

NOTICE AND CALL OF SPECIAL JOINT STUDY SESSION  
OF THE  
GARDEN GROVE PLANNING COMMISSION  
AND  
NEIGHBORHOOD IMPROVEMENT AND  
CONSERVATION COMMISSION (NICC)  
AND  
SPECIAL MEETING  
OF THE  
GARDEN GROVE PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that a Special Joint Study Session of the Garden Grove Planning Commission and Neighborhood Improvement and Conservation Commission is hereby called to be held on Thursday, September 17, 2020, at 6:00 p.m., followed by a Special Meeting of the Garden Grove Planning Commission to be held at 7:30 p.m., both in the Council Chamber, of the Garden Grove Community Meeting Center, 11300 Stanford Avenue, Garden Grove, CA 92840.

Said Special Meetings shall be held to discuss the attached Agendas.

DATED: September 10, 2020



Jeremy Lehman  
Chair



A G E N D A

GARDEN GROVE PLANNING COMMISSION

SPECIAL JOINT STUDY SESSION

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SEPTEMBER 17, 2020

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
6:00 P.M.

**In an effort to protect public health and prevent the spread of the Coronavirus (COVID-19), the Planning Commission members will be teleconferencing and the meeting recorded. Members of the public who wish to comment on matters before the Commission, in lieu of doing so in person, may submit comments by emailing [planning@ggcity.org](mailto:planning@ggcity.org) no later than 3:00 p.m. the day of the meeting. The comments will be provided to the Commission as part of the meeting record and will be uploaded to the City's website.**

**Members of the public are asked to consider very carefully before attending this meeting in person and are required to wear face masks and maintain a six foot distance from others. Please do not attend this meeting if you have traveled and/or have had direct contact with someone who has travelled to places experiencing high rates of infection or tested positive for COVID-19, or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.**

JOINT STUDY SESSION – COUNCIL CHAMBER

ROLL CALL – PLANNING COMMISSION:

CHAIR LEHMAN, VICE CHAIR PEREZ  
COMMISSIONERS LE, LINDSAY, RAMIREZ, SOEFFNER

NEIGHBORHOOD IMPROVEMENT AND CONSERVATION COMMISSION:

CHAIR BLACKMUN, VICE CHAIR CRAWFORD  
COMMISSIONERS PHAM, FLANDERS, HANSEN, NEWBOLD, SWAIM

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

- A. STAFF STUDY SESSION ON HOUSING ELEMENT, SAFETY ELEMENT, AND ENVIRONMENTAL JUSTICE ELEMENT
- B. COMMISSIONS COMMENTS ON HOUSING ELEMENT, SAFETY ELEMENT, AND ENVIRONMENTAL JUSTICE ELEMENT
- C. PUBLIC COMMENTS ON HOUSING ELEMENT, SAFETY ELEMENT, AND ENVIRONMENTAL JUSTICE ELEMENT
- D. ADJOURNMENT



## A G E N D A

### GARDEN GROVE PLANNING COMMISSION

#### SPECIAL MEETING

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SEPTEMBER 17, 2020

COMMUNITY MEETING CENTER  
11300 STANFORD AVENUE  
7:30 P.M.

**In an effort to protect public health and prevent the spread of the Coronavirus (COVID-19), the Planning Commission members will be teleconferencing and the meeting recorded. Members of the public who wish to comment on matters before the Commission, in lieu of doing so in person, may submit comments by emailing [planning@ggcity.org](mailto:planning@ggcity.org) no later than 3:00 p.m. the day of the meeting. The comments will be provided to the Commission as part of the meeting record and will be uploaded to the City's website.**

**Members of the public are asked to consider very carefully before attending this meeting in person and are required to wear face masks and maintain a six foot distance from others. Please do not attend this meeting if you have traveled and/or have had direct contact with someone who has travelled to places experiencing high rates of infection or tested positive for COVID-19, or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.**

#### COUNCIL CHAMBER

ROLL CALL: CHAIR LEHMAN, VICE CHAIR PEREZ  
COMMISSIONERS LE, LINDSAY, RAMIREZ, SOEFFNER

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 Oral Communications at the beginning of the meeting. Each speaker shall fill out a card stating name and address, to be presented to the Recording Secretary, and shall be limited to five (5) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

Any person requiring auxiliary aids and services due to a disability should contact the City Clerk's office at (714) 741-5035 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 all or a majority of the Planning Commissioners 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 City Council Chamber 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 Planning Commission may take legislative action it deems appropriate with respect to the item and is not limited to the recommended action indicated in staff reports or the agenda.

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

- A. APPROVAL OF MINUTES: September 3, 2020
- B. ORAL COMMUNICATIONS - PUBLIC
- C. NON-PUBLIC HEARING ITEM (Authorization for the Chair to execute Resolution shall be included in the motion.)

C.1. CONDITIONAL USE PERMIT NO. CUP-193-2020

APPLICANT: GIRGES GAD

LOCATION: WEST SIDE OF HARBOR BOULEVARD, NORTH OF WESTMINSTER AVENUE AT 13911 HARBOR BOULEVARD

REQUEST: Conditional Use Permit approval to allow a new liquor store, Hero's Liquor and Market, to operate with a new State Alcoholic Beverage control (ABC) Type "21" (Off-Sale, General) License. The site is in the C-2 (Community Commercial) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities.

STAFF RECOMMENDATION: Denial of Conditional Use Permit No. CUP-193-2020.

- D. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)

D.1. CONDITIONAL USE PERMIT NO. CUP-189-2020

APPLICANT: GEUNWOO YUN

LOCATION: NORTHEAST CORNER OF GARDEN GROVE BOULEVARD AND SUNGROVE STREET AT 12867 GARDEN GROVE BOULEVARD

REQUEST: Conditional Use Permit approval to allow an existing Holiday Inn Express hotel to operate with two new State Alcoholic Beverage Control (ABC) Licenses. A Type "20" (Off-Sale, Beer & Wine) License is requested for the lobby gift shop for the sale of canned and bottled beer, and a Type "41" (On-Sale, Beer & Wine, Eating Place) License is requested for the breakfast/bar area on the ground floor. The bar area will operate from 5:00 p.m. to 9:00 p.m., seven days a week, with indoor seating only and service of pre-made snack foods. The site is in the C-1 (Neighborhood Commercial) zone. In conjunction with the request, the Planning Commission will consider a

determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities.

STAFF RECOMMENDATION: Approval of Conditional Use Permit No. CUP-189-2020, subject to the recommended Conditions of Approval.

D.2. SITE PLAN NO. SP-090-2020

APPLICANT: 7 LEAVES CAFÉ (VINH NGUYEN)

LOCATION: SOUTHEAST CORNER OF CHAPMAN AVENUE AND HARBOR BOULEVARD AT 12002 HARBOR BOULEVARD

REQUEST: Site Plan approval to operate a new drive-thru restaurant, 7 Leaves Café, in an existing 1,900 square foot drive-thru building. The proposal includes interior and exterior improvements and a change of use from a drive-thru pharmacy to a drive-thru restaurant. The site is in the HCSP-TCB (Harbor Corridor Specific Plan – Tourist/Commercial B) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities.

STAFF RECOMMENDATION: Approval Site Plan No. SP-090-2020, subject to the recommended Conditions of Approval.

E. MATTERS FROM COMMISSIONERS

F. MATTERS FROM STAFF

G. ADJOURNMENT

# JOINT STUDY SESSION MEMORANDUM

|   |   |
|---|---|
| <b>AGENDA ITEM NO.:</b> A               | <b>FROM:</b><br>Lee Marino, Planning Services Manager |
| <b>MEETING DATE:</b> September 17, 2020 | <b>PREPARED BY:</b><br>Maria Parra, Senior Planner    |

## **OBJECTIVE:**

The purpose of the joint study session of the Planning Commission and the Neighborhood Improvement and Conservation Commission (NICC) is to provide an update of the Housing Element, Safety Element, and the Environmental Justice Element.

## **BACKGROUND:**

The City of Garden Grove is updating the Housing Element, Safety Element, and adopting a new Environmental Justice Element to the City's General Plan. The Land Use Element and the Zoning Code will also be updated to implement the housing strategies identified in the Housing Element update.

California cities are required to develop a General Plan to guide the development of the City. The Housing Element will be updated to identify housing needs and goals for the 2021-2029 planning period. The Housing Element must be updated every eight years to meet the housing needs of everyone in the community. The State mandates each jurisdiction to provide housing opportunities for each income level during the specific planning periods by meeting its Regional Housing Needs Assessment (RHNA) allocation. The City of Garden Grove's RHNA housing allocation for the 2021-2029 planning period is projected to be 19,122 units. The Housing Element is required to be certified by the Department of Housing and Community Development (HCD) by October 15, 2021.

State law requires jurisdictions to update the Safety Element upon the next revision of the Housing Element. The goal of the Safety Element is to reduce the potential short, and long-term, risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, droughts, earthquakes, landslides, climate change, and other hazards. The Safety Element will be updated concurrently with the Housing Element, and will address potential and existing hazards in the City relating to flood hazards, fire hazards, and climate adaptation and resilience strategies.

State law requires Environmental Justice policies to be incorporated into the General Plan upon the adoption, or the next revision, of two or more general elements in jurisdictions with disadvantaged communities. Since the City will update

HOUSING ELEMENT, SAFETY ELEMENT, AND ENVIRONMENTAL JUSTICE ELEMENT UPDATE

both the Housing Element and the Safety Element, the City is also required to include Environmental Justice policies in the General Plan. The City will prepare a new Environmental Justice Element that will establish policies to reduce pollution exposure and improve air quality, and to promote access to public facilities, healthy foods, safe and sanitary housing, physical activity, and civic engagement.

**DISCUSSION:**

The Planning Commission and NICC will receive an update of the Housing Element, the Safety Element, and the Environmental Justice Element presented by MIG, Inc., the consultant hired by the City to update the referenced General Plan Elements. The presentation will include an overview of the project, the project schedule, and the public engagement plan. The presentation material for this study session item will be emailed to all Commission members to prior to the meeting, and will also be posted on the City's webpage.

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

Meeting Minutes  
Thursday, September 3, 2020

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

Chair Lehman  
Vice Chair Perez  
Commissioner Le  
Commissioner Lindsay  
Commissioner Ramirez  
Commissioner Soeffner

Absent: Le, Ramirez

Commissioner Ramirez joined the meeting at 7:05 p.m.

PLEDGE OF ALLEGIANCE: Led by Vice Chair Perez.

ORAL COMMUNICATIONS – PUBLIC – Mr. Craig Durfey raised concerns regarding the Medal of Honor bike trail, such as non-existent coordinates of the trail, safety at Brookhurst Street and Bixby Avenue, and parking issues. Via email, he submitted letters from others regarding zoning violations and proposed amenities for the area such as a flag pole, a dog park, and a bike rack with storage.

August 20, 2020 MINUTES:

Action: Received and filed.

Motion: Lindsay Second: Soeffner

Ayes: (4) Lehman, Lindsay, Perez, Soeffner

Noes: (0) None

Absent: (2) Le, Ramirez

PUBLIC HEARING – SITE PLAN NO. SP-053-2018 (REINSTATEMENT 2020) FOR PROPERTY LOCATED ON THE WEST SIDE OF MAIN STREET, SOUTH OF ACACIA PARKWAY, AT 12885 MAIN STREET.

Applicant: AVI MARCIANO  
Date: September 17, 2020



**Request:** To reinstate the approval of a Site Plan to construct a new mixed-use building with a commercial tenant space of approximately 3,888 square feet on the Main Street frontage and nine (9) residential units above. The project includes a density bonus of 35% under the State Density Bonus allowance and two concessions: i) to reduce the minimum size of a private open space balcony, and ii) to reduce the minimum dimension of a passive recreation area. The site is in the CC-2 (Civic Center Mixed-Use 2) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 – In-Fill Development Projects.

**Action:** Resolution No. 6001-20 was approved. The applicant was not present, however, he agreed to all Conditions of Approval via email.

**Motion:** Lindsay      **Second:** Ramirez

**Ayes:** (5) Lehman, Lindsay, Perez, Ramirez, Soeffner  
**Noes:** (0) None  
**Absent:** (1) Le

**PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-190-2020 FOR PROPERTY LOCATED ON THE SOUTH SIDE OF GARDEN GROVE BOULEVARD, BETWEEN GALWAY STREET AND GILBERT STREET, AT 9618 GARDEN GROVE BOULEVARD.**

**Applicant:** STANTON UNIVERSITY  
**Date:** September 3, 2020

**Request:** Conditional Use Permit approval to expand an existing adult trade school, Stanton University, to 8,125 square feet to increase the occupants from 15 students to 100 students and 14 employees, located on the second floor of an existing 28,822 square foot two-story multi-tenant building within the AR Galleria Shopping Center. The site is in the GGMU-3 (Garden Grove Boulevard Mixed Use 3) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities.

**Action:** Resolution No. 6000-20 was approved with an amendment to add a condition that the applicant submit for Tenant Improvement (TI) building permits within 60 days from the end of the 21-day appeal period.

**Motion:** Ramirez      **Second:** Lindsay

**Ayes:** (3) Lehman, Lindsay, Ramirez

Noes: (2) Perez, Soeffner  
Absent: (1) Le

PUBLIC HEARING - CONDITIONAL USE PERMIT NO. CUP-191-2020 FOR PROPERTY LOCATED ON THE SOUTHWEST CORNER OF GARDEN GROVE BOULEVARD AND BROOKHURST STREET AT 10130 GARDEN GROVE BOULEVARD #107.

Applicant: JAMES NGUYEN  
Date: September 3, 2020

Request: Conditional Use Permit approval to operate an existing restaurant, Butaton with a new Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The site is in the GGMU-1 (Garden Grove Boulevard Mixed Use 1) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 - Existing Facilities.

Action: Resolution No. 6003-20 was approved. One letter of opposition was submitted by Frederick Llano citing concerns regarding gangs, homeless, over-saturation of alcohol sales in the area, and lack of parking.

Motion: Lindsay Second: Ramirez

Ayes: (4) Lehman, Lindsay, Ramirez, Soeffner  
Noes: (0) None  
Abstain: (1) Perez  
Absent: (1) Le

PUBLIC HEARING - CONDITIONAL USE PERMIT NO. CUP-192-2020 FOR PROPERTY LOCATED ON THE SOUTHWEST CORNER OF MAGNOLIA STREET AND GARDEN GROVE BOULEVARD.

Applicant: MOBIL OIL/ CIRCLE K STORES  
Date: September 3, 2020

Request: Conditional Use Permit approval to allow an existing convenience store, as part of an existing service (gas) station, Mobil, to continue to operate with an existing State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License. The existing convenience store is currently operating with an ABC Type "20" (Off-Sale, Beer and Wine) License, under the approval of Conditional Use Permit No. CUP-109-72, approved in 1972. The Municipal Code requires the approval of a new Conditional Use Permit when there is a change of ownership of an ABC licensed establishment not possessing a Conditional Use Permit approved after January 1, 1986. Upon approval and exercising of the

subject request, the Conditional Use Permit previously governing the tenant space, CUP-109-72, shall be revoked and become null and void. The site is in the GGMU-3 (Garden Grove Boulevard Mixed Use 3) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities.

Action: Resolution No. 6004-20 was approved.

Motion: Ramirez Second: Lindsay

Ayes: (5) Lehman, Lindsay, Perez, Ramirez, Soeffner  
Noes: (0) None  
Absent: (1) Le

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-193-2020 FOR PROPERTY LOCATED ON THE WEST SIDE OF HARBOR BOULEVARD, NORTH OF WESTMINSTER AVENUE AT 13911 HARBOR BOULEVARD.

Applicant: GIRDES GAD  
Date: September 3, 2020

Request: Conditional Use Permit approval to allow a new liquor store, Hero’s Liquor and Market, to operate with a new State Alcoholic Beverage control (ABC) Type “21” (Off-Sale, General) License. The site is in the C-2 (Community Commercial) zone. In conjunction with the request, the Planning Commission will consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities.

Action: Chair Lehman and Vice Chair Perez stated that Finding #2 could not be made for approval as adding another alcohol License had the potential of increasing crime in the area, which would not benefit the community. Staff was then directed to prepare and bring back a Resolution of Denial to the September 17<sup>th</sup> meeting, which would include the supporting facts identifying why one or more of the four findings for approval could not be made. One letter of opposition was submitted by Jack P. Noenickx citing concerns with homeless, loitering, over-saturation of alcohol sales in the area, and safety.

Motion: Perez Second: Lindsay

Ayes: (5) Lehman, Lindsay, Perez, Ramirez, Soeffner  
Noes: (0) None  
Absent: (1) Le

MATTERS FROM COMMISSIONERS: Commissioner Soeffner asked for a date on the on-line Social Awareness Training course for Commissioners. Staff was uncertain of the date and would look into the matter. Staff then mentioned that a study session on Alcoholic Beverage Control (ABC) Licenses would be scheduled after the first of the year.

MATTERS FROM STAFF: Staff gave a brief description of the agenda items for the next meeting, which would be a joint study session at 6:00 p.m., with the Neighborhood Improvement and Conservation Commission.

ADJOURNMENT: At 8:59 p.m. to the next Meeting of the Garden Grove Planning Commission on Thursday, September 17, 2020, at 6:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

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Judith Moore, Recording Secretary

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

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| <b>AGENDA ITEM NO.:</b> C.1.  | <b>SITE LOCATION:</b> West side of Harbor Boulevard, north of Westminster Avenue, at 13911 Harbor Boulevard |
| <b>HEARING DATE:</b> September 17, 2020   | <b>GENERAL PLAN:</b> Light Commercial   |
| <b>CASE NO.:</b> Conditional Use Permit No. CUP-193-2020                            | <b>ZONE:</b> C-2 (Community Commercial)   |
| <b>APPLICANT:</b> Girges Gad  | <b>CEQA DETERMINATION:</b> Exempt – Section 15301 - Existing Facilities                                     |
| <b>PROPERTY OWNER:</b> Harbor Commercial Retail Center, LLC (Attn: Gilbert C. Rhee) | <b>APN:</b> 100-130-72  |

**REQUEST:**

A request for Conditional Use Permit approval to allow a new liquor store, Hero's Liquor and Market, located at 13911 Harbor Boulevard, to operate with a new State Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, General) License.

**DISCUSSION:**

On September 3, 2020, the Planning Commission held a public hearing to consider Conditional Use Permit No. CUP-193-2020. Besides the applicant, there were no speakers from the public who came forward to speak in favor of, or in opposition to, the project. A public comment was received, which spoke in opposition to the project citing concerns that: the new liquor store would contribute to an increase in homeless loitering in the area; that there is an existing liquor across the street (Harbor Boulevard) in the City of Santa Ana; and that, with the addition of a new liquor store, the immediate area would become more unsafe.

The Planning Commission expressed concerns that the addition of a new State Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, General) License would create an undue-concentration of off-sale ABC licenses within the ABC Census Reporting District. The Planning Commission also noted that the addition of a new liquor store to the subject vicinity, at this time, would: (1) negatively intensify the existing crime conditions in a high-crime area where the crime count is 118% above the Citywide average; and (2) that it would potentially adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. Pursuant to Business and Provisions Code Sections 23958 and 23958.4, ABC may not issue a new Alcoholic Beverage Control license to the Applicant unless the Planning Commission determines that public convenience or necessity would be served by issuance of the license. The Planning Commission did not make a finding of public

convenience or necessity. By a vote of 5-0 (with one (1) commissioner absent), the Planning Commission voted to direct City Staff to prepare a Resolution of Denial for the Commission's consideration.

Pursuant to the direction of the Planning Commission, Staff has prepared an alternative draft Resolution of Denial based on facts presented by members of the Planning Commission at the public hearing on September 3, 2020. Copies of the September 3, 2020 Planning Commission Staff Report and all other documents submitted into the record during the public hearing are attached.

**RECOMMENDATION:**

It is recommended that the Planning Commission take the following action:

1. Adopt the attached Resolution denying Conditional Use Permit No. CUP-193-2020.



LEE MARINO  
Planning Services Manager

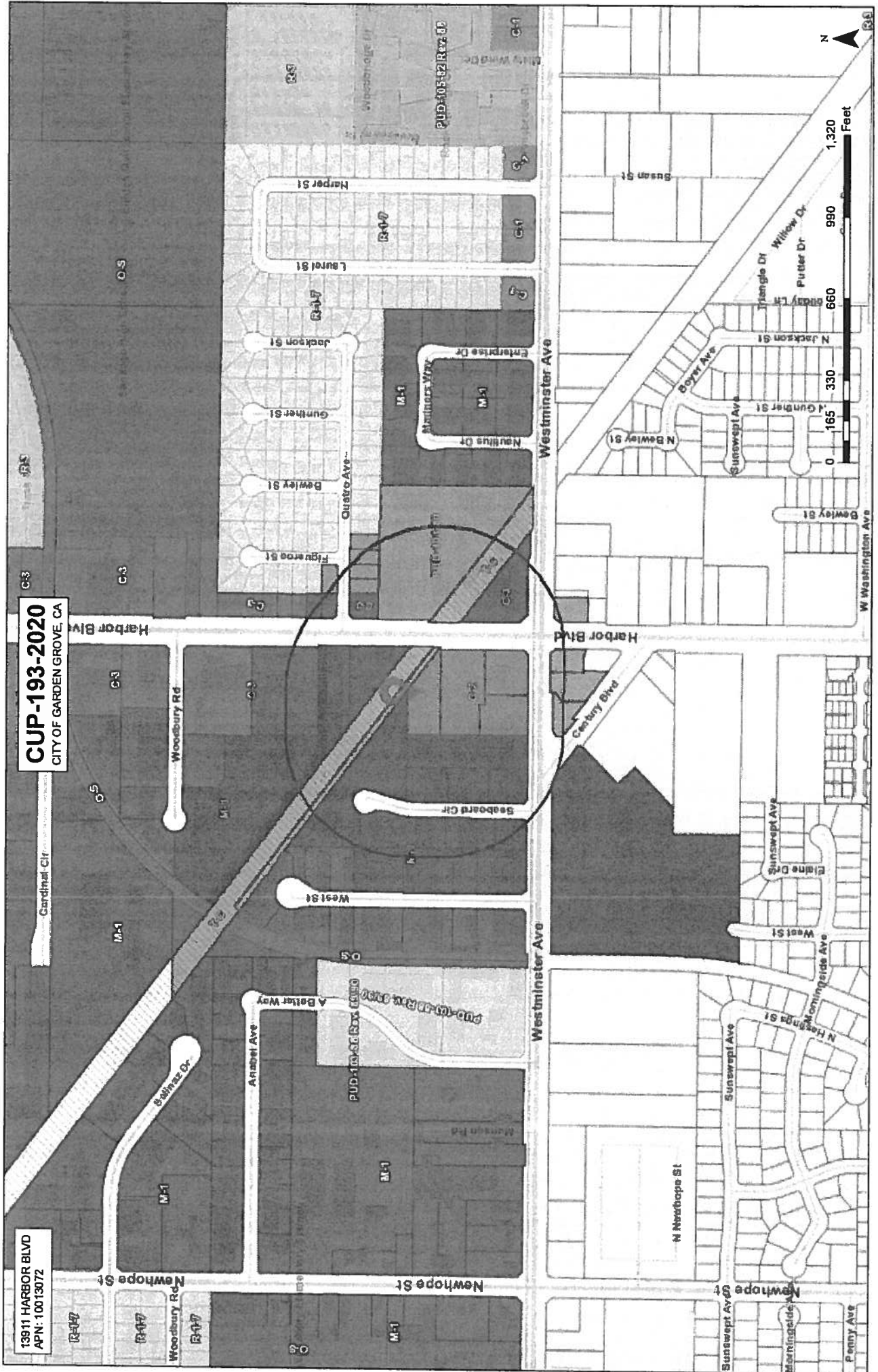


By: Chris Chung  
Urban Planner

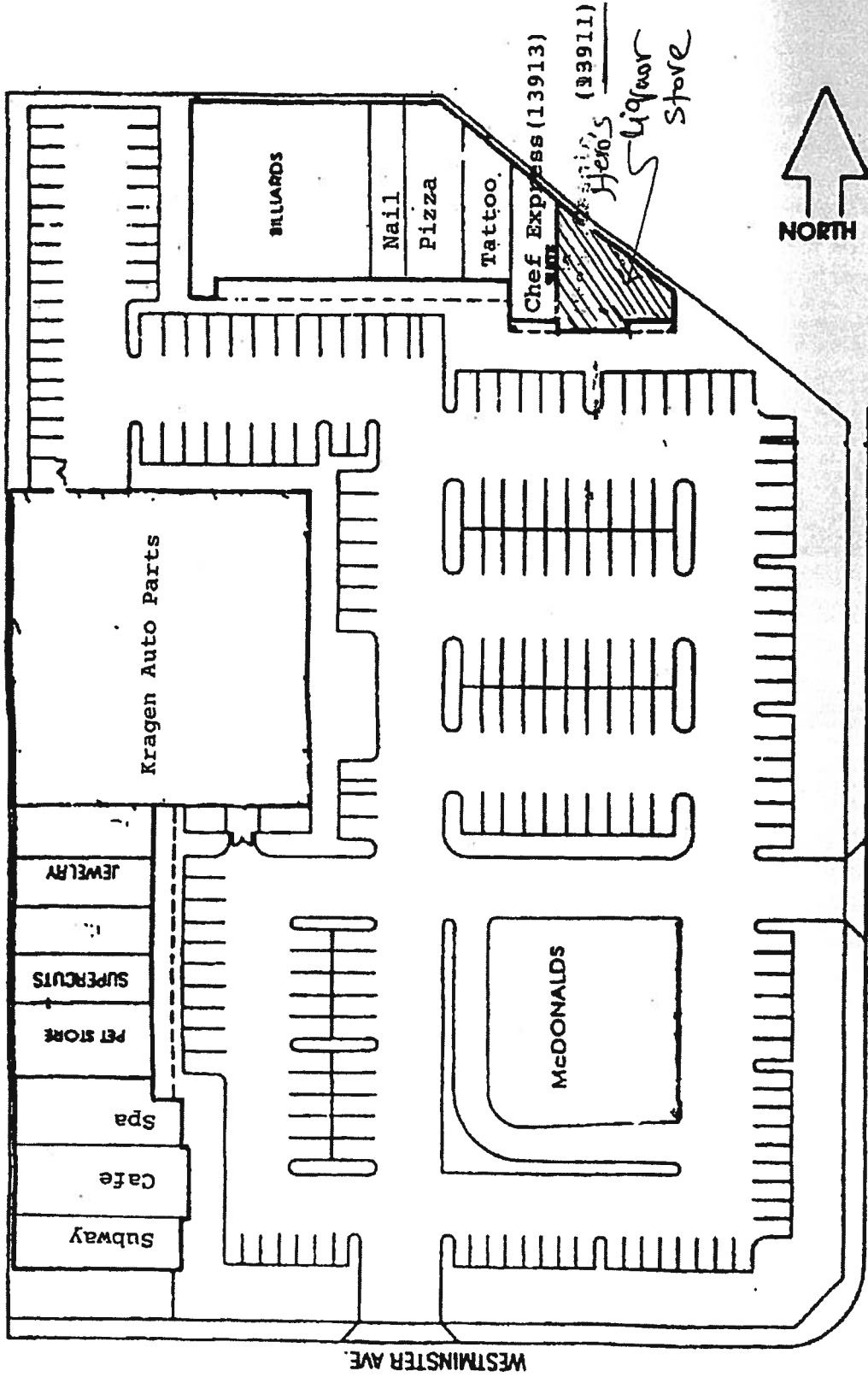
- Attachment 1: Planning Commission Staff Report dated September 3, 2020
- Attachment 2: Initial Draft Planning Commission Resolution of Approval
- Attachment 3: Exhibit "A" Conditions of Approval as part of the Initial Planning Commission Resolution of Approval
- Attachment 4: Public Comment Letter dated August 14, 2020
- Attachment 5: Draft Planning Commission Resolution of Denial

13911 HARBOR BLVD  
APN: 10013072

**CUP-193-2020**  
CITY OF GARDEN GROVE, CA



Project Address: 13911 Harbor Blvd Garden Grove CA 92843

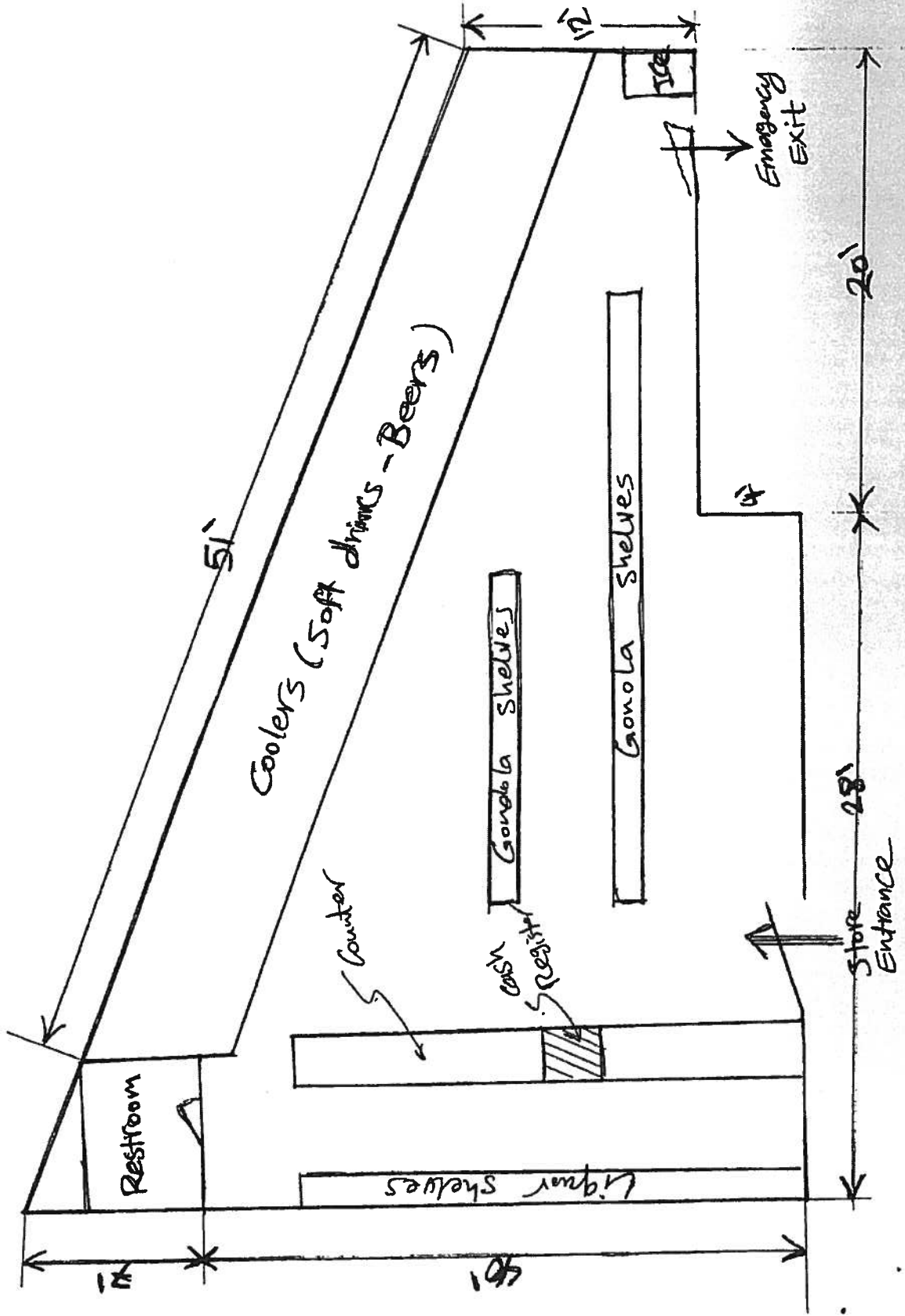
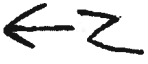


CUP-193-2020

(Site Plan)



Project Address: 13911 Harbor Blvd Garden Grove CA 92843



(Floor Plan)

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

|   |   |
|---|---|
| <b>AGENDA ITEM NO.:</b> C.5.  | <b>SITE LOCATION:</b> West side of Harbor Boulevard, north of Westminster Avenue, at 13911 Harbor Boulevard |
| <b>HEARING DATE:</b> September 3, 2020  | <b>GENERAL PLAN:</b> Light Commercial   |
| <b>CASE NO.:</b> Conditional Use Permit No. CUP-193-2020                            | <b>ZONE:</b> C-2 (Community Commercial)   |
| <b>APPLICANT:</b> Girges Gad  | <b>CEQA DETERMINATION:</b> Exempt – Section 15301 - Existing Facilities                                     |
| <b>PROPERTY OWNER:</b> Harbor Commercial Retail Center, LLC (Attn: Gilbert C. Rhee) | <b>APN:</b> 100-130-72  |

## **REQUEST:**

A request for Conditional Use Permit approval to allow a new liquor store, Hero's Liquor and Market, located at 13911 Harbor Boulevard, to operate with a new State Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, General) License.

## **BACKGROUND:**

The subject site, located at the northwest corner of Harbor Boulevard and Westminster Avenue, is improved with an existing multi-tenant commercial shopping center, comprised of four (4) lots with a total area of 3.6 acres. The shopping center consists of two (2) primary commercial multi-tenant buildings and a commercial restaurant pad building. The subject 1,724 square foot tenant space under application is located at the north end of the shopping center. According to Business Tax and License records, the subject tenant space was previously occupied by a check cashing business. The tenant space is currently vacant.

The subject property is located in the C-2 (Community Commercial) zone and has a General Plan Land Use Designation of Light Commercial. The shopping center is adjacent to M-1 (Light Industrial) zoned properties to the west, C-3 (Heavy Commercial) and T-C (Transportation Corridor) zoned properties across Harbor Boulevard, to the east, and commercially developed properties across Westminster Avenue, to the south, located within the City of Santa Ana.

The applicant has initiated an application with the Department of Alcoholic Beverage Control for a new original ABC Type "21" (Off-Sale, General) License. The Municipal Code requires the approval of a Conditional Use Permit when there is an application for a new original ABC license.

**DISCUSSION:**

The new liquor store, Hero's Liquor and Market, will sell typical convenience and market items, including beer, wine, and distilled spirits for off-site consumption. The floor plan of the liquor store will consist of a cashier counter area, retail sales display area, storage and cooler areas for beverages and food items, and a unisex restroom.

Hours of operation will be from 6:00 a.m. to 2:00 a.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 high-crime district, and in an area of an even-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 Resolution No. 6005-20 for Conditional Use Permit No. CUP-193-2020.

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

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

1. Adopt the attached Resolution approving Conditional Use Permit No. CUP-193-2020, subject to the recommended Conditions of Approval.

LEE MARINO  
Planning Services Manager

By: Chris Chung  
Urban Planner

## RESOLUTION NO. 6005-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-193-2020, FOR A 1,724 SQUARE FOOT COMMERCIAL TENANT SPACE, TO BE OCCUPIED BY A NEW LIQUOR STORE, HERO'S LIQUOR AND MARKET, ON A PROPERTY LOCATED ON THE WEST SIDE OF HARBOR BOULEVARD, NORTH OF WESTMINSTER AVENUE, AT 13911 HARBOR BOULEVARD, ASSESSOR'S PARCEL NO. 100-130-72.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-193-2020, for 1,724 square foot commercial tenant space, to be occupied by a new liquor store, Hero's Liquor and Market, on a property located on the west side of Harbor Boulevard, north of Westminster Avenue, at 13911 Harbor Boulevard, Assessor's Parcel Nos. 100-130-72, 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-193-2020, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Girges Gad, with authorization of the property owner, Harbor Commercial Retail Center, LLC (Attn: Gilbert C. Rhee).
2. The applicant has requested Conditional Use Permit approval to allow a new liquor store, Hero's Liquor and Market, located at 13911 Harbor Boulevard, to operate with a new State Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, General) License.
3. The Planning Commission hereby determines that this project is exempt pursuant to Article 19, Section 15301, Existing Facilities, of the California Environmental Quality Act.
4. The property has a General Plan Land Use designation of Light Commercial, and is zoned C-2 (Community Commercial).
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 September 3, 2020, and all interested persons were given an opportunity to be heard.

8. The Planning Commission gave due and careful consideration to the matter during its meeting of September 3, 2020, and;

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

FACTS:

The subject site, located at the northwest corner of Harbor Boulevard and Westminster Avenue, is improved with an existing multi-tenant commercial shopping center, comprised of four (4) lots with a total area of 3.6 acres. The shopping center consists of two (2) primary commercial multi-tenant buildings and a commercial restaurant pad building. The subject 1,724 square foot tenant space under application is located at the north end of the shopping center. According to Business Tax and License records, the subject tenant space was previously occupied by a check cashing business. The tenant space is currently vacant.

The subject property is located in the C-2 (Community Commercial) zone and has a General Plan Land Use Designation of Light Commercial. The shopping center is adjacent to M-1 (Light Industrial) zoned properties to the west, C-3 (Heavy Commercial) and T-C (Transportation Corridor) zoned properties across Harbor Boulevard, to the east, and commercially developed properties across Westminster Avenue, to the south, located within the City of Santa Ana.

The applicant has initiated an application with the Department of Alcoholic Beverage Control for a new original ABC Type "21" (Off-Sale, General) License. The Municipal Code requires the approval of a Conditional Use Permit when there is an application for a new original ABC license.

The location of the new liquor store is in a high-crime district, and in an area with an even-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. 136.
- The crime count for the District is 211.
- Average crime count per district in the City is 97.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 118% 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. 890.03.
- ABC Census Reporting District No. 890.03 allows for four (4) off-sale licenses within the District. Currently, there are four (4) off-sale licenses in the District. The approval of this Conditional Use Permit will increase the number of off-sale

ABC Licenses in District 890.03 by one (1), and the total number of off-sale licenses in the District will be five (5).

PUBLIC CONVENIENCE OR NECESSITY:

Because the proposed establishment is located within a district with a high crime rate and in an area with an even-concentration of ABC licenses, pursuant to Business and Provisions Code Sections 23958 and 23958.4, ABC may not issue a new alcohol license to the applicant unless the Planning Commission determines that the public convenience or necessity would be served by issuance of the license. Although the subject site is located in an area considered to be in a high-crime district and in an area with an even-concentration of off-sale ABC licenses, a finding for public convenience or necessity is warranted given the potential community benefit through the operation of the retail store with an ABC Type "21" (Off-Sale, General) License, which 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. The Conditions of Approval will minimize potential impacts to the adjoining area. Provided the Conditions of Approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

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, and is zoned C-2 (Community Commercial). The Light Commercial land use designation is intended to allow a range of commercial activities that serve local residential neighborhoods and the larger community. Commercial retail stores, including liquor store, with retail sales of alcoholic beverages are conditionally permitted in the C-2 zone. This approval will allow the new liquor store to operate with an 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.

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. This approval will allow

the new liquor store to operate with an ABC Type "21" (Off-Sale, General) License. Standard conditions of approval for this type of ABC license have been included. The conditions of approval will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area.

The use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project. By operating as liquor store, with ancillary beer, wine, and distilled spirit sales for off-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. This approval only authorizes the new liquor store to operate with an ABC Type "21" (Off-Sale, General) License with ancillary beer, wine, and distilled spirit sales for off-site consumption only. 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 west side of Harbor Boulevard, north of Westminster Avenue, which are fully developed streets that provide adequate traffic circulation and driveway access to public parking areas. The site is also sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities. Approval authorizing the new liquor store to operate with an ABC Type "21" (Off-Sale, General) License 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 Planning Commission incorporates herein by this reference, the facts and reasons set forth in the staff report.

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-193-2020.



**EXHIBIT "A"**  
**Conditional Use Permit No. CUP-193-2020**

13911 Harbor Boulevard  
(Assessor's Parcel No. 100-130-72)

**CONDITIONS OF APPROVAL**

**General Conditions**

1. Each owner of the property shall execute, and the applicant shall record, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, on the property within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to the project applicant, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. This Conditional Use Permit only authorizes the operation of a new 1,724 square foot liquor store with ancillary beer, wine, and distilled spirit sales for off-site consumption only with a Type "21" ABC License (Off-Sale, General), as identified on the site plan and 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.
4. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the approved floor plan, site plan, or Conditions of Approval that would result in the intensification of the project or create impacts that have not been previously addressed, and which are determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.

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

**Public Works Engineering Division**

6. The applicant shall be subject to Traffic Mitigation Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.

**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 6:00 a.m. to 2:00 a.m., seven (7) days a week. However, if problems arise where the hours of operation need to be reduced in order to minimize any problems, the operator shall change the hours of operation, as prescribed by the Police Department.
9. There shall be no customers or patrons loitering in or about the premises during store hours of operation. If the store operators decide to close the store for short periods of time, there shall be no customers or patrons on 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. 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.
12. 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.
13. The business, prior to obtaining the Alcoholic Beverage Control (ABC) Type "21" 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. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010 (a).

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

15. Alcoholic beverages in containers of 16 ounces or less shall not be sold by single containers, and shall be sold in manufactured, pre-packaged, multiple-unit quantities.
16. No outside storage or displays shall be permitted at any time.
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 entrance, and shall also be visible to the public.
18. There shall be no pool tables or amusement devices 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 a sufficient number of times per week to accommodate all uses on the site.
25. Graffiti shall be removed from the premises, and all parking lots under the control of the licensee and/or the property owner, within 120 hours upon notification/application.
26. 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.
27. The applicant/property owner 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.
28. The applicant/property owner shall improve and maintain all existing landscaped areas on the property.
29. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
30. 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.
31. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
32. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-193-2020 shall be kept on the premises at all times.
33. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-193-2020 and his /her agreement with all conditions of the approval.
34. If deemed necessary by the Community and Economic Development Director, the Conditional Use Permit may be reviewed within one year from the date of

this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.

35. 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-193-2020. 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.
36. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division. In the event the use(s) authorized by the CUP cease and the property owner no longer desires to continue such use(s) on the property, property owner may voluntarily terminate the CUP and all rights and obligations thereunder by executing and recording a request for voluntary revocation and termination of the CUP in a form acceptable to the City.
37. 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-193-2020 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.

08/17/2020 05:59:45 PM  
**Ticket #144719**

**Status** Open  
**Priority** Normal  
**Department** Planning Help  
**Create Date** 08/14/2020 04:27:47 PM

**Name** Jack Noenickx  
**Email** jacknoenickx@heritage-foods.com  
**Phone**  
**Source** Email

**Assigned To** Chris Chung  
**SLA Plan** Planning SLA  
**Due Date** 08/19/2020 04:27:47 PM

**Help Topic** Planning  
**Last Response**  
**Last Message** 08/14/2020 04:27:47 PM

**Re: Conditional Use Permit No. CUP-193-2020**

08/14/2020 04:27:47 PM Re: Conditional Use Permit No. CUP-193-2020

Jack Noenickx



Ladies & Gentlemen,

I writing on behalf of parcel nos. 19803202, 19803212, 19803213 & 19803214 - which is a business located 4002 Westminster Blvd. (Stremicks Heritage Foods, LLC fka Adohr Farms LLC). We object to the issuance of an ABC Type 21 license to allow a new liquor store to operate at 13911 Harbor Blvd.

We feel that issuance of this proposed license and the opening of a new liquor store at this location will lead to an increase in unwanted homeless and transients in the area. There already is a liquor store in the strip mall on the Santa Ana side of the intersection of Harbor Blvd. and Westminster Ave. We believe that adding another liquor store to this major intersection will create unwanted loitering and foot traffic of homeless people and transients. This will create an unsafe and unsanitary area that residents and businesses in the immediate area will find unacceptable.

We ask that the Garden Grove Planning Division reject issuance of a Conditional Use Permit to allow a new liquor store at 13911 Harbor Blvd.

Thank you.

Jack P Noenickx

Stremicks Heritage Foods, LLC

4002 Westminster Avenue

Santa Ana, CA 92703-1310

714-775-5000

## RESOLUTION NO. 6005-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE DENYING CONDITIONAL USE PERMIT NO. CUP-193-2020, FOR A 1,724 SQUARE FOOT COMMERCIAL TENANT SPACE, TO BE OCCUPIED BY A NEW LIQUOR STORE, HERO'S LIQUOR AND MARKET, ON A PROPERTY LOCATED ON THE WEST SIDE OF HARBOR BOULEVARD, NORTH OF WESTMINSTER AVENUE, AT 13911 HARBOR BOULEVARD, ASSESSOR'S PARCEL NO. 100-130-72, AND DETERMINING THAT PUBLIC CONVENIENCE OR NECESSITY WOULD NOT BE SERVED BY ISSUANCE OF A NEW STATE ALCOHOLIC BEVERAGE CONTROL TYPE "21" LICENSE AT THIS LOCATION.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby deny Conditional Use Permit No. CUP-193-2020, for 1,724 square foot commercial tenant space, to be occupied by a new liquor store, Hero's Liquor and Market, on a property located on the west side of Harbor Boulevard, north of Westminster Avenue, at 13911 Harbor Boulevard, Assessor's Parcel No. 100-130-72, and hereby determines that public convenience or necessity would not 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-193-2020, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Girges Gad, with authorization of the property owner, Harbor Commercial Retail Center, LLC (Attn: Gilbert C. Rhee).
2. The applicant has requested Conditional Use Permit approval to allow a new liquor store, Hero's Liquor and Market, located at 13911 Harbor Boulevard, to operate with a new State Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, General) License.
3. Because the application is denied, the project is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15270(a).
4. The property has a General Plan Land Use designation of Light Commercial, and is zoned C-2 (Community Commercial).
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 September 3, 2020, and all interested persons were given an opportunity to be heard. The public hearing was closed.
8. The Planning Commission gave due and careful consideration to the matter during its meetings of September 3, 2020, and September 17, 2020, and;

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

FACTS:

The subject site, located at the northwest corner of Harbor Boulevard and Westminster Avenue, is improved with an existing multi-tenant commercial shopping center, comprised of four (4) lots with a total area of 3.6 acres. The shopping center consists of two (2) primary commercial multi-tenant buildings and a commercial restaurant pad building. The subject 1,724 square foot tenant space under application is located at the north end of the shopping center. According to Business Tax and License records, the subject tenant space was previously occupied by a check cashing business. The tenant space is currently vacant.

The subject property is located in the C-2 (Community Commercial) zone and has a General Plan Land Use Designation of Light Commercial. The shopping center is adjacent to M-1 (Light Industrial) zoned properties to the west, C-3 (Heavy Commercial) and T-C (Transportation Corridor) zoned properties across Harbor Boulevard, to the east, and commercially developed properties across Westminster Avenue, to the south, located within the City of Santa Ana.

The applicant has initiated an application with the Department of Alcoholic Beverage Control for a new original ABC Type "21" (Off-Sale, General) License. The Municipal Code requires the approval of a Conditional Use Permit when there is an application for a new original ABC license.

The location of the new liquor store is in a high-crime district, and in an area with an even-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. 136.
- The crime count for the District is 211.
- Average crime count per district in the City is 97.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 118% 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. 890.03.

- ABC Census Reporting District No. 890.03 allows for four (4) off-sale licenses within the District. Currently, there are four (4) off-sale licenses in the District. The approval of this Conditional Use Permit will increase the number of off-sale ABC Licenses in District 890.03 by one (1), and the total number of off-sale licenses in the District will be five (5), creating an undue-concentration of off-sale licenses.

#### FINDINGS AND REASONS:

In order to approve Conditional Use Permit No. CUP-193-2020, all of the findings set forth in Garden Grove Municipal Code Section 9.32.030(D)(4) must be made. In this case, based on the totality of information provided, the Planning Commission finds that not all of the required findings set forth in Section 9.32.030(D)(4) can be made for the following reasons:

- A. In order to approve the requested Conditional Use Permit, the Planning Commission must find 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.

Subsection 9.16.020.080.C.1 of the Garden Grove Municipal Code provides that in considering requests for conditional use permits for alcoholic beverage sales, "of particular concern will be...the compatibility of the proposed use with neighboring uses, and that no adverse effect on public health, safety or welfare will be created." Subsection 9.16.020.080.C.3 further provides, "The proposed use shall not be incompatible with the adjoining uses as it relates to noise, debris, traffic, storage, design and hours of operation, nor shall it create any adverse effect on public health, safety or welfare."

Because there would be an undue-concentration of off-sale licenses in ABC Census Reporting District No. 890.03, pursuant to Business and Professions Code Sections 23958 and 23958.4, ABC may not issue a new Alcoholic Beverage Control license to the Applicant unless the Planning Commission determines that public convenience or necessity would be served by issuance of the license. The Planning Commission cannot make a finding of public convenience or necessity. The Planning Commission finds that the proposal to open/add a new liquor store business to the subject vicinity, at this time, would potentially adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area.

Furthermore, Business and Professions Code Section 23958 states that an application for an ABC license shall be denied if issuance of the license would tend to create a law enforcement problem. The Planning Commission finds

that approval of the applicant’s request, to operate a new liquor store, would negatively intensify the existing crime conditions in a high-crime area where the crime count is 118% above the citywide average. The Planning Commission further finds that the applicant’s request will potentially put further strain on Police Department resources and increase the calls for service in an area that is significantly above the average crime count for the district. As a result, the Planning Commission is unable to make the required finding that the proposed 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.

RELIANCE ON THE RECORD

Unless otherwise provided, each and every one of the findings and conclusions in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Conditional Use Permit. The findings and conclusions constitute the independent findings and conclusions of the Planning Commission in all respects and are fully and completely supported by substantial evidence in the record as a whole. Unless otherwise provided, all summaries of information in this Resolution are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

- 1. The Conditional Use Permit does not possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
- 2. The applicant’s request for Conditional Use Permit No. CUP-193-2020 is denied in its entirety.

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

|  |   |
|--|---|
| <b>AGENDA ITEM NO.:</b> D.1.                             | <b>SITE LOCATION:</b> Northwest corner of Sungrove Street and Garden Grove Boulevard, at 12867 Garden Grove Boulevard |
| <b>HEARING DATE:</b> September 17, 2020                  | <b>GENERAL PLAN:</b> Light Commercial (LC)  |
| <b>CASE NO.:</b> Conditional Use Permit No. CUP-189-2020 | <b>ZONE:</b> C-1 (Neighborhood Commercial)  |
| <b>APPLICANT:</b> Geunwoo Yun                            | <b>CEQA DETERMINATION:</b> Exempt Section 15301 – Existing Facilities   |
| <b>PROPERTY OWNER:</b> Kyung S. Kim                      | <b>APN:</b> 231-572-18  |

**REQUEST:**

The applicant is requesting Conditional Use Permit (CUP) approval to operate an existing hotel, Holiday Inn Express, with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License, and Type "20" (Off-Sale, Beer and Wine) License.

**BACKGROUND:**

The property is an approximately 2.14-acre site located on the northwest corner of Sungrove Street and Garden Grove Boulevard, at 12867 Garden Grove Boulevard. The property has a General Plan Land Use Designation of Light Commercial, and is zoned C-1 (Neighborhood Commercial). The site is currently developed with a 103-room Holiday Inn Express hotel.

The subject property is adjacent to R-1 (Single-Family Residential) and R-3 (Multiple-Family Residential) uses to the north. The subject property is adjacent to Planned Unit Development No. PUD-136-00 residential uses to the west, across Sungrove Street. To the south, across Garden Grove Boulevard, the subject property is adjacent to Planned Unit Development No. PUD-102-74 office uses. Lastly, to the east, the subject property is adjacent to additional C-1 (Neighborhood Commercial) uses.

In 1999, the City of Garden Grove approved Site Plan No. SP-252-99 and Conditional Use Permit No. CUP-473-99 for the construction of a 103-room, three-story, "T" shaped hotel facility. In 2014, the Planning Commission approved Site Plan No. SP-005-2014, and Conditional Use Permit No. CUP-005-2014 allow the expansion of the hotel to include a new 1,106 square foot banquet facility, and a new 1,594 square foot outdoor patio. In early 2020, the hotel submitted plans for tenant

improvements, which included a redesign of their lobby, the addition of a small sundries shop, and an expanded breakfast area.

Now, the applicant is proposing the addition of alcohol sales to the operation of the hotel. Under application are two original State Alcohol Beverage Control (ABC) Licenses: a Type "20" (Off-Sale, Beer and Wine) License in the sundries shop, and a Type "41" (On-Sale, Beer and Wine, Public Eating Place) in the breakfast/bar area. Both licenses are to serve the hotel patrons only.

**DISCUSSION:**

A Conditional Use Permit is required to regulate the sale of alcohol under Type "20" (Off-Sale, Beer and Wine) and Type "41" (On-Sale, Beer and Wine, Public Eating Place) Alcoholic Beverage Control Licenses.

In January of 2020, the applicant submitted plans to refurbish the downstairs lobby area, and associated facilities. This included the breakfast area, which was expanded and reconfigured, and the addition of a sundries shop in the lobby. The plans have been approved for these tenant improvements, however, permits have yet to be issued.

The applicant is requesting a new original ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License in the remodeled breakfast area. As a part of the expansion of the breakfast area, a bar area will be created. Whereas in the morning the bar will be used to serve breakfast, in the evenings, the applicant is proposing to serve beer, wine, and bar foods. The service and consumption of alcohol will occur only in the evening, and not during the morning breakfast hours. Additionally, the consumption of alcohol will be restricted to the interior dining area only, and not on the outdoor patio.

The "bar" will be subject to the City's standard hours of operation for an approved State ABC Type "41" licensed establishment. The applicant has proposed standard business hours for the bar area from 5:00 p.m. to 11:00 p.m., Sunday through Thursday, and from 5:00 p.m. to 12:00 a.m., Friday and Saturday. "Last Call" for the sale and service of alcohol will be announced thirty (30) minutes prior to the required closing time. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Chief of the Police Department. The bar area is required to serve food during all hours of operation.

In the new sundries shop area, the applicant is requesting a new original ABC Type "20" (Off-Sale, Beer and Wine) License. With the remodeling of the front entrance lobby, a small nook will become a new sundries shop, selling snacks and other small travel essentials. There will be a single cooler in the sundries shop, displaying canned and bottled beer, along with water and other soft drinks. Alcohol sales from the sundries shop will be for patrons to consume in their hotel rooms.

The sundries store will be open twenty-four (24) hours a day. If problems arise, however, the hours of operation may be reduced as prescribed by the City. The sale of alcohol will only be permitted between 6:00 a.m. and 2:00 a.m., per Alcoholic Beverage Control regulations. During the hours in which alcohol sales are not permitted, the coolers displaying alcoholic beverages will need to be locked.

Both the bar area and the sundries shop area will limit the sale of alcohol to guests staying at the hotel. At no point will either area be open to the general public. The project has been conditioned as such.

The hotel is located in a high-crime district, and in an area with an over-concentration of Alcoholic Beverage Control on-sale and off-sale licenses. A summary of the district, along with findings for public convenience or necessity, can be found in Resolution No. 6006-20 for Conditional Use Permit No. CUP-189-2020.

The Community and Economic Development Department and the Police Department have reviewed the request and are in support of the proposal. All standard conditions of approval for State ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place), and State ABC Type "20" (Off-Sale, Beer and Wine) Licenses will apply.

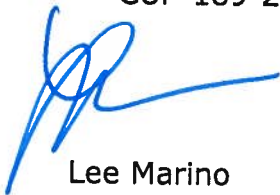
#### CEQA

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

#### **RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

1. Adopt Resolution No. 6006-20 approving Conditional Use Permit No. CUP-189-2020, subject to the recommended conditions of approval.



Lee Marino  
Planning Services Manager



By: Priit Kaskla  
Assistant Planner













# Attachment 1



| License No. | License Type | Orig. Iss. Date | Expir. Date | Primary Owner             | Premises Address            | Business Name                  |
|-------------|--------------|-----------------|-------------|---------------------------|-----------------------------|--------------------------------|
| 505266      | 21           | 1/21/2011       | 12/31/2020  | NICKEYS LIQUOR INC        | 12011-13 GARDEN GROVE BLVD  | NICKEYS LIQUOR                 |
| 547366      | 20           | 12/11/2014      | 11/30/2020  | K & C PACIFIC RIM, INC.   | 12161 GARDEN GROVE BLVD     | SHELL GAS STATION              |
| 575991      | 20           | 12/5/2016       | 11/30/2020  | ZAHAN CORP.               | 12442 LAMPSON AVE           | EXPRESS FOOD STORE             |
| 456423      | 20           | 11/13/2007      | 6/30/2021   | ELEVEN INC                | 12502 HARBOR BLVD           | 7 ELEVEN STORE                 |
| 541066      | 41           | 3/11/2014       | 2/28/2021   | CHAIYANIN, JATURAPORN     | 12541 & 12543 S HARBOR BLVD | THAI TANGERINE RESTAURANT      |
| 358270      | 41           | 11/4/1999       | 10/31/2020  | J & L RESTAURANT INC      | 12565 HARBOR BLVD           | TOKYO LOVE JAPANESE RESTAURANT |
| 556284      | 77           | 2/8/2016        | 1/31/2021   | GWGG, LLC                 | 12681 HARBOR BLVD           | GREAT WOLF LODGE               |
| 556284      | 47           | 2/8/2016        | 1/31/2021   | GWGG, LLC                 | 12681 HARBOR BLVD           | GREAT WOLF LODGE               |
| 556284      | 68           | 2/8/2016        | 1/31/2021   | GWGG, LLC                 | 12681 HARBOR BLVD           | GREAT WOLF LODGE               |
| 556902      | 41           | 10/21/2015      | 9/30/2020   | CAO, WENDY NGA            | 12801 HARBOR BLVD           | SAIGON 9 RESTAURANT            |
| 488377      | 47           | 7/1/2010        | 6/30/2021   | MON CHERI                 | 12821 HARBOR BLVD           | MON CHERI                      |
| 488377      | 58           | 7/1/2010        | 6/30/2021   | MON CHERI                 | 12821 HARBOR BLVD           | MON CHERI                      |
| 196149      | 41           | 5/8/1987        | 9/30/2020   | KIMRIKEL INCORPORATED     | 12829 HARBOR BLVD           | ROUND TABLE PIZZA              |
| 593222      | 41           | 6/21/2018       | 3/31/2021   | S & J GRAN CAFE           | 12835 HARBOR BLVD           | S & J GRAN CAFE                |
| 525177      | 21           | 12/21/2012      | 11/30/2020  | BODEGA LATINA CORPORATION | 12891 HARBOR BLVD           | EL SUPER                       |
| 547404      | 47           | 3/19/2015       | 12/31/2020  | ROBSTER HOSPITALITY LLC   | 12892 HARBOR BLVD           | RED LOBSTER #0518              |
| 173344      | 21           | 8/21/1985       | 6/30/2021   | THRIFTY PAYLESS, INC.     | 12897 HARBOR BLVD           | RITE AID STORE                 |
| 565891      | 41           | 3/18/2016       | 2/28/2021   | SUKJAI, LLC               | 12910 HARBOR BLVD           | FA SAI THAI & DESSERT BAR      |
| 564210      | 41           | 5/10/2016       | 4/30/2021   | TRUONG, KHANH LY          | 12912 HARBOR BLVD           | HAUS OF PIZZA                  |
| 427108      | 20           | 9/30/2005       | 8/31/2021   | BIG PAPPAS OIL INC        | 12931 GARDEN GROVE BLVD     | ARCO AM PM                     |

- Off-Sale License
- On-Sale License



## RESOLUTION NO. 6006-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-189-2020, FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF SUNGROVE STREET AND GARDEN GROVE BOULEVARD, AT 12867 GAREDN GROVE BOULEVARD, ASSESSOR'S PARCEL NO. 231-572-18.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in regular session assembled on September 17, 2020, does hereby approve Conditional Use Permit No. CUP-189-2020, for a property located at the northwest corner of Sungrove Street and Garden Grove Boulevard, at 12867 Garden Grove Boulevard, Assessor's Parcel No. 231-572-18, and hereby determines that public convenience or necessity would be served by issuance of both a new original State Alcoholic Beverage Control (ABC) Type "41 (On-Sale, Beer and Wine, Public Eating Place) License, and Type "20" (Off-Sale, Beer and Wine) License at this location.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-189-2020, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Geunwoo Yun ("The Applicant") for Holiday Inn Express.
2. The applicant is requesting Conditional Use Permit (CUP) approval to operate an existing hotel, Holiday Inn Express, with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License, and Type "20" (Off-Sale, Beer and Wine) License.
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 15301, Existing Facilities, of the CEQA Guidelines (14 Cal. Code Regs., Section §15301).
4. The property has a General Plan Land Use designation of Light Commercial, and is zoned C-1 (Neighborhood Commercial). The subject property is currently an approximately 2.14-acre lot, improved with an existing 103-room hotel.
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 September 17, 2020, 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 September 17, 2020, and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.32.030, are as follows:

FACTS:

The property is an approximately 2.14-acre site located on the northwest corner of Sungrove Street and Garden Grove Boulevard, at 12867 Garden Grove Boulevard. The property has a General Plan Land Use Designation of Light Commercial, and is zoned Neighborhood Commercial (C-1). The site is currently developed with a 103-room Holiday Inn Express hotel.

The subject property is adjacent to R-1 (Single-Family Residential) and R-3 (Multiple-Family Residential) uses to the north. The subject property is adjacent to Planned Unit Development No. PUD-136-00 residential uses to the west, across Sungrove Street. To the south, across Garden Grove Boulevard, the subject property is adjacent to Planned Unit Development No. PUD-102-74 office uses. Lastly, to the east, the subject property is adjacent to additional C-1 (Neighborhood Commercial) uses.

Now, the applicant is proposing the addition of alcohol sales to the operation of the hotel. Under application are two original State Alcohol Beverage Control (ABC) Licenses: a Type "20" (Off-Sale, Beer and Wine) License in the sundries shop, and a Type "41" (On-Sale, Beer and Wine, Public Eating Place) in the breakfast/bar area. Both licenses are to serve the hotel patrons only.

The applicant is requesting a new original ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License in the breakfast area. In the morning the area will be used to serve breakfast, in the evenings, the applicant is proposing to serve beer, wine, and bar foods. The "bar" will be subject to the City's standard hours of operation for an approved State ABC Type "41" licensed establishment. The applicant has proposed standard business hours for the bar area will be from 5:00 p.m. to 9:00 p.m., seven (7) days a week. "Last Call" for the sale and service of alcohol will be announced thirty (30) minutes prior to the required closing time. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Chief of the Police Department. The bar area is required to serve food during all hours of operation.

In the new sundries shop area, the applicant is requesting a new original ABC Type "20" (Off-Sale, Beer and Wine) License. A lobby sundries shop will sell snacks and other sundries. There will be a single cooler in the sundries shop, displaying canned and bottled beer, along with water and other soft drinks. The sundries store will be

open twenty-four (24) hours a day. If problems arise, however, the hours of operation may be reduced as prescribed by the City. The sale of alcohol will only be permitted between 6:00 a.m. and 2:00 a.m., per Alcoholic Beverage Control regulations. During the hours in which alcohol sales are not permitted, the coolers displaying alcoholic beverages will need to be locked.

The hotel is located in a high-crime district, and in an area with an over-concentration of both on-sale and off-sale Alcoholic Beverage Control Licenses. A summary of the district is as follows:

- The subject site is located in Crime Reporting District No. 154.
- The crime count for the District is 179.
- Average crime count per district in the City is 97.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 85% above the Citywide average; therefore, it is considered a high-crime area.
- The subject site is located in Alcoholic Beverage Control (ABC) Census Report District No. 885.02.
- ABC Census Reporting District No. 885.02 allows for three (3) off-sale licenses within the District. Currently, there are seven (7) off-sale licenses in the District. The approval of this new State ABC on-sale license will increase the number of licenses in the District to eight (8).
- ABC Census Reporting District No. 885.02 allows for six (6) on-sale licenses within the District. Currently, there are thirteen (13) on-sale licenses in the District. The approval of this new State ABC on-sale license will increase the number of licenses in the District to fourteen (14).

#### FINDING OF PUBLIC CONVENIENCE OR NECESSITY:

Because the establishment is located within a district with a high crime rate, and in an area with an over-concentration of ABC licenses, pursuant to Business and Provisions Code Sections 23958 and 23958.4, ABC may not issue new alcohol licenses to the applicant unless the Planning Commission determines that the public convenience or necessity would be served by issuance of the licenses.

Although the establishment is located in an area considered to be in a high-crime district, and in an area with an over-concentration of both off-sale and on-sale ABC licenses, a finding for public convenience or necessity is warranted given the potential community benefit through the addition of the two licenses. The two licenses would provide additional amenities that would enhance guest's stay at the hotel. 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 sundries shop selling alcohol for consumption in patrons' hotel rooms will be open for twenty-four (24) hours a day, but the sale of alcohol will be limited to 6:00 a.m. and 2:00 a.m., per Alcoholic Beverage Control regulations. During the hours in which alcohol sales are not permitted, the coolers displaying alcoholic beverages will need to be locked.

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 alcohol is served. 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. Live entertainment (karaoke, one-man band, solo performer, live music, etc.) shall not be permitted in the breakfast/bar area, unless approved via the conditional use permit process. Amplified music may be permitted for ambient purposes only, provided the music will not be audible outside the establishment.

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

The Community and Economic Development Department and the Police Department have reviewed the request and are supporting the proposal. All standard conditions of approval for a State ABC Type "41" and State ABC Type "20" Licenses will apply.

#### FINDINGS AND REASONS:

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

The subject property has a General Plan Land Use Designation of Light Commercial (LC) and is zoned C-1 (Neighborhood Commercial). Hotels, eating establishments with alcohol sales, and convenience stores with alcohol sales are all conditionally permitted in the C-1 zone. This approval will allow Holiday Inn Express to operate with a new State ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) license to sell beer and wine in their breakfast/bar area. This approval will also allow the subject hotel to operate with a new State ABC Type "20" (Off-Sale, Beer and Wine) license to sell beer and wine in their sundries shop. With the approval of the subject request, and provided that the conditions of approval are complied with, the use will be consistent with the General Plan and redevelopment plan.

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

or jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare.

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area, as the sale of alcohol is for hotel guests only. Also, sales of alcohol in the breakfast/bar area will be ancillary to the sale of food. The bar area is required to operate as a full service style restaurant that operates with the standard hours of operation that are applied to State ABC Type "41" licensed establishments. Food is required to be served during all hours of operation, and the sale of beer and wine will be incidental to the sale of food.

Furthermore, the sundries shop area is required to operate under the standard conditions that are applied to State ABC Type "20" licensed establishments. Both the bar and sundries shop areas will only be accessible to patrons with hotel reservations. This further minimizes the impact the proposed use will have on the surrounding area, as only hotel guests will have access to the alcohol sales as a part of this request.

The conditions of approval will minimize potential impacts to the adjoining area. Provided the conditions of approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area. The use will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site, provided the conditions of approval are adhered to for the life of the project.

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

The site, with the existing site improvements and modifications, is of adequate size to accommodate the proposed uses within the surrounding area. The first floor of the hotel will need to be modified to reconfigure the breakfast/bar area, and the lobby sundries shop. These modifications are all interior, and will not alter any existing site development features, including yards, walls, fences, parking and loading facilities, or landscaping.

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

The site is adequately served by one (1) driveway along Garden Grove Boulevard, and one (1) driveway located along Sungrove Street. The proposed tenant improvements as a part of the subject request are to the interior of the hotel only, and will not alter onsite traffic, or the adjacent streets.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. Conditional Use Permit No. CUP-189-2020 does possess characteristics that would indicate justification of the request in accordance with Municipal Code Sections 9.32.030 (Conditional Use Permits) and 9.16.020.080 (Alcoholic Beverage Sales).
2. In order to fulfill the purpose and intent of the Municipal Code, and thereby promote the health, safety, and general welfare, the following conditions of approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-189-2020.



## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-189-2020**

12867 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.
2. This Conditional Use Permit runs with the land, and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest. 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, Geunwoo Yun, 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 103-room hotel with an Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Eating Place) License and Type "20" (Off-Sale, Beer and Wine) License as identified on the floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Director.
5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the

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

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

### **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. There shall be no customers or patrons in or about the premises when the establishment is closed.
9. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
10. The 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.
11. 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.
12. 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).

### **Type 41 License**

13. Hours of operation for the breakfast/bar area shall be permitted from 5:00 p.m. to 11:00 p.m., Sunday through Thursday, and from 5:00 p.m. to 12:00 a.m., Friday and Saturday. 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.

14. There shall be no enclosed booths on the premises at any time. Walls and/or partitions exceeding thirty-six (36) inches in height, which partially enclose or separate booths, shall be of a clear and transparent material. No item shall be placed in the area of the booths that would limit or decrease the visibility of the interior of the business from any location within the business.
15. The 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.
16. The sale or service of alcohol shall cease thirty (30) minutes prior to the required closing time.
17. No payment (entrance fee/cover charge) shall be charged to gain access to the business at any time.
18. No "B-girl" or "hostess" activity (as defined in Penal Code Section 303) shall occur within the establishment at any time.
19. 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.
20. No employee or agent shall solicit or accept any alcoholic or nonalcoholic beverage from any customer while in the business.
21. The applicant shall maintain a level of lighting in the establishment sufficient to ensure that individuals inside the bar can be clearly seen and identified by an observer at all times. Low-level lighting that does not enable an observer to clearly see and identify individuals inside the restaurant is prohibited.

Type 20 License

22. Hours of operation for the sundries shop shall be permitted twenty-four (24) hours a day. The sale of alcohol in the sundries shop shall only be permitted

between 6:00 a.m. and 2:00 a.m., per Alcoholic Beverage Control regulations. 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.

**Community and Economic Development Department**

23. The bar area and the lobby sundries shop shall only be available to hotel guests with reservations.
24. 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.
25. 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.
26. There shall be no live entertainment, dancing, karaoke, DJ, or disc jockey 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.
27. There shall be no raised platform, stage or dance floor allowed on the premises at any time.
28. No amusement devices shall be permitted on the premises at any time.
29. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
30. 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.
31. 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.

32. 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.
33. 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.
34. 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.
35. 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.
36. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
37. 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.
38. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.
39. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).

Conditional Use Permit No. CUP-189-2020  
Conditions of Approval

40. 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 the windows, shall count toward the maximum window coverage area.
41. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit.
42. A copy of Resolution No. 6006-20 and the conditions of approval for Conditional Use Permit No. CUP-189-2020 shall be kept on the premises at all times.
43. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-189-2020 and his/her agreement with all conditions of the approval.
44. 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.
45. If deemed necessary by the Community and Economic Development Director, the Conditional Use Permit may be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.
46. 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-189-2020. 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.

47. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community and Economic Development Department, Planning Services Division. In the event the use(s) authorized by the CUP cease and the property owner no longer desires to continue such use(s) on the property, property owner may voluntarily terminate the CUP and all rights and obligations thereunder by executing and recording a request for voluntary revocation and termination of the CUP in a form acceptable to the City.
48. 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-189-2020 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.
49. 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.

#### Type 41 License

50. Approval of this Conditional Use Permit will allow for food and alcohol service within the existing breakfast area of the Holiday Inn Express to operate with a Type "41" ABC License, and for the sundries shop of said hotel to operate with a Type "20" ABC License. There shall be no additional changes in the design of the floor plan without the approval of the Community and Economic Development Department, Planning Division. Any additional changes in the approved floor plan, which has the effect of expanding or intensifying the present use, shall require a new Conditional Use Permit. No alcoholic beverages shall be sold until all conditions of approval have been met and the State Alcoholic Beverage Control Board (ABC) has approved the release of the ABC License.
51. The bar area shall be operated as a "Bona Fide Public Eating Place" as defined by Alcoholic Beverage Control (ABC) License. The area 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.

52. At all times when the breakfast/bar area 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.
53. Food service shall be provided during all hours the breakfast/bar area is open, and shall also be available at all times when alcoholic beverages are being served.
54. The applicant shall, upon request, provide the City of Garden Grove with an audited report of sales ratio of food to alcoholic beverages.

#### Type 20 License

55. Approval of this Conditional Use Permit will allow the existing sundries shop within the Holiday Inn Express to operate with a Type "20" ABC License. There shall be no additional changes in the design of the floor plan without the approval of the Community and Economic Development Department, Planning Division. Any additional changes in the approved floor plan, which has the effect of expanding or intensifying the present use, shall require a new Conditional Use Permit. No alcoholic beverages shall be sold until all conditions of approval have been met and the State Alcoholic Beverage Control Board (ABC) has approved the release of the ABC License.

#### **Public Works Water Services Division**

56. If required, 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.

57. If required, fire service shall have above-ground backflow device with a double-check valve assembly per City standard B-773. 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.
58. Commercial food use of any type shall require the installation of an approved grease interceptor prior to obtaining a business license. Plumbing plan for grease interceptor shall be routed to Environmental Services for review.
59. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations. Existing units are to be removed.

**Orange County Fire Authority**

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

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

|   |   |
|---|---|
| <b>AGENDA ITEM NO.:</b> D.2.                  | <b>SITE LOCATION:</b> Southeast corner of Chapman Avenue, and Harbor Boulevard, at 12002 Harbor Boulevard |
| <b>HEARING DATE:</b> September 17, 2020       | <b>GENERAL PLAN:</b> International West Mixed Use   |
| <b>CASE NO.:</b> Site Plan No. SP-090-2020    | <b>ZONE:</b> HCSP-TCB (Harbor Corridor Specific Plan – Tourist/Commercial “B”)                            |
| <b>APPLICANT:</b> 7 Leaves Café (Vinh Nguyen) | <b>CEQA DETERMINATION:</b> Exempt Section 15303 – New Construction or Conversion of Small Structures      |
| <b>PROPERTY OWNER(S):</b> Paul Andres         | <b>APN:</b> 231-491-03  |

**REQUEST:**

The applicant is requesting Site Plan approval to convert an existing 1,900 square foot drive-thru pharmacy building into a new drive-thru restaurant, 7 Leaves Café.

**BACKGROUND:**

The property is an approximately 14,891 square foot site located on the southeast corner of Chapman Avenue and Harbor Boulevard, at 12002 Harbor Boulevard. The property has a General Plan Land Use Designation of International West Mixed Use and is zoned HCSP-TCB (Harbor Corridor Specific Plan – Tourist/Commercial “B”). The site was most recently occupied by a drive-thru Walgreens Pharmacy.

The property is located in a mixed-use area. To the north, across Chapman Avenue, the subject site is adjacent to commercial uses in the City of Anaheim. To the east and south, the property is adjacent to commercial properties also zoned HCSP-TCB. Across Harbor Boulevard, to the west, the site is adjacent to hotel and commercial uses zoned Planned Unit Development No. PUD-122-98.

The existing drive-thru building was approved in 1996 under Site Plan No. SP-166-96. At that time, the project also received four (4) variances under Variance No. V-189-96: reduction in the minimum lot size, reduction in minimum lot frontage, a reduced landscape planter next to parking spaces, and the minimum number of parking spaces required. A Walgreens Pharmacy operated in the building from November 1997 to November 2019, according to Business License records. The applicant is now proposing to convert the 1,900 square foot drive-thru pharmacy into a drive-thru restaurant.

The applicant, 7 Leaves Café, will be leasing the subject location. They are a regional brand, with restaurants throughout California, Texas, and Nevada. The subject restaurant would be the twelfth (12<sup>th</sup>) 7 Leaves Café in Orange County, and the third (3<sup>rd</sup>) in Garden Grove. The other two Garden Grove locations are at 9786 Westminster Avenue, and 13481 Euclid Street. The subject location is their most northern location in the City, and their first drive-thru location in Garden Grove. This is to capitalize on the vehicular traffic generated by the resort area. A number of their other locations throughout the region have been built with drive-thrus already. A variety of tea and coffee drinks, as well as snack foods, are served at 7 Leaves Café.

The Harbor Corridor Specific Plan requires a site plan review for any rehabilitation, renovation, redevelopment, expansion, or intensification of existing use or structure. The subject request, as a conversion of space, and exterior façade improvements, would be considered a renovation and rehabilitation, thus requiring a site plan review.

**PROJECT STATISTICS:**

|  | <b>Provided</b>                               | <b>Code Requirement</b>  |
|--|---|--|
| <b>Minimum Lot Size<sup>1</sup></b>  | 14,891 S.F.                                   | 50,000 S.F. (1.15 Acres)   |
| <b>Lot Frontage<sup>1</sup></b>  | 135'-0"                                       | 180'-0"  |
| <b>Existing Building Setbacks</b><br>Front (West)<br>Rear (East)<br>Side (North)<br>Side (South) | 47'-0"<br>16'-0"<br>26'-9"<br>45'-1"          | 5'-0" for 50% of street frontage, 45'-0" for remaining 50%<br>0'-0"<br>5'-0" for 50% of street frontage, 45'-0" for remaining 50%<br>0'-0" |
| <b>Parking<sup>2</sup></b>   | 15 spaces<br>(9 striped, 6 drive-thru spaces) | 10 spaces  |
| <b>Building Height</b>   | 21'-2"  | 45'-0"   |
| <b>Landscaping</b>   | 30%<br>(4,481 S.F.)                           | 12%<br>(1,787 S.F.)  |
| <b>Parking Lot Landscaping<sup>1</sup></b>   | 2'-0"   | 5'-0"  |

<sup>1</sup>Previously approved variance under Variance No. V-189-96.

<sup>2</sup>Half the vehicle queuing length of the drive-thru lane is counted toward the required parking, including six (6) queuing spaces for the drive-thru restaurant

## **DISCUSSION:**

### Circulation, Parking, and Unit Design

The project will consist of converting 1,900 square feet of the existing drive-thru pharmacy building into a drive-thru restaurant. Changes to the building include the conversion of the interior to a restaurant use, an expansion of the drive-thru facilities, and façade improvements. The interior of the building will now feature a 297 square foot dining area, a service counter and cashier area, a kitchen area, a food prep area, and a restroom. The dining area, to the north of the building, is limited to a maximum of 300 square feet and sixteen (16) seats.

The existing drive-thru is being expanded to two queuing lanes to accommodate the anticipated demand for the restaurant. The drive-thru wraps around the north, west, and south sides of the building. Entering the queue from the north, patrons will reach a menu board on the west side of the building, parallel to Harbor Boulevard. After placing their orders, the two queuing lines converge. An order pick-up window is on the south side of the building, facing the parking lot. This drive-thru configuration maximizes the capacity of the drive-thru facility on-site, and will minimize the number of cars that line up on the adjacent streets. The configuration of the drive-thru and parking facilities was reviewed by the Engineering Division to minimize any possible impacts.

The design of the building will also provide new pedestrian access from Harbor Boulevard, south of the existing driveway approach. The new accessible path of travel will cross the parking lot, and the drive-thru, before reaching the front of the building. This pedestrian access also connects to the accessible parking spaces in the parking lot area.

The required number of parking spaces for a restaurant is based on the square footage of the building. The Harbor Corridor Specific Plan refers to the Municipal Code parking standards. In the Municipal Code, restaurants with a dining area less than 300 square feet and sixteen (16) seats require one (1) parking space per 200 square feet of building area. The converted building is 1,900 square feet in size. This requires ten (10) parking spaces. The site provides nine (9) striped parking spaces. In addition to the striped parking spaces, one-half (1/2) of the vehicles that can be queued in the drive-thru count toward the parking provided on-site. The redesigned drive-thru can queue twelve (12) cars. Therefore, the site provides a total of fifteen (15) parking spaces. Even with the changes to the design of the building, the parking requirements of the Harbor Corridor Specific Plan and the Municipal Code have been met.

### Building Design

The extent of the proposed facade improvements is comprehensive, revamping the entire look of the building. Gone is the squat building characterized by bricks and stucco, gabled roof, and large eaves. In its place is a more open building, with more windows, and more visual intrigue resulting from a larger variety of materials.

The improvements include cutting down the existing roof, adding a roof parapet, additional windows, and a facelift on the remainder of the exterior walls. Overall, the height of the building will increase by approximately one foot (1'-0") to twenty-one feet and two inches (21'-2").

The converted restaurant will be designed in a contemporary style. The new design appears sleeker, having trimmed some of the heavier design elements of the existing building. Instead of the roof structure and its eaves projecting beyond the footprint of the building, the new design rises more vertically than before. To counteract the relative flatness of the building, the roof parapets step down toward the middle of the building to add articulation. The parapet is capped by a steel band. In addition, the new windows add articulation, and provide more visual interest on the corner of Chapman Avenue and Harbor Boulevard. Lastly, the façade will be wrapped in new wood siding. While the siding is a common design feature found on many of their existing locations, the added siding complements the existing brick veneer that will remain.

The new color scheme has similarities to the restaurant's other locations throughout the region. Earthy colors, like beige, gray, and natural wood and steel are found throughout the building. This is contrasted by bright red signage found on their logo, and other corporate imaging. The building design meets all applicable Municipal Code requirements.

### Landscaping

Based on the landscape requirements of the Harbor Corridor Specific Plan, the site is required to provide a minimum of 1,787 square feet of landscaping on-site (12% of the overall site). The proposed site design will provide a total of 4,481 square feet of landscaping on the overall site, exceeding the Specific Plan requirements. In addition to the landscaping provided in all required setbacks, the Harbor Corridor Specific Plan requires a minimum five foot (5'-0") wide landscape planter along any parking area. The original approval of the subject building included a variance to reduce this landscape planter to only two feet (2'-0") wide.

To accommodate the double drive-thru queuing, some of the landscaping planters along Chapman Avenue and Harbor Boulevard will be reduced. In doing so, the project still maintains a minimum five foot (5'-0") wide landscape planter in that area, meeting the Harbor Corridor Specific Plan requirements. Furthermore, the applicant is adding a new landscape planter to visually separate the drive-thru queuing from the parking area, near the Harbor Boulevard driveway approach.

The applicant is required to submit a landscape and irrigation plan to the City that complies with the landscaping requirements of Title 9 of the Municipal Code, including the Landscape Water Efficiency Guidelines. All landscaping shall be watered by means of an automatic irrigation system meeting the City's Landscape Water Efficiency Guideline requirements for water conservation. A separate landscape application will be submitted, and a building permit will be obtained for the proposed on-site landscaping.

Variances

No variances are requested as a part of this Site Plan approval. When the building was originally approved, there were four (4) variances granted. All four (4) are still in effect. These variances include the following: a reduction in the minimum lot size, a reduction in the minimum lot frontage, a reduced landscape planter width next to parking spaces, and the minimum number of parking spaces required. Because the size and footprint of the building will not change, and the only improvements are a façade change, an expanded drive-thru, and a change of use, the variances previously approved are effective. It should be noted, however, that the variance for the minimum number of parking spaces is no longer required. With the expanded drive-thru queuing, the minimum number of required parking spaces is met on-site.

CEQA

CEQA's Class 3 exemption applies to conversions of small structures from one use to another where only minor modifications are made in the exterior of the structure (CEQA Guidelines §15303.). This includes restaurants not exceeding 2,500 square feet in floor area (CEQA Guidelines §15303.(c)). The subject request for the restaurant does not involve any hazardous materials, nor does it exceed 2,500 square feet in floor area. Therefore, the proposed project is exempt from CEQA.

**RECOMMENDATION:**

Staff recommends that the Planning Commission take the following action:

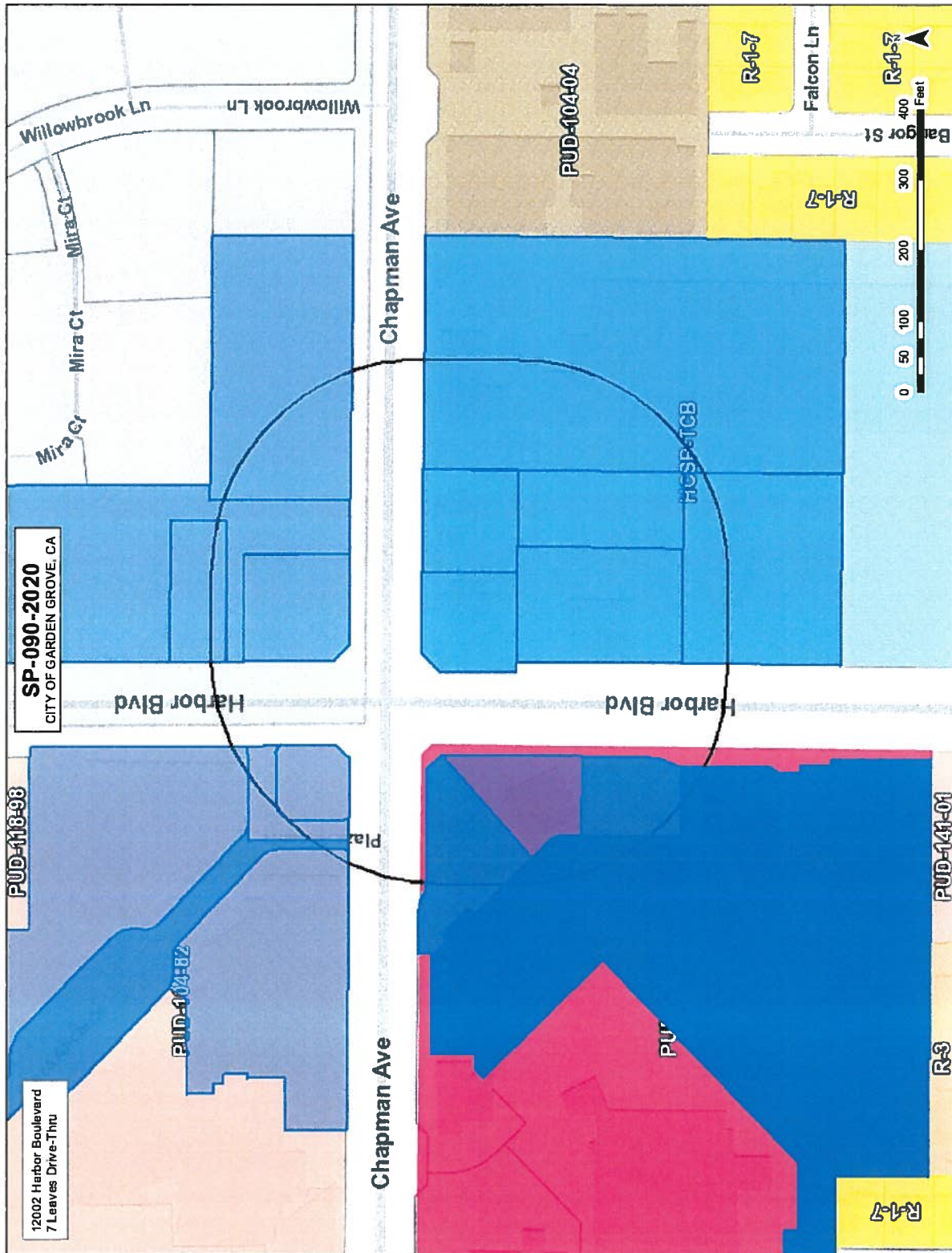
1. Adopt Resolution No. 6007-20, approving Site Plan No. SP-090-2020, subject to the recommended Conditions of Approval.



LEE MARINO  
Planning Services Manager



By: Priit Kaskla  
Assistant Planner







**TENANT IMPROVEMENT FOR  
 7 LEAVES CAFE**  
 12002 HARBOR BLVD  
 GARDEN GROVE, CA 92640

PROJECT NO: 2020-001  
 DATE: 08/20/20  
 DRAWN BY: D. Berman  
 CHECKED BY: J. Berman  
 APPROVED BY: J. Berman

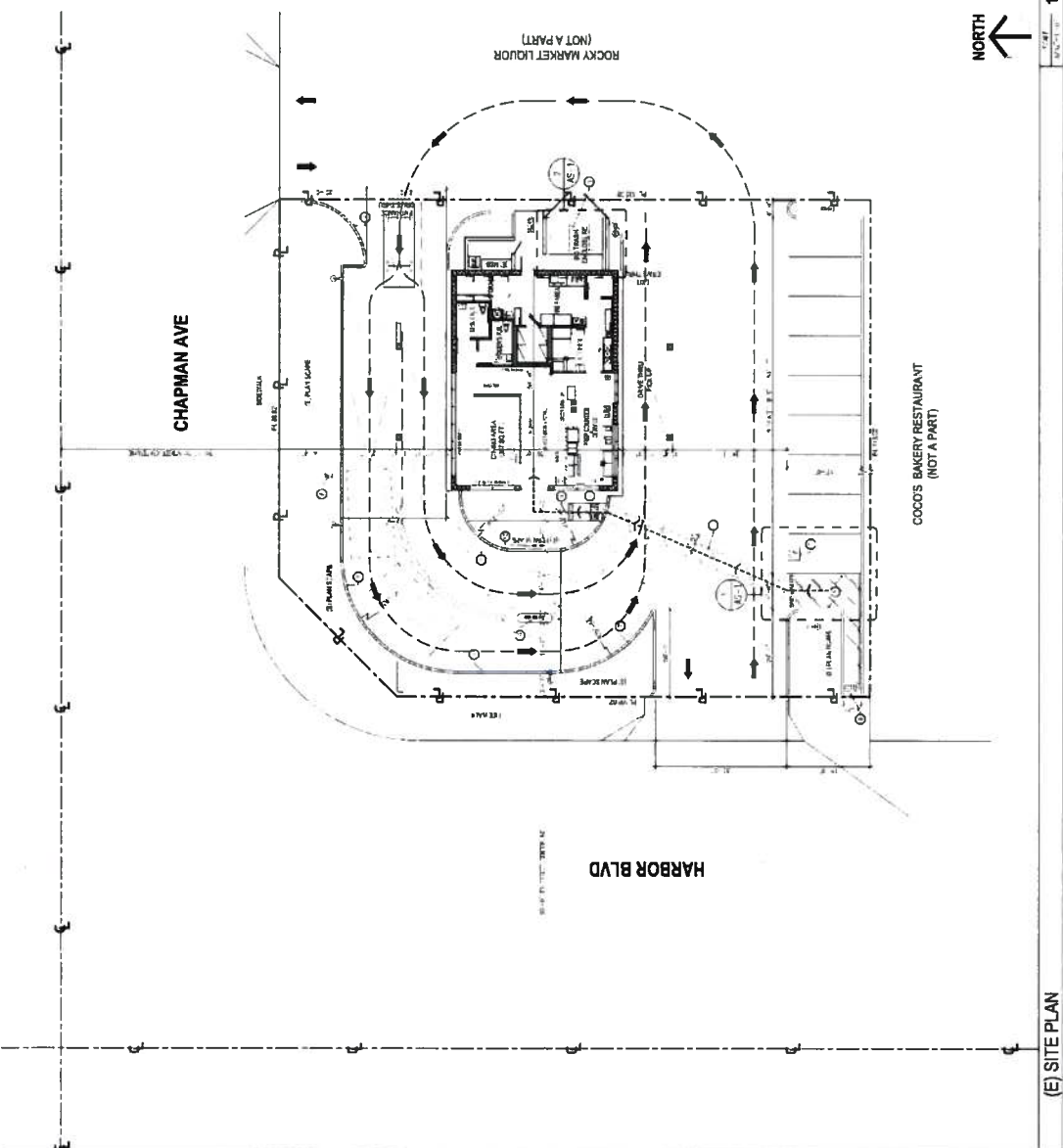
**SITE PLAN**  
**CS-2**

**SITE PLAN KEY NOTES**

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
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9. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

**LEGEND**

- 1. EXISTING CURB
- 2. EXISTING SIDEWALK
- 3. EXISTING DRIVEWAY
- 4. EXISTING DRIVEWAY
- 5. EXISTING DRIVEWAY
- 6. EXISTING DRIVEWAY
- 7. EXISTING DRIVEWAY
- 8. EXISTING DRIVEWAY
- 9. EXISTING DRIVEWAY
- 10. EXISTING DRIVEWAY



**(E) SITE PLAN**  
 SCALE: 1/8" = 1'-0"





DAVID D. PAPPAS  
Professional Engineer  
No. 10000  
State of California

BDP Engineering, Inc.  
12002 Harbor Blvd., Suite 200  
Garden Grove, CA 92640  
Phone: (714) 638-7887  
Email: bdpe@bdp.com

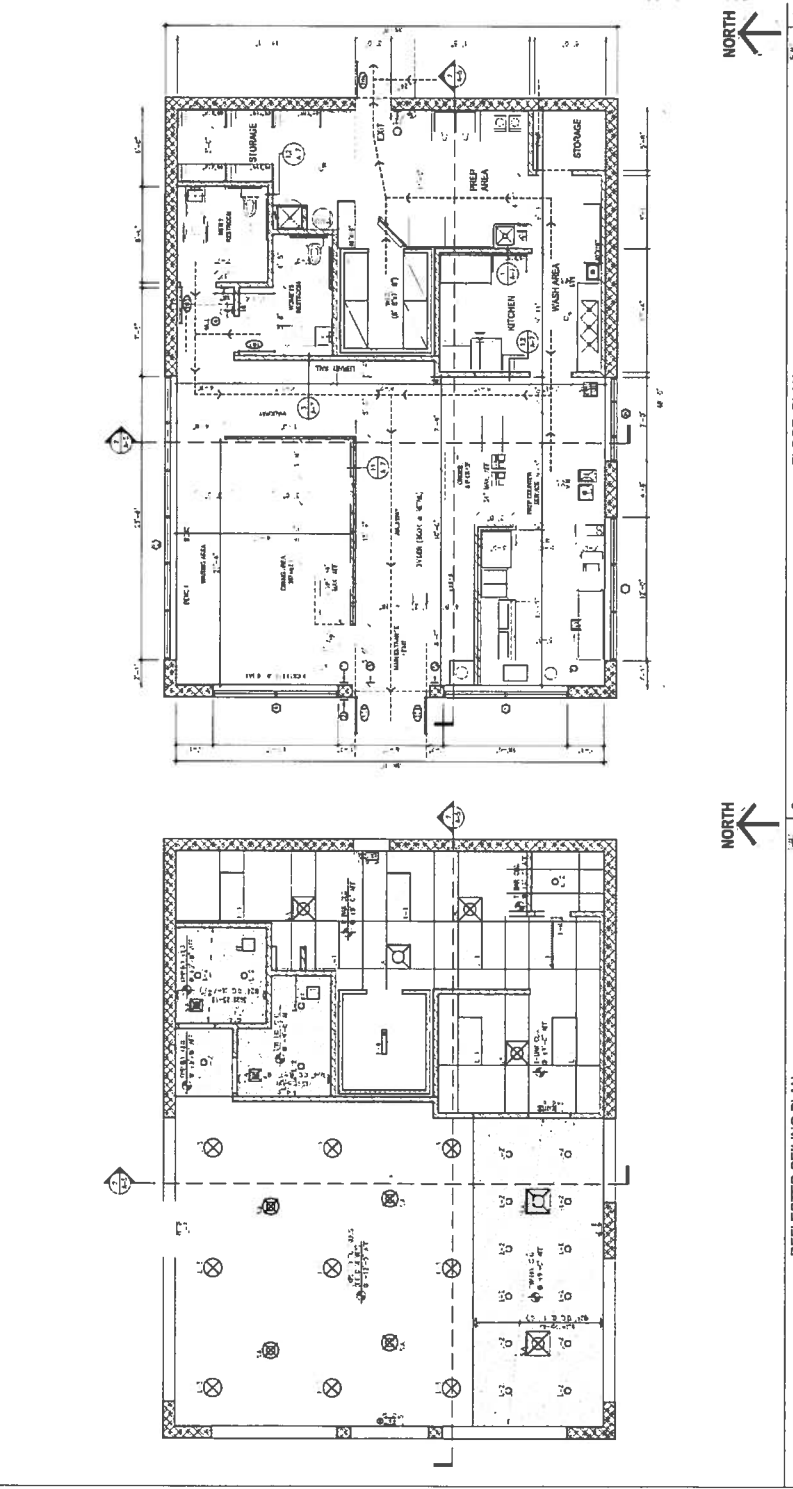
**TENANT IMPROVEMENT FOR  
7 LEAVES CAFE**  
12002 HARBOR BLVD  
GARDEN GROVE, CA 92640

| NO. | SYMBOL   | DESCRIPTION                 |
|-----|----------|-----------------------------|
| 1   | (Symbol) | 1/2" DIA. VENT CORROSION P. |
| 2   | (Symbol) | 1/4" DIA. VENT CORROSION P. |
| 3   | (Symbol) | 1/2" DIA. VENT CORROSION P. |
| 4   | (Symbol) | 1/4" DIA. VENT CORROSION P. |

FLOOR &  
REFLECTED  
CEILING PLANS

A-1

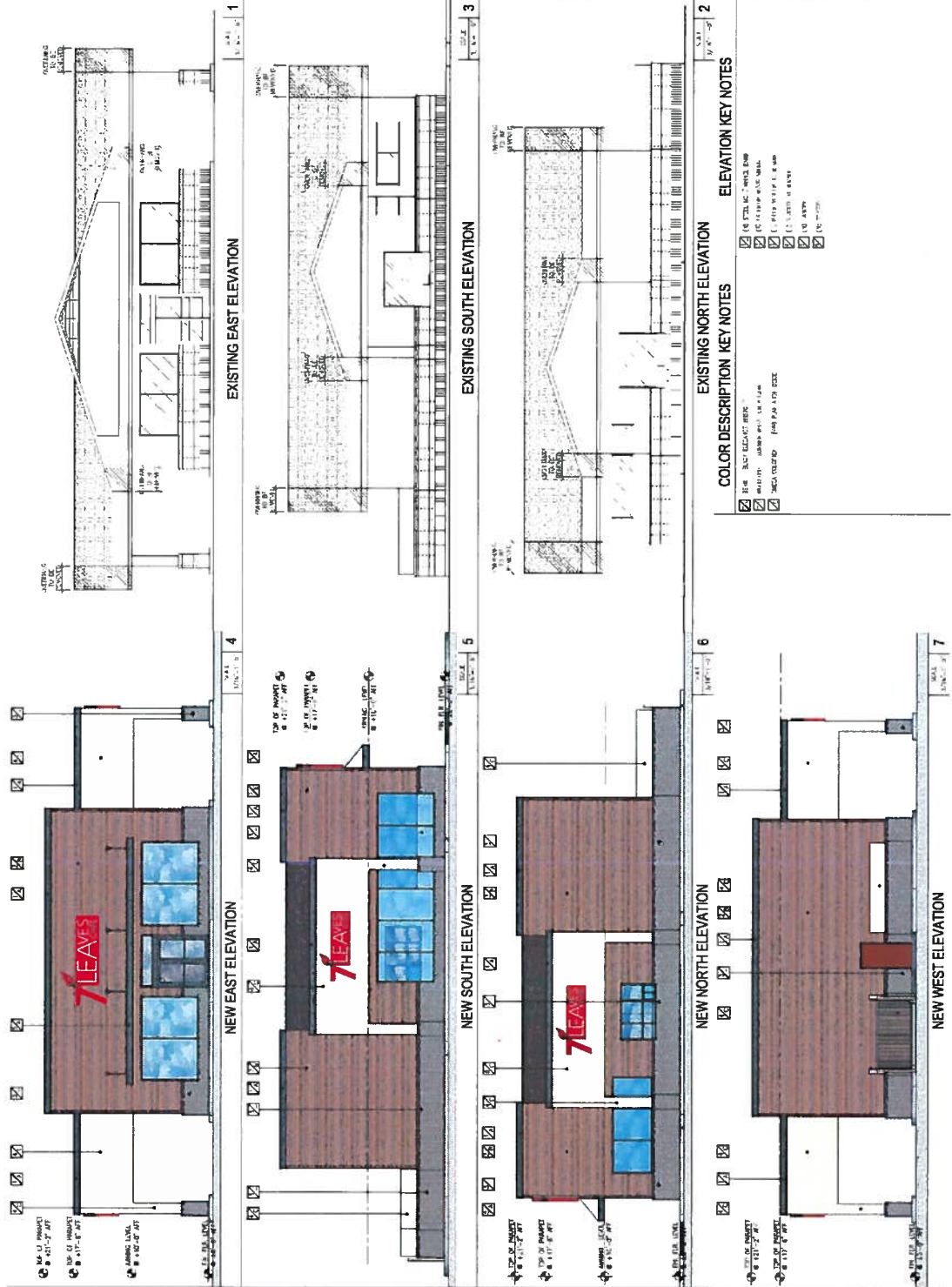
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|----------|-----------------------------|-----------------------------|
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| (Symbol) | 1/4" DIA. VENT CORROSION P. | 1/4" DIA. VENT CORROSION P. |
| (Symbol) | 1/2" DIA. VENT CORROSION P. | 1/2" DIA. VENT CORROSION P. |
| (Symbol) | 1/4" DIA. VENT CORROSION P. | 1/4" DIA. VENT CORROSION P. |



REFLECTED CEILING PLAN  
FLOOR PLAN  
A-1



**TENANT IMPROVEMENT FOR  
 7 LEAVES CAFE**  
 12002 HARBOR BLVD  
 GARDEN GROVE, CA 92840



| NO. | DATE     | DESCRIPTION          |
|-----|----------|----------------------|
| 1   | 10/20/17 | ISSUED FOR PERMITS   |
| 2   | 11/15/17 | REVISED PER COMMENTS |
| 3   | 12/15/17 | REVISED PER COMMENTS |
| 4   | 01/15/18 | REVISED PER COMMENTS |
| 5   | 02/15/18 | REVISED PER COMMENTS |
| 6   | 03/15/18 | REVISED PER COMMENTS |
| 7   | 04/15/18 | REVISED PER COMMENTS |
| 8   | 05/15/18 | REVISED PER COMMENTS |
| 9   | 06/15/18 | REVISED PER COMMENTS |
| 10  | 07/15/18 | REVISED PER COMMENTS |
| 11  | 08/15/18 | REVISED PER COMMENTS |
| 12  | 09/15/18 | REVISED PER COMMENTS |
| 13  | 10/15/18 | REVISED PER COMMENTS |
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| 15  | 12/15/18 | REVISED PER COMMENTS |
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| 96  | 09/15/25 | REVISED PER COMMENTS |
| 97  | 10/15/25 | REVISED PER COMMENTS |
| 98  | 11/15/25 | REVISED PER COMMENTS |
| 99  | 12/15/25 | REVISED PER COMMENTS |
| 100 | 01/15/26 | REVISED PER COMMENTS |

- EXISTING NORTH ELEVATION ELEVATION KEY NOTES**
- 1. 10' HIGH
  - 2. 10' HIGH
  - 3. 10' HIGH
  - 4. 10' HIGH
  - 5. 10' HIGH
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## RESOLUTION NO. 6007-20

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-090-2020 FOR PROPERTY ON THE SOUTHEAST CORNER OF CHAPMAN AVENUE AND HARBOR BOULEVARD, LOCATED AT 12002 HARBOR BOULEVARD, ASSESSOR'S PARCEL NO. 231-491-03.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove, in a regular session assembled on September 17, 2020, hereby approves Site Plan No. SP-090-2020 for a property located on the southeast corner of Chapman Avenue and Harbor Boulevard, at 12002 Harbor Boulevard, Assessor's Parcel No. 231-491-03.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-090-2020, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by 7 Leaves Café (Vinh Nguyen).
2. The applicant is requesting Site Plan approval for façade/building and site improvements with the conversion of an existing 1,900 square foot drive-thru pharmacy building into a new drive-thru restaurant, 7 Leaves Café.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove Planning Commission hereby determines that this project is categorically exempt from CEQA pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303).
4. The property has a General Plan Land Use Designation of International West Mixed Use and is zoned HCSP-TCB (Harbor Corridor Specific Plan – Tourist/Commercial "B"). The site is currently developed as an unoccupied, 1,900 square foot drive-thru pharmacy.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.
6. Report submitted by the City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on September 17, 2020, 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 September 17, 2020; and

BE IT FURTHER RESOLVED, FOUND AND DETERMINED that the facts and reasons supporting the conclusion of the Planning Commission, as required under Municipal Code Section 9.32.030 are as follows:

**FACTS:**

The property is an approximately 14,891 square foot site located on the southeast corner of Chapman Avenue and Harbor Boulevard, at 12002 Harbor Boulevard. The property has a General Plan Land Use Designation of International West Mixed Use and is zoned HCSP-TCB (Harbor Corridor Specific Plan – Tourist/Commercial “B”).

The property is located in a mixed-use area. To the north, across Chapman Avenue, the subject site is adjacent to commercial uses in the City of Anaheim. To the east and south, the property is adjacent to commercial properties also zoned HCSP-TCB. Across Harbor Boulevard, to the west, the site is adjacent to hotel and commercial uses zoned Planned Unit Development No. PUD-122-98.

The existing drive-thru building was approved in 1996 under Site Plan No. SP-166-96. At that time, the project also received four (4) variances under Variance No. V-189-96. A Walgreens Pharmacy operated in the building from November 1997 to November 2019, according to Business License records.

The applicant is now proposing to convert the 1,900 square foot drive-thru pharmacy into a drive-thru restaurant, 7 Leaves Café. Changes to the building include the conversion of the interior to a restaurant use with a dining area of 297 square feet, an expansion of the drive-thru facilities to a double-lane queuing system, and façade improvements.

The project has been designed to comply with the development standards of the HCSP-TCB zone, and the Garden Grove Municipal Code, except for those deviations granted under V-189-96.

**FINDINGS AND REASONS:**

**SITE PLAN**

1. The Site Plan complies with the spirit and intent of the provisions, conditions, and requirements of the General Plan, the Harbor Corridor Specific Plan, the Municipal Code, and other applicable ordinances.

The property has a General Plan Land Use Designation of International West Mixed Use and is zoned HCSP-TCB (Harbor Corridor Specific Plan – Tourist/Commercial “B”). The International West Mixed Use (IW) designation is intended to provide for a mix of uses, including resort, entertainment,

retail, hotel, and some higher density residential that are appropriate for a major entertainment and tourism destination. Development shall enliven the street and embody the entertainment/resort theme. The HCSP-TCB (Harbor Corridor Specific Plan – Tourist/Commercial “B”) zone is intended to provide retail commercial services within two (2) to five (5) miles of the Harbor Boulevard/Chapman Avenue intersection.

An existing drive-thru pharmacy will be converted into a new drive-thru restaurant, subject to the approval of the Site Plan for the proposed building façade improvements. The proposed project is compatible with the character of the surrounding land uses. The restaurant serves the needs of both tourists, and residents.

The project is designed to comply with the General Plan Land Use Designation, the development standards of the HCSP-TCB zone, and all other applicable ordinances, save for four (4) previously approved variances. This includes, but is not limited to, compliance with: setbacks, parking, building height, and landscaping. The four (4) variances for the subject building were approved under Variance No. V-189-96 in 1996. These variances from the Specific Plan are still in effect, except for the variance for the minimum number of parking spaces required. That variance was specifically tied to the previous use of the building as a pharmacy, which is no longer operating. The building’s contemporary design fits with the character of the surrounding tourist and commercial areas.

2. The proposed development does not adversely affect essential on-site facilities such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian access

The existing drive-thru is being expanded to two queuing lanes to accommodate the anticipated demand for the restaurant. The drive-thru wraps around three sides of the building, and can accommodate up to 12 cars in its queue. This maximizes the capacity of the drive-thru facility on-site, and will minimize the number of cars that line up on the adjacent streets. The configuration of the drive-thru and parking facilities was reviewed by the Engineering Division to minimize any possible impacts.

The design of the building will also provide new pedestrian access from Harbor Boulevard. This pedestrian access also connects to the parking area. The number of parking spaces provided on-site satisfies the Municipal Code requirements for off-street parking. The proposed development was designed to minimize any adverse impacts on the on-site facilities, including the parking, circulation, and access.

3. The development, as proposed, will not adversely affect essential public facilities such as streets and alleys, utilities, and drainage channels.

The streets in the area are adequate to accommodate the development. Existing utilities and drainage channels in the area are adequate to accommodate the development. The proposed development will continue to maintain landscaping and proper maintenance of the site, thereby not adversely impacting the area. Landscaping on-site exceeds the minimum percentage required by the Specific Plan, reducing the impact the project has on the surrounding area. The Public Works Department has reviewed the project, and has incorporated all the appropriate conditions of approval to minimize any adverse impacts.

4. The development does have a reasonable degree of physical, functional, and visual compatibility with neighboring uses and desirable neighborhood characteristics.

The subject development is located in highly-visible intersection within the City's resort area. The proposed project will be compatible with the rest of the surrounding neighborhood. Architecturally, the conversion has been designed with facades to be aesthetically complementary with the parts of the building to remain. A variety of colors, materials, and massing help create visual intrigue. Furthermore, the contemporary design is compatible with the nearby hotels, and other tourist/commercial facilities.

The project has been designed in accordance with the HCSP-TCB (Harbor Corridor Specific Plan – Tourist/Commercial "B") development standards. In particular, the project complies with the development standards of the HCSP-TCB zone, save for the previously approved variances.

The City's Community and Economic Development Department has reviewed the proposed project, and all appropriate conditions of approval have been incorporated to ensure physical, functional, and visual compatibility with the project's surroundings.

5. Through the planning and design of buildings and building replacement, the provision of open space landscaping and other site amenities will attain an attractive environment for the occupants of the property.

To accommodate the expanded driveway, the property will lose a portion of their landscape planter area along Chapman Avenue and Harbor Boulevard. Additional landscaping, however, will be added to visually screen the drive-thru. Furthermore, in the reduced planter areas, the existing landscaping will be rehabilitated, helping the site maintain an attractive appearance. The

redesigned façade will also be an improvement over the existing building. New colors, textures, and design will help create more visual intrigue, consistent with the Harbor Corridor Specific Plan purposes and goals.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan possesses characteristics that would justify the request in accordance with Municipal Code Section No. 9.32.030.D.3 (Site Plan).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the attached Conditions of Approval (Exhibit "A") shall apply to Site Plan No. SP-090-2020.

## **EXHIBIT "A"**

### **Site Plan No. SP-090-2020**

12002 Harbor 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, on the property. Proof of such recordation is required prior to issuance of building permits.
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, 7 Leaves Café, the developer of the project, the owner(s) and tenants(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 to the Conditions of Approval require approval by the Planning Commission.
3. Approval of this Site Plan 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 the Site Plan and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Community and Economic Development Director not to be minor in nature shall be subject to approval of new and/or amended land use entitlements by the applicable City hearing body.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

#### **Engineering Division**

6. To the extent applicable, the applicant shall be subject to Traffic Mitigation Fees, Drainage Facilities Fees, Water Assessment Fees, and other applicable mitigation fees identified in Chapter 9.44 of the Garden Grove Municipal Code, along with all other applicable fees duly adopted by the City. The amount of said fees shall be calculated based on the City's current fee schedule at the time of permit issuance.



7. All vehicular access drives to the site shall be provided in locations approved by the City Traffic Engineer.
8. Any modification to the existing drive approach to the site on Chapman Avenue shall be in accordance with Garden Grove Standard B-120 (Option #2).
9. All driving aisles shall have a minimum width of twenty-five feet (25'-0") in accordance with City of Garden Standard B-311.
10. All parking spaces that abut sidewalks that are not elevated with a curb face to the stall, if any, shall have wheel stops in order to prevent vehicle overhang into sidewalk. A minimum six foot (6'-0") wide sidewalk is required for parking spaces that are utilizing elevated sidewalk curb face as a wheel stop and must maintain a four foot (4'-0") minimum from the overhang of the vehicle bumper for ADA pathway.
11. No parallel curb parking shall be permitted anywhere on the site.
12. The applicant shall provide the City with documentation on existing reciprocal access agreement on the northeast corner of the property. Should no agreement exist, the applicant shall enter into an agreement with the adjacent property owner and record said agreement in a manner meeting the approval of the City Engineer prior to the issuance of a building permit.
13. The applicant shall submit a site improvement plan and horizontal control plan to the Building and Safety Division. The horizontal control plan shall provide approximately eighty feet (80'-0"), or four (4) vehicles lengths, between the service window and order board, and an additional eighty feet (80'-0"), or four (4) vehicle lengths, of queuing distance behind the order board, in conformance with the queuing requirements of City of Garden Grove Standard Plan B-312, and show curve data. The site improvement plan shall provide direction on removal and replacement of the drive thru improvements (landscaping, asphalt curb and outdoor digital menu board). Minimum grades on the site improvement plan shall be 0.50% for concrete flow lines and 1.25% for asphalt.
14. A separate street permit is required for work performed within the public right-of-way.
15. In accordance with the Orange County Storm Water Program manual, the applicant and/or its contractors shall provide dumpsters on-site during construction, unless an Encroachment Permit is obtained for placement in street.
16. All trash container areas shall meet the following requirements per City of Garden Grove Standard B-502:

- a. Paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, screened or walled to prevent off-site transport of trash;
  - b. Provide solid roof or awning to prevent direct precipitation;
  - c. Connection of trash area drains to the municipal storm drain system is prohibited;
  - d. Potential conflicts with fire code and garbage hauling activities should be considered in implementing this source control;
  - e. See CASQA Storm Water Handbook Section 3.2.9 and BMP Fact Sheet SD-32 for additional information.
  - f. The trash shall be located to allow pick-up and maneuvering, including turnarounds, in the area of enclosures.
17. The applicant shall identify a temporary parking site(s) for construction crew and construction trailers office staff prior to issuance of a building permit. No construction parking is allowed on local streets.
  18. Prior to issuance of a building permit, the applicant shall submit and obtain approval of a work-site traffic control plan, satisfactory to the City Traffic Engineer.
  19. Heavy construction truck traffic and hauling trips shall occur outside of peak travel periods. Peak travel periods are considered to be from 7:00 a.m. to 9:00 a.m., and 4:00 p.m. to 6:00 p.m.
  20. Any required lane closures should occur outside of peak travel periods.
  21. Construction vehicles should be parked off traveled roadways in a designated parking.
  22. Prior to issuance of the a building permit, the applicant shall design and construct street frontage improvements as identified below:

Chapman Avenue

- a. Remove and replace the existing substandard driveway approach to the site on Chapman Avenue in accordance with City of Garden Grove Standard Plan B-120 (option #2).
- b. Applicant shall coordinate the location of all new water meters, backflow preventers and backflow devices to be placed in sidewalk/landscape

area on Chapman Avenue with the Planning Services Division, and the Water Services Division.

- c. Any proposed new landscaping in public right-of-way shall be consistent with the existing landscaping, and be approved by the Planning Services Division and the Public Works Department, Streets Division.

### **Public Works Environmental**

23. The applicant shall install a new grease control device.
24. The trash enclosure area shall be in compliance with Assembly Bill Nos. AB 341 and AB 1826.

### **Water Services Division**

25. New water service installations 2" and smaller, shall be installed by the City of Garden Grove at owner's/developer's expense. Installation shall be scheduled upon payment of applicable fees, unless otherwise noted. Fire services and larger water services 3" and larger, shall be installed by developer/owner's contractor per City standards.
26. Water meters shall be located within the City right-of-way. Fire services and large water services 3" and larger, shall be installed by contractor with Class A or C-34 license, per City water standards and inspected by approved Public Works inspection.
27. 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.
28. A composite utility site plan shall be part of the water plan approval.
29. City shall determine if existing water services(s) is/are usable and meets current City Standards. Any existing meter and service located within new driveway(s) shall be relocated at owner's expense.
30. If required, fire service shall have above-ground backflow device with a double-check valve assembly. Device shall be tested immediately after installation and once a year thereafter by a certified backflow device tester and the results

to be submitted to Public Works, Water Services Division. Device shall be on private property and is the responsibility of the property owner. The above-ground assembly shall be screened from public view as required by the Planning Services Division.

31. Water meters and boxes shall be installed by City forces upon payment of applicable fees and after new water system (including water services) pass all bacteriological and pressure tests.
32. Commercial food use of any type shall require the installation of an approved grease interceptor prior to obtaining a business license. Plumbing plan for grease interceptor shall be routed to Environmental Services for review.
33. A properly sized grease interceptor shall be installed on the sewer lateral and maintained by the property owner. There shall be a separate sanitary waste line that will connect to the sewer lateral downstream of the grease interceptor. All other waste lines shall be drained through the grease interceptor. Grease interceptor shall be located outside of the building and accessible for routine maintenance. The owner shall maintain comprehensive grease interceptor maintenance records and shall make them available to the City of Garden Grove upon request.
34. Food grinders (garbage disposal devices) are prohibited per Ordinance 6 of the Garden Grove Sanitary District Code of Regulations. Existing units are to be removed.
35. If new sewer lateral is required, it shall be installed with clean-out at right-of-way line. Lateral in public right-of-way shall be 6" minimum diameter, extra strength VCP with wedgelock joints.
36. The contractor shall abandon any existing unused sewer lateral(s) at street right-of-way on the property owner's side. The sewer pipe shall be capped with an expansion sewer plug and encased in concrete.
37. If applicable, all perpendicular crossings of the sewer, including laterals, shall maintain a vertical separation of minimum 12" below the water main, outer diameter to outer diameter. All exceptions to the above require a variance from the State Water Resources Control Board.
38. If water main is exposed during installation of sewer lateral, a twenty-foot (20'-0") section of the water main shall be replaced with twenty feet (20'-0") PVC C-900 DR-14 class 305 water pipe, size in kind, and centered at the crossing.

**Building and Safety Division**

39. The project shall comply with the requirements of the 2019 California Building Standards Code.
40. All single-user restrooms shall be identified as unisex restrooms.
41. The project shall be accessible, and shall comply with the requirements of California Building Code (CBC) 11B.

**Orange County Fire Authority**

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

**Community and Economic Development Department**

43. The restaurant shall be limited to a maximum 300 square foot customer dining area, with a maximum of 16 seats.
44. There shall be no deliveries to or from the premises between the hours of 10:00 p.m. and 8:00 a.m., seven (7) days a week.
45. 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.
46. 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.
47. 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.
48. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
49. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or

- signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows. Any opaque material applied to the store front, such as window tint, shall count toward the maximum window coverage area.
50. Exterior advertisements displays or exterior wall advertisements shall not be allowed.
  51. Any modifications to existing signs or the installation of new signs shall require approval by the Community and Economic Development Department, Planning Services Division prior to issuance of a building permit. Any new monument sign shall comply with the Harbor Boulevard Sign Overlay Program Guide.
  52. Hours and days of construction and grading shall be as follows as set forth in the City of Garden Grove's Municipal Code Chapter 8.47 as adopted, except that:
    - a. Monday through Saturday - not before 7 a.m. and not after 8 p.m. (of the same day).
    - b. Sunday and Federal Holidays may work same hours, but subject to noise restrictions as stipulated in Chapter 8.47 of the Municipal Code.
  53. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust) that includes dust minimization measures, the use of electricity from power poles rather than diesel or gasoline powered generators, and the use methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment, where feasible. Also, the use of solar or low-emission water heaters, and use of low-sodium parking lot lights, and to ensure compliance with Title 24.
  54. No exterior piping, plumbing, roof top access ladders, or mechanical ductwork shall be permitted on any exterior facade and/or be visible from any public right-of-way or adjoining property.
  55. Any and all correction notice(s) generated through the plan check and/or inspection process is/are hereby incorporated by reference as conditions of approval and shall be fully complied with by the owner, applicant and all agents thereof.
  56. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Services Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
  57. Building color and material samples shall be submitted to the Planning Services Division for review and approval prior to issuance of building permits.

58. All lighting structures shall be placed so as to confine direct rays to the subject property. All exterior lights shall be reviewed and approved by the Planning Division. Lighting adjacent to residential properties shall be restricted to low decorative type wall-mounted lights, or a ground lighting system. Lighting shall be provided throughout all private drive aisles and entrances to the development per City standards for street lighting.
59. The site improvements and subsequent operation of the site/business(es) shall adhere to the following:
  - a. There shall be no business activities, or storage permitted outside of the building. All business related equipment and material shall be kept inside the building except for loading or unloading purposes.
  - b. Property owners, employees, and business operators shall not store vehicles anywhere on the site.
  - c. All drive aisles on the site are considered to be fire lanes and shall remain clear and free of any materials, and/or vehicles.
60. The property owner shall comply with the adopted City Noise Ordinance.
61. All landscaping shall be consistent with the landscape requirements of the Landscape Water Efficiency Guidelines (Appendix A), per Title 9 of the Municipal Code, and also the landscaping theme for Harbor Boulevard/International West Resort Area. The applicant shall submit a separate and complete Water Efficient Landscape Plan for each property. The water efficient landscape submittals shall include landscape plans, irrigation plans, soils report, grading plans, and all other applicable documentation. The landscape plans shall include type, size, location, and quantity of all plant material. The landscape plans are also subject to the following:
  - a. A complete, permanent, automatic remote control irrigation system shall be provided for all landscaping areas shown on the plans. The sprinklers shall be of low flow/precipitation sprinkler heads for water conservation.
  - b. The plans shall provide a mixture of a minimum of ten percent (10%) of the trees at 48-inch box, ten percent (10%) of the trees at 36-inch box, fifteen percent (15%) of the trees at 24-inch box and sixty percent (60%) of the trees at 15-gallon, the remaining five percent (5%) may be of any size. These trees shall be incorporated into the landscaped frontages of all streets. Where clinging vines are considered for covering walls, drought tolerant vines shall be used.
  - c. No trees shall be planted closer than five feet (5'-0") from any public right-of-way. Trees planted within ten feet (10'-0") of any public right-of-way shall be planted in a root barrier shield. All landscaping along

street frontages adjacent to driveways shall be of the low height variety to ensure safe sight clearance.

- d. The landscape treatments along Harbor Boulevard, Chapman Avenue, and the area designated as public right-of-way, shall incorporate a mixture of ground cover, flowerbeds, and shrubs. The height of the plant material, and any fences located within the front setback areas shall not exceed three feet (3'-0") in height, in order to ensure visibility to the site from the public rights-of-way.
  - e. Landscape treatments and irrigation shall be installed within the front, side, and rear setback areas of both properties. The landscaping shall incorporate a mixture of ground cover, flowerbeds, shrubs, and trees. The Community and Economic Development Department shall review the type and location of all proposed trees.
  - f. The applicant shall be responsible for all installation and permanent maintenance of all landscaping on the properties. Said responsibility shall extend to the parkway landscaping, sidewalk, curb, and pavement of the site. All planting areas are to be kept free of weeds, debris, and graffiti.
  - g. All above-ground utilities (e.g., water backflow devices, electrical transformers, irrigation equipment, etc.) shall be shown on the landscaping plans in order to ensure proper screening.
  - h. The landscape plans shall incorporate and maintain, for the life of the project, means and methods to address water run-off, also identified as Low Impact Development (LID) provisions which address water run-off. This is to also to be inclusive of any application of Water Quality Management Plans (WQMP), Drainage Area Management Plans (DAMP), and any other water conservation measures applicable to this type of development.
  - i. The applicant shall be responsible for installing and maintaining all landscaped areas.
  - j. The applicant shall provide a row of columnar trees along the northern and western property lines in order to screen the views of the adjacent residential properties.
62. During construction, if paleontological or archaeological resources are found, all attempts will be made to preserve in place or leave in an undisturbed state in compliance with CEQA.
  63. A copy of the resolution, including the conditions approving Site Plan No. SP-090-2020, shall be kept on the premises at all times.



64. The applicant/property owner shall submit signed letters acknowledging receipt of the decision approving Site Plan No. SP-090-2020, and his/her agreement with all conditions of approval.
65. 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 Site Plan No. SP-090-2020. 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.
66. In accordance with Garden Grove Municipal Code Sections 9.32.160 and 9.40.070.A, respectively, the rights granted pursuant to Site Plan No. SP-090-2020 shall be valid for a period of one (1) year from the effective date of this approval. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of the Municipal Code, the rights conferred by Site Plan No. SP-090-2020 shall become null and void if the subject development and 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. In the event construction of the project is commenced but not diligently advanced until completion, the rights granted pursuant to Site Plan No. SP-090-2020 shall expire if the building permits for the project expire.