



AGENDA

ZONING ADMINISTRATOR MEETING

Garden Grove Community Meeting Center
11300 Stanford Avenue

Thursday, November 9, 2023

9:00 a.m.

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

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

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

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

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

1. PUBLIC HEARING ITEM(S):

a. [CONDITIONAL USE PERMIT NO. CUP-249-2023](#)

APPLICANT: G&M Oil Co., LLC
LOCATION: 8032 Garden Grove Boulevard

REQUEST: A request for Conditional Use Permit approval to upgrade an existing State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer & Wine) License to a new State ABC

Type "21" (Off-Sale, General) License for an existing 2,813 square foot convenience store, ExtraMile, on a site currently improved with a Chevron gas service station. The site is in the GGMU-1 (Garden Grove Boulevard Mixed Use 1) zone. Upon approval and exercising of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-433-99, which allowed the convenience store, to operate with an ABC Type "20" (Off-Sale, Beer & Wine) License, shall be revoked and become null and void. In conjunction with the request, the zoning administrator will also consider a determination that the project is categorically exempt from the California environmental quality act (CEQA), Pursuant to section 15301- Existing Facilities- of the state CEQA guidelines.

2. COMMENTS BY THE PUBLIC
3. ADJOURNMENT

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: 1.a.	SITE LOCATION: Southeast corner of Garden Grove Boulevard and Beach Boulevard, at 8032 Garden Grove Boulevard
HEARING DATE: November 9, 2023	GENERAL PLAN: Residential / Commercial Mixed Use 1
CASE NO.: Conditional Use Permit No. CUP-249-2023	ZONE: GGMU-1 (Garden Grove Boulevard Mixed Use 1)
APPLICANT: G & M Oil Co., LLC	CEQA DETERMINATION: Exempt – Section 15301 – Existing Facilities
PROPERTY OWNER: G & M Realco, LLC	APN: 096-282-23

REQUEST:

The applicant is requesting approval of a Conditional Use Permit to allow an existing convenience store, ExtraMile, on a site currently improved with a service station, Chevron, to upgrade an existing State Alcoholic Beverage Control (ABC) Type "20" (Off-Sale, Beer and Wine) License to a new State ABC Type "21" (Off-Sale, General) License. Upon approval and exercising of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-433-99, which allowed the convenience store, to operate with an ABC Type "20" (Off-Sale, Beer and Wine) License, shall be revoked and become null and void.

BACKGROUND:

The approximately 0.9 acre subject site is an irregular-shaped corner lot currently improved with an existing Chevron gas service station with an ExtraMile convenience market and twenty-five (25) surface parking spaces, located at 8032 Garden Grove Boulevard, at the southeast corner of Garden Grove Boulevard and Beach Boulevard. The site has a General Plan Land Use designation of Residential/Commercial Mixed Use 1, and is zoned GGMU-1 (Garden Grove Boulevard Mixed Use 1). The subject site is adjacent to GGMU-1 zoned properties to the east, south, and across Beach Boulevard, to the west, currently improved with commercial uses, such as retail, restaurants, lodging facilities, financial institutions, and a carwash, and properties to the north, across Garden Grove Boulevard, located in the City of Stanton, also improved with commercial uses. Vehicular access to the site is via one (1) shared driveway off of Garden Grove Boulevard.

The subject tenant space is approximately 2,813 square feet in size. According to Business Tax records, the subject tenant space has been in operation as a gas station with convenience store since 2000 under different ownership. The applicant took ownership of the subject business in March 2005. On February 17, 1999, the City of Garden Grove Planning Commission approved Conditional Use Permit No. CUP-433-99

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to allow the existing convenience store to operate with an original Alcoholic Beverage Control Type "20" (Off-Sale, Beer and Wine) License.

The applicant has submitted a request to upgrade the existing ABC Type "20" (Off-Sale, Beer and Wine) License to a new original ABC Type "21" (Off-Sale, General) License. Municipal Code Section 9.16.020.080.B requires the approval of a Conditional Use Permit when there is an application for a new original ABC license.

DISCUSSION:

The interior of the ExtraMile convenience store will continue to consist of a cashier counter area, a sales area with coolers and display shelves, office, storage rooms, and restrooms. There are no proposed changes to the existing floor plan or to the operation of the business.

The store will be open twenty-four (24) hours a day, seven (7) days a week, with alcohol sales to cease from 2:00 a.m. to 6:00 a.m. The distilled alcohol will be stored in a lock cabinet behind the cashier. In the event problems arise concerning the operation of the business, the hours of operation may be reduced by order of the Chief of the Police Department.

The subject property is located in a high-crime district, and in an area with 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 Decision No. 1846-23 for Conditional Use Permit No. CUP-249-2023.

The existing Conditional Use Permit No. CUP-433-99 was approved to allow the existing convenience store to operate with an original Alcoholic Beverage Control Type "20" (Off-Sale, Beer and Wine) License. Upon approval and exercising of Conditional Use Permit No. CUP-249-2023, for the ABC Type "21" (Off-Sale, General) License, CUP-433-99 shall be revoked, and become null and void.

Approval of this Conditional Use Permit will establish conditions of approval to regulate the operation of the convenience store to minimize potential impacts to the community due to the sale of alcohol.

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

CEQA:

CEQA's Class 1 exemption applies to the operation, repair, maintenance, permitting, leasing, licensing, and minor alterations of existing facilities, with negligible or no expansion of use (CEQA Guidelines §15301). The subject location is an existing tenant space. In addition, a convenience store with alcohol sales is conditionally permitted in the GGMU-1 zone. Provided the conditions of approval are

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adhered to for the life of the project, the use will be compatible with other adjacent uses. Therefore, the proposed project is exempt from CEQA.

RECOMMENDATION:

Staff recommends that the Zoning Administrator take the following action:

1. Adopt Decision No. 1846-23, approving Conditional Use Permit No. CUP-249-2023, subject to the recommended conditions of approval.



Maria Parra
Planning Services Manager



By: Kaneca Pompey
Contract Planner

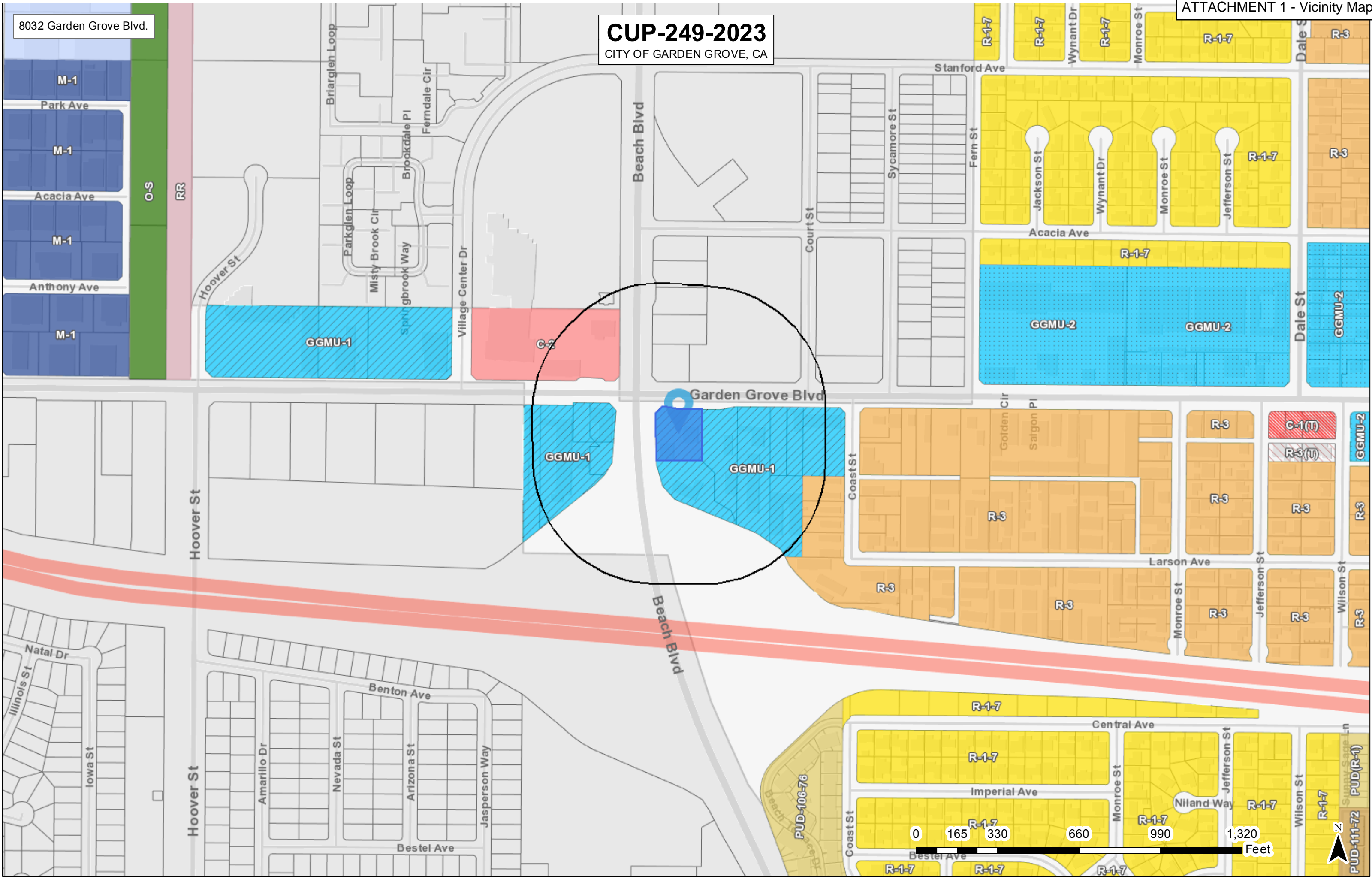
[Attachment 1:](#) [Vicinity Map](#)

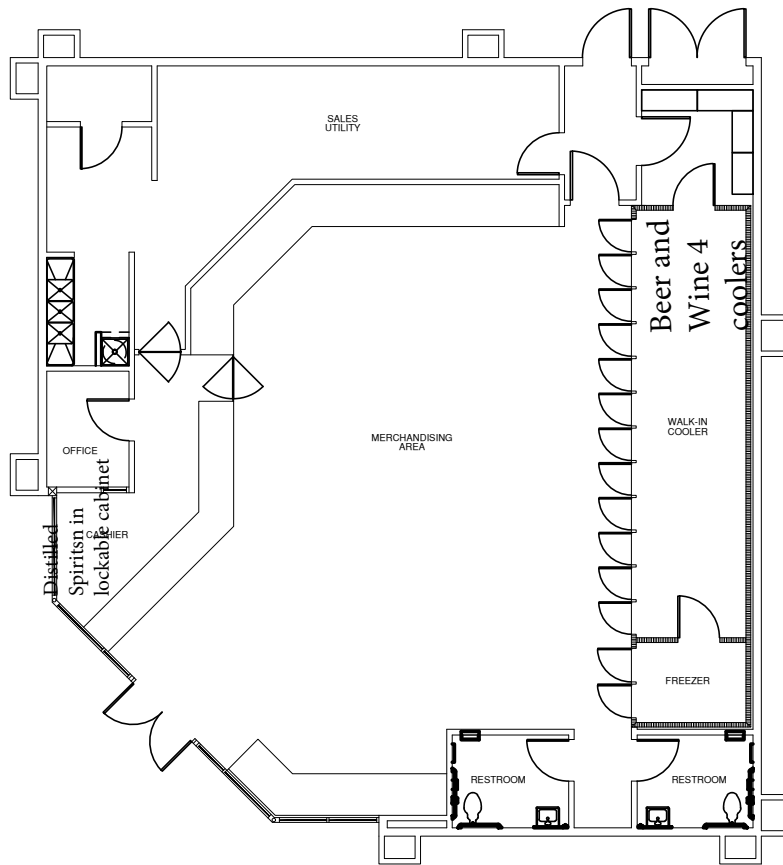
[Attachment 2:](#) [Plans](#)

8032 Garden Grove Blvd.


CUP-249-2023

CITY OF GARDEN GROVE, CA





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 G&M Oil Company, Inc. 16668 A STREET HUNTINGTON BEACH CALIFORNIA, 92647-4831 (714) 375-4700	FLOOR PLAN								
	SS# 140								
	8032 GARDEN GROVE BLVD. GARDEN GROVE, CA.								
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DECISION NO. 1846-23

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-249-2023 AND REVOKING CONDITIONAL USE PERMIT NO. CUP-433-99, FOR A PROPERTY LOCATED AT 8032 GARDEN GROVE BOULEVARD, ASSESSOR'S PARCEL NO. 096-282-23

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-249-2023, and revoke Conditional Use Permit No. CUP-433-99, for a property located at the southeast corner of Garden Grove Boulevard and Beach Boulevard, at 8032 Garden Grove Boulevard, Assessor's Parcel No. 096-282-23, 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-249-2023, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated G & M Oil Co., LLC for ExtraMile convenience store, with authorization of the property owner, G & M Realco, LLC.
2. The applicant is requesting approval of a Conditional Use Permit to allow an existing convenience store, ExtraMile, on a site currently improved with service station, Chevron, to upgrade an existing State Alcoholic Beverage Control ABC Type "20" (Off-sale, Beer and Wine) License to a new ABC Type "21" (Off-Sale, General) . Upon approval and exercising of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-433-99, shall be revoked and become null and void.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the Zoning Administrator hereby determines that the proposed project is categorically exempt from the CEQA pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines (14 Cal. Code Regs., Section §15301).
4. The subject property has a General Plan Land Use designation of Residential/Commercial Mixed Use 1, and is zoned GGMU-1 (Garden Grove Boulevard Mixed Use 1).
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 November 9, 2023 and all interested persons were given an opportunity to be heard.

8. The Zoning Administrator gave due and careful consideration to the matter during its meeting of November 9, 2023 and;

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

FACTS:

The subject site is improved with a Chevron gas service station with an ExtraMile convenience store located at 8032 Garden Grove Boulevard, at the southeast corner of Garden Grove Boulevard and Beach Boulevard. The site has a General Plan Land Use designation of Residential/Commercial Mixed Use 1, and is zoned GGMU-1 (Garden Grove Boulevard Mixed Use 1). The subject site is adjacent to GGMU-1 zoned properties to the east, south, and across Beach Boulevard, to the west, currently improved with commercial uses, such as retail, restaurants, lodging facilities, financial institutions, and a carwash, and properties to the north, across Garden Grove Boulevard, located in the City of Stanton also improved with commercial uses.

The subject tenant space is approximately 2,813 square feet in size. According to Business Tax records, the subject tenant space has been in operation as a gas station with convenience store since 2000 under different ownership. The applicant took ownership of the subject business in March 2005. On February 17, 1999, the City of Garden Grove Planning Commission approved Conditional Use Permit No. CUP-433-99 to allow the existing convenience store to operate with an original Alcoholic Beverage Control Type "20" (Off-Sale, Beer and Wine) License.

The applicant is requesting to upgrade the existing ABC Type "20" (Off-Sale, Beer and Wine) License to a new original ABC Type "21" (Off-Sale, General) License. Municipal Code Section 9.16.020.080.B requires the approval of a Conditional Use Permit when there is an application for a new original ABC license.

The subject convenience store is located 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. 65.
- The crime count for the District is 88.
- Average crime count per district in the City is 70.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 20% 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. 881.02.

- ABC Census Reporting District No. 881.02 allows for three (3) off-sale licenses within the District. Currently, there are currently (3) off-sale license in the District. The approval of this CUP will upgrade the existing ABC Type "20" (Off-Sale, Beer and Wine) License to a Type "21" (Off-Sale, General). This approval will only replace the existing ABC License. Therefore, the total number of off-sale licenses in District 881.02 will remain at three (3).

PUBLIC CONVENIENCE OR NECESSITY:

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

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

California Business and Professions Code Section 23958.4 provides the following exception:

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

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

ABC Census Reporting District No. 881.02 shows the subject site to be located in an area considered to be in a high-crime district. Although the proposed convenience store is located in a high-crime area, staff is able to support a finding for public convenience or necessity given the potential community benefit through the addition of a new ABC Type "21" license. The license will provide and maintain an amenity that enhances the customer shopping experience, increases the variety of goods available for purchase, 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. Therefore, the City of

Garden Grove hereby determines and approves a Finding of Public Convenience or Necessity for Conditional Use Permit No. CUP-249-2023.

FINDINGS AND REASONS:

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

The subject site has a General Plan Land Use Designation of Residential/Commercial Mixed Use 1 (RC1), and is zoned GGMU-1 (Garden Grove Boulevard Mixed Use 1). The RC1 designation is intended to allow a range of commercial activities that serve local residential neighborhoods and the larger community. Retail sales of alcohol beverages are conditionally permitted in the GGMU-1 zone. This approval will allow the existing convenience store to operate with an ABC Type "21" (Off-Sale, General) License. The convenience store has been operating since 2000 with an ABC Type "20" (Off-Sale, Beer and Wine) License. The subject request is to upgrade the existing ABC Type "20" (Off-Sale, Beer and Wine) License to 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. Additionally, the subject proposal is consistent with the following General Plan Goals, Policies, and Implementation Measures:

Policy LU-1.3 - Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts / entertainment, in appropriate locations. The subject convenience store is located in an area already developed with retail, and other commercial services. Thus, the proposed convenience store with an ABC Type "21" License at the subject location is consistent with the surrounding uses.

Goal LU-4 - The City seeks to develop uses that are compatible with one another. The subject site consists of an existing Chevron gas service station and an ExtraMile convenience store. Thus, the proposed convenience store is compatible with all of the existing commercial uses surrounding this location.

Goal ED-2 - The City must attract new businesses, while supporting and assisting those already located within Garden Grove. The proposed Conditional Use Permit is intended to provide additional amenities at the existing convenience store, ExtraMile. Should the Conditional Use Permit be approved, the City is providing existing businesses all of the resources needed to be successful.

SAF-IMP-2C - Involve law enforcement agencies in the design and planning phases of ABC licensed establishments to reduce design elements that conceal or encourage criminal activity. The Garden Grove Police Department has reviewed all relevant data pertaining to the proposed Conditional Use Permit. The intent of their review is to reduce the number of alcohol-related crimes,

and promote the safe operation of the convenience store. No concerns were raised by the Police Department regarding the upgrade of the existing ABC Type "20" (Off-Sale, Beer and Wine) License to an ABC Type "21" (Off-Sale, General) License. The Police Department has reviewed the proposal and is supportive of the Conditional Use Permit request.

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

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The proposed convenience store with alcohol sales will be consistent and compatible with the existing uses in the area. The convenience store has been in operation since 2000 with an ABC Type "20" (Off-Sale, Beer and Wine) License. The subject request is to upgrade the existing ABC Type "20" License to an ABC Type "21" (Off-Sale, General) License. The proposed use complies with the intent of the GGMU-1 zone, by providing a small-scale convenience shopping facility, oriented to the neighborhood level. The proposed convenience store will be open twenty-four (24) hours, seven (7) days a week, with alcohol sales to cease from 2:00 a.m. to 6:00 a.m. Standard hours of operation that apply to ABC Type "21" Licensed convenience stores have been applied. 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 jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. The Police Department has reviewed the proposal, and all appropriate conditions of approval have been incorporated. The conditions of approval will ensure public health, safety and welfare.

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

All site improvements are existing. No change to the structure is included in the proposal. The site, with the existing site improvements, is of adequate size to accommodate the proposed use within the surrounding area.

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

as required.

The site is located on the southeast corner of Garden Grove Boulevard and Beach Boulevard, which are fully developed streets that provide adequate traffic circulation and driveway access to public parking areas. The site is also adjacent to the Garden Grove 22 Freeway off-ramp and is sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities. Approval of the proposed upgrade to the existing ABC license for the convenience store is not anticipated to result in a significant increase in traffic or to cause additional burdens on services facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. The Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-249-2023.

Dated: November 9, 2023

David Dent
ZONING ADMINISTRATOR

EXHIBIT "A"
Conditional Use Permit No. CUP-249-2023

8032 Garden Grove Boulevard
(APN: 096-282-23)

CONDITIONS OF APPROVAL

General Conditions

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, G & M Oil Co., LLC for ExtraMile convenience store, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. This Conditional Use Permit only authorizes the operation of a 2,813 square foot convenience store with an Alcoholic Beverage Control Type "21" (Off-Sale, General) License as identified and depicted on the plans submitted by the applicant and made part of the record of the November 9, 2023 Zoning Administrator proceedings. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be approved by the Community Development Director.
5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community Development

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

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

Police Department

7. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
8. Hours of operation shall be permitted twenty-four (24) hours a day, seven (7) days a week, with alcohol sales to cease from 2:00 a.m. to 6:00 a.m. The hours of operation shall be applicable to the entire premises. The City of Garden Grove reserves the right to reduce hours of operation, by order of the Chief of the Police Department, in the event problems arise due to noise, disturbances or other problems that may be resolved by modifying the hours of operation.
9. There shall be no customers or patrons in or about the premises when the establishment is closed.
10. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
11. The sale of alcoholic beverages for consumption on the premises is prohibited. Consumption of alcoholic beverages shall not occur anywhere on the site or within the premises.
12. All pay phones located on the property, adjacent to the premises, shall be limited to out-going calls only. This condition shall be complied with within 30 days following approval of this application.
13. The business, prior to obtaining the Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, Beer and Wine) License, shall show proof to the Police Department that all members of the business staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through the Alcoholic

Beverage Control Department or an ABC approved "Responsible Beverage Service (RBS) Training" program.

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

Community Development Department

16. This approval shall allow the convenience store to operate with ancillary alcoholic beverage sales as allowed under an ABC Type "21" License.
17. The sales area for alcoholic beverages shall not exceed 5% of the retail sales floor area of the store.
18. No outdoor storage or display shall be permitted outside of the building, including, but not limited to, storage and display of merchandise, cardboard, pallets, or boxes.
19. 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.
20. There shall be no amusement devices permitted on the premises at any time.
21. 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.
22. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
23. 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.
24. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.

Conditional Use Permit No. CUP-249-2023
Conditions of Approval

25. 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.
26. 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.
27. 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.
28. 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.
29. 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.
30. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
31. 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.
32. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community Development Department, Planning Division. No advertising material shall be placed thereon.

33. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
34. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
35. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows. Any opaque material applied to the store front, such as window tint, shall count toward the maximum window coverage area.
36. Any modifications to existing signs or the installation of new signs shall require approval by the Community Development Department, Planning Services Division prior to issuance of a building permit.
37. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-249-2023 shall be kept on the premises at all times.
38. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-249-2023 and his/her agreement with all conditions of the approval.
39. The Conditional Use Permit may be called for review by City staff, the City Council, or Planning Commission, if noise or other complaints are filed and verified as valid by the Code Enforcement office or other City department concerning the violation of approved conditions, the Garden Grove Municipal Code, or any other applicable provisions of law.
40. If deemed necessary by the Community Development Director, the Conditional Use Permit may be reviewed within one year from the date of this approval, and every three (3) years thereafter, in order to determine if the business is operating in compliance.
41. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Conditional Use Permit No. CUP-249-2023. The applicant shall

pay the City's defense costs, including attorney fees and all other litigation related expenses, and shall reimburse the City for court costs, which the City may be required to pay as a result of such defense. The applicant shall further pay any adverse financial award, which may issue against the City including but not limited to any award of attorney fees to a party challenging such project approval. The City shall retain the right to select its counsel of choice in any action referred to herein.

42. Unless a time extension is granted pursuant to Section 9.32.030.D.9 of Title 9 of the Municipal Code, the use authorized by this approval of Conditional Use Permit No. CUP-249-2023 shall become null and void if the subject use or construction necessary and incidental thereto is not commenced within one (1) year of the expiration of the appeal period and thereafter diligently advanced until completion of the project.
43. The applicant is advised that if the use of the establishment ceases to operate for more than 90 days, then the existing Conditional Use Permit will become null and void and the new applicant shall be required to apply for a new Conditional Use Permit subject to the approval by the Community Development Department, Planning Services Division. In the event the use(s) authorized by the CUP cease and the property owner no longer desires to continue such use(s) on the property, property owner may voluntarily terminate the CUP and all rights and obligations thereunder by executing and recording a request for voluntary revocation and termination of the CUP in a form acceptable to the City.
44. 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.
45. As stipulated in Decision No. 1846-23, upon approval and exercising of Conditional Use Permit No. CUP-249-2023, the Conditional Use Permit previously governing the tenant space, CUP-433-99, shall be revoked and become null and void.