenue

CONDITIONS OF APPROVAL

General Conditions

- 1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
- 2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Madidon Enterprises, LLC, with the authorization of the property owner, Sharon Lang, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
- 3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
- 4. This Conditional Use Permit only authorizes the operation of a 2,100 square foot restaurant with an Alcoholic Beverage Control Type "47" (On-Sale, General, Eating Place) License as depicted on the plans submitted by the applicant and made part of the record of the December 14, 2023 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.

Conditions of Approval

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.

Police Department

- 7. 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.
- 8. Hours of operation shall be permitted only between the hours of 8:00 a.m. to 2:00 a.m., seven (7) days a week. The 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.
- 9. There shall be no customers or patrons in or about the premises when the establishment is closed.
- 10. 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.
- 11. The sale of alcoholic beverages for consumption off the premises is prohibited. Consumption of alcoholic beverages shall not occur anywhere outside of the establishment at any time.
- 12. The sale or service of alcohol shall cease thirty (30) minutes prior to the required closing time.
- 13. 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.

- 14. 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.
- 15. No payment (entrance fee/cover charge) shall be charged to gain access to the business at any time.
- 16. No "B-girl" or "hostess" activity (as defined in Penal Code Section 303) shall occur within the establishment at any time.
- 17. 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.
- 18. No employee or agent shall solicit or accept any alcoholic or nonalcoholic beverage from any customer while in the business.
- 19. 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.
- 20. 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.
- 21. 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

- 22. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by Alcoholic Beverage Control (ABC) License. The restaurant shall contain sufficient space and equipment to accommodate a full restaurant kitchen, and the kitchen shall be open and preparing food during all hours the establishment is open. The establishment shall provide an assortment of foods normally offered in restaurants. The service of only appetizers, sandwiches and/or salads shall not be deemed in compliance with this requirement.
- 23. 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.
- 24. 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.
- 25. The applicant shall, upon request, provide the City of Garden Grove with an audited report of sales ratio of food to alcoholic beverages.
- 26. 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.
- 27. 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.
- 28. 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.
- 29. There shall be no raised platform, stage or dance floor allowed on the premises at any time.

- 30. There shall be no more than one (1) jukebox, three (3) dartboards, and two (2) pool tables in the establishment at any time.
- 31. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
- 32. There shall be no deliveries to or from the premises before 7:00 a.m. and after 10:00 p.m., seven days a week.
- 33. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
- 34. 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.
- 35. 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.
- 36. 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.
- 37. 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.
- 38. 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.
- 39. 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.

- 40. 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.
- 41. 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.
- 42. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
- 43. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
- 44. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows. Any opaque material applied to the store front, such as window tint, shall count toward the maximum window coverage area.
- 45. Any modifications to existing signs or the installation of new signs shall require approval by the Community Development Department, Planning Services Division prior to issuance of a building permit.
- 46. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-254-2023 shall be kept on the premises at all times.
- 47. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-254-2023 and his/her agreement with all conditions of the approval.
- 48. 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.

- 49. If deemed necessary by the Community Development Director, the Conditional Use Permit may be reviewed within one (1) year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.
- 50. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set 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-254-2023. 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.
- 51. 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-254-2023 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.
- 52. 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.
- 53. 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.

54. As stipulated in Decision No. 1847-23, upon approval and exercising of Conditional Use Permit No. CUP-254-2023, the Conditional Use Permit previously governing the tenant space, CUP-587-02, shall be revoked and become null and void.

Orange County Fire Authority

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

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.b.	SITE LOCATION: East side of Valley View Street, between Lampson Avenue and Cerulean Avenue, at 12500 Valley View Street, Suite A
HEARING DATE: December 14, 2023	GENERAL PLAN: Light Commercial (LC)
CASE NO.: Conditional Use Permit No. CUP-252-2023	ZONE: Planned Unit Development No. PUD-102-76
APPLICANT: Devon Thai	CEQA DETERMINATION: Exempt – Existing Facilities (Section 15301)
PROPERTY OWNER: Sandra Munson	APN: 217-064-06

REQUEST:

The applicant requests Conditional Use Permit approval to allow a new liquor store, Liquor Logic, to operate with a new original State Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, General) License.

BACKGROUND:

The subject site, located on the east side of Valley View Street, between Lampson Avenue and Cerulean Avenue, is within a 5.77-acre commercial plaza, Valley View Village, that is improved with multiple inline tenant commercial buildings and restaurant pad buildings. The subject tenant space is within a building located at the north end of the plaza, at 12500 Valley View Street, Suite A. According to Business Tax and License records, the subject tenant space was previously occupied by a pet shop, which ceased its operation in 2016. The tenant space is currently vacant.

The subject property has a General Plan Land Use Designation of Light Commercial (LC), and is zoned Planned Unit Development No. PUD-102-76. The plaza is adjacent to C-2 (Community Commercial) and R-1 (Single-Family Residential) zoned properties to the north, R-1 zoned properties, across Adams Street, to the east, and across Cerulean Avenue, to the south, and C-1 (Neighborhood Commercial) zoned properties, across Valley View Street, to the west. Surrounding uses include single-family dwellings, retail, medical offices, restaurants, and a banking institution.

The applicant proposes to open a new liquor store, Liquor Logic, at the subject location, to operate with a new original ABC Type "21" (Off-Sale, General) License. The applicant is currently operating an existing liquor store, U.S. Liquor, located in the City of Long Beach, at 3122 North Los Coyotes Diagonal. The new liquor store, Liquor Logic, will be the applicant's second location, which will be similar in size and will provide similar

CASE NUMBER CUP-252-2023

types of products as their other liquor store business in Long Beach. Municipal Code Section 9.16.020.080.B requires the approval of a Conditional Use Permit when there is an application for a new original ABC license.

DISCUSSION:

The new liquor store, Liquor Logic, will sell a variety of alcoholic beverages, including beer, wine, and distilled spirits, along with other non-alcoholic beverages and snacks for off-site consumption. The store will be approximately 2,300 square feet in size. The floor plan of the liquor store will consist of a cashier counter area, a retail sales display area, two (2) storage rooms, a wine cellar, four (4) coolers for beverages and food items, and a unisex restroom.

Hours of operation will be from 9:00 a.m. to 10:00 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.

The location of the new liquor store is in a low-crime district, and in an area of an over-concentration of Alcoholic Beverage Control off-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. 1848-23 for Conditional Use Permit No. CUP-252-2023.

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 "21" License will apply.

RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following action:

1. Adopt the attached Decision No. 1848-23 approving Conditional Use Permit No. CUP-252-2023, subject to the recommended Conditions of Approval.

MARIA PARRA

Planning Services Manager

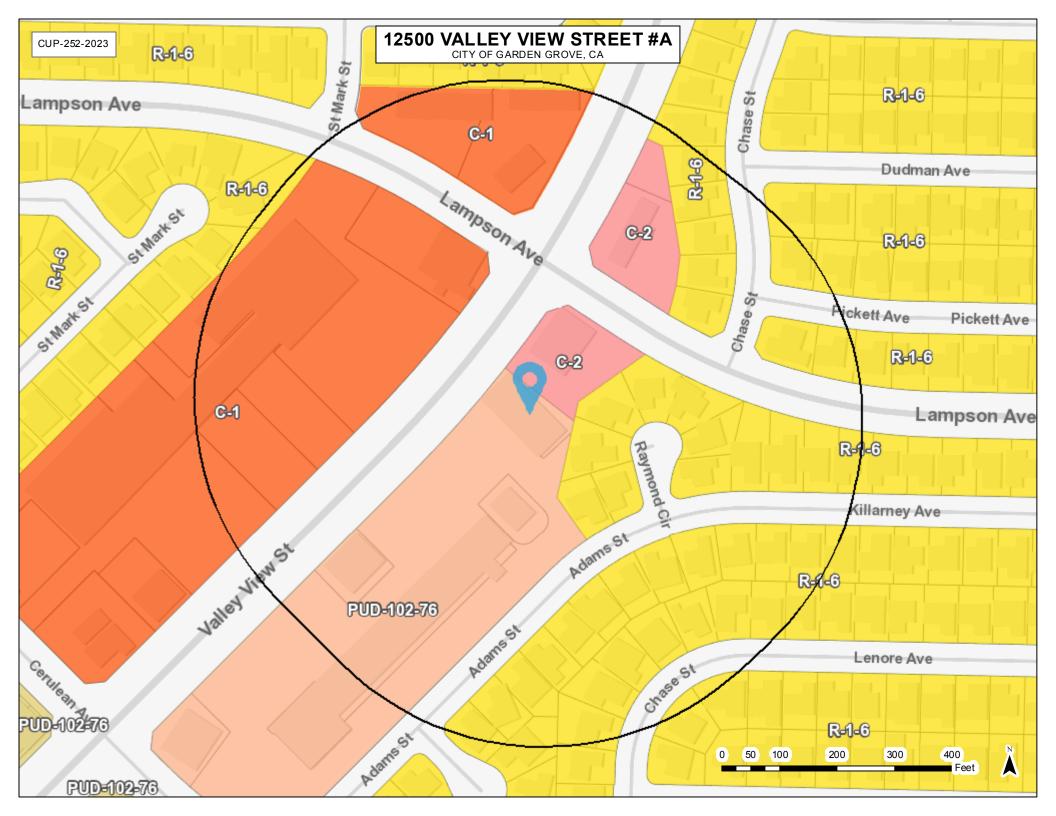
By: Huong Ly

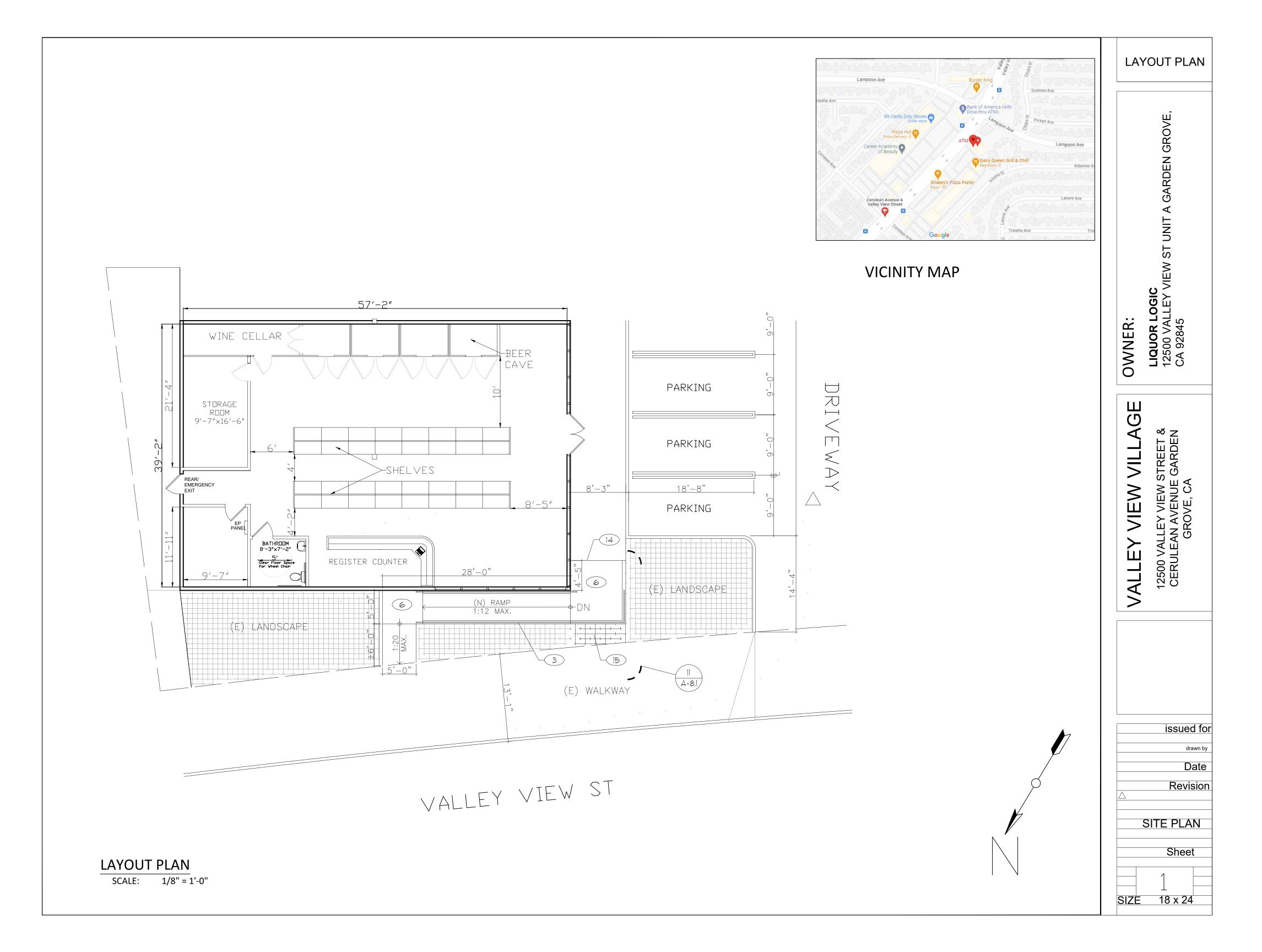
Associate Planner

Attachment 1: Vicinity Map

Attachment 2: Plans

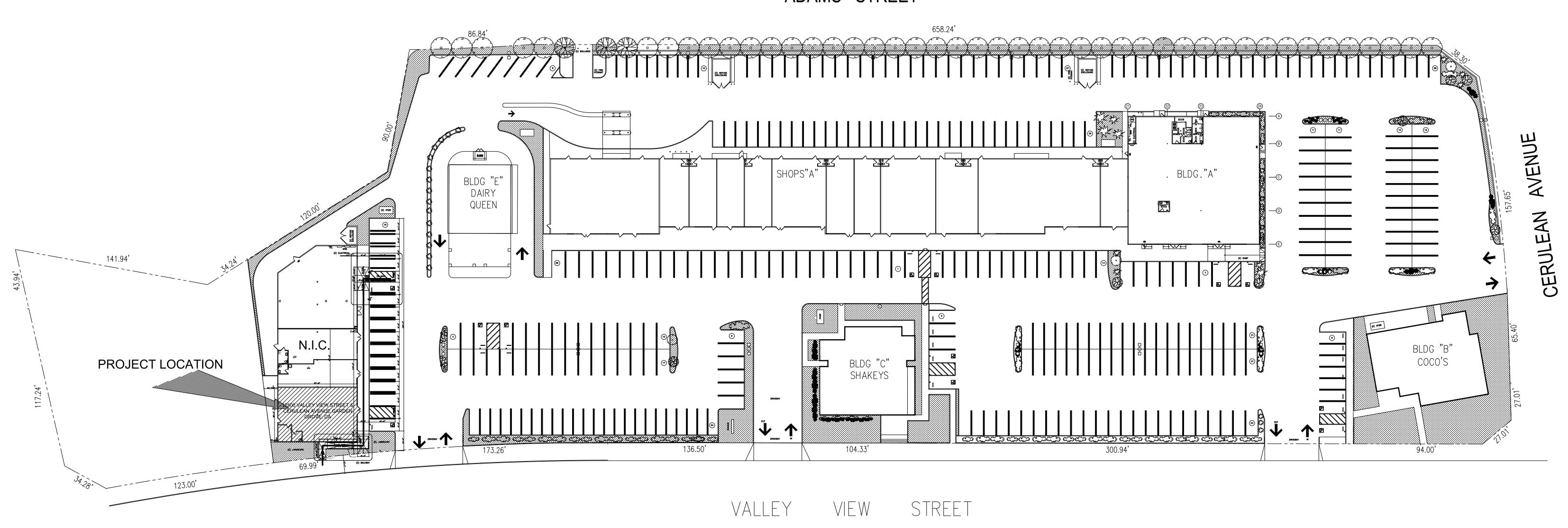
Attachment 3: Decision No. 1848-23 and Exhibit "A" - Conditions of Approval





PARKING REQUIREMENT			PROJECT SITE SUMMARY				
RECORD	NEW		SITE	GROSS SQ. FT 249,360 ACRES- ± 5.74			
<u>G "B"</u> G REQUIRED:	BUILDING "C" PARKING REQUIRED:	NO NEW PARKING. NO CHANGE OF USE	AREA NET (EXCLUDING G.B.A.) SQ. FT 194,028 GROSS BUILDING AREA (G.B.A.) SQ. FT 52,080				
SF / 100 = 58 UIRED	4,702 SF / 100 = 47 47 REQUIRED		RATIO - N	ET SITE AREA TO G.B.A.		<u>3.48</u> TO <u>1</u>	
				TOTAL STALLS PROVIDED		363	
G "B" <u>ED:</u>	BUILDING "C" <u>PROVIDED:</u>		AUTO	NO. STALLS REQUIRED BY	CITY	327	
LLS	47 STALLS		PARKING STALLS	MINIMUM SIZE	REQ'D. 9.5'x19'	PROVIDED 9.5'x19'	
		STALLS	HANDICAPPED STALLS	REQ'D 8	PROVIDED - 11		
G "A"					BUILDING ZONE	P.U.D	- 102–76
<u>G REQUIRED:</u> SF / 200 = 154			FIRE ZONE	2			
REQUIRED PARKING REQUIRED: 8,295 SF / 200 = 42 42 REQUIRED	BUILDING SUMMARY	OCCUPANCY GROUPS	A-2 (A	SSEMBLY) AND B (BUSINESS)			
		SOMMAK	TYPE OF CONSTRUCTION	V-B			
<u>ED:</u> ALLS	BUILDING "D"		BUILDING CODE USED	2019 CA	ALIFORNIA BUILDING CODE (C.B.C.)		
	PROVIDED: 42 STALLS BUILDING "E" PARKING REQUIRED: 2,510 SF / 100 = 25 25 REQUIRED BUILDING "E" PROVIDED: 25 STALLS						

ADAMS STREET



EXISTING SITE PLAN

SCALE: 1/32" = 1'



SITE PLAN

> JOR LOGIC 0 VALLEY VIEW ST UNIT A GARDEN GROV

ALLEY VIEW VILLAGE
12500 VALLEY VIEW STREET &
CERULEAN AVENUE GARDEN
GROVE, CA

issued for

drawn by

Date

Revision

SITE PLAN

Sheet

DECISION NO. 1848-23

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-252-2023, FOR PROPERTY LOCATED AT 12500 VALLEY VIEW STREET, SUITE A, ASSESSOR'S PARCEL NO. 217-064-06.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-252-2023, for property located at 12500 Valley View Street, Suite A, Assessor's Parcel No. 217-064-06, and hereby determines that public convenience or necessity would be served by issuance of an Alcoholic Beverage Control (ABC) Type "21" (Off Sale, General) License at this location.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-252-2023, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

- 1. The subject case was initiated by Devon Thai, with authorization of the property owner, Sandra Munson.
- 2. The applicant is requesting approval of a Conditional Use Permit to allow a new liquor store, Liquor Logic, to operate with a new original State Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, General) License.
- 3. Pursuant to the California Environmental Quality Act ("CEQA"), the Zoning Administrator hereby determines that the proposed project is categorically exempt from the CEQA pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines (14 Cal. Code Regs., Section §15301).
- 4. The subject property has a General Plan Land Use designation of Light Commercial (LC), and is zoned Planned Unit Development No. PUD-102-76. The subject site is a 5.77-acre commercial plaza, Valley View Plaza, that is improved with multiple inline tenant commercial buildings and restaurant pad buildings.
- 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 14, 2023, 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 on December 14, 2023, 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, located on the east side of Valley View Street, between Lampson Avenue and Cerulean Avenue, is within a 5.77-acre commercial plaza, Valley View Village, that is improved with multiple inline tenant commercial buildings and restaurant pad buildings. The subject tenant space is within a building located at the north end of the plaza, at 12500 Valley View Street, Suite A. According to Business Tax and License records, the subject tenant space was previously occupied by a pet shop, which ceased its operation in 2016. The tenant space is currently vacant.

The subject property has a General Plan Land Use Designation of Light Commercial (LC), and is zoned Planned Unit Development No. PUD-102-76. The plaza is adjacent to C-2 (Community Commercial) and R-1 (Single-Family Residential) zoned properties to the north, R-1 zoned properties, across Adams Street, to the east, and across Cerulean Avenue, to the south, and C-1 (Neighborhood Commercial) zoned properties, across Valley View Street, to the west. Surrounding uses include single-family dwellings, retail, medical offices, restaurants, and a banking institution.

The applicant proposes to open a new liquor store, Liquor Logic, at the subject location, to operate with a new original ABC Type "21" (Off-Sale, General) License. The applicant is currently operating an existing liquor store, U.S. Liquor, located in the City of Long Beach, at 3122 North Los Coyotes Diagonal. The new liquor store, Liquor Logic, will be the applicant's second location, which will be similar in size and will provide similar types of products as their other liquor store business in Long Beach. Municipal Code Section 9.16.020.080.B requires the approval of a Conditional Use Permit when there is an application for a new original ABC license.

The Liquor Logic will be located in a low-crime district, and in an area with an over-concentration of Alcoholic Beverage Control Off-Sale Licenses. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 23.
- The crime count for the District is 29.
- Average crime count per district in the City is 70.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 58% below the Citywide average; therefore, it is considered a low-crime area.
- The subject site is located in Alcoholic Beverage Control Census Report District No. 1110.03.
- ABC Census Reporting District No. 1110.03 allows for one (1) off-sale license within the District. Currently, there are two (2) off-sale licenses in the District. Since the approval of this CUP will allow one (1) additional off-sale license within the District, the total number of off-sale licenses in District 1110.03 will be increased to three (3) licenses.

The Community Development Department and the Police Department have reviewed the request and support the proposal. All standard conditions of approval for an ABC Type "21" License will apply.

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.

The subject property is located in a low-crime district with an over-concentration of "Off-Sale" ABC licenses. Although the subject site is located in an area with an over-concentration of "Off-Sale" ABC licenses, Staff is able to support a finding for public convenience or necessity given the potential community benefit through the operation of the new liquor store, Liquor Logic, with an ABC Type "21" (Off-Sale, General) License. The license would provide and maintain an amenity that enhances the customer shopping 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. Therefore, the City of Garden Grove hereby determines and approves a Finding of Public Convenience or Necessity for Conditional Use Permit No. CUP-252-2023.

FINDINGS AND REASONS:

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

The subject site has a General Plan Land Use Designation of Light Commercial (LC), and is zoned Planned Unit Development No. PUD-102-76. The LC land use designation is intended to allow a range of commercial activities that serve local residential neighborhoods and the larger community. Commercial retail stores with retail sales of alcoholic beverages are conditionally permitted. This approval will allow the new liquor store to operate with an original ABC Type "21" (Off-Sale, General) License. Provided that the Conditions of Approval are complied with, the use will be consistent with the General Plan.

Additionally, the proposed project is consistent with the spirit and intent of the General Plan, through its goal, policies, and implementation programs, including specifically:

Policy LU-1.4 encourages a wide variety of retail and commercial services, such as restaurants and cultural arts/entertainment, in appropriate locations.

The new Liquor Logic store will be located in an existing office and commercial plaza. The approval of the proposed Conditional Use Permit will allow the proposed liquor store to operate with a new original ABC Type "21" (Off-Sale, General) License, which will add an additional amenity that enhances the commercial services and maintains the intent of being a business serving the local community.

Goal LU-5 strives to maintain economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community.

The subject tenant space is located within a commercial plaza improved with multiple inline tenant commercial buildings and restaurant pad buildings. The approval of the proposed Conditional Use Permit will allow Liquor Logic to operate with an ABC Type "21" (Off-Sale, General) License, which will add a new amenity to serve the needs of the existing business and will contribute to promote the economic viability of the area.

Policy LU-6.2 encourages a mix of retail shops and services along the major corridors and in centers to better meet the community's needs.

The subject tenant space is located at the north end of an existing 5.77-acre commercial plaza. The plaza is located off of Valley View Street, which is a major arterial street as identified in the General Plan Circulation Element, between Lampson Avenue and Cerulean Avenue. Surrounding uses of the site include single-family dwellings, retail, medical offices, restaurants, and a banking

institution. The approval of the proposed Conditional Use Permit, will allow the new liquor store, Liquor Logic, to operate with an original ABC Type "21" (Off-Sale, General) License, which will add an additional amenity that enhances the customer shopping of the surrounding residential area.

Goal ED-2 maintains that the City must attract new businesses, while supporting and assisting those already located within Garden Grove.

Although the Liquor Logic is a new business to Garden Grove, the applicant is experienced in the alcohol retail industry and currently operates another liquor store in the City of Long Beach, which is of similar size and includes the sale of similar prepackaged foods and beverage items. The Liquor Logic will be the applicant's second location. Approval of the Conditional Use Permit would provide an opportunity for the establishment of a new business in the City.

SAF-IMP-2C strives to 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 promote the safe operation of the proposed liquor store establishment. No concerns were raised by the Police Department regarding the proposed original ABC Type "21" (Off-Sale, General) License. Conditions of Approval have been incorporated to 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. The Liquor Logic will operate from 9:00 a.m. to 10:00 p.m., seven (7) days a week. These hours of operation are consistent with, and are within, the City's standard operating hours, for establishments operating with an ABC Type "21" License. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department. 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 the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project.

- 3. That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title or as is otherwise required in order to integrate such use with the uses in the surrounding area.
 - The site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed uses within the surrounding area. This approval authorizes the new liquor store, Liquor Logic, to sell alcoholic beverages including beer, wine and distilled spirits. No exterior development is proposed.
- 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 on the east side of Valley View Street, between Cerulean Avenue and Lampson Avenue. The plaza is adequately accessed by three (3) driveway approaches along Valley View Street, and one driveway approach along Cerulean Avenue. The site is also sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities. Approval of the proposed upgrade to the existing ABC license for the store is not anticipated to result in a significant increase in traffic or to cause additional burdens on services 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-252-2023.

Dated: December 14, 2023

DAVID DENT ZONING ADMINISTRATOR

EXHIBIT "A"

Conditional Use Permit No. CUP-252-2023

12500 Valley View Street, Suite A

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, Devon Thai, the developer of the project, the owner(s), Sandra Munson, 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 to 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 liquor store, Liquor Logic, with an Alcoholic Beverage Control Type "21" (Off-Sale, General) License as depicted on the plans submitted by the applicant and mde part of the record of the December 14, 2023 Zoning Administrator proceeding. 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.

Police Department

- 7. 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.
- 8. Hours of operation shall be permitted from 9:00 a.m. to 10:00 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.
- 9. There shall be no customers or patrons in or about the premises when the establishment is closed.
- 10. 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.
- 11. The sale of alcoholic beverages for consumption on the premises is prohibited. Consumption of alcoholic beverages shall not occur anywhere on the site or within the premises.
- 12. All pay phones located on the property, adjacent to the premises, shall be limited to out-going calls only. This condition shall be complied with within 30 days following approval of this application.
- 13. The business, prior to obtaining the Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, General) License, shall show proof to the Police Department that all members of the business staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through the Alcoholic Beverage Control Department or an ABC approved "Responsible Beverage Service (RBS) Training" program.

- 14. 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.
- 15. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010 (a).

Community Development Department

- 16. 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.
- 17. 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.
- 18. There shall be no amusement devices permitted on the premises at any time.
- 19. Any adult merchandise (books, magazines, videos) shall be kept under the control of the management, behind the cashier's counter, and must be segregated and screened from minors.
- 20. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
- 21. 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.
- 22. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
- 23. 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.

- 24. 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.
- 25. 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.
- 26. 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.
- 27. 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.
- 28. 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.
- 29. 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.
- 30. 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.
- 31. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.

- 32. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
- 33. 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.
- 34. 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.
- 35. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-252-2023 shall be kept on the premises at all times.
- 36. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-252-2023 and his/her agreement with all conditions of the approval.
- 37. The Conditional Use Permit may be called for review by City staff, the City Council, or the Planning Commission, if noise or other complaints are filed and verified as valid by the Code Enforcement office or other City departments concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
- 38. 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.
- 39. 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-252-2023. 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.

- 40. 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-252-2023 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.
- 41. 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 No. CUP-252-2023 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, the 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.
- 42. 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.

Orange County Fire Authority

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