



## AGENDA

### ZONING ADMINISTRATOR MEETING

Garden Grove Community Meeting Center  
11300 Stanford Avenue

Thursday, April 27, 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](mailto:public-comment@ggcity.org) no later than 3:00 p.m. the day prior to the meeting. The comments will be provided to the Zoning Administrator as part of the meeting record.**

**COVID-19: Masks are not required, however, please do not attend this meeting if you have had direct contact with someone who has tested positive for COVID-19, or if you are experiencing symptoms such as coughing, sneezing, fever, difficulty breathing or other flu-like symptoms.**

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

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

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

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

1. PUBLIC HEARING ITEM(S):

a. [CONDITIONAL USE PERMIT NO. CUP-237-2023](#)

APPLICANT: Target Corporation  
LOCATION: 13831 Brookhurst Street

REQUEST: Conditional Use Permit approval to allow an existing Target Corporation (Target) retail store, to operate with a new original State Alcoholic Beverage Control (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-114-03, which allowed Target to operate with an ABC Type "20" (Off-Sale, Beer & Wine) License, shall be revoked and become null and void. The site is in the C-2 (Community Commercial) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

b. [CONDITIONAL USE PERMIT NO. CUP-239-2023](#)

APPLICANT: Jun Won Song

LOCATION: 9672 Garden Grove Boulevard

REQUEST: Conditional Use Permit approval to operate a new restaurant, BBQ Chicken, with a new, original Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The site is in the GGMU-2 (Garden Grove Boulevard Mixed Use 2) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

c. [SITE PLAN NO. SP-124-2023](#)

APPLICANT: Ha Nguyen

LOCATION: 12036 Brookhurst Street

REQUEST: Site Plan approval to allow a façade improvement on an existing building. The site is in the BCSP-BCC (Brookhurst Chapman Specific Plan – Brookhurst/Chapman Commercial) zone. In conjunction with the request, the Zoning Administrator will also consider a determination that the project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 – Existing Facilities – of the State CEQA Guidelines.

2. [COMMENTS BY THE PUBLIC](#)

3. [ADJOURNMENT](#)

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> 1.a.	<b>SITE LOCATION:</b> West side of Brookhurst Street, north of Westminster Avenue, at 13831 Brookhurst Street
<b>HEARING DATE:</b> April 27, 2023	<b>GENERAL PLAN:</b> Light Commercial
<b>CASE NO.:</b> Conditional Use Permit No. CUP-237-2023	<b>ZONE:</b> C-2 (Community Commercial)
<b>APPLICANT:</b> Target Corporation	<b>CEQA DETERMINATION:</b> Exempt – Section 15301 - Existing Facilities
<b>PROPERTY OWNER:</b> Sunbelt Stores, Inc.	<b>APN:</b> 098-621-01

**REQUEST:**

A request for Conditional Use Permit approval to allow an existing retail store, Target, located at 13831 Brookhurst Street, to operate with a new original State Alcoholic Beverage Control (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-114-03, which allowed Target to operate with an ABC Type "20" (Off-Sale, Beer & Wine) License, shall be revoked and become null and void.

**BACKGROUND:**

The subject site is approximately sixteen (16) acres and is improved with an existing multi-tenant commercial shopping center comprised of one (1) multi-tenant one-story building, which includes a Target retail store and a Garden Grove Superstore supermarket, and a one-story commercial pad building, occupied by Firestone Complete Auto Care. The subject tenant space is 110,384 square feet and is located toward the northern end of the shopping center, at 13831 Brookhurst Street. The subject shopping center is currently occupied by a variety of commercial uses, including retail, grocery stores, eating establishments, an auto repair business, and personal service businesses.

The subject property has a General Plan Land Use Designation of Light Commercial, and is zoned C-2 (Community Commercial). The subject shopping center is adjacent to O-S (Open Space) zoned properties to the north, across Woodbury Avenue, O-S and PUD-103-71 (Planned Unit Development) zoned properties to the west, C-1 (Neighborhood Commercial) zoned properties to the south, across Westminster Avenue, and C-2 zoned properties to the east, across Brookhurst Street. Existing

surrounding uses include a mix of single-family and multi-family residences, schools, and various commercial uses.

On September 18, 2003, the City of Garden Grove approved Conditional Use Permit No. CUP-114-03 to allow the existing retail store, Target, 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 and initiated an application with the Department of Alcoholic Beverage Control for 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.

Under a separate application, Site Plan No. SP-101-2021, the property owner, Sunbelt Stores, Inc., obtained approval from the City of Garden Grove in September of 2021, in part, to construct a new 4,000 square multi-tenant commercial building attached to the existing Target retail store and removal of the the existing 13,600 square foot Target garden center. Architectural plans are currently under plan check review with the City for the construction of a new Wendy's restaurant pad building on the southwest corner of the subject property, which relate to separate scope of work of the overall project approval, under SP-101-2021, that are unrelated to the Target establishment.

### **DISCUSSION:**

There are no proposed changes to the floor plan of the existing Target retail store. The interior of the retail store will continue to consist of display shelves, a market area with grocery items, storage areas, employee rooms, walk-in coolers, restrooms, offices, and cashier registers.

Hours of operation will continue to be from 8:00 a.m. to 10:00 p.m., seven (7) days a week, with expanded hours during the holiday season. Maximum holiday hours occur Thanksgiving to New Years from 7:00 a.m. to 12:00 a.m. 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 Target retail store is located in a high-crime district, and in an area of an over-concentration of Alcoholic Beverage Control off-sale licenses. In order to approve the request, a Finding of Public Convenience or Necessity is required. A summary of the district and the Findings of Public Convenience or Necessity can be found in Resolution No. 1839-23 for Conditional Use Permit No. CUP-237-2023.

The existing Conditional Use Permit No. CUP-114-03 was approved to allow the existing retail store, Target, to operate with an original Alcoholic Beverage Control Type "20" (Off-Sale, Beer and Wine) License. Upon the approval and exercising of Conditional Use Permit No. CUP-237-2023, for the ABC Type "21" (Off-Sale, General) License, CUP-114-03 shall be revoked, and become null and void.



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 Zoning Administrator take the following action:

1. Adopt Decision No. 1839-23 approving Conditional Use Permit No. CUP-237-2023, subject to the recommended Conditions of Approval, and revoking Conditional Use Permit No. CUP-114-03.

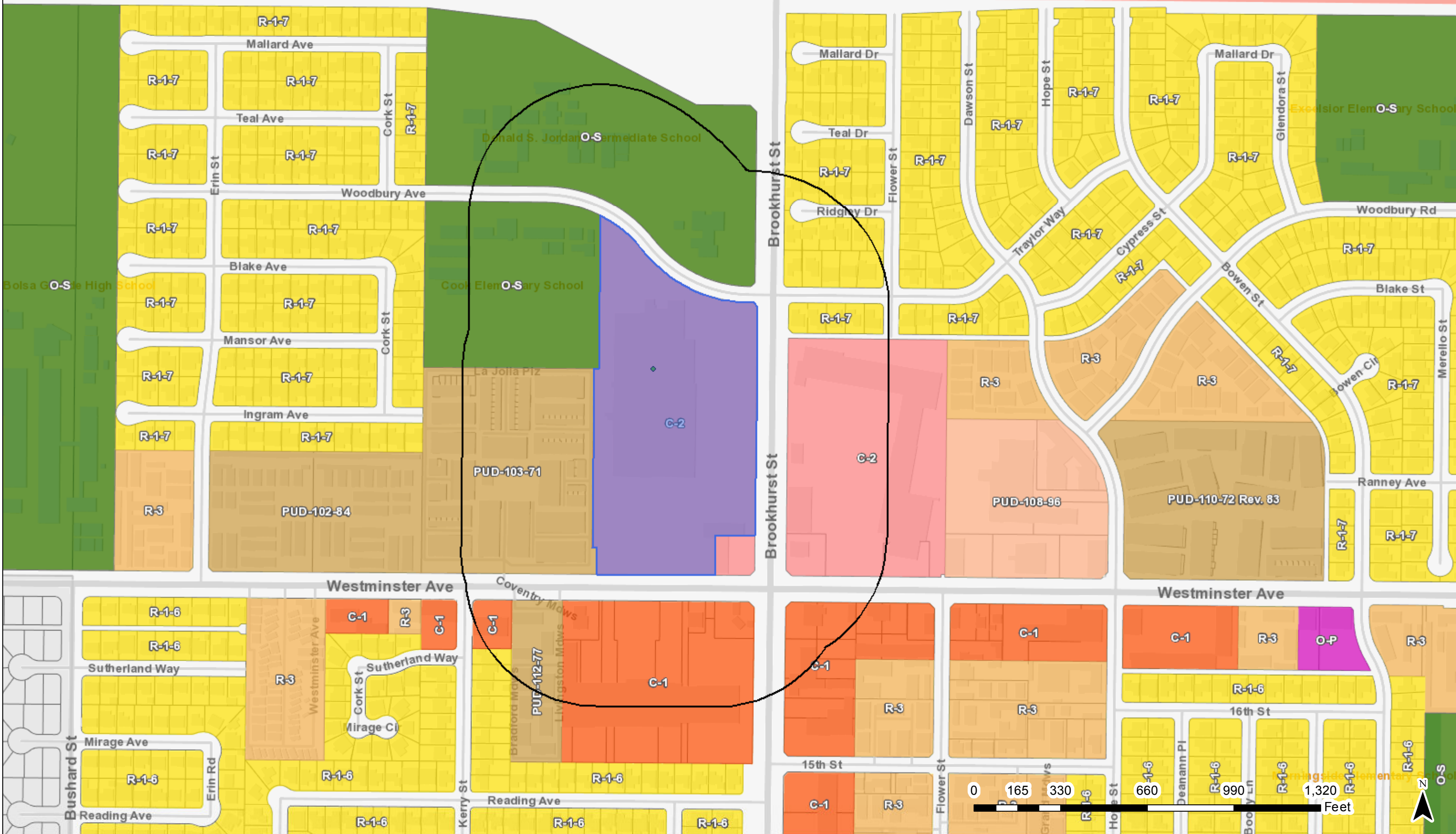


MARIA PARRA  
Planning Services Manager

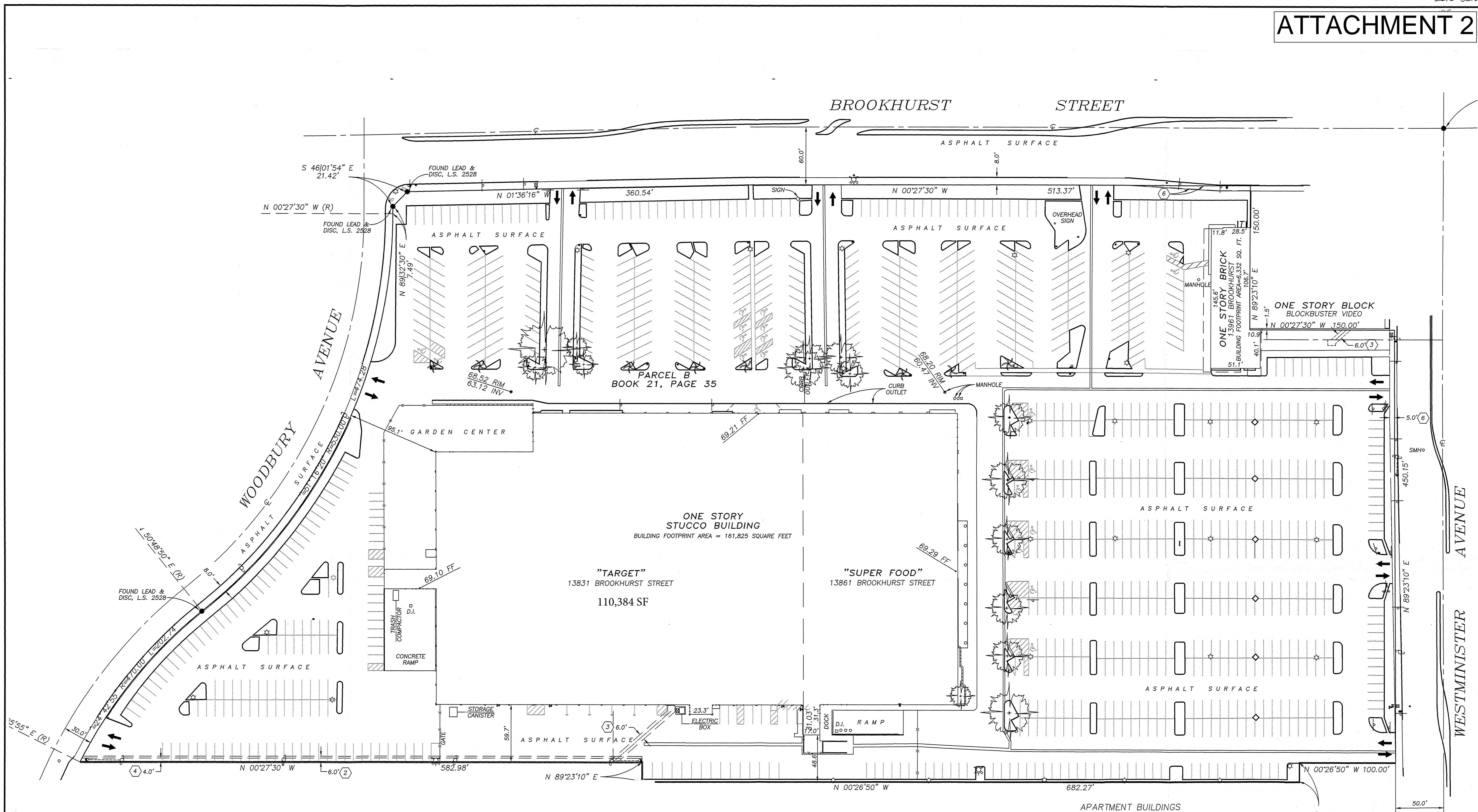


By: Shehriyar Khan  
Contract Planner

Attachment 1: Vicinity Map  
Attachment 2: Plans







VICINITY MAP  
NO SCALE

GRAPHIC SCALE  
( IN FEET )  
1 INCH = 40 FT.

ROBERT J. BATEMAN

**CUP-237-2023**

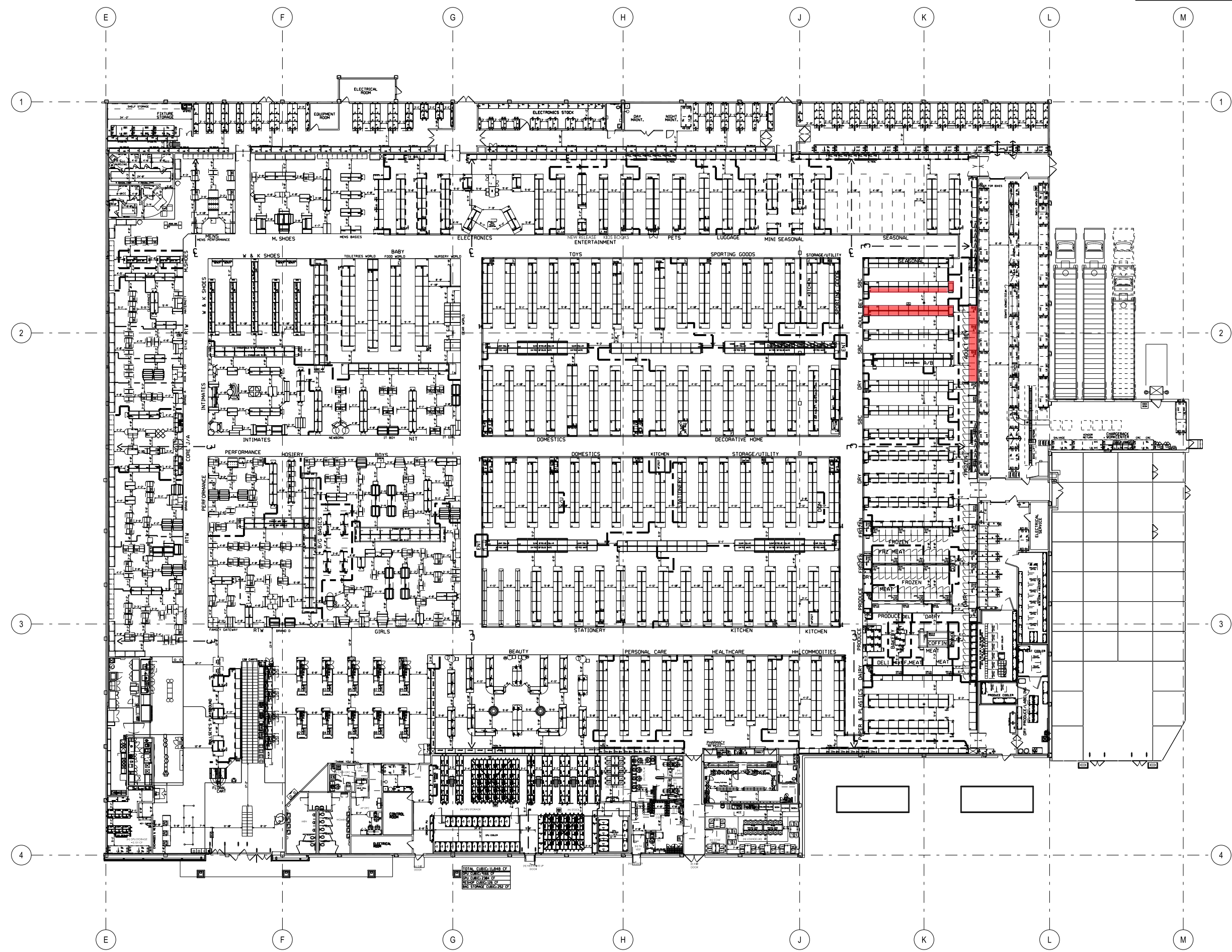
7193

DATE:	4-18-02	REV #:	1	BY:		DATE:	
SCALE:	1" = 40'	DESIGNED:	AUS	CHECKED:	CMC	PHOT. MGR.:	AMS
DRAWN:	RFS	FILE PATH:	C:\SLS\194-0000\DATE\FIELDING				
PROJECT:	TOPOGRAPHIC SURVEY						
SHEET:	C-5						
PROJECT:	TARGET, T-193						
PROJECT:	13831 BROOKHURST						
PROJECT:	ORANGE COUNTY						
PROJECT:	CALIFORNIA						
PROJECT:	PLANNING						
PROJECT:	SURVEYING						
PROJECT:	ENGINEERING						
PROJECT:	LANDSCAPE ARCHITECTURE						
PROJECT:	SLS associates, inc.						
PROJECT:	500 YGNACIO VALLEY ROAD, SUITE 190, WALNUT CREEK, CA						
PROJECT:	FAX 925-943-5225						



NOTICE  
-VERIFY ALL DIMENSIONS AND CONDITIONS  
-NOTIFY THIS OFFICE OF ANY VARIATIONS  
-ALTERNATE USE OF THIS DRAWING MUST  
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CEILING HEIGHT	
A & A:	13'-4"
Hardlines:	13'-4"
Stockrooms:	17'-0"
- USE HEIGHT TO BOTTOM OF STRUCTURE	



TOTAL CIRCULAR CF  
 100% OF  
 100% OF  
 100% OF  
 100% OF

EXISTING



ISSUE DATE:  
 PLOT DATE: 05-OCT-2022 12:09  
 PLANNER:  
 SCALE: 1/4"=1'-0"  
 PROJECT

NAME Brookhurst  
 Garden Grove, CA  
 STORE NO. T-0193  
 TITLE FIXTURE PLAN

PLAN TYPE SHEET NO.  
 F21 FZ1

CUP-237-2023

DECISION NO. 1839-23

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-237-2023 AND REVOKING CONDITIONAL USE PERMIT NO. CUP-114-03, FOR PROPERTY LOCATED AT 13831 BROOKHURST STREET, ASSESSOR'S PARCEL NO. 098-621-01.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-237-2023, and revoke Conditional Use Permit CUP-114-03, for property located at 13831 Brookhurst Street, Assessor's Parcel No. 098-621-01, 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-237-2023, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Target Corporation, with authorization of the property owner, Sunbelt Stores, Inc.
2. The applicant is requesting approval of a Conditional Use Permit to allow an existing retail store, Target, located at 13831 Brookhurst Street, to operate with a new State Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, General) License. The existing retail store is currently operating with an ABC Type "20" (Off-Sale, Beer and Wine) License, under the approval of Conditional Use Permit No. CUP-114-03. Upon approval and exercising of the subject request, the Conditional Use Permit previously governing the tenant space, CUP-114-03, shall be revoked and become null and void.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the Zoning Administrator hereby determines that the proposed project is categorically exempt from the CEQA pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines (14 Cal. Code Regs., Section §15301).
4. The subject property has a General Plan Land Use designation of Light Commercial, and is zoned C-2 (Community Commercial). The subject site is currently improved with a multi-tenant shopping center, including the Target retail store, a supermarket, and a one-story commercial pad building.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.

7. Pursuant to a legal notice, a public hearing was held on April 27, 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 April 27, 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 approximately sixteen (16) acres and is improved with an existing multi-tenant commercial shopping center comprised of one (1) multi-tenant one-story building, which includes a Target retail store and a Garden Grove Superstore supermarket, and a one-story commercial pad building, occupied by Firestone Complete Auto Care. The subject tenant space is 110,384 square feet and is located toward the northern end of the shopping center, at 13831 Brookhurst Street. The subject shopping center is currently occupied by a variety of commercial uses, including retail, grocery stores, eating establishments, an auto repair business, and personal service businesses.

The subject property has a General Plan Land Use Designation of Light Commercial, and is zoned C-2 (Community Commercial). The subject shopping center is adjacent to O-S (Open Space) zoned properties to the north, across Woodbury Avenue, O-S and PUD-103-71 (Planned Unit Development) zoned properties to the west, C-1 (Neighborhood Commercial) zoned properties to the south, across Westminster Avenue, and C-2 zoned properties to the east, across Brookhurst Street. Existing surrounding uses include a mix of single-family and multi-family residences, schools, and various commercial uses.

On September 18, 2003, the City of Garden Grove approved Conditional Use Permit No. CUP-114-03 to allow the existing retail store, Target, 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 and initiated an application with the Department of Alcoholic Beverage Control for 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.

Under a separate application, Site Plan No. SP-101-2021, the property owner, Sunbelt Stores, Inc., obtained approval from the City of Garden Grove in September of 2021, in part, to construct a new 4,000 square multi-tenant commercial building attached to the existing Target retail store and removal of the the existing 13,600 square foot Target garden center. Architectural plans are currently under plan check

review with the City for the construction of a new Wendy's restaurant pad building on the southwest corner of the subject property, which relate to separate scope of work of the overall project approval, under SP-101-2021, that are unrelated to the Target establishment.

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

- The subject site is located in Crime Reporting District No. 96.
- The crime count for the District is 106.
- Average crime count per district in the City is 71.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 49% above the Citywide average; therefore, it is considered a high-crime area.
- The subject site is located in Alcoholic Beverage Control Census Report District No. 889.01.
- ABC Census Reporting District No. 889.01 allows for three (3) off-sale licenses within the District. Currently, there are five (5) off-sale licenses in the District, which includes the existing ABC Type "20" (Off-Sale, Beer and Wine) License in use by the existing Target retail store. The approval of this CUP will upgrade the existing ABC Type "20" License to a Type "21" (Off-Sale, General). Because this approval will only replace the existing ABC License, the total number of off-sale licenses in District 889.01 will remain at five (5).

PUBLIC CONVENIENCE OR NECESSITY:

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

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

Business and Professions Code Section 23958.4 provides the following exception:

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

(2) With respect to any other license, if the local governing body of the area in which the applicant premises are located, or its designated subordinate officer

or body, determines within ninety (90) days of notification of a completed application that public convenience or necessity would be served by the issuance. The 90-day period shall commence upon receipt by the local governing body of (A) notification by the department of an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

Although the subject site is located in an area considered to be in a high-crime district and in an area with an over-concentration of on-sale ABC licenses, a finding for public convenience or necessity is warranted given the potential community benefit through the operation of the Target retail store with an ABC Type "21" (Off-Sale, General) License. The addition of the new ABC Type "21" License would 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. 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-237-2023.

#### FINDINGS AND REASONS:

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

The subject site has a General Plan Land Use Designation of Light Commercial (LC), and is zoned C-2 (Community Commercial). The LC land use designation is intended to allow a range of commercial activities that serve local residential neighborhoods and the larger community. Commercial retail stores with retail sales of alcohol beverages are conditionally permitted in the C-2 zone. This approval will allow the existing retail store to operate with an ABC Type "21" (Off-Sale, General) License. The store has been in operation since 2003 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 proposed project is consistent with the spirit and intent of the General Plan, through its goal, policies, and implementation programs, including specifically:

*Policy LU-1.4 encourages a wide variety of retail and commercial services, such as restaurants and cultural arts/entertainment, in appropriate locations. The existing Target retail store is located in a multi-tenant commercial shopping center. The approval of the proposed Conditional Use Permit, will*



allow the existing retail store to upgrade its existing ABC Type "20" (Off-Sale, Beer and Wine) License to an ABC Type "21" (Off-Sale, General) License, which will add an additional amenity that enhances the customer shopping experience and maintains the intent of being a business serving the local community.

*Policy LU-2.1 strives to protect residential areas from the effects of potentially incompatible uses. Where new commercial or industrial development is allowed adjacent to residentially zoned districts, maintain standards for circulation, noise, setbacks, buffer areas, landscaping, and architecture which ensure compatibility between the uses.* This approval will allow the existing Target retail store to operate with an ABC Type "21" (Off-Sale, General) License. The store has been in operation since 2003 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. Conditions of Approval have been incorporated to address property maintenance and operational matters such as, but not limited to, safety, responsible beverage service, loitering, deliveries, litter, noise, graffiti abatement, parking lot lighting, and signage. Provided that the Conditions of Approval are complied with, the use will be consistent with the General Plan.

*Goal LU-5 strives to maintain economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community.* The existing Target retail store is located in a multi-tenant commercial shopping center. The approval of the proposed Conditional Use Permit, will allow the existing Target retail store to upgrade its existing ABC Type "20" (Off-Sale, Beer and Wine) License to an ABC Type "21" (Off-Sale, General) License, which will add an additional amenity that enhances the customer shopping experience and maintains the intent of being a business serving the local community. Additionally, to ensure the existing shopping center maintains its operation as an economically viable, vital, and attractive development, Conditions of Approval have been incorporated to address property maintenance and operational matters such as, but not limited to, safety, responsible beverage service, loitering, deliveries, litter, noise, graffiti abatement, parking lot lighting, and signage. Provided that the Conditions of Approval are complied with, the use will be consistent with the General Plan.

*Policy LU-6.2 encourages a mix of retail shops and services along the major corridors and in centers to better meet the community's needs.* The existing Target retail store is located in a multi-tenant commercial shopping center. The approval of the proposed Conditional Use Permit, will allow the existing Target retail store to upgrade its existing ABC Type "20" (Off-Sale, Beer and Wine) License to an ABC Type "21" (Off-Sale, General) License, which will add an additional amenity that enhances the customer shopping experience and maintains the intent of being a business serving the local community.

*Goal ED-2 maintains that the City must attract new businesses, while supporting and assisting those already located within Garden Grove.* The existing retail store, Target, and the proposed Conditional Use Permit to upgrade its existing ABC Type "20" (Off-Sale, Beer and Wine) License to an ABC Type "21" (Off-Sale, General) License, is intended to enhance the customer shopping experience at the subject site. Approval of the Conditional Use Permit would provide the existing Target retail store with additional resources to be successful.

*SAF-IMP-2C strives to involve law enforcement agencies in the design and planning phases of ABC licensed establishments to reduce design elements that conceal or encourage criminal activity.* The Garden Grove Police Department has reviewed all relevant data pertaining to the proposed Conditional Use Permit. The intent of their review is to reduce the number of alcohol-related crimes, and promote the safe operation of the existing Target retail 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. Conditions of Approval have been incorporated to address hours of operation, loitering, on-site security, the sale of alcoholic beverages for off-site consumption, parking lot lighting, and graffiti abatement. The Police Department has reviewed the request and is supportive of the proposal.

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

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The Target retail store has been in operation since 2003 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. 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 a retail store, with ancillary beer, wine, and distilled spirit sales for off-site consumption only, the use will be compatible with the surrounding

uses. There are no proposed changes to the operation of the store, other than the upgrade of the license. The hours of operation will remain the same.

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 upgrade of the current ABC license for the Target retail store to allow the sale of distilled spirits in addition to the existing sale of beer and wine. 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 Brookhurst Street, north of Westminster Avenue. The commercial center is adequately accessed by three (3) driveways along Brookhurst Street, three (3) driveways along Westminster Avenue, and two (2) driveways along Woodbury Avenue. The site is also sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities. Approval of the proposed upgrade to the existing ABC license for the store is not anticipated to result in a significant increase in traffic or to cause additional burdens on services facilities.

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

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

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. The Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-237-2023.

**EXHIBIT "A"**  
**Conditional Use Permit No. CUP-237-2023**

13831 Brookhurst Street  
(Assessor's Parcel No. 098-621-01)

**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, Target Corporation, 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. 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 110,384 square foot retail 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. Modifications, which do not change the intent of the project, may be approved by the Department Director.
5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Department 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 Department Director not to be minor in nature

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

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

**Police Department**

7. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
8. Hours of operation shall be permitted from 8:00 a.m. to 10:00 p.m., seven (7) days a week, with expanded hours during the holiday season. Maximum holiday hours occur Thanksgiving to New Years from 7:00 a.m. to 12:00 a.m. 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 in or about the premises when the establishment is closed.
10. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
11. The sale of alcoholic beverages for consumption on the premises is prohibited. Consumption of alcoholic beverages shall not occur anywhere on the site or within the premises.
12. All pay phones located on the property, adjacent to the premises, shall be limited to out-going calls only. This condition shall be complied with within 30 days following approval of this application.
13. The business, prior to obtaining the Alcoholic Beverage Control (ABC) Type "21" (Off-Sale, General) License, shall show proof to the Police Department that all members of the business staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through the Alcoholic Beverage Control Department or an ABC approved "Responsible Beverage Service (RBS) Training" program.

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

**Community and Economic Development Department**

16. This approval shall allow the retail 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 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 Municipal Code Section 9.16.020.070.
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.

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 a sufficient number of times per week to accommodate all uses on the site.
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 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.
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 and

- Economic Development Department, Planning Services 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 and Economic 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-237-2023 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-237-2023 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 Department 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-237-2023. 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. 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 Conditional Use Permit 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.
43. 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-237-2023 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.
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. 1839-23, upon approval and exercising of Conditional Use Permit No. CUP-237-2023, the Conditional Use Permit previously governing the tenant space, CUP-114-03, shall be revoked and become null and void.

# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> 1.b.	<b>SITE LOCATION:</b> Southwest corner of Garden Grove Boulevard and Galway Street, at 9672 Garden Grove Boulevard
<b>HEARING DATE:</b> April 27, 2023	<b>GENERAL PLAN:</b> Residential/Commercial Mixed Use 2 (RC2)
<b>CASE NO.:</b> Conditional Use Permit No. CUP-239-2023	<b>ZONE:</b> GGMU-2 (Garden Grove Boulevard Mixed Use 2)
<b>APPLICANT:</b> Jun Won Song	<b>CEQA DETERMINATION:</b> Exempt – Section 15301 – Existing Facilities
<b>PROPERTY OWNER:</b> Young H. Kwon	<b>APN:</b> 098-206-01

**REQUEST:**

The applicant is requesting approval of a Conditional Use Permit to operate a new restaurant, BBQ Chicken, with an original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License.

**BACKGROUND:**

The subject property is an 18,000 square foot lot located at the southwest corner of Garden Grove Boulevard and Galway Street. The site is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2), and has a General Plan Land Use designation of Residential/Commercial Mixed Use 2. The site abuts GGMU-2 zoned properties to the south, west and, across Garden Grove Boulevard, to the north, and GGMU-3 (Garden Grove Boulevard Mixed Use 3) zoned properties across Galway Street, to the east. Existing surrounding uses include a mix of various commercial uses including restaurants, offices, groceries, coffee shops, and retails.

The subject property is improved with an approximately 2,587 square foot one-story commercial building. The subject business, BBQ Chicken, is a new eating establishment/restaurant that will occupy the entire building. The operator of the new BBQ Chicken restaurant, the applicant, has sixteen (16) years of experience in the food industry and is currently operating two (2) similar restaurants in the cities of Buena Park and Fullerton. The BBQ Chicken restaurant will be the third eating establishment that the applicant will be managing.

The applicant has obtained a building permit (Permit No. 22-2644) for interior tenant improvements, currently under construction, which do not include substantial changes to the existing floor plan, nor any proposed expansion of the existing floor area/building. The scope of work for said permit consists of various interior tenant improvements which include, but may not be limited to, installation of a new

exhaust hood system, new plumbing and new electrical work. The scope of work also includes other non-substantial site improvements: striping of a new parking stall; construction of a new trash enclosure; and exterior improvements related to ADA (American's with Disabilities Act) upgrades for path-of-travel and accessibility. It is anticipated that the restaurant will be opened mid-May of 2023.

The applicant is requesting Conditional Use Permit approval to operate the new restaurant with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. Garden Grove Municipal Code Section 9.18.060.030 requires approval of a Conditional Use Permit for the addition of a new original ABC License to a restaurant.

**DISCUSSION:**

BBQ Chicken is a full-service restaurant that specializes in Korean fried chicken. The menu of the restaurant consists of different types of fried chicken dishes accompanied by different type of appetizers such as French fries, rice and dumplings.

The building's floor plan consists of two (2) spaces: a 425 square foot office that is located on the east side of the building; and a 2,110 square foot restaurant area, which occupies the rest of the building area to the west. Both spaces will be operated by BBQ Chicken, as a single establishment (not as separate tenant spaces). The restaurant area consists of a customer dining area, a kitchen, a walk-in cooler, and two (2) all-gender restrooms. The office area will have an open floor plan and will be used for administrative work associated with the restaurant operation.

The BBQ Chicken restaurant will operate as a full-service restaurant, and beer and wine sales will be permitted only for on-site consumption. Beer and wine is intended to complement meals, and enhance the dine-in experience. Sales of alcohol will be incidental to the service of food. At no time shall the quarterly sales of alcohol exceed 35% of the quarterly sales of food. It should be noted, all restaurant activities, which include serving and consuming of food and alcohol, will be restricted to the restaurant area of the building, and not within the office area designated as "Franchise Office". Conditions of Approval reflect that the office area/room will not be permitted to include any customer dining areas, any restaurant furnishings, nor allow any restaurant related activities such as dining and consuming of food and alcohol.

The BBQ Chicken restaurant hours of operation will be 11:00 a.m. to 11:00 p.m., Sunday through Thursday, and from 11:00 a.m. to 12:30 a.m., Friday and Saturday. These hours of operation are consistent with, and are within, the City's standard operating hours, for restaurants operating with an ABC Type "41" License. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department.

The restaurant is located in a high-crime district, and in an area with an over-concentration of Alcoholic Beverage Control on-sale licenses. In order to

approve the request, a Finding of Public Convenience or Necessity is required. A summary of the district and the Findings of Public Convenience or Necessity can be found in Decision No. 1840-23 for Conditional Use Permit No. CUP-239-2023.

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

**CEQA:**

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

**RECOMMENDATION:**

Staff recommends that the Zoning Administrator take the following action:

1. Adopt Decision No. 1840-23, approving Conditional Use Permit No. CUP-239-2023, subject to the recommended Conditions of Approval.



Maria Parra  
Planning Services Manager



By: Huong Ly  
Associate Planner

Attachment 1: Vicinity Map

Attachment 2: Plan

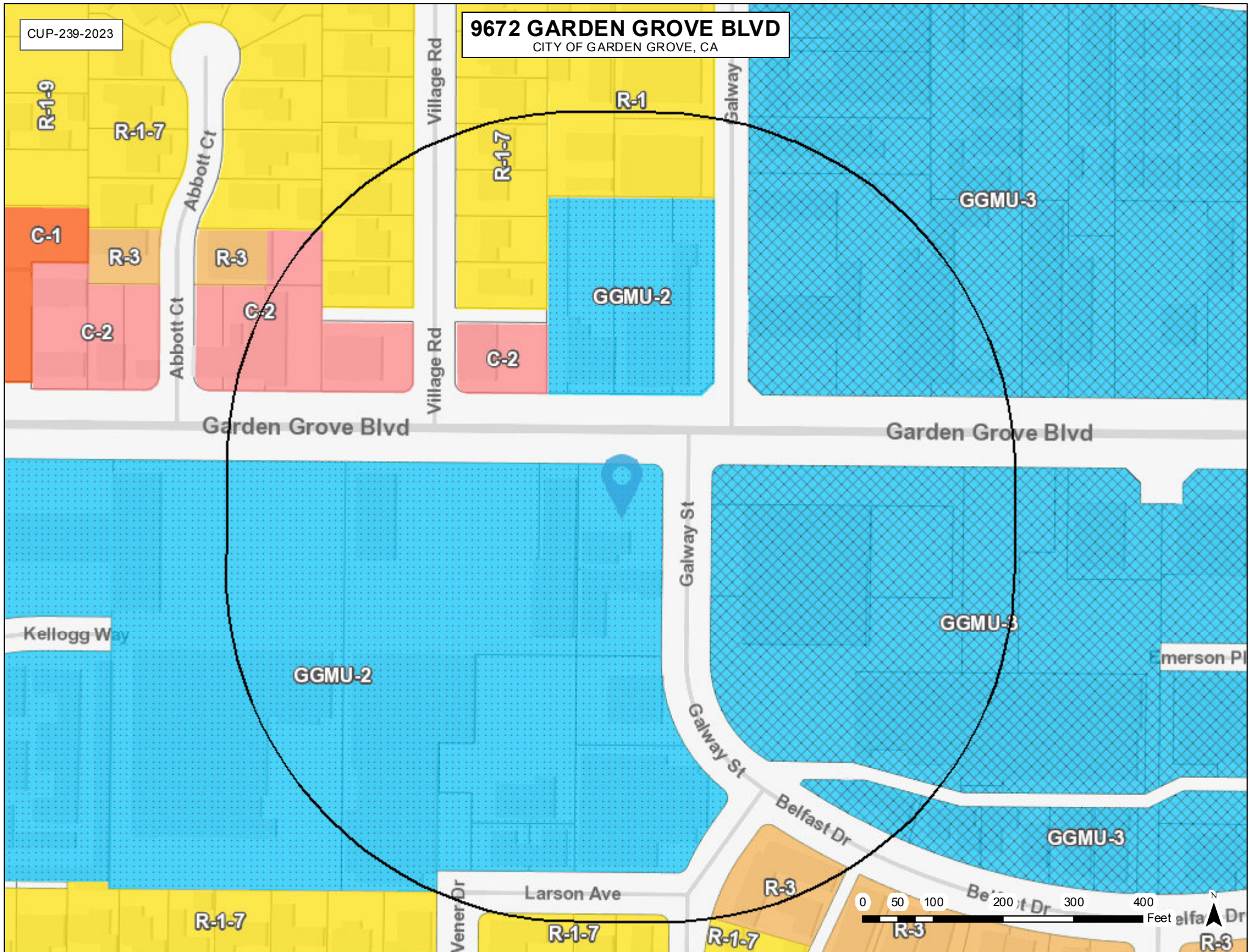
Attachment 3: BBQ Chicken Menu



CUP-239-2023

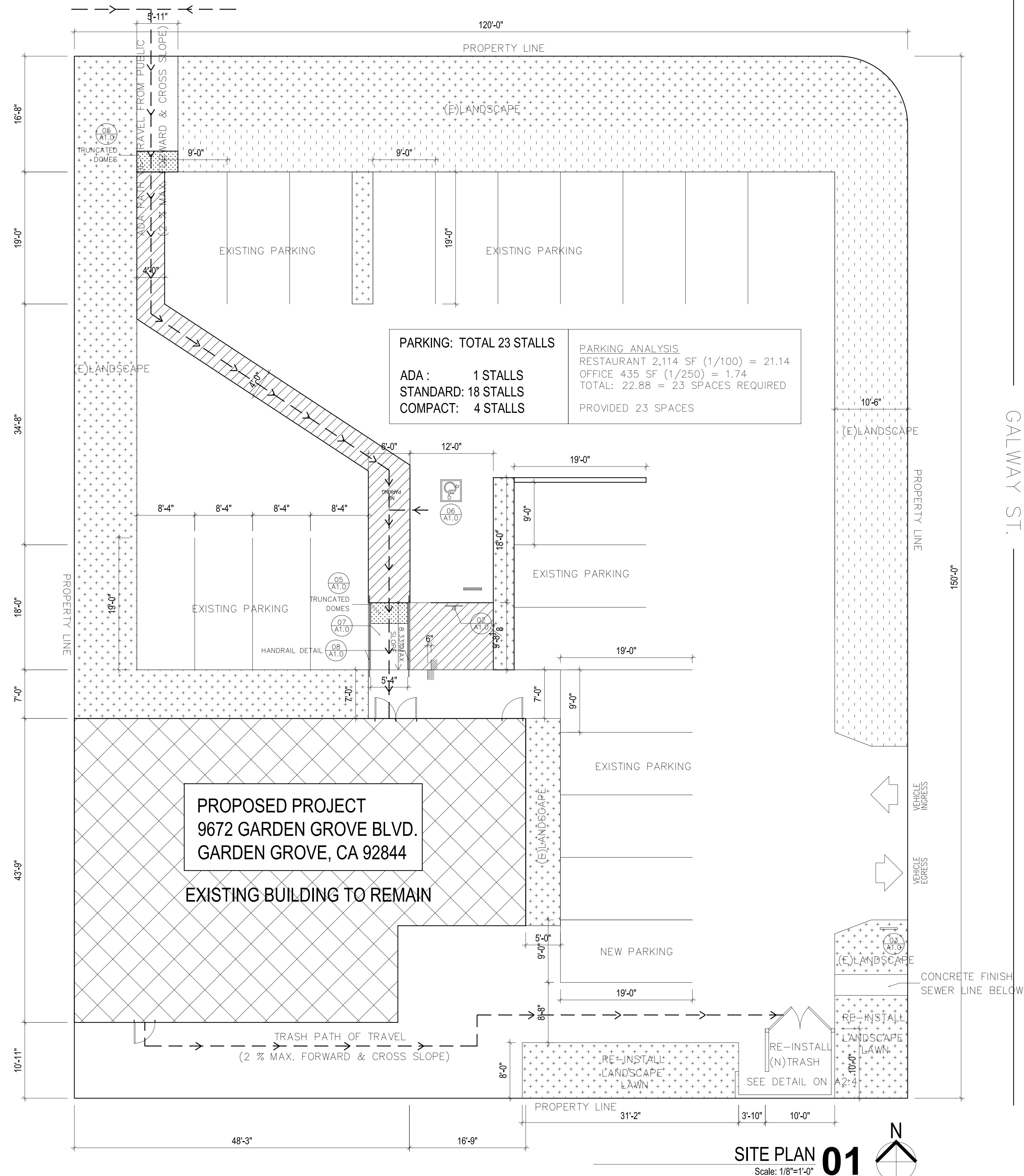
# 9672 GARDEN GROVE BLVD

CITY OF GARDEN GROVE, CA





W GARDEN GROVE BLVD.



**PROJECT DESCRIPTION :** TENANT IMPROVEMENT FOR BBQ CHICKEN RESTAURANT

**ADDRESS :** 9672 GARDEN GROVE BLVD. GARDEN GROVE, CA 92844

**PROPOSED WORK :** THE WORK INCLUDES NEW EXHAUST HOOD SYSTEM, PLUMBING, ELECTRICAL WORK, RE-INSTALL TRASH AREA AND LANDSCAPE.

**EXISTING TOTAL FLOOR AREA :** 2,549 SQ.FT

**PROPOSED TOTAL FLOOR AREA :** 2,549 SQ.FT (NO CHANGES)

**TYPE OF CONSTRUCTION :** TYPE V-B (NON FIRE SPRINKLER SYSTEM)

**SITE LOCATION:** GROUND FLOOR LEVEL

**EXISTING USE :** RETAIL

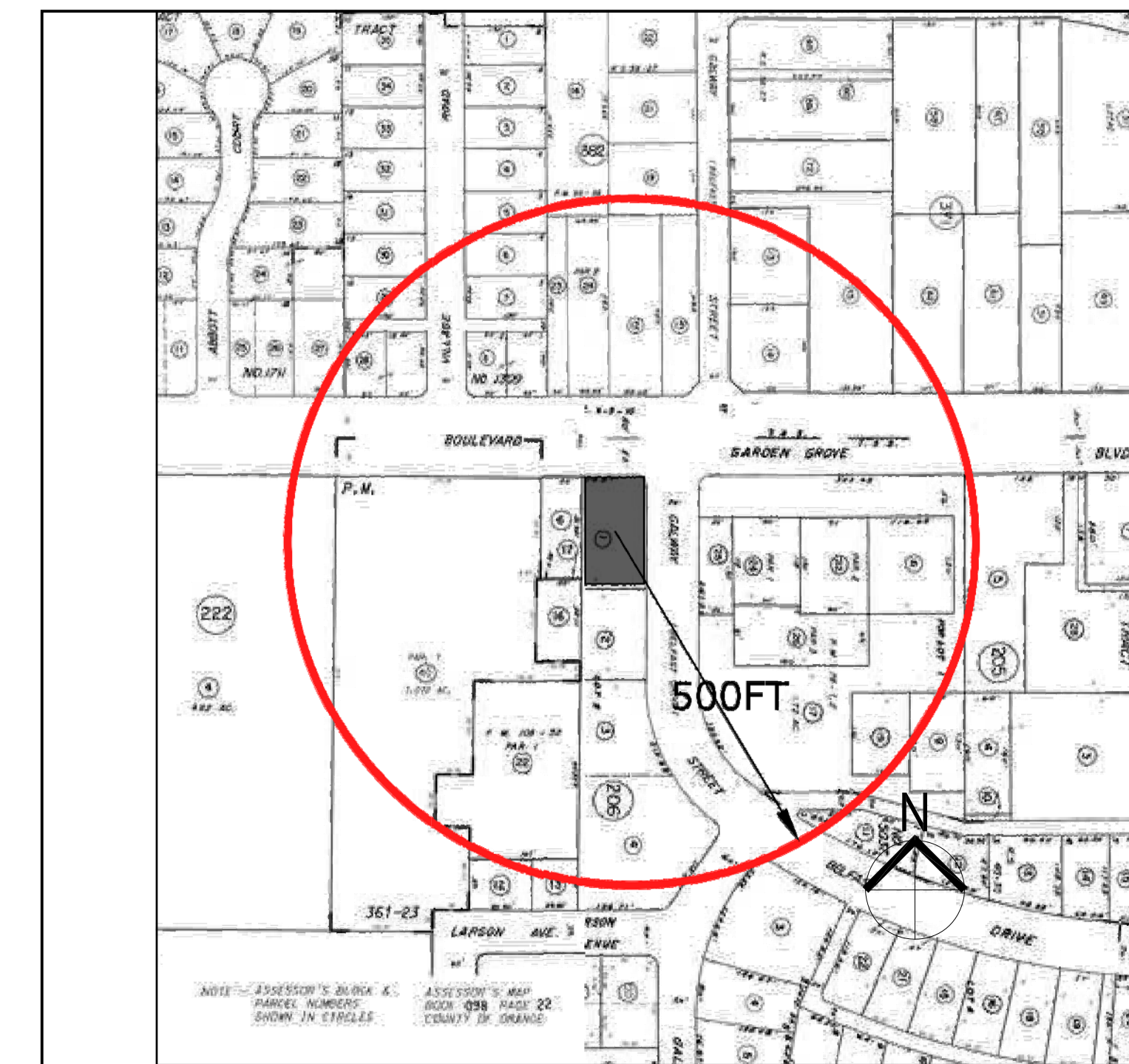
**PROPOSED USE:** RESTAURANT & OFFICE

**EXISTING OCCUPANCY GROUP :** B

**PROPOSED OCCUPANCY GROUP :** A - 2 & B

**PARKING REQUIREMENT :** 23 STALLS

**PARKING PROVIDED :** 23 STALLS



**ASSESSOR'S BOOK AND BLOCK :** 098-206-01

**PROPERTY PARCEL NUMBER :** 09820601

**MAP PREPARED BY :** ORANGE COUNTY

**ADDRESS :** 9672 GARDEN GROVE BLVD. GARDEN GROVE

**SCALE :** 1" = 200'

**DATE :**

**AREA MAP**  
 Scale: 1"= 200'

**ahk|architecture**  
 architecture/planning/interior  
 13005 mesa verde way, sylvan, california 91342  
 email: contact@ahkarchitecture.com



**TENANT IMPROVEMENT PROJECT**  
**bbq chicken**  
 9672 GARDEN GROVE BLVD. GARDEN GROVE, CA 92844

**35db**  
 INTERIOR DESIGN

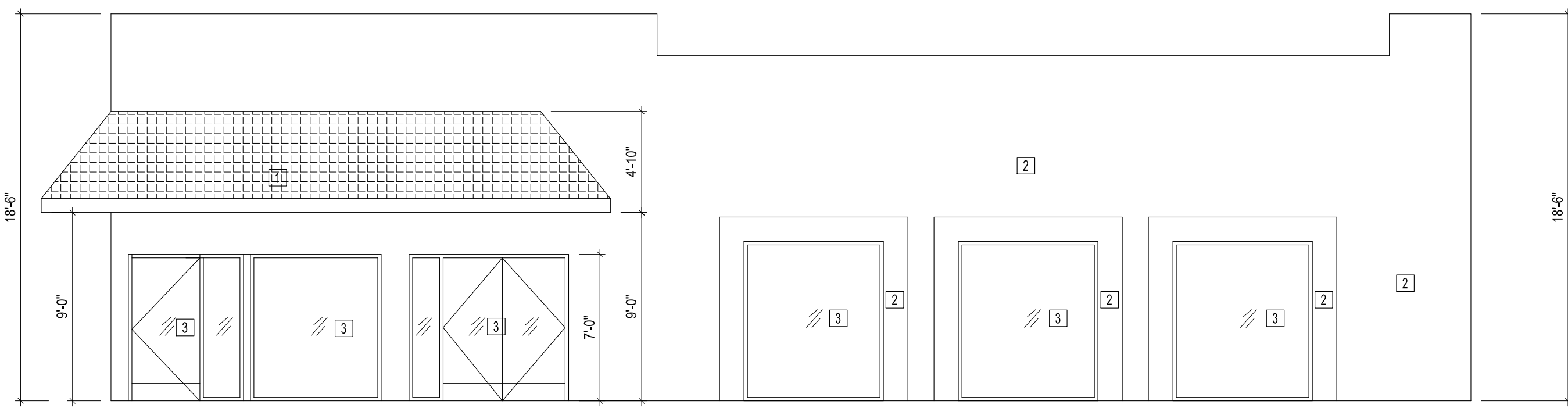
**SITE PLAN**  
 SCALE: 1/8" = 1'-0"

DATE:  
 DRAWN BY:  
 CHECKED BY:  
 JOB NO.:

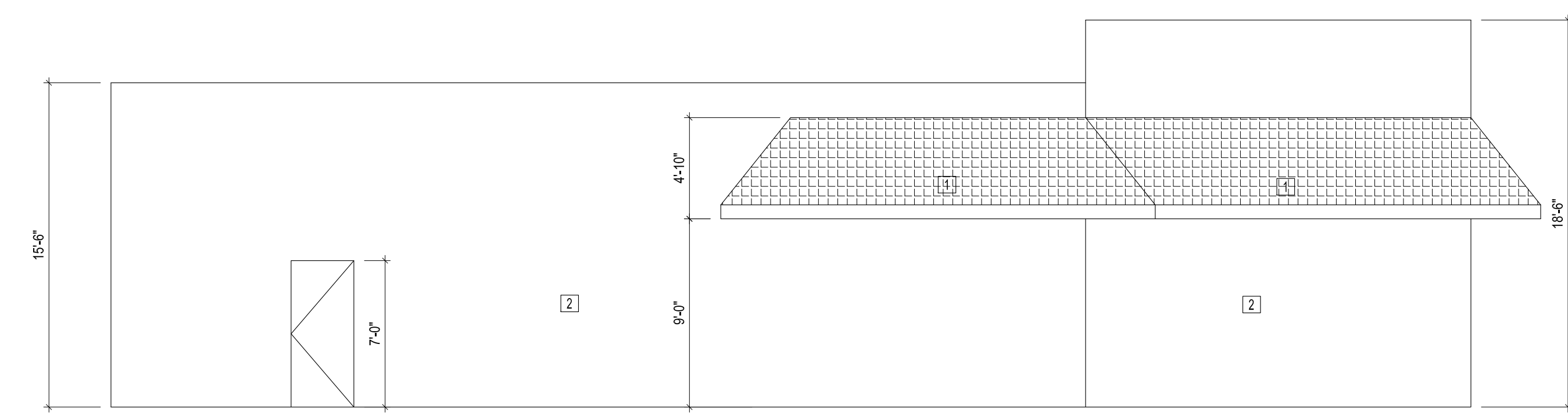
**A1.0**

PERMIT SUBMITTAL SET

USE OF THESE PLANS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. REUSE, REPRODUCTION OR PRODUCTION BY ANY METHOD IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS WITH ahk|architecture WITHOUT PRELUDE. VISUAL CONTACT WITH THESE PLANS AND SPECIFICATIONS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THE RESTRICTIONS.



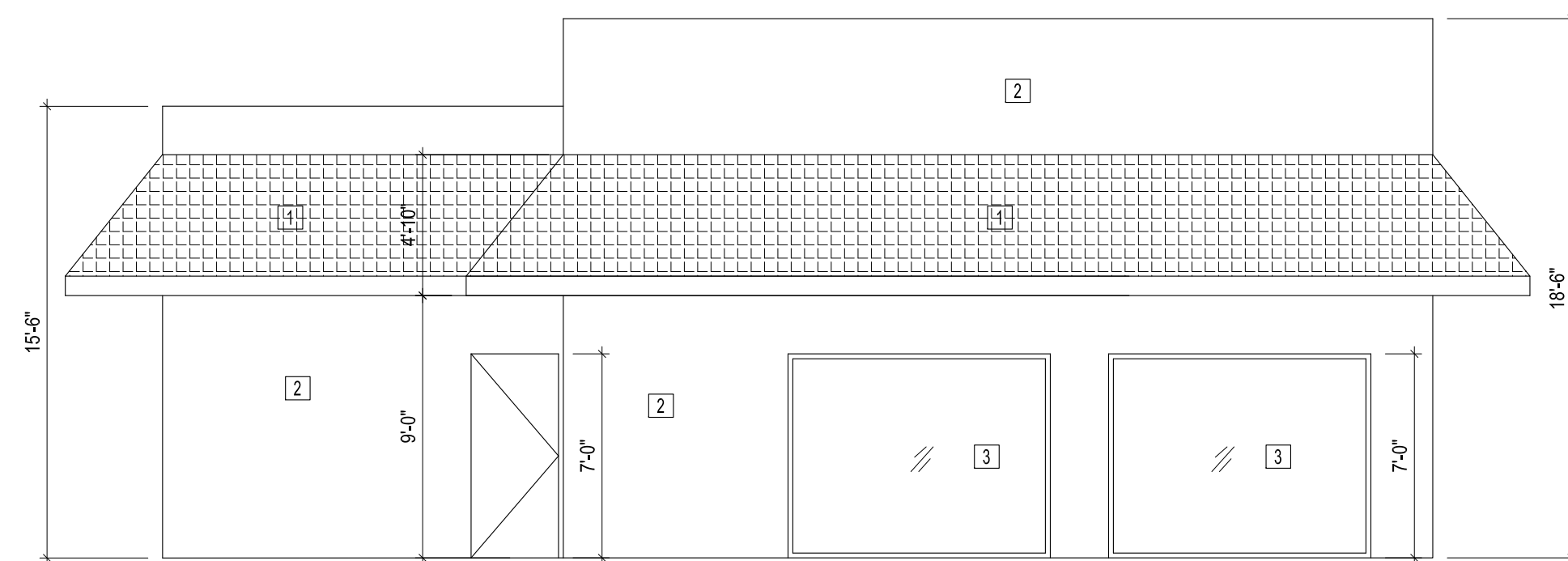
**NORTH ELEVATION 05**  
Scale: 3/16" = 1'-0"



**SOUTH ELEVATION 04**  
Scale: 3/16" = 1'-0"

**EXTERIOR MATERIAL LEGEND**

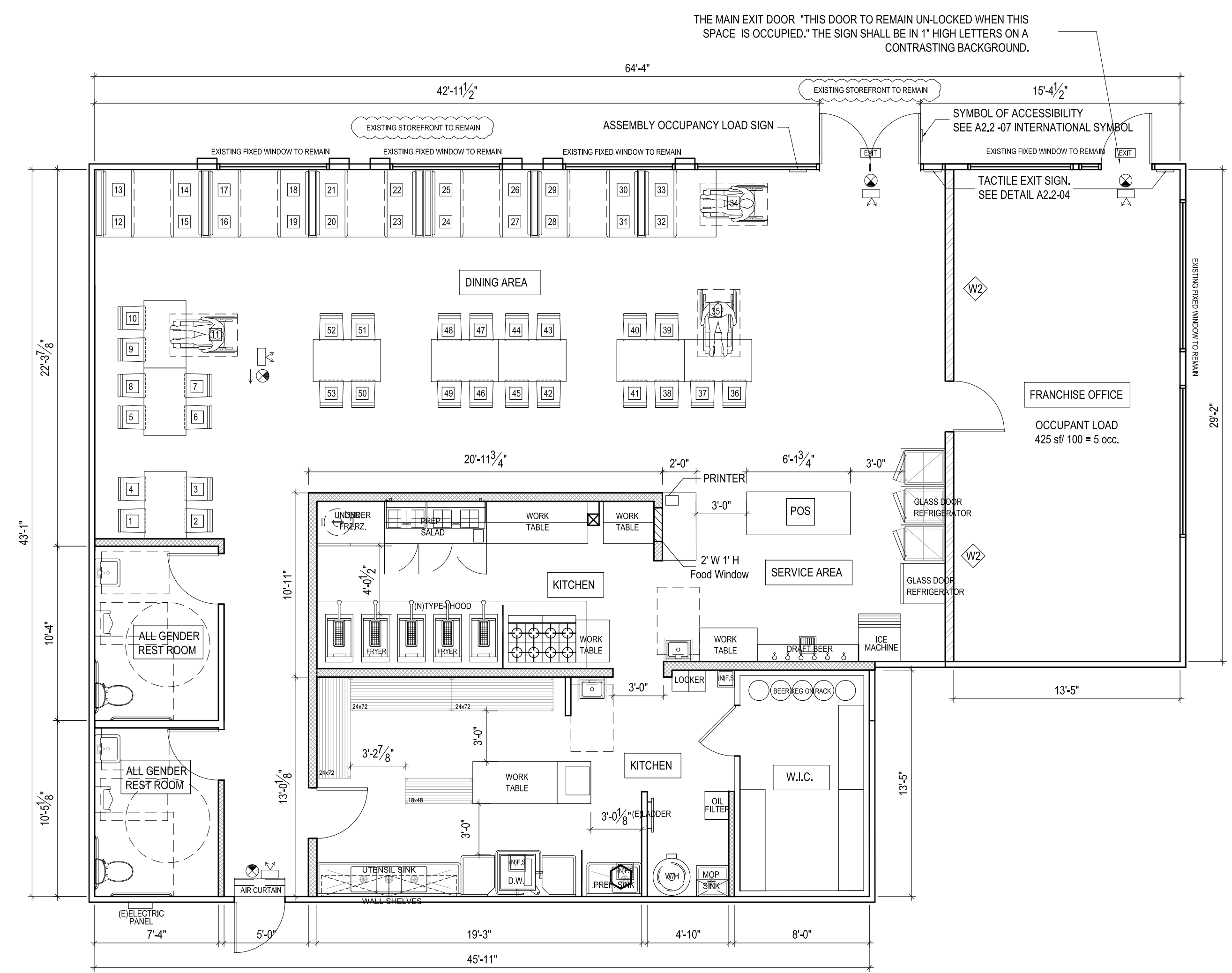
- 1 (E) BLUE COLOR ROOF TILE
- 2 (E) WHITE COLOR STUCCO FINISH WITH PAINT
- 3 GLASS WINDOW



**EAST ELEVATION 03**  
Scale: 3/16" = 1'-0"



**WEST ELEVATION 02**  
Scale: 3/16" = 1'-0"



**PROPOSED FLOOR PLAN 01**  
Scale: 3/16" = 1'-0"

**LEGEND**

- EXISTING WALL TO REMAIN
- W1 NEW FULL HEIGHT WALL SEE 01 A2.3
- W2 1HR. FIRE RATED WALL SEE 02 A2.3

**BUILDING NOTE:**  
FIRE-RATED SEPARATION WALL BETWEEN OCCUPANCIES PER CBC TABLE 508.4. PROVIDED DETAIL AND TESTED ASSEMBLY #. WALL SHALL EXTEND FROM FOUNDATION TO ROOF SHEATHING. ANY MEMBRANE PENETRATION INTO FIRE-RATED WALL SHALL BE PROTECTED PER CBC 714.1.2. MARKING AND IDENTIFICATION OF FIRE-RATED WALL SHALL COMPLY WITH CBC 703.7 —> PROVIDED ON 02/A2.3

**OCFA NOTES**

1. INDICATE AND PROVIDE PER CFC SECTION 3308.1 PROGRAM SUPERINTENDENT. THE OWNER SHALL DESIGNATE A PERSON TO BE THE FIRE PREVENTION PROGRAM SUPERINTENDENT WHO SHALL BE RESPONSIBLE FOR THE FIRE PREVENTION PROGRAM AND ENSURE THAT IT IS CARRIED OUT THROUGH COMPLETION OF THE PROJECT. THE FIRE PREVENTION PROGRAM SUPERINTENDENT SHALL HAVE THE AUTHORITY TO ENFORCE THE PROVISIONS OF THIS CHAPTER AND OTHER PROVISIONS AS NECESSARY TO SECURE THE INTENT OF THIS CHAPTER. WHERE GUARD SERVICE IS PROVIDED, THE SUPERINTENDENT SHALL BE RESPONSIBLE FOR THE GUARD SERVICE.
2. INDICATE AND PROVIDE PER CFC SECTION 3308.2 PREFIRE PLANS. THE FIRE PREVENTION PROGRAM SUPERINTENDENT SHALL DEVELOP AND MAINTAIN AN APPROVED PREFIRE PLAN IN COOPERATION WITH THE FIRE CHIEF. THE FIRE CHIEF AND THE FIRE CODE OFFICIAL SHALL BE NOTIFIED OF CHANGES AFFECTING THE UTILIZATION OF INFORMATION CONTAINED IN SUCH PREFIRE PLANS.
3. INDICATE THAT IS BEING PROVIDED PER CFC SECTION 3310.1 REQUIRED ACCESS. APPROVED VEHICLE ACCESS FOR THE FIRE FIGHTING SHALL BE PROVIDED TO ALL CONSTRUCTION OR DEMOLITION SITES. VEHICLE ACCESS SHALL BE PROVIDED TO WITHIN 100 FEET OF TEMPORARY OR PERMANENT FIRE DEPARTMENT CONNECTIONS. VEHICLE ACCESS SHALL BE PROVIDED BY EITHER TEMPORARY OR PERMANENT ROADS, CAPABLE OF SUPPORTING VEHICLE LOADING UNDER ALL WEATHER CONDITIONS. VEHICLE ACCESS SHALL BE MAINTAINED UNTIL PERMANENT FIRE APPARATUS ACCESS ROADS ARE AVAILABLE.
4. INDICATE AND PROVIDE PER CFC SECTION 3311.2 MAINTENANCE. REQUIRED MEANS OF EGRESS SHALL BE MAINTAINED DURING CONSTRUCTION AND DEMOLITION, REMODELING OR ALTERATIONS AND ADDITIONS TO ANY BUILDING.
5. INDICATED THIS IS AVAILABLE PER CFC SECTION 3312.1 WHEN REQUIRED, AN APPROVED WATER SUPPLY FOR FIRE PROTECTION, EITHER TEMPORARY OR PERMANENT, SHALL BE MADE AVAILABLE AS SOON AS COMBUSTIBLE MATERIAL ARRIVES ON THE SITE.

USE OF THESE PLANS AND SPECIFICATIONS SHALL BE RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED AND PUBLICATION THEREOF IS EXPRESSLY LIMITED TO SUCH USE. REUSE, REPRODUCTION OR PRODUCTION BY ANY METHOD IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS WITH ahkarchitecture WITHOUT PRELUDE. VISUAL CONTACT WITH THESE PLANS AND SPECIFICATIONS SHALL CONSTITUTE PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THE RESTRICTIONS.

ahkarchitecture  
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LICENSED ARCHITECT  
ANDREW H. KIL  
C-31817  
STATE OF CALIFORNIA

**TENANT IMPROVEMENT PROJECT**

**bbq chicken**

**35db**

INTERIOR DESIGN

DATE:

DRAWN BY:

CHECKED BY:

JOB NO.:

**A1.2**

PERMIT SUBMITTAL SFT

13005 mesa verde way, sylmar, california 91342  
email: contact@ahkarchitecture.com

9672 GARDEN GROVE BLVD, GARDEN GROVE, CA 92844





# FRIED CHICKEN ▪ 치킨

## What is Korean Fried Chicken?

Korean Fried Chicken is steeped in tradition, but it boils down to this: Our hand-frying technique renders the fat from the skin, creating an irresistibly crispy texture. Toss in our eclectic mix of classic and creative sauces, and you've got yourself an irresistibly authentic experience.

### Whole Chicken

850 Cal ~ 3570 Cal

Half [8pcs] **\$15.99**

Whole [16pcs] **\$29.99**

### Boneless

670 Cal - 3190 Cal

S [8pcs] **\$14.99**

M [16pcs] **\$27.99**

L [24pcs] **\$39.99**

### Wings

640 Cal - 3060 Cal

S [8pcs] **\$14.99**

M [16pcs] **\$27.99**

L [24pcs] **\$39.99**

## Order step

### Step 1

Choose **Your Chicken**

Whole Chicken | Boneless | Wings

### Step 2

Choose **Your Size**

Whole Chicken | Half, Whole  
Boneless, Wings | S, M, L

### Step 3

Choose **Your Flavor**

Before placing your order, please inform your server of any allergies.  
Be advised food contains milk, eggs, wheat, gluten, soybean, shellfish and peanuts.

## Flavors




**Golden Original** 황금 오리지널  
**Whole Chicken**  
Half [8pcs] **\$14.99** | Whole [16pcs] **\$28.99**  
**Boneless**  
S [8pcs] **\$13.99** | M [16pcs] **\$25.99** | L [24pcs] **\$36.99**  
Korean Fried Chicken at its best. Juicy and tender inside, light and crispy outside.



**Secret Sauce** 시크릿 양념 🔥  
**Whole Chicken** | **Boneless**  
A sweet and tangy take on our Golden Original.




**Hot Spicy** 매운 양념 🔥🔥🔥  
**Whole Chicken** | **Boneless**  
A red chili sauce gives these serious heat, and serious flavor.



**Honey Garlic** 허니 갈릭  
**Boneless** | **Wings**  
Brushed with a sweet, soy-based sauce, these are light on heat and heavy on flavor.




**Soy Garlic** 소이 갈릭  
**Boneless** | **Wings**  
Served in a savory sauce with a mild tang of garlic.



**Galbi** 갈비  
**Boneless** | **Wings**  
A Korean classic. Sweet, savory and smoky with green onions and a sesame seed garnish.




**Spicy Galbi** 매운 갈비 🔥🔥  
**Boneless** | **Wings**  
Tastes like regular Galbi, but with an extra smoky, extra spicy finish.



**Maple Crunch** 메이플 크런치  
**Boneless** | **Wings**  
Glazed in maple syrup with a rich butter and garlic sauce.



**Cheesling** 치즈링  
**Boneless Only**  
Dusted in a rich medley of sweet cheeses. Grab extra napkins.

 Customer Favorite

 Spicy level

# K-FOODS



### Ddeok-Bokki

떡볶이 🔥🔥

**\$12.99** Add Cheese + \$2  
Rice cakes and fish cakes reduced in a sweet and spicy red chili sauce.



### Rosé Ddeok-Bokki

로제 떡볶이 🔥

**\$13.99** Add Cheese + \$2  
Rice cakes and fish cakes reduced in a sweet and spicy red chili sauce with creamy flavor.

**MADE TO ORDER.**  
**MADE BY HAND.**  
*Makes a Difference.*

Before placing your order, please inform your server of any allergies.  
Be advised food contains milk, eggs, wheat, gluten, soybean, shellfish and peanuts.

# SIDES



**French Fries** **\$5.99**



**Steamed Rice** **\$1.99**



**Sweet Potato Fries** **\$6.99**



**Pickle Radish** **\$1.00**



**Fried Dumplings** **\$8.99**



**bb.q Chicken Sauce** **\$1.99**

# COMBOS

## Half & Half

**Half & Half Whole Chicken** | **\$29.99**

Half Golden Original + Half Secret Sauce or Hot Spicy

**Half & Half Boneless** | **\$27.99**

Half Golden Original + Half Secret Sauce or Hot Spicy

## Lunch Combo MON-FRI 11AM ~ 3PM

**Boneless Combo**

**Boneless (6pcs) + Side + Soda | \$11.99**

French fries, Rice or Sweet Potato Fries (Extra \$1)



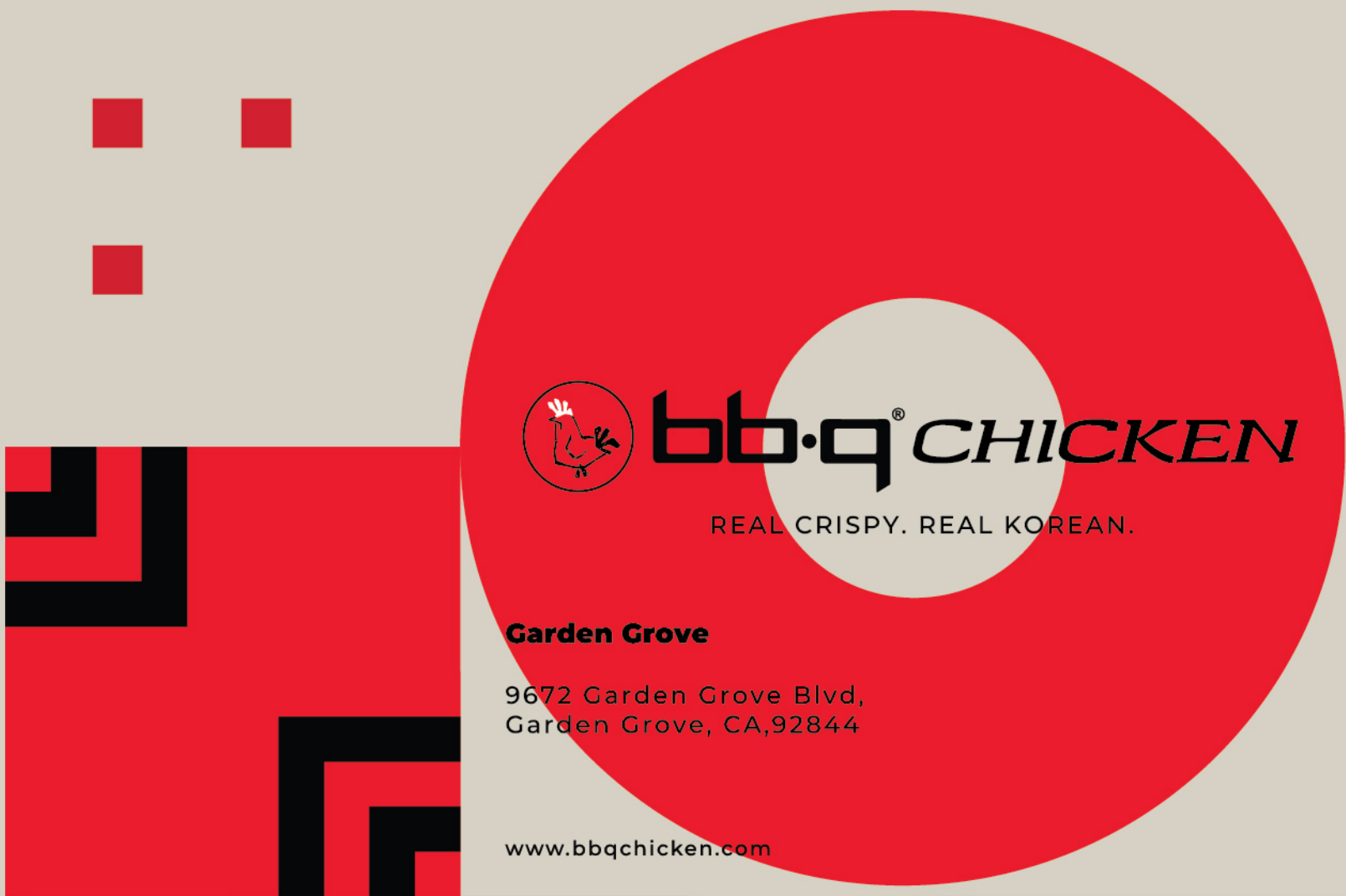
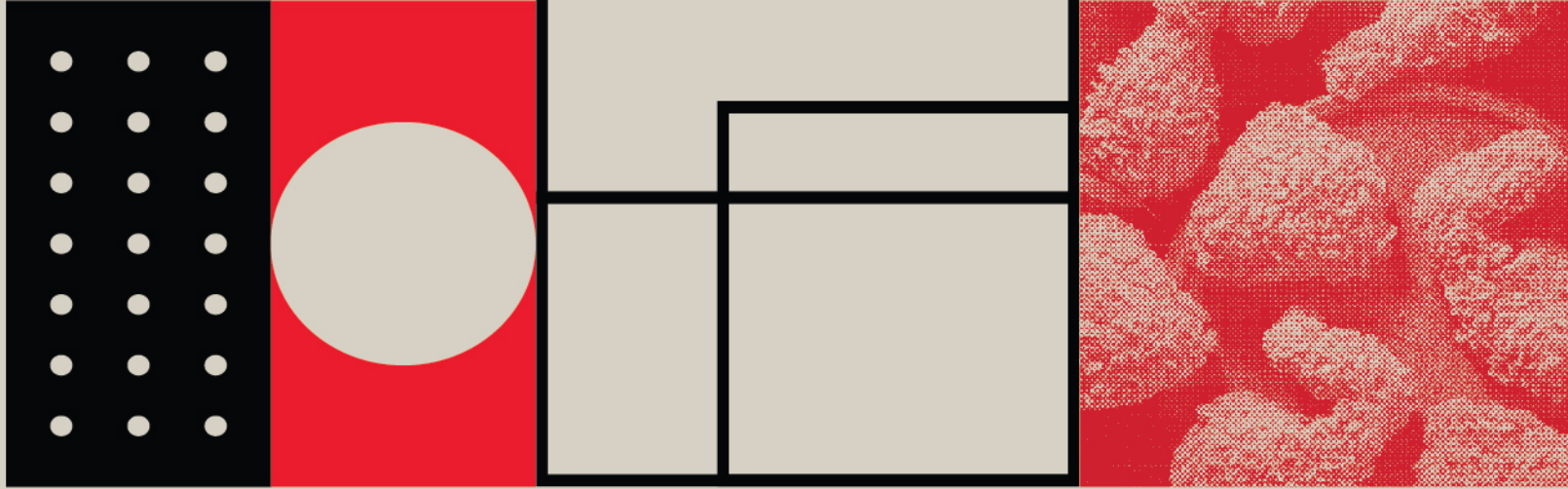
2,000 calories a day is used for general nutrition advice, but calorie needs vary.

Additional nutrition information is available upon request.

Some of the flavor sauces and powder contains peanut and shellfish.

Before placing your order, please inform your server of any allergies.  
Be advised food contains milk, eggs, wheat, gluten, soybean, shellfish and peanuts.





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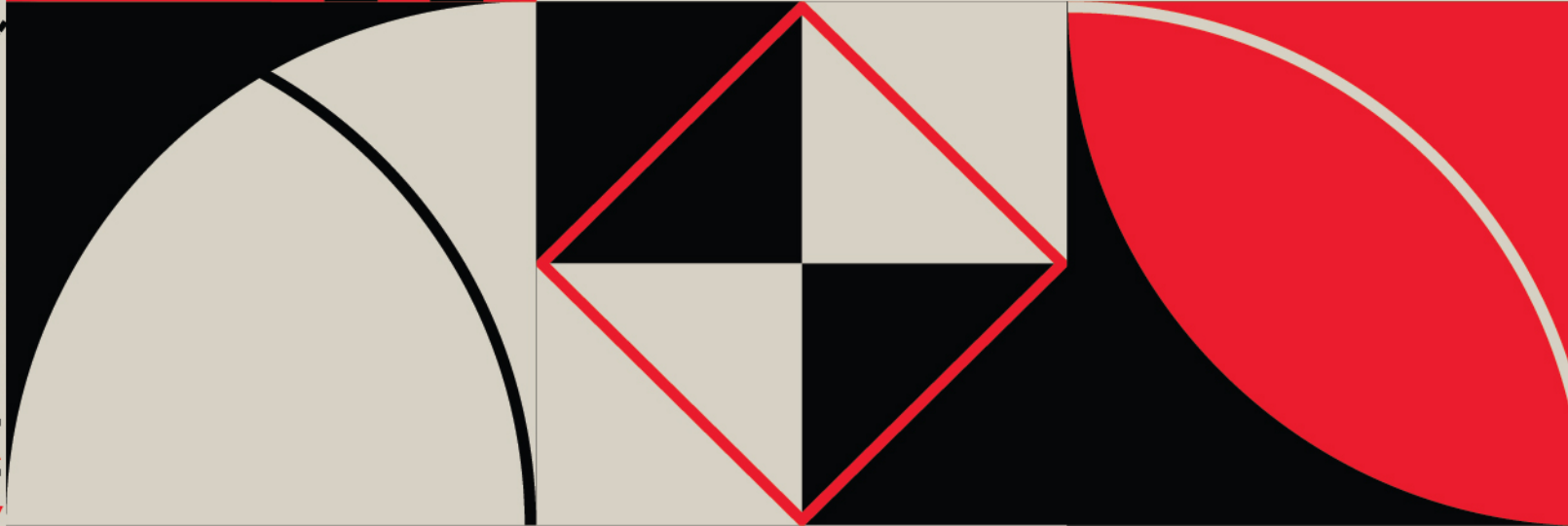
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DECISION NO. 1840-23

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING CONDITIONAL USE PERMIT NO. CUP-239-2023 FOR PROPERTY LOCATED AT 9672 GARDEN GROVE BOULEVARD, ASSESSOR'S PARCEL NO. 098-206-01.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Conditional Use Permit No. CUP-239-2023 for property located on the southwest corner of Garden Grove Boulevard and Galway Street, at 9672 Garden Grove Boulevard, Assessor's Parcel No. 098-206-01.

BE IT FURTHER RESOLVED in the matter of Conditional Use Permit No. CUP-239-2023, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Jun Won Song, with the authorization of the property owner, Young H. Kwon.
2. The applicant is requesting approval of a Conditional Use Permit to allow a new restaurant, BBQ Chicken, to operate with an original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the Zoning Administrator hereby determines that the proposed project is categorically exempt from the CEQA pursuant to Section 15301, Existing Facilities, of the CEQA Guidelines (14 Cal. Code Regs., Section §15301).
4. The property has a General Plan Land Use designation of Residential/Commercial Mixed Use 2, and is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2). The subject property is currently improved with a one-story commercial building.
5. Existing land use, zoning, and General Plan designation of property within the vicinity of the subject property have been reviewed.
6. Report submitted by City Staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on April 27, 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 April 27, 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 property is an 18,000 square foot lot located at the southwest corner of Garden Grove Boulevard and Galway Street. The site is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2), and has a General Plan Land Use designation of Residential/Commercial Mixed Use 2. The site abuts GGMU-2 zoned properties to the south, west and, across Garden Grove Boulevard, to the north, and GGMU-3 (Garden Grove Boulevard Mixed Use 3) zoned properties across Galway Street, to the east. Existing surrounding uses include a mix of various commercial uses including restaurants, offices, groceries, coffee shops, and retails.

The subject property is improved with an approximately 2,587 square foot one-story commercial building. The subject business, BBQ Chicken, is a new eating establishment/restaurant that will occupy the entire building. The operator of the new BBQ Chicken restaurant, the applicant, has sixteen (16) years of experience in the food industry and is currently operating two (2) similar restaurants in the cities of Buena Park and Fullerton. The BBQ Chicken restaurant will be the third eating establishment that the applicant will be managing.

The applicant has obtained a building permit (Permit No. 22-2644) for interior tenant improvements, currently under construction, which do not include substantial changes to the existing floor plan, nor any proposed expansion of the existing floor area/building. The scope of work for said permit consists of various interior tenant improvements which include, but may not be limited to, installation of a new exhaust hood system, new plumbing and new electrical work. The scope of work also includes other non-substantial site improvements: striping of a new parking stall; construction of a new trash enclosure; and exterior improvements related to ADA (American's with Disabilities Act) upgrades for path-of-travel and accessibility. The building's floor plan consists of two (2) spaces: a 425 square foot office that is located on the east side of the building; and a 2,110 square foot restaurant area, which occupies the rest of the building area to the west. Both spaces will be operated by BBQ Chicken, as a single establishment (not as separate tenant spaces). The restaurant area consists of a customer dining area, a kitchen, a walk-in cooler, and two (2) all-gender restrooms. The office area will have an open floor plan and will be used for administrative work associated with the restaurant operation. It is anticipated that the restaurant will be opened mid-May of 2023.

The applicant is requesting Conditional Use Permit approval to operate the new restaurant with a new original State Alcoholic Beverage Control (ABC) Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. Garden Grove Municipal Code Section 9.18.060.030 requires approval of a Conditional Use Permit for the addition of a new original ABC License to a restaurant.

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

- The subject site is located in Crime Reporting District No. 95.
- The crime count for the District is 887.02.
- Average crime count per district in the City is 71.
- A District is considered high when it exceeds the Citywide average by 20%.
- The subject District has a crime count of 46% 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. 887.02.
- ABC Census Reporting District No. 887.02 allows for seven (7) on-sale licenses within the District. Currently, there are twenty six (26) on-sale licenses in the District. The approval of this CUP will add a new ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The approval of this Conditional Use Permit will increase the number of on-sale ABC Licenses in District 887.02 by one (1). If approved, the total number of on-sale licenses in the District will be twenty seven (27).

PUBLIC CONVENIENCE OR NECESSITY:

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

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

Business and Professions Code Section 23958.4 provides the following exception:

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

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

an application for licensure, or (B) a completed application according to local requirements, if any, whichever is later.

Although the subject site is located in an area considered to be in a high-crime district and in an area with an over-concentration of "on-sale" ABC licenses, a finding for public convenience or necessity is warranted given the potential community benefit through the operation of the restaurant with an ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) License. The addition of the new ABC Type "41" License would provide and maintain an amenity that enhances the customer dining experience and maintains the intent of being a business serving the local community. The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. Provided the Conditions of Approval are adhered to for the life of the project, the use will be harmonious with the persons who work and live in the area. Therefore, the City of Garden Grove hereby determines and approves a Finding of Public Convenience or Necessity for Conditional Use Permit No. CUP-239-2023.

Furthermore, BBQ Chicken shall provide an assortment of foods normally offered in restaurants, and the kitchen shall be open and preparing food during all hours of operation. At all times the establishment is open, the sale of alcohol shall be incidental to the sale of food; and the quarterly gross sales of alcoholic beverages shall not exceed 35% of the total gross sale of food during the same period. Lastly, no live entertainment, (karaoke, one-man band, solo performer, live music, etc.) shall be permitted on the premises. Therefore, the City of Garden Grove hereby determines and approves a Finding of Public Convenience or Necessity of Conditional Use Permit No. CUP-239-2023.

#### FINDINGS AND REASONS:

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

The subject property has a General Plan Land Use designation of Residential/Commercial Mixed Use 2 (RC2), and is zoned GGMU-2 (Garden Grove Boulevard Mixed Use 2). The RC2 Land Use designation is intended to provide for a mix of residential and commercial uses mostly around older underutilized, multi-tenant commercial developments. The GGMU-2 includes use regulations and development standards with a development approach that provides for a pedestrian environment along Garden Grove Boulevard that includes wide sidewalks, landscaping, street furniture, and public plazas, with buildings oriented toward the boulevard. In particular, the subject proposal is consistent with the following General Plan Goals, Policies, and Implementation Measures:

*Policy LU-1.4 Encourage a wide variety of retail and commercial services, such as restaurants and cultural arts / entertainment, in appropriate locations. The subject restaurant is located within an area with abundant commercial services*

such as restaurants, offices, markets, coffee shops, and other commercial services. Allowing the subject restaurant to operate with an ABC Type "41" License will add an additional amenity to the restaurant that enhances the customer dining experience and maintains the intent of being a business serving the local community.

*Goal LU-4 Uses compatible with one another.* The proposed use is a restaurant with incidental sales of alcohol within an existing commercial-residential neighborhood that consists of a variety of uses including restaurants markets, coffee shops, and other commercial services. Dining establishments with on-site sale and consumption of alcohol are compatible with these uses, and other lighter, commercial uses. Furthermore, provided the Conditions of Approval are adhered to for the life of the project, the use will be compatible with other adjacent uses, and will be harmonious with the persons who work and live in the area.

*Goal LU-5 Economically viable, vital, and attractive commercial centers throughout the City that serve the needs of the community.* Restaurant uses with alcohol sales can enhance the vitality of commercial properties along Garden Grove Boulevard. The proposed Conditional Use Permit would allow for the service of alcohol to accompany the food served by the new restaurant. The service of alcohol is intended to enhance the dining experience; thus, it further enhances the community, by providing another unique dining opportunity.

*Policy LU-6.2 Encourage a mix of retail shops and services along the major corridors and in centers that better meet the community's needs.* The subject request for a Conditional Use Permit allowing the service of alcohol at BBQ Chicken restaurant would add a new use to a major commercial corridor. The area surrounding the subject restaurant already features a wide variety of commercial uses. With the subject request, the proposed use will further augment the variety of uses in the area. By providing a vast variety of commercial uses, the area surrounding the Garden Grove Boulevard commercial corridor can become more resilient to any future community needs.

*SAF-IMP-2C Involve law enforcement agencies in the design and planning phases of ABC licensed establishments to reduce design elements that conceal or encourage criminal activity.* The Garden Grove Police Department has reviewed all relevant data pertaining to the proposed Conditional Use Permit. The intent of their review is to reduce the number of alcohol-related crimes, and promote the safe operation of the restaurant. No concerns were raised by the Police Department regarding the addition of an ABC License to the restaurant. Standard Conditions of Approval for ABC Type "41" (On-Sale, Beer and Wine, Public Eating Place) licensed establishments have been incorporated, which in part, address hours of operation, loitering, on-site security, the sale of

alcoholic beverages for off-site consumption, parking lot lighting, and graffiti abatement. The Police Department has reviewed the request and is supportive of the proposal.

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

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The Conditions of Approval will minimize potential impacts to the adjoining area. The BBQ Chicken restaurant hours of operation will be 11:00 a.m. to 11:00 p.m., Sunday through Thursday, and from 11:00 a.m. to 12:30 a.m., Friday and Saturday. These hours of operation are consistent with, and are within, the City's standard operating hours, for restaurants operating with an ABC Type "41" License. In the event problems arise concerning the operation of this business, the hours of operation may be reduced by order of the Police Department. Limitations on the hours of alcohol sales can limit any impacts on the surrounding area.

The use will not unreasonably interfere with the use, enjoyment, or valuation of other property located within the vicinity of the site, provided the Conditions of Approval are adhered to for the life of the project. By operating as a restaurant, with alcohol sales for on-site consumption only, the use will be compatible with the surrounding commercial 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, is of adequate size to accommodate the proposed uses within the surrounding area. No major modifications are required to any of the existing site development features on site (any buildings, yards, walls, fences, parking and loading facilities, and landscaping), with the exception of minor modifications to the site (currently contemplated under Building Permit No. 22-2644), for non-substantial improvements, which include: striping of a new parking stall; construction of a new trash enclosure; and interior and exterior improvements related to ADA (American's with Disabilities Act) upgrades for path-of-travel and accessibility.

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 southwest corner of Garden Grove Boulevard and Galway Street. The development will be adequately accessed from one (1) driveway along Galway Street. On-site circulation is adequate to serve all the establishments within the subject site. The site is also sufficiently served by the public service facilities required, such as public utilities: gas, electric, water, and sewer facilities. As a part of this request, with exception to the minor tenant improvement modifications contemplated under Building Permit No. 22-2644, no substantial changes are proposed to the existing restaurant building. Therefore, the site will be adequately served by all existing highways, streets, and other public and private service facilities.

INCORPORATION OF FACTS AND REASONS SET FORTH IN THE STAFF REPORT

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

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

1. The Conditional Use Permit does possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030 (Conditional Use Permits).
2. In order to fulfill the purpose and intent of the Municipal Code and thereby promote the health, safety, and general welfare, the following Conditions of Approval, attached as Exhibit "A", shall apply to Conditional Use Permit No. CUP-239-2023.

Dated: April 27, 2023

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DAVID DENT  
ZONING ADMINISTRATOR



## **EXHIBIT "A"**

### **Conditional Use Permit No. CUP-239-2023**

9672 Garden Grove Boulevard

#### **CONDITIONS OF APPROVAL**

##### **General Conditions**

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval," as prepared by the City Attorney's Office, within 30 days of approval. This Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to each of the following: the project applicant, Jun Won Song, the developer of the project, the owner(s) and tenants(s) of the property, and each of their respective successors and assigns. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the applicable City hearing body, except as otherwise provided herein.
3. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply.
4. This Conditional Use Permit only authorizes the operation of an approximately 2,587 square foot restaurant with an Alcoholic Beverage Control Type "41" (On-Sale, Beer and Wine, Public Eating Place) License as identified on the floor plan attached to these Conditions of Approval. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications, which do not change the intent of the project, may be approved by the Community and Economic Development Director.
5. Minor modifications to the approved site plan, floor plan, and/or these Conditions of Approval may be approved by the Community and Economic Development Director, in his or her discretion. Proposed modifications to the

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

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

**Police Department**

7. There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
8. Hours of operation shall be permitted only between the hours of 8:00 a.m. to 11:00 p.m., Sunday through Thursday, and 8:00 a.m. to 12:30 a.m., Friday and Saturday. The hours of operation shall be applicable to the entire premises. The City of Garden Grove reserves the right to reduce hours of operation by order of the Chief of the Police Department, in the event problems arise due to noise, disturbances or other problems that may be resolved by modifying the hours of operation.
9. There shall be no customers or patrons in or about the premises when the establishment is closed.
10. In the event security problems occur, and at the request of the Police Department, the permittee, at his own expense, shall provide a California licensed, uniformed security guard(s) on the premises during such hours as requested by the Police Department.
11. The sale of alcoholic beverages for consumption off of the premises is prohibited. Consumption of alcoholic beverages shall not occur anywhere outside of the establishment at any time.
12. The sale or service of alcohol shall cease thirty (30) minutes prior to the required closing time.
13. There shall be no enclosed booths on the premises at any time. Walls and/or partitions exceeding thirty-six (36) inches in height, which partially enclose or separate booths, shall be of a clear and transparent material. No item shall be placed in the area of the booths that would limit or decrease the visibility of the interior of the business from any location within the business.

14. The applicant shall maintain a level of lighting in the establishment sufficient to ensure that individuals inside the restaurant can be clearly seen and identified by an observer at all times. Low-level lighting that does not enable an observer to clearly see and identify individuals inside the restaurant is prohibited.
15. No payment (entrance fee/cover charge) shall be charged to gain access to the business at any time.
16. No "B-girl" or "hostess" activity (as defined in Penal Code Section 303) shall occur within the establishment at any time.
17. No employee or agent shall, be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the establishment, nor shall the business provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or nonalcoholic beverage from any customer while in the business.
19. The business shall show proof to the Police Department that all members of the business staff have completed the LEAD training (Licensee Education on Alcohol and Drugs) through Alcoholic Beverage Control (ABC) or an ABC approved "Responsible Beverage Service (RBS) Training" program.
20. In the event that the Alcoholic Beverage Control (ABC) License is suspended for any period of time and/or fined for any ABC violation as a result of disciplinary action, the Conditional Use Permit shall be presented to the Planning Commission for review or further consideration.
21. Any violations or noncompliance with the conditions of approval may result in the issuance of an Administrative Citation of up to \$1,000 pursuant to GGMC 1.22.010 (a).

**Community and Economic Development Department**

22. The establishment shall be operated as a "Bona Fide Public Eating Place" as defined by Alcoholic Beverage Control (ABC) License. The restaurant shall contain sufficient space and equipment to accommodate a full restaurant kitchen, and the kitchen shall be open and preparing food during all hours the establishment is open. The establishment shall provide an assortment of

- foods normally offered in restaurants. The service of only appetizers, sandwiches and/or salads shall not be deemed in compliance with this requirement.
23. The applicant shall schedule an inspection with the Building and Safety Division, and obtain a "Certificate of Occupancy" prior to restaurant's commencement of operation.
  24. At all times when the establishment is open for business, the sale of alcoholic beverages shall be incidental to the sale of food. The quarterly gross sales of alcoholic beverages shall not exceed 35% of the quarterly gross sales of food.
  25. Food service shall be provided during all hours the restaurant is open, and shall also be available at all times when alcoholic beverages are being served.
  26. The applicant shall, upon request, provide the City of Garden Grove with an audited report of sales ratio of food to alcoholic beverages.
  27. All restaurant activities, which include serving and consuming of food and alcohol, will be restricted to the restaurant area of the building, and not within the 425 square foot office area/room, designated as "Franchise Office" per the approved floor plan under Conditional Use Permit No. CUP-239-2023. The office area/room will not be permitted to include any customer dining areas, any restaurant furnishings, nor allow any restaurant related activities such as cooking, dining, and consuming of food and alcohol.
    - a. Should the City receive a proposal to change the use of the 425 square foot office area/room, designated as "Franchise Office" per the approved floor plan under Conditional Use Permit No. CUP-239-2023, to additional restaurant space, a separate tenant space, or another use not previously reviewed under this Conditional Use Permit, the applicant shall obtain all necessary approvals from the City, and demonstrate compliance with all Municipal Code requirements, such as, but not limited to, parking standards, including any other applicable requirements set forth in the California Building Standards Code, and/or other related local, state, or federal requirements.
  28. 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.

29. 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.
30. There shall be no live entertainment, dancing, karaoke, or disc jockey (DJ) entertainment permitted on the premises at any time. Amplified background music emitted from a jukebox or other amplified stereo system may be permitted to enhance the dining experience, but the sound emitted from the premises shall not be audible outside of the establishment.
31. There shall be no raised platform, stage or dance floor allowed on the premises at any time.
32. There shall be no amusement devices permitted on the premises at any time.
33. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
34. 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.
35. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, and in emergencies.
36. 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.
37. 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.
38. 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.
39. The applicant/property owner shall abate all graffiti vandalism within the premises. The applicant/property owner shall implement best management practices to prevent and abate graffiti vandalism within the premises throughout the life of the project, including, but not limited to, timely

removal of all graffiti, the use of graffiti resistant coatings and surfaces, the installation of vegetation screening of frequent graffiti sites, and the installation of signage, lighting, and/or security cameras, as necessary. Graffiti shall be removed/eliminated by the applicant/property owner as soon as reasonably possible after it is discovered, but not later than 72 hours after discovery.

40. The applicant is advised that the establishment is subject to the provisions of State Labor Code Section 6404.5 (ref: State Law AB 13), which prohibits smoking inside the establishment as of January 1, 1995.
41. No roof-mounted mechanical equipment 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.
42. 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.
43. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to, and approved by, the Community and Economic Development Department, Planning Services Division. No advertising material shall be placed thereon.
44. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
45. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
46. 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.
47. 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.

48. A copy of the decision and the conditions of approval for Conditional Use Permit No. CUP-239-2023 shall be kept on the premises at all times.
49. The permittee shall submit a signed letter acknowledging receipt of the decision approving Conditional Use Permit No. CUP-239-2023 and his/her agreement with all conditions of the approval.
50. 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.
51. 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.
52. The applicant shall, as a condition of project approval, at its sole expense, defend, indemnify and hold harmless the City, its officers, employees, agents and consultants from any claim, action, or proceeding against the City, its officers, agents, employees and/or consultants, which action seeks to set aside, void, annul or otherwise challenge any approval by the City Council, Planning Commission, or other City decision-making body, or City staff action concerning Conditional Use Permit No. CUP-239-2023. 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.
53. 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-239-2023 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
54. 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.

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



# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

<b>AGENDA ITEM NO.:</b> 1.c.	<b>SITE LOCATION:</b> East side of Brookhurst Street, south of Chapman Avenue, at 12036 Brookhurst Street
<b>HEARING DATE:</b> April 27, 2023	<b>GENERAL PLAN:</b> Residential/Commercial Mixed-Use 2 (RC2)
<b>CASE NO.:</b> SP-124-2023	<b>ZONE:</b> Brookhurst/Chapman Specific Plan – Brookhurst/Chapman Commercial (BCSP- BCC)
<b>APPLICANT:</b> Ha Nguyen	<b>CEQA DETERMINATION:</b> Exempt – Existing Facilities (15301)
<b>PROPERTY OWNER(S):</b> Mai Trang	<b>APN:</b> 089-453-49

**REQUEST:**

The applicant is requesting Site Plan approval to modify the front building façade (west elevation) of an existing 3,534 square foot building to accommodate the establishment of a new bakery, Yummy Bakery.

**BACKGROUND:**

The property, located at 12036 Brookhurst Street, is an approximately 12,400 square foot site located on the east side of Brookhurst Street, south of Chapman Avenue. The property has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2 (RC2) and is zoned BCSP-BCC (Brookhurst/Chapman Specific Plan – Brookhurst Chapman Commercial). The subject site abuts BCSP-BCC zoned properties to the north and to the south, an R-1 zoned property to the east, and Neighborhood Mixed Use (NMU) zoned properties across Brookhurst Street, to the west. Surrounding uses include a mix of commercial and retail such as a gas station, a dental office, and the Pavilion Plaza shopping center across Brookhurst Street.

The property is currently improved with a 3,534-square-foot one-story commercial building. The building, which was built in 1964, has two (2) separate tenant spaces, previously occupied by a retail jewelry store, Continental Custom Jewelry, and a nutrition retail store, Nature’s Way Health Foods and Gifts. Per Business Tax and License records, both businesses ceased their operations in 2020, and the building has been vacant since. In August 2022, a building permit was issued by the City for interior tenant improvements, which included the following scope of work: (i) to combine the two (2) separate tenant spaces into one; and (ii) to convert the whole building into a retail bakery for Yummy Bakery. Now, the applicant is proposing to improve the façade of the building as part of the on-going improvements for the building.

The Brookhurst/Chapman Specific Plan requires approval of a Site Plan, for any proposed rehabilitation, redevelopment, expansion or intensification of existing use of structures and new development, including any exterior changes to structures that require a building permit. Although the proposed improvements do not include any expansion to the building, it includes a significant change to the façade, which will require a building permit. Thus, the proposal requires approval of a Site Plan.

## **DISCUSSION:**

### **Building Design**

The existing building was previously characterized by a typical box-shaped design with colored stucco and stone finishes that are commonly found in older commercial buildings. The existing roof structure, including the parapet and eave, extends five feet (5'-0") beyond the building's footprint, creating a covered sidewalk area in the front. Underneath the protruding roofline, the front elevation is accented with glass windows and two (2) storefronts. The overall height of the building, measured from the finished grade to the top of the parapet, is approximately fifteen feet (15'-0"). In addition, there were two (2) existing signs on the front façade: one (1) cabinet sign and one (1) channel letter sign for prior tenants.

All of the existing elements on the front façade of the building including the two (2) existing signs, the stucco and stone finishes, and the glass windows and storefronts have been completely removed. The new architectural style for the building will be contemporary. The proposed design of the façade utilizes a variety of materials that include wood siding, stucco foam moulding, stucco finishes, and subway tiles. The entire building will be re-stuccoed and re-painted for a fresher look. A new six-foot (6'-0") wide glass storefront entry and two (2) large glass storefront windows will be installed to allow more natural lighting to come into the store.

In addition to the aforementioned improvements, the proposed façade design also includes a prominent twenty-foot (20'-0") tall parapet structure. The parapet structure will cover the entire surface of the five-foot (5'-0") overhang portion of the roof. A portion of the parapet structure will extend to the ground, creating a semi-enclosed walkway adjacent to the building entrance. The parapet structure will feature horizontal wood siding, including stucco foam moulding along the top of the parapet, providing exterior finishes consistent with the contemporary architectural style. The addition of the new parapet feature, along with the use of multiple materials, adds articulation to the building elevations, and creates variation to the horizontal building massing on the front façade. Furthermore, the overall building height will be increased from fifteen (15'-0") to twenty feet (20'-0"), which is an increase of five feet (5'-0").

### **NO NET LOSS**

Government Code Section 65863 requires jurisdictions to maintain adequate sites to accommodate their remaining unmet Regional Housing Needs Allocation (RHNA) by each income category at all times throughout the Housing Element planning period. A jurisdiction may not take any action to reduce a housing element parcel's residential

density unless it makes findings that the reduction is consistent with the General Plan, including the Housing Element, and that the remaining sites identified in its Housing Element sites inventory can accommodate its remaining unmet RHNA by each income category, or it identifies additional sites so that there is no net loss of residential unit capacity.

In addition, if a jurisdiction approves a development on a parcel identified in its Housing Element sites inventory with fewer units than shown in the Housing Element, the jurisdiction must either make findings that the Housing Element's remaining sites have sufficient capacity to accommodate the remaining unmet RHNA by each income level or identify and make available additional adequate sites to accommodate the remaining unmet RHNA for each income category. The City Council has incorporated these requirements into the Garden Grove Municipal Code in Section 9.60.030.

The City's 6th Cycle RHNA requires the City to plan for 19,168 housing units for all income levels. A component of preparing the City's Housing Element is the identification of vacant and underutilized sites suitable for residential development, and an evaluation of the housing development potential of these sites in fulfilling the City's RHNA. The project site is identified in the City's Housing Element sites inventory as having a realistic capacity to accommodate a total of five (5) "above moderate income" housing units. The scope of work of the proposed project involves a façade improvement to an existing commercial building and does not include any proposed residential units. Therefore, in order to approve the proposed project, the Planning Commission must determine it is consistent with the General Plan, including the Housing Element, and that the remaining sites identified in the Housing Element sites inventory have sufficient capacity to accommodate the City's remaining unmet RHNA by income level. Staff has evaluated the housing projects that have been permitted or approved during the current planning period, and has determined that the remaining sites identified in the sites inventory will have sufficient capacity to accommodate the City's remaining unmet RHNA need for each income level if the project is approved as proposed. Staff's analysis is as follows:

At the time the Housing Element was prepared and adopted, the City's *unmet* RHNA was calculated to be 17,458 units, broken down as follows: 6,555 low and very-low income units, 3,087 moderate-income units, and 7,816 above moderate-income units. The sites identified in the adopted Housing Element were determined adequate to accommodate a total of 18,291 units, including 401 more units than the City's unmet RHNA in the low and very low-income categories and 240 more units than the City's unmet RHNA for the moderate-income category. Sites deemed adequate to accommodate the lower and moderate-income categories are also adequate to accommodate above moderate income units. Overall, the sites inventory in the adopted Housing Element reflected a total capacity surplus of 83 units, at the time of adoption.

New housing units, which include, but may not be limited to, ADUs, single-family dwellings, SB 9 units, and multi-family dwelling units, that have been permitted thus far during the current 6<sup>th</sup> RHNA cycle (October 15, 2021 to October 15, 2029) have been accounted for in the Housing Element site capacity analysis. Some of these units were developed on sites not included in the Housing Element sites inventory. After

accounting for permitted and entitled units, the City's total remaining unmet RHNA would be 17,458 units, broken down as follows: 6,555 low and very low-income units, 3,087 moderate-income units, and 7,816 above moderate income units. The remaining capacity of the sites identified in the Housing Element would be 18,073 units, resulting in a total capacity surplus of 615 units. The remaining sites are also adequate to accommodate a surplus of above moderate-income (89). Due to this surplus, the overall residential capacity on sites identified in the Housing Element will still be sufficient to accommodate the City's total remaining unmet RHNA if the proposed project is approved.

Staff believes that the proposed project is consistent with the General Plan, including the Housing Element, even though it does not propose any housing. Goal H-3 and Program 8 of the Housing Element require the City to monitor its remaining residential site capacity and to maintain adequate housing sites to accommodate its RHNA. As the above analysis illustrates, the proposed project will not result in the City having insufficient remaining residential capacity to accommodate the City's RHNA for each income category, which is consistent with these Housing Element provisions. The proposed project will also significantly improve the façade of an older and currently vacant building. Staff believes the required No Net Loss findings can be made and has included proposed findings in Decision No. 1841-23 for the Zoning Administrator's consideration.

#### CEQA

CEQA's Class 1 exemption applies to exterior alteration of existing facilities (CEQA Guidelines §15301). The subject request is to allow the proposed façade improvement of an existing commercial building. No additional square footage will be added to the existing floor area; thus, the proposed project is exempt from CEQA.

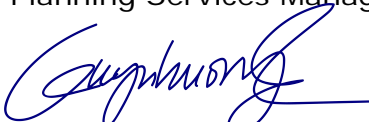
#### **RECOMMENDATION:**

Staff recommends that the Zoning Administrator take the following action:

1. Adopt Decision No. 1841-23, approving Site Plan No. SP-124-2023, subject to the recommended Conditions of Approval.



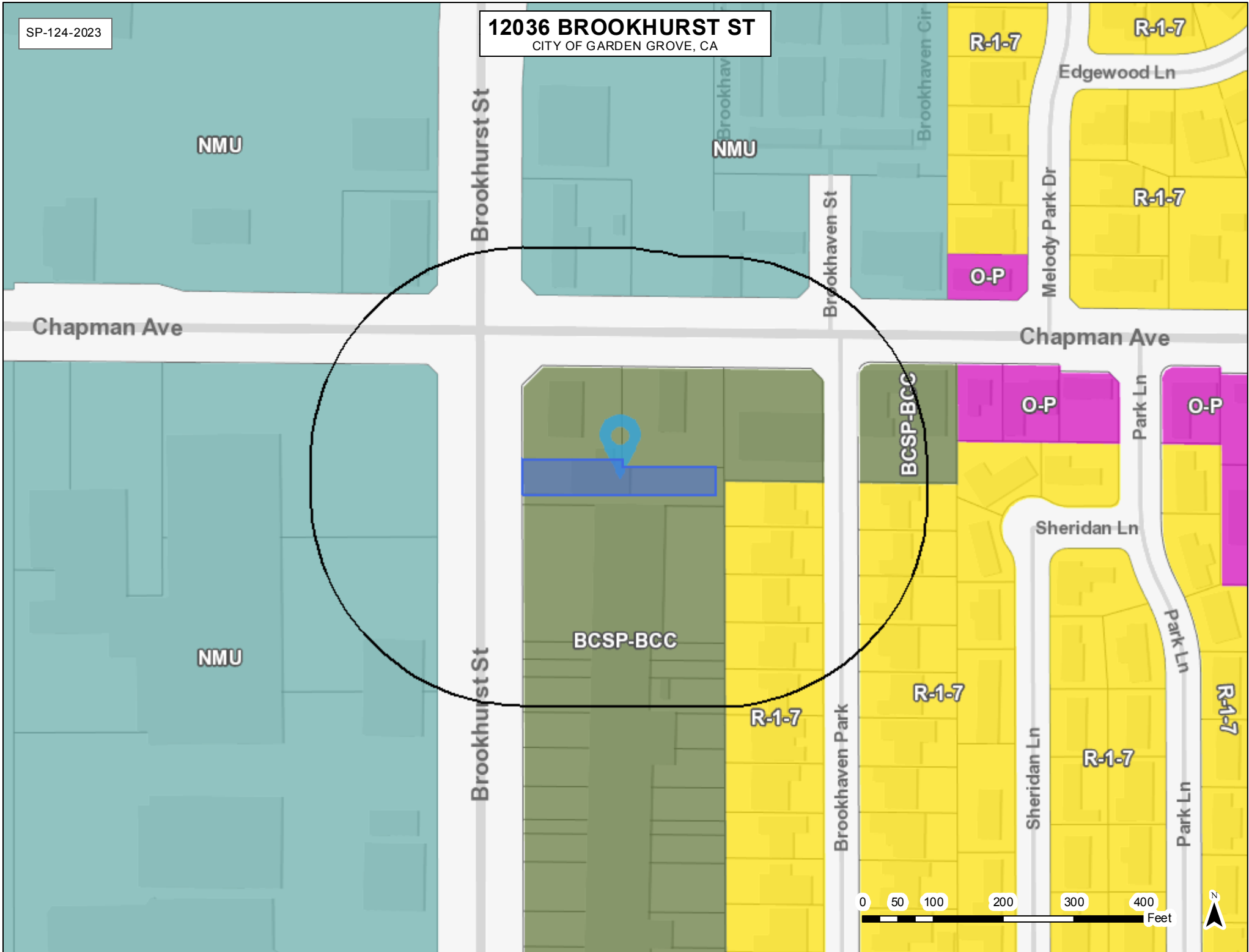
Maria Parra  
Planning Services Manager



By: Huong Ly  
Associate Planner

[Attachment 1: Vicinity Map](#)  
[Attachment 2: Plan](#)

**12036 BROOKHURST ST**  
CITY OF GARDEN GROVE, CA



# A NOTES

## GENERAL NOTES:

- ALL CONSTRUCTION WILL FOLLOW THE CONSTRUCTION GUIDELINES OF CITY OF GARDEN GROVE CLEARANCE FROM HAZARDOUS MATERIALS DISCLOSURE OFFICE AND FROM AIR QUALITY MANAGEMENT DISTRICT WILL BE SUBMITTED TO THE BUILDING DEPARTMENT PRIOR TO FINAL INSPECTION.
- WALL AND CEILING MATERIALS SHALL NOT EXCEED THE FRAME SPREAD RATING REQUIREMENTS ACCORDING TO TABLE.
- ALL EXIT DOORS SHALL BE OPENABLE FROM INSIDE WITHOUT USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT.
- TENANT SPACE, MAIN ENTRANCE AND EXIT, PATH OF TRAVEL, SANITARY FACILITIES, AND DRINKING FOUNTAIN SHALL BE ACCESSIBLE TO PERSON WITH DISABILITIES.
- NONABSORBENT MATERIAL ON FLOOR OF WATER CLOSET ROOM AND UP WALLS TO 4'-0".
- WATER CLOSET ROOM IS SEPARATED WITH A TIGHT FITTING DOOR AT STORAGE.
- ALL EXTERIOR DOORS, WINDOWS AND ROOF OPENINGS SHALL COMPLY WITH CBC AND THE CITY OF GARDEN GROVE.
- ALL WORK THIS PROJECT SHALL COMPLY WITH THE 2022 EDITION OF THE CALIFORNIA BUILDING CODE (TITLE 24).

1. CONTRACTOR TO VERIFY ALL CONDITIONS AND DIMENSIONS AT SITE
2. AND ALL INCONSISTENCIES SHALL BE BROUGHT TO THE ATTENTION LANDLORD/TENANT AND DDG, BEFORE PROCEEDING.
3. ANY ERROR OR OMISSIONS FOUND IN THESE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION LANDLORD/TENANT AND DDG, IMMEDIATELY.
4. DO NOT SCALE DRAWINGS. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE DIMENSIONS.
5. ALL DIMENSIONS ARE TO FACE OF STUD OR TO FACE OF FRAMING UNLESS OTHERWISE SPECIFIED.
6. BUSINESS / STOREFRONT SIGNS SHALL BE UNDER SEPARATE PERMITS.
7. ALL CABINETS MILLWORKS DRAWING AND INSTALLATION BY OTHERS.

## NOTES:

1. THE TENANT SPACE, MAIN ENTRANCES & EXITS, PATH OF TRAVEL, SANITARY FACILITIES, DRINKING FOUNTAINS AND PUBLIC TELEPHONES SERVING THE TENANT SPACE SHALL BE ACCESSIBLE TO PERSONS WITH DISABILITIES. (CITY INSPECTOR SHALL VERIFY AT FIELD FOR COMPLIANCE PRIOR TO FINAL INSPECTION)
2. HANDICAP PARKING IS EXISTING AND COMPLIES ALL SIGNS ARE EXISTING AND COMPLIES. (FIELD VERIFY)
3. THE SLOPE ALONG THE PATH OF TRAVEL SHALL NOT EXCEED 5%. (FIELD VERIFY)
4. NO ABRUPT CHANGES IN ELEVATIONS ALONG THE PATH OF TRAVEL SHOWN. THE SLOPE AND CROSS-SLOPE ALONG THE PATH OF TRAVEL SHALL NOT EXCEED 5% AND 2% RESPECTIVELY. (INSPECTOR TO VERIFY)

## FIRE AUTHORITY NOTES FOR ARCHITECTURAL PLANS

### INSPECTIONS

1. OC FIRE final inspection required. Call OC FIRE Inspection Scheduling at 714-537-6150.
2. Buildings under construction or demolition shall conform to CFC Chapter 14. No smoking or cooking is allowed in structures where combustible materials are exposed or within 25' of combustible materials storage areas. Cutting, welding, or other hot work shall be in conformance with CFC Chapter 35.
3. In buildings four or more stories in height, standpipes shall be provided during construction when the height reaches 40 feet above the lowest point of fire department access. A fire department connection shall be no more than 100 feet from available fire department vehicle access roadways. A hydrant shall be located along the access roadway within 150 feet of the location(s) that the FDC can be accessed from. CFC 3310, 3313
4. Address numbers shall be provided for all new and existing buildings, be a minimum of four inches high for individual dwelling units and six inches high for all other installations and structures, contrast with their background, and be plainly visible from the roadway the building is addressed on. Temporary address numbers shall be provided on construction fencing or the building until permanent numbers can be provided. CBC 501.2, CFC 505.1
5. Locations and classifications of extinguishers shall be in accordance with CFC 906 and CCR Title 19. At least one extinguisher shall be provided during construction on each floor at each stairway, in each storage and construction shed, in locations where flammable or combustible liquids are stored or used, or where similar hazards are present per CFC 3315.1. Before final occupancy, at least one 2A:10B:C extinguisher shall be provided so that no point is more than 75' travel distance from the extinguisher. Extinguishers shall be located along the path of egress travel and in a readily visible and accessible location, with the bottom of the extinguisher at least 4" above the floor. Additional extinguishers may be required by FV inspectors depending on project or site conditions and final placement is subject to their approval.
6. Wall, floor and ceiling finishes and materials shall not exceed the flame spread classifications in CBC Table 803.9. Decorative materials shall be properly treated by a product or process approved by the State Fire Marshal with appropriate documentation provided to the OC FIRE. Such items shall be approved and inspected by the OC FIRE prior to installation.
7. Knox boxes/key cabinets shall be provided for all high-rise buildings, pool enclosures, gates in the path of firefighter travel to structures, secured parking levels, doors giving access to alarm panels and/or annunciators, and any other structures or areas where immediate access is required or is unduly difficult. An FV inspector can assist with locking gate keys in Knox boxes, contact your local fire station to arrange an appointment to secure master building keys in the Knox box.
8. Approval of these plans shall not permit the violation of any code or law. Requirements or features not identified on the plan may apply and FV inspectors may require additional information or items from those shown on the plan depending on actual or anticipated field conditions. Such changes may necessitate submittal of revised or as-built plans to the OC FIRE and the City/County where the project is located.

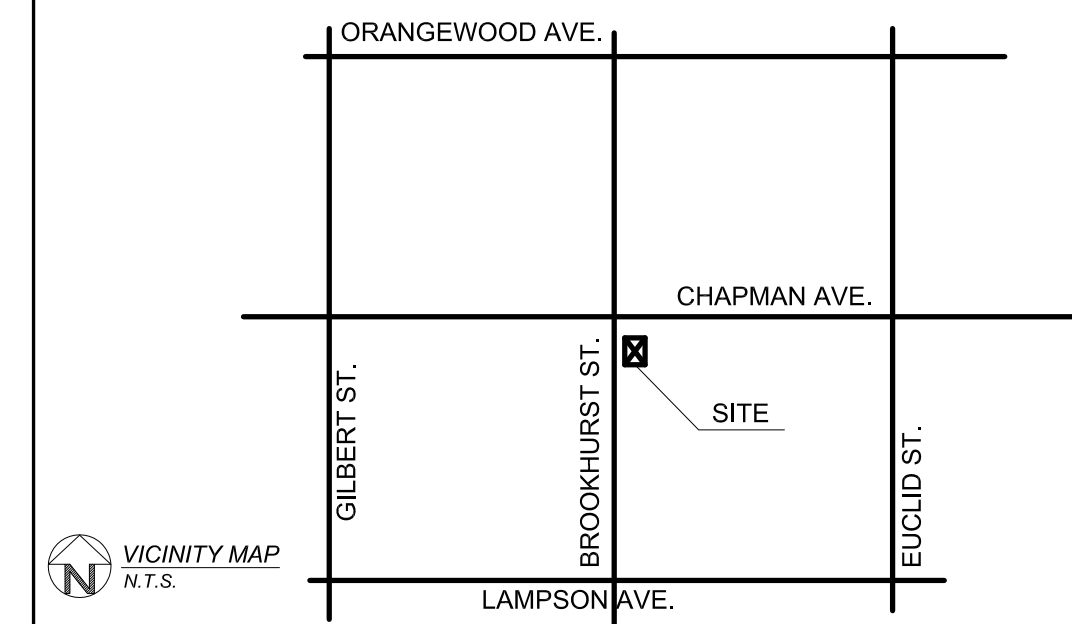
### GENERAL REQUIREMENTS

9. The project shall comply with 2022 California Building Code, 2022 California Fire Code, and other currently adopted codes, standards, regulations and requirements as enforced by the Orange County Fire Authority.
10. Dumpsters and trash containers exceeding 1.5 cubic yards shall not be stored in buildings or placed within 5 feet of combustible walls, openings or combustible roof eave lines unless protected by an approved sprinkler system or located in a Type I or IIA structure separated by 10 feet from other structures. Containers larger than 1 cubic yard shall be of non- or limited-combustible materials or similarly protected or separated. CFC 304.3
11. Exits, exit signs, fire alarm panels, hose cabinets, fire extinguisher locations, and standpipe connections shall not be concealed by curtains, mirrors, or other decorative material.
12. The egress path shall remain free and clear of all obstructions at all times. No storage is permitted in aisles.
13. Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Occupancy doors shall not be provided with thumb-turn locks or deadbolts that do not unlatch in tandem with the normal operating lever. The opening force for interior doors without closers shall not exceed 5 pounds. The unlatching and opening force for other doors, including fire doors, shall not exceed 15 pounds. CBC 1008
14. The exit path shall be clearly identified with exit signs conforming to CBC 1011. Illuminated exit signs must have 90-minute emergency power back-up.
15. Tactile signs shall be provided in commercial buildings, public buildings/accommodations, and publicly funded housing subject to CBC Chapters 11A and B and conform to 1143A or 11B-703.1, 703.2, 703.3, and 703.5, be mounted with the bottom of the lowest line of Braille characters at least 4 feet above the floor but the bottom of the highest line of raised text characters no more than 5 feet above the floor and, whenever possible, on the strike side of the door. Lettering shall be between 5/8" and 2" high. CBC 1011.4
16. Stairs serving 4+ stories shall have stairwell signs conforming to CBC 1022.9 and OC FIRE Guideline E-02
17. The exit path shall be illuminated at all times in accordance with CBC 1006. Emergency lighting shall be provided with 90-minute back-up.
18. Rated assemblies shall conform to approved methods and materials of construction. Penetrations through rated walls, ceilings, or floors shall be protected in an approved manner complying with CBC/CFC Chapter 7.
19. Rated doors shall be self-closing and latching; such doors shall not be equipped with door stops or otherwise propped open. Rated doors shall be equipped with rated hardware. CFC 703

# YUMMY BAKERY FACADE UPGRADE

## 12036 BROOKHURST ST., GARDEN GROVE, CA 92840

## PROJECT LOCATION



## SHEET INDEX

TS	COVER SHEET, GENERAL DATA & VICINITY MAP
TS1	SITE PLAN
A1	EXISTING FLOOR PLAN
A1.1	EXISTING ELEVATIONS
A2	NEW FLOOR PLAN
A2.1	NEW ELEVATIONS
S1	STRUCTURAL PLAN

## PROPERTY DESCRIPTION

### PROPERTY DATA:

ZONING:	BCSP-BCC
CONSTRUCTION TYPE:	V-B
OCCUPANCY GROUP:	B
FIRE SPRINKLERS:	NO
NO. OF STORIES:	1
BUILDING HEIGHT:	+/- 15'-0"
APN:	089-453-49

BUILDING AREA	3,526 S.F.
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### SCOPE OF WORK:

- REMODEL STOREFRONT
- RAISE FRONT PARAPET
- CHANGE OUT DOOR AND GLASS STOREFRONT
- EXISTING TI PERMIT WILL REMAIN NO CHANGE(#22-3576)

### OCCUPANT ANALYSIS:

CUSTOMER AREA = 300/ 15 = 20
FRONT AREA = 419/ 200 = 2.095
KITCHEN = 2289/200 = 11.445
REST., COOLER, FREEZER, HALLWAY = 518/ 200 = 2.59

TOTAL = 36 PERSONS TOTAL

### LEGAL JURISDICTION:

CITY OF GARDEN GROVE, CALIFORNIA

### APPLICABLE CODES: FOR ALL BELOW

- 2022 CALIFORNIA BUILDING CODE (CBC)
- 2022 CALIFORNIA MECHANICAL CODE (CMC)
- 2022 CALIFORNIA PLUMBING CODE (CPC)
- 2022 CALIFORNIA FIRE CODE (CFC)
- 2022 CALIFORNIA ELECTRICAL CODE (CEC)
- 2022 CALIFORNIA ENERGY STANDARDS
- 2022 GREEN BUILDING CODE
- GARDEN GROVE MUNICIPAL CODE

## PROJECT DIRECTORY

### DESIGNER:

HA NGUYEN  
13172 SANDRA PL.,  
GARDEN GROVE, CA 92843

TEL: (714) 326-3124  
CONTACT: HA NGUYEN



### CONSULTANT:

**YUMMY BAKERY**  
**12036 BROOKHURST ST.,**  
**GARDEN GROVE, CA 92840**

12036 BROOKHURST ST.,  
GARDEN GROVE, CA 92840

### COMMERCIAL PROJECT FOR:

## COVER SHEET, GENERAL DATA

### DRAWING TITLE:

PLAN CHECK DATE

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REVISIONS: DATE

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DRAWN BY: HA NGUYEN

SCALE: AS NOTED

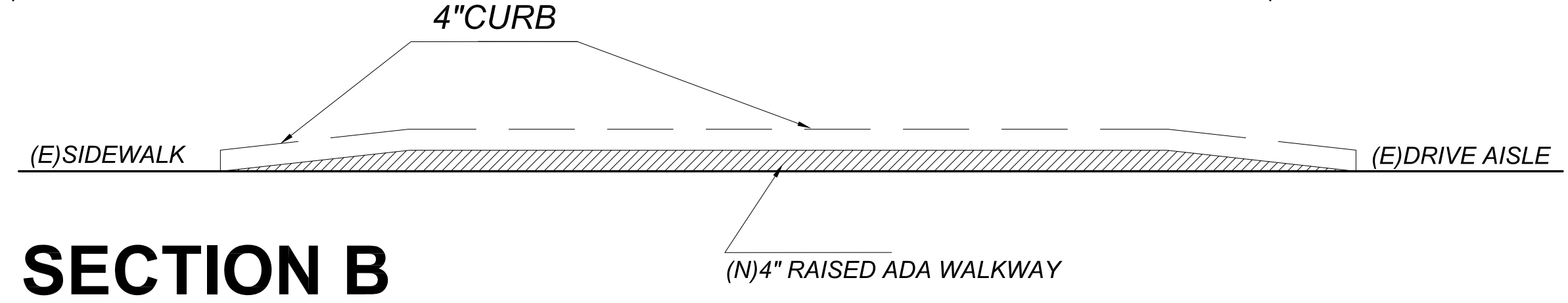
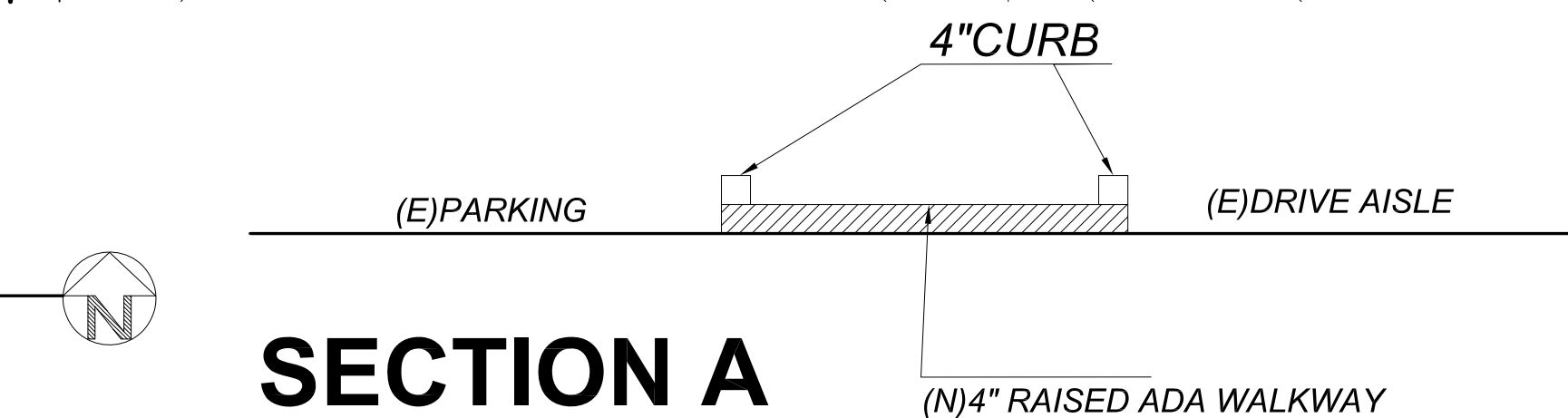
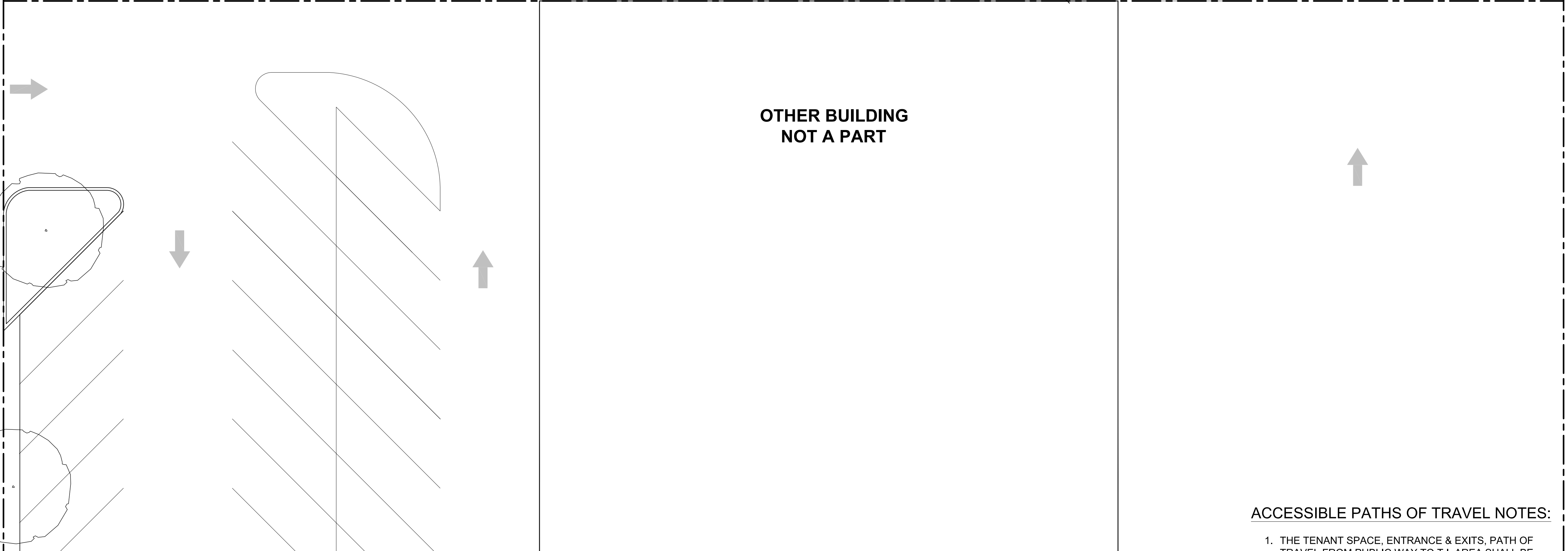
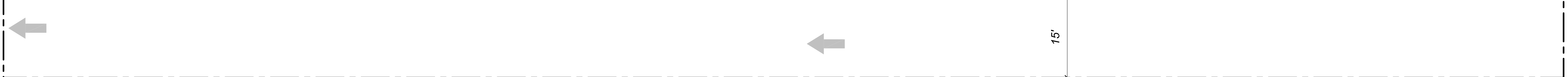
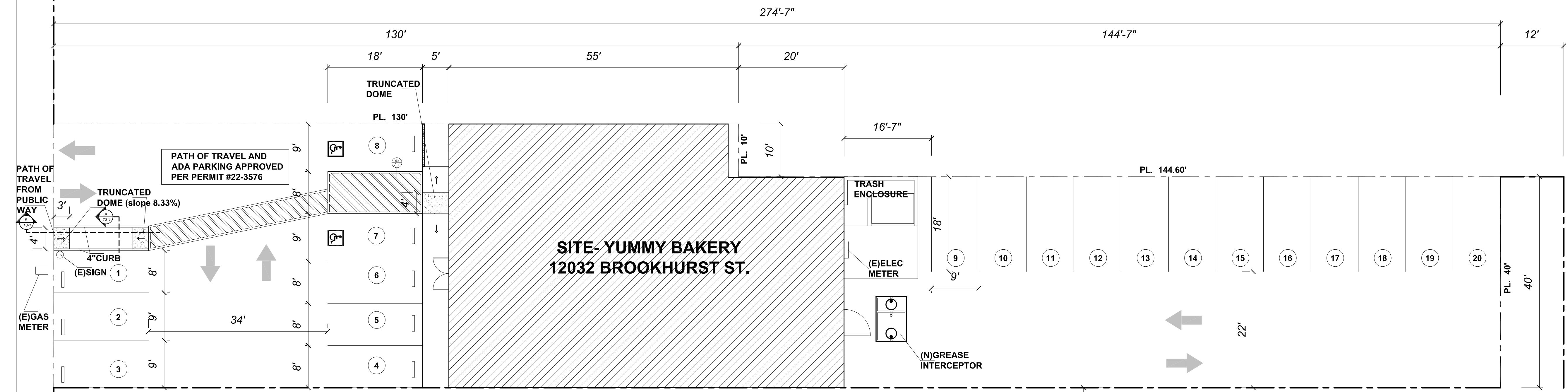
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PROJECT NO: 02162022

SHEET NO. 01 OF 07 SHEETS

# TS

BROOKHURST ST.



- ACCESSIBLE PATHS OF TRAVEL NOTES:**
1. THE TENANT SPACE, ENTRANCE & EXITS, PATH OF TRAVEL FROM PUBLIC WAY TO T.I. AREA SHALL BE ACCESSIBLE TO PERSONS WITH DISABILITIES. (FIELD VERIFY)
  2. WITHOUT ANY ABRUPT LEVEL CHANGES EXCEEDING 1/2".
  3. AT LEAST 48" IN WIDTH.
  4. CROSS SLOPE DOES NOT EXCEED 2% AND SLOPE IN THE DIRECTION OF TRAVEL IS LESS THAN 5%.
  5. SURFACE IS STABLE, FIRM, AND SLIP RESISTANT.
  6. FREE OF OVERHANGING OBSTRUCTIONS TO 80" MINIMUM, AND PROTRUDING OBJECTS GREATER THAN 4" PROJECTION FROM WALL & ABOVE 27" & LESS THAN 80".

**NEW SITE PLAN**  
SCALE: 3/32" = 1'-0"

**SECTION A**

**SECTION B**



CONSULTANT:

**YUMMY BAKERY**  
12036 BROOKHURST ST.  
GARDEN GROVE, CA 92840

12036 BROOKHURST ST.,  
GARDEN GROVE, CA 92840

COMMERCIAL PROJECT FOR:

**NEW SITE PLAN**

DRAWING TITLE:

PLAN CHECK	DATE
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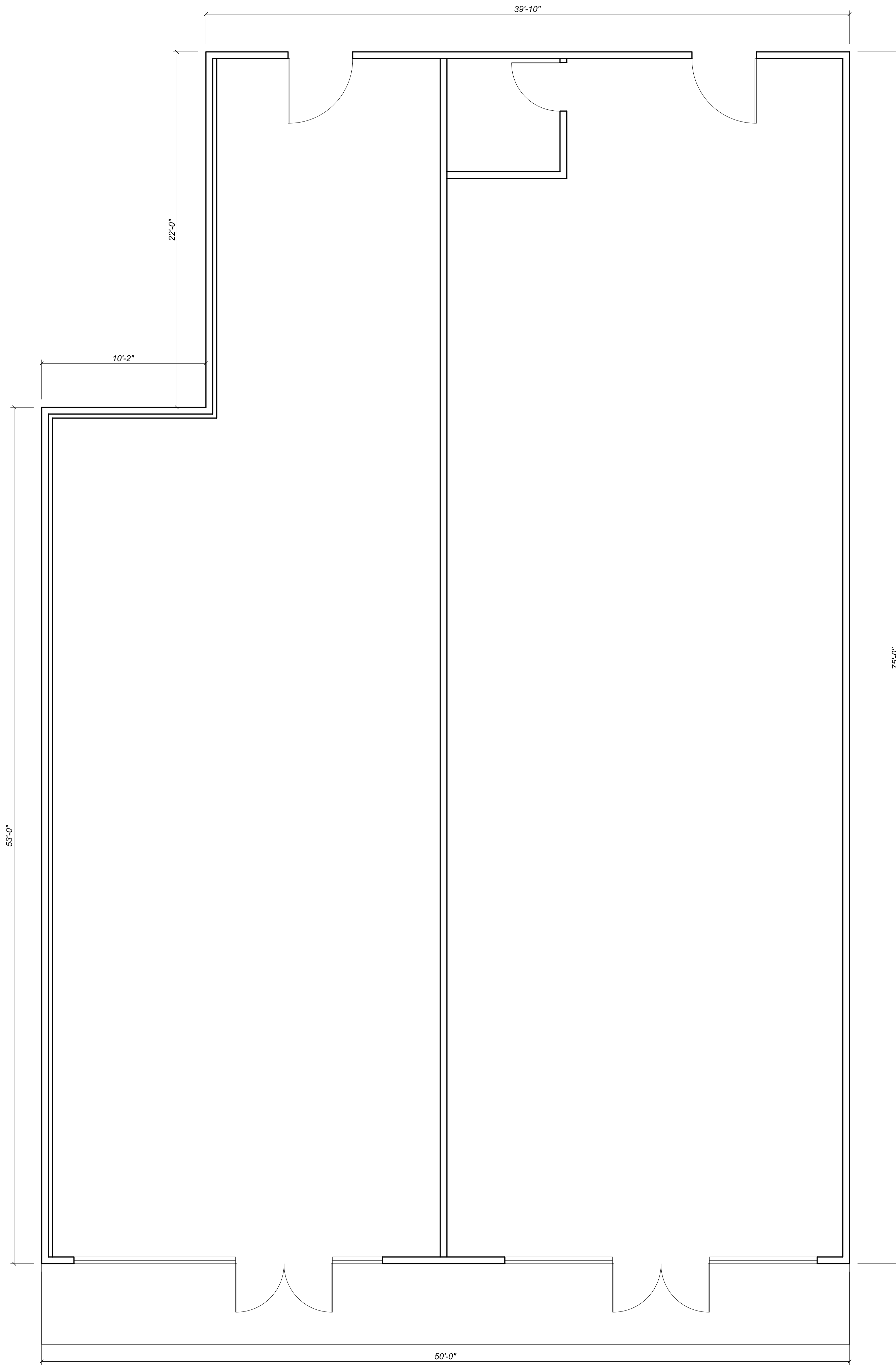
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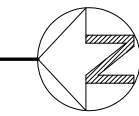
PROJECT NO: 02162022

SHEET NO. 02 OF 07 SHEETS

**TS1**



(E) FLOOR PLAN  
SCALE: 1/4" = 1'-0"



CONSULTANT:

**YUMMY BAKERY**  
12036 BROOKHURST ST.  
GARDEN GROVE, CA 92840

12036 BROOKHURST ST.,  
GARDEN GROVE, CA 92840

COMMERCIAL PROJECT FOR:

(E) FLOOR PLAN

DRAWING TITLE:

PLAN CHECK # \_\_\_\_\_ DATE \_\_\_\_\_

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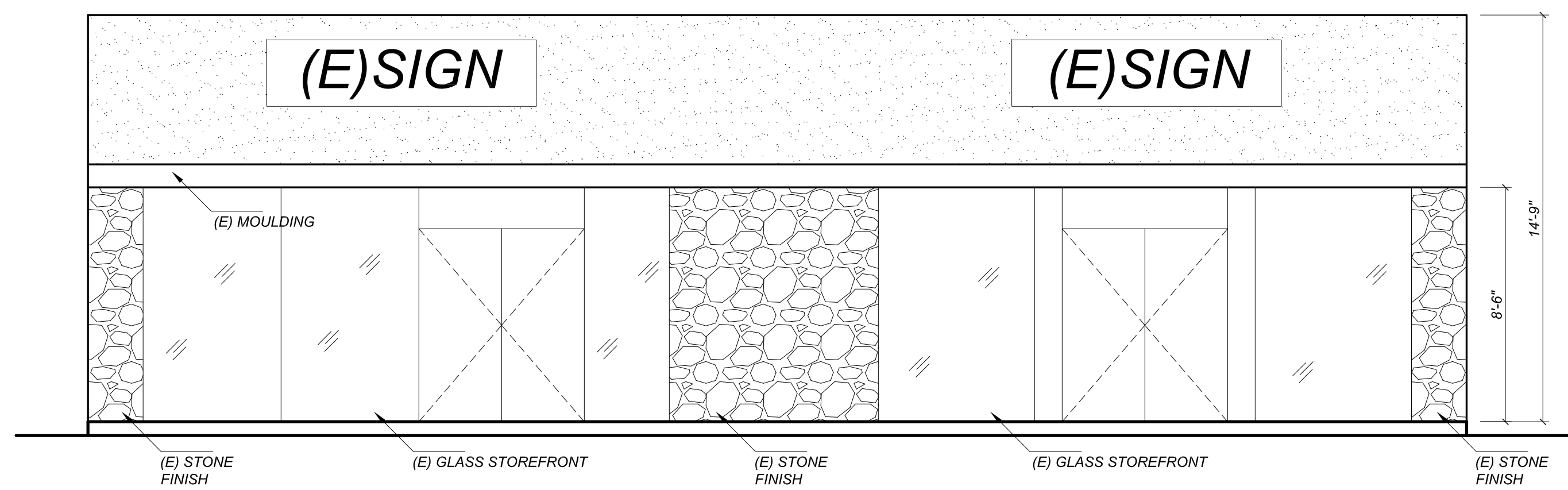
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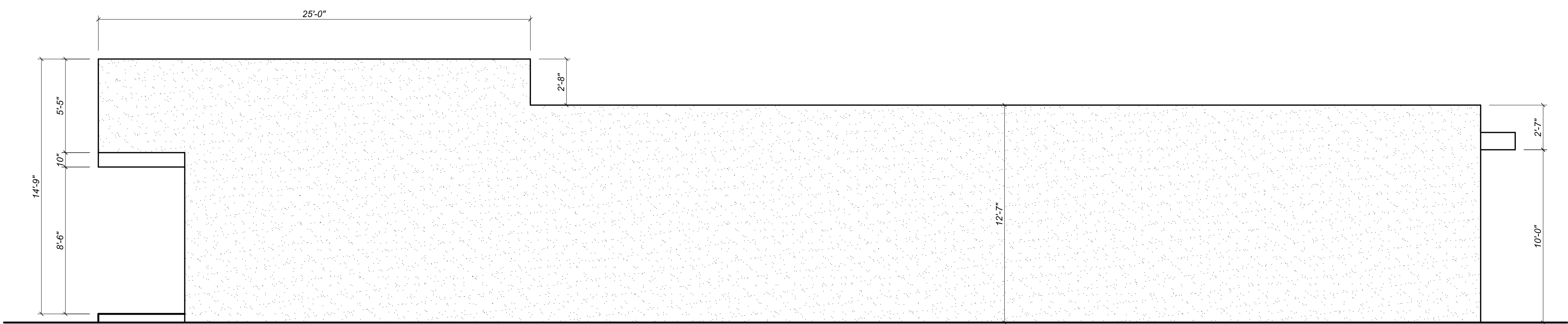
SHEET NO. 03 OF 07 SHEETS

**A1**





**(E) FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"



**(E) RIGHT SIDE ELEVATION**  
SCALE: 1/4" = 1'-0"



**(E) LEFT SIDE ELEVATION**  
SCALE: 1/4" = 1'-0"



CONSULTANT:

**YUMMY BAKERY**  
12036 BROOKHURST ST.  
GARDEN GROVE, CA 92840

12036 BROOKHURST ST.,  
GARDEN GROVE, CA 92840

COMMERCIAL PROJECT FOR:

**(E) ELEVATIONS**

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PLAN CHECK	DATE
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REVISIONS: DATE

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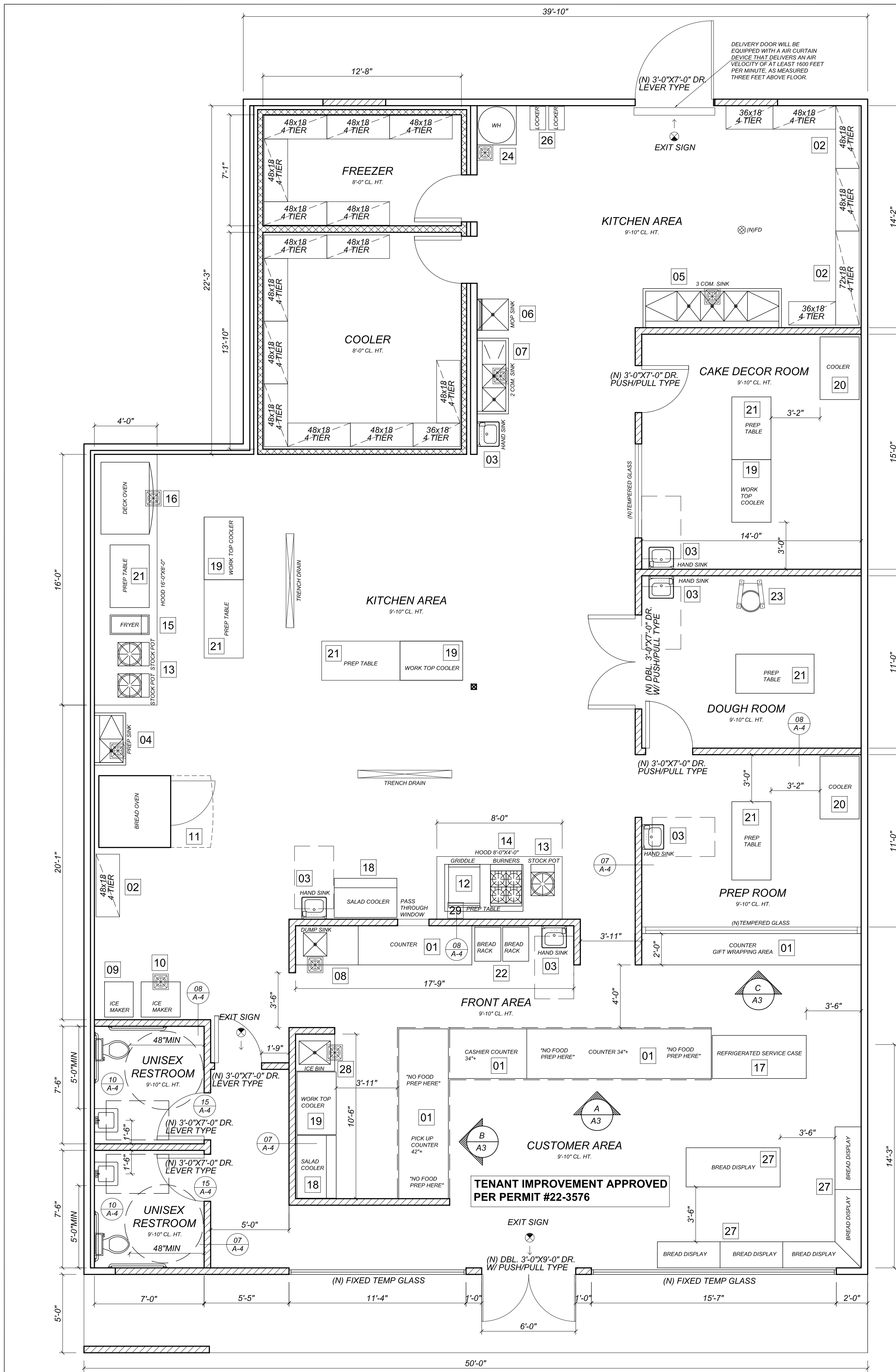
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PROJECT NO: 02162022

SHEET NO. 04 OF 07 SHEETS

**A1.1**



**(N) FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

**ACCESSIBLE DOOR NOTES:**

FLOOR OR GROUND SURFACES WITHIN REQUIRED DOOR MANEUVERING CLEARANCES SHALL BE STABLE, FIRM, AND SLIP RESISTANT. SURFACES SHALL BE LEVEL WITH A SLOPE NOT STEEPER THAN 1:48. CHANGES IN LEVEL ARE NOT PERMITTED EXCEPT AT THRESHOLDS. OPENING IN FLOOR SHALL NOT ALLOW PASSAGE OF SPHERE MORE THAN 3/4" DIAMETER. (11B-302.2) (11B-404.2.4.4)

**THRESHOLDS AT DOORWAYS.** THRESHOLDS SHALL BE 1/2" HIGH MAXIMUM. RAISED THRESHOLDS AND CHANGES IN LEVEL AT DOORWAYS SHALL COMPLY WITH SECTION 11B-302 AND 11B-303. (11B-404.2.5)

**DOOR OPENING FORCE:** MAXIMUM FORCE TO FOR PUSHING OR PULLING OPEN, EXTERIOR OR INTERIOR HINGED DOORS WITH CLOSERS AND SLIDING OR FOLDING DOORS, SHALL NOT EXCEED FIVE POUNDS. (11B-404.2.9)

**DOOR AND GATE SURFACE:** SWINGING DOOR AND GATE SURFACES WITHIN 10 INCHES (255 MM) OF THE FINISH FLOOR SHALL HAVE A SMOOTH SURFACE ON THE PUSH SIDE EXTENDING THE FULL WIDTH OF THE DOOR OR GATE. PARTS CREATING HORIZONTAL OR VERTICAL JOINTS IN THESE SURFACES SHALL BE WITHIN 1/16" OF THE SAME PLANE AS THE OTHER. (11B-404.2.6)

**NOTES RESTROOM:**

- FLOOR OF WATER CLOSET COMPARTMENTS SHALL HAVE A SMOOTH HARD NONABSORBENT SURFACE SUCH AS PORTLAND CEMENT, CONCRETE, CERAMIC TILE OR OTHER APPROVED MATERIAL. THAT EXTENDS UPWARD ONTO THE WALLS AT LEAST 48" HIGH ABOVE FINISHED FLOOR BEHIND AND IN THE SIDE OF THE TOILET AND URINAL AND EXTEND 24" IN FRONT AND TO THE SIDE OF THE TOILET AND URINAL.

**NOTE:** WALL AND CEILING MATERIAL SHALL NOT EXCEED THE FLAME SPREAD RATING REQUIRED AS PER SEC. 803.5

TENANT SPACES, MAIN ENTRANCES AND EXITS, PATH OF TRAVEL, SANITARY FACILITIES, DRINKING FOUNTAINS AND PUBLIC TELEPHONES SERVING THE TENANT SPACE SHALL BE ACCESSIBLE TO PERSONS WITH DISABILITIES. CITY INSPECTOR SHALL VERIFY AT FIELD FOR COMPLIANCE PRIOR TO FINAL INSPECTION.

**EQUIPMENTS SCHEDULE**

EQUIPMENTS	MAKE	NOTES
1	COUNTER	WOOD LAMINATE, QUARTZ TOP (DONE BY OTHERS)
2	STORAGE SHELVING	STAINLESS STEEL 4 TIER - REGENCY
3	HAND SINK	STAINLESS STEEL (NSF APPROVED) GSW- HS-1615S
4	PREP SINK	STAINLESS STEEL (NSF APPROVED) ADVANCE TABCO - FE1-1812-18R
5	3 COMPARTMENT SINK 1 FAUCET	STAINLESS STEEL (NSF APPROVED) REGENCY - 600S321824X
6	MOP SINK	STAINLESS STEEL (NSF APPROVED) REGENCY - 600SM162012
7	2 COMPARTMENT SINK	STAINLESS STEEL (NSF APPROVED) ADVANCE TABCO - FE2-1812-18R
8	DUMP SINK	STAINLESS STEEL (NSF APPROVED) REGENCY - 600ST3048LFT
9	ICE MACHINE	HOSHIZAKI - F-450MAJ (NSF APPROVED)
10	ICE MACHINE	HOSHIZAKI - KML-325MWJ (NSF APPROVED)
11	OVEN	BAXTER - OV500G1-EE (NSF APPROVED) 180,000 BTU
12	GRIDDLE	IMPERIAL - ISPA-2428 (NSF APPROVED) 60,000 BTU
13	STOCK POT	IMPERIAL - ISPA-18 (NSF APPROVED) 90,000 BTU
14	BURNERS	IMPERIAL - IHPA-4-24 (NSF APPROVED) 128,000 BTU
15	FRYER	IMPERIAL - ICVCG-1 (NSF APPROVED) 70,000 BTU
16	DECK OVEN	RADIANCE - RBDO-23U (220V, 3PH, 34A, 13KW, 60HZ)
17	REFRIGERATOR SERVICE CASE	REVEAL - NR604TRSV
18	SALAD COOLER	TRUE - TFP-48-18M (NSF APPROVED)
19	WORK TOP COOLER	TRUE - TWT-48-ADA (NSF APPROVED)
20	COOLER	TRUE - T-43-HC (NSF APPROVED)
21	PREP TABLE	GSW - WT-P3060 (NSF APPROVED)
22	BREAD RACK	REGENCY - 600PRI83KAS (NSF APPROVED)
23	MIXER	HOBART - D300 (NSF APPROVED)
24	WATER HEATER	RHEEM- G50-98 - 98,000 BTU
25	AIR CURTAIN W/MICRO SWITCH	MARS AIR - LPN2 36
26	LOCKER	GSW - ELS-5DR
27	BREAD DISPLAY	CUSTOM - GLASS ENCLOSURE
28	ICE BIN	REGENCY - 600IB1830KIT (NSF APPROVED)
29	WORK TABLE	REGENCY - 600TS3660S (NSF APPROVED)
30		

ALL EQUIPMENT, INCLUDING SHELVING, MUST BE SUPPORTED BY SIX (6) INCH HIGH EASILY CLEANABLE LEGS, COMMERCIAL CASTORS, OR COMPLETELY SEALED IN POSITION ON A FOUR (4) INCH HIGH CONTINUOUSLY COVERED BASE OR CONCRETE CURB.

**FINISH SCHEDULE**

AREA	FLOOR	BASE	WALLS	CEILING
CUSTOMER AREA	PORCELAIN TILE	4" BASE	DRYWALL W/ GLOSS ENAMEL PAINT	WATER RESISTANT DRYWALL W/ SEMI GLOSS ENAMEL PAINT
FRONT AREA	QUARRY TILE	6" COVED BASE W/ 3/8" RADIUS QUARRY TILE	SUBWAY TILE UP TO CEILING	WATER RESISTANT DRYWALL W/ SEMI GLOSS ENAMEL PAINT
KITCHEN AREA	QUARRY TILE	6" COVED BASE W/ 3/8" RADIUS QUARRY TILE	FRP 4'-0" HIGH ABOVE FRP - DRYWALL W/ GLOSS ENAMEL PAINT	WATER RESISTANT DRYWALL W/ SEMI GLOSS ENAMEL PAINT
RESTROOM	PORCELAIN TILE	6" COVED BASE W/ 3/8" RADIUS CERAMIC TILE	CERAMIC TILE 4'-0" ABOVE TILE - DRYWALL W/ GLOSS ENAMEL PAINT	WATER RESISTANT DRYWALL W/ SEMI GLOSS ENAMEL PAINT
(N) WALK IN COOLER	QUARRY TILE	4" COVED BASE W/ 3/8" RADIUS QUARRY TILE	GALVANIZED STEEL	GALVANIZED STEEL
(N) WALK IN FREEZER	4" GALVANIZED INSULATED BASE *NO DIAMOND PLATE*	4" GALVANIZED STEEL COVED BASE W/ 3/8" RADIUS	GALVANIZED STEEL	GALVANIZED STEEL
PREP ROOM	QUARRY TILE	6" COVED BASE W/ 3/8" RADIUS QUARRY TILE	FRP 4'-0" HIGH ABOVE FRP - DRYWALL W/ GLOSS ENAMEL PAINT	WATER RESISTANT DRYWALL W/ SEMI GLOSS ENAMEL PAINT
DOUGH ROOM	QUARRY TILE	6" COVED BASE W/ 3/8" RADIUS QUARRY TILE	FRP 4'-0" HIGH ABOVE FRP - DRYWALL W/ GLOSS ENAMEL PAINT	WATER RESISTANT DRYWALL W/ SEMI GLOSS ENAMEL PAINT
CAKE DECOR ROOM	QUARRY TILE	6" COVED BASE W/ 3/8" RADIUS QUARRY TILE	SUBWAY TILE UP TO CEILING	WATER RESISTANT DRYWALL W/ SEMI GLOSS ENAMEL PAINT

**LEGEND**

- EXISTING WALL TO REMAIN
- NEW WALL
- WALK IN COOLER/ FREEZER
- EXIT SIGN WITH BATTERY BACKUP



CONSULTANT:

**YUMMY BAKERY**  
12036 BROOKHURST ST.  
GARDEN GROVE, CA 92840

12036 BROOKHURST ST.,  
GARDEN GROVE, CA 92840

COMMERCIAL PROJECT FOR:

**(N) FLOOR PLAN**

DRAWING TITLE:

PLAN CHECK \_\_\_\_\_ DATE \_\_\_\_\_

# \_\_\_\_\_

REVISIONS: \_\_\_\_\_ DATE \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DRAWN BY: \_\_\_\_\_ HA NGUYEN

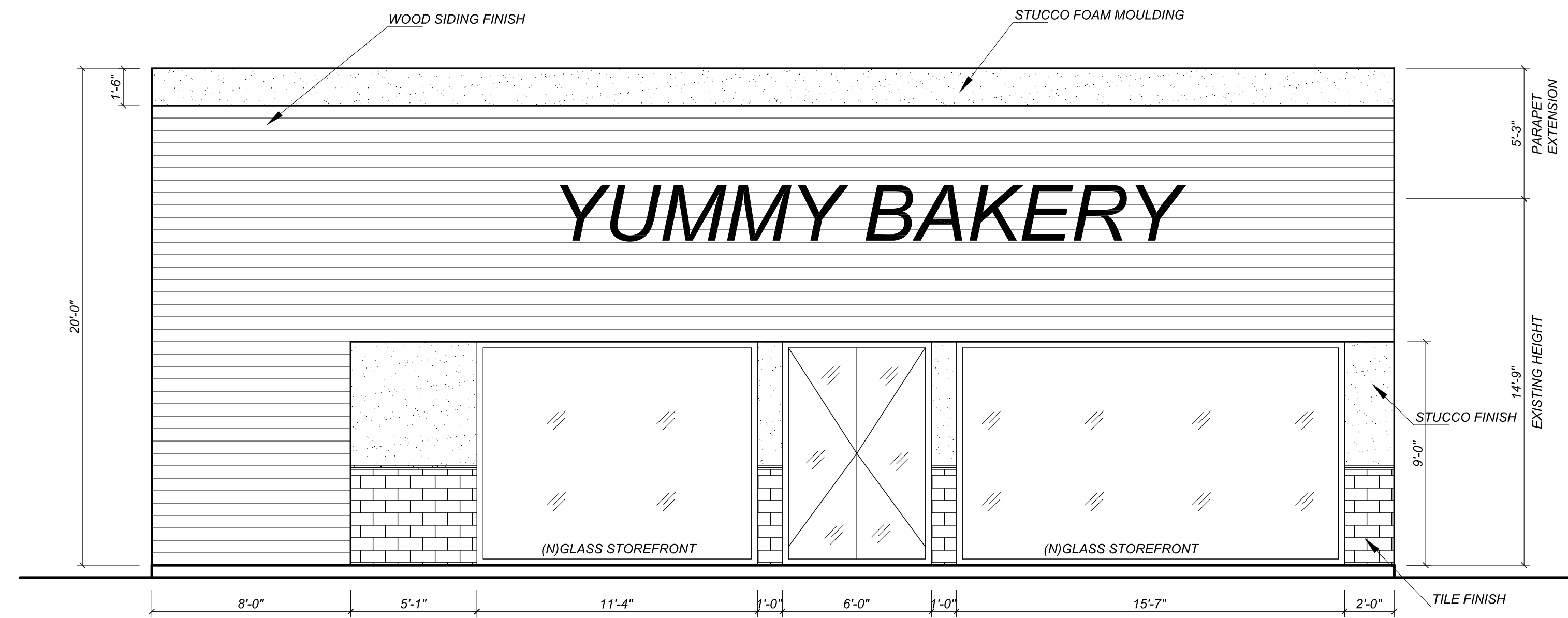
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DATE: \_\_\_\_\_ 02-16-2023

PROJECT NO: \_\_\_\_\_ 02162022

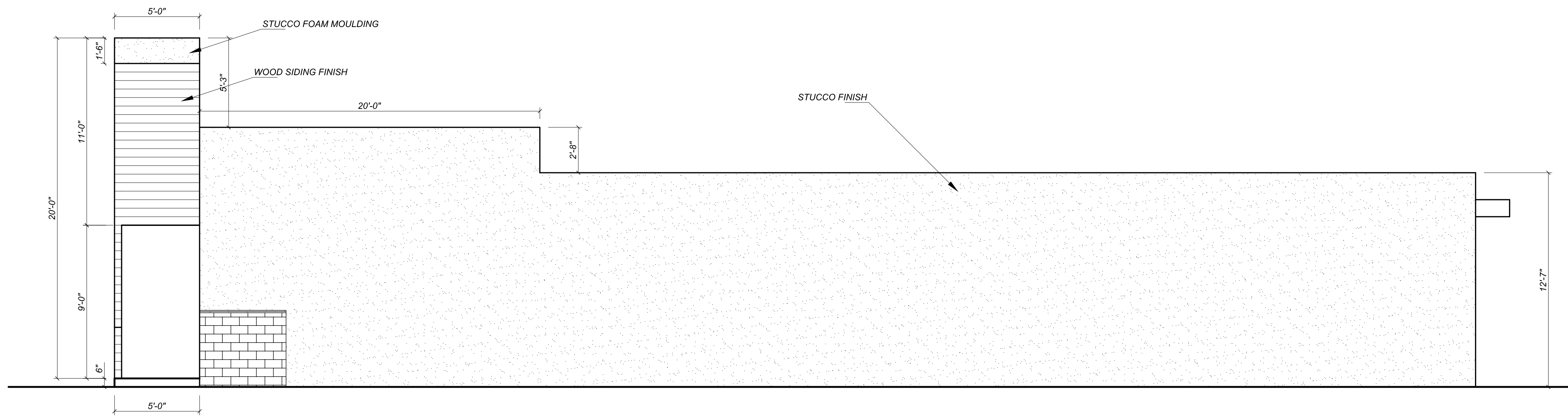
SHEET NO. 05 OF 07 SHEETS

**A2**



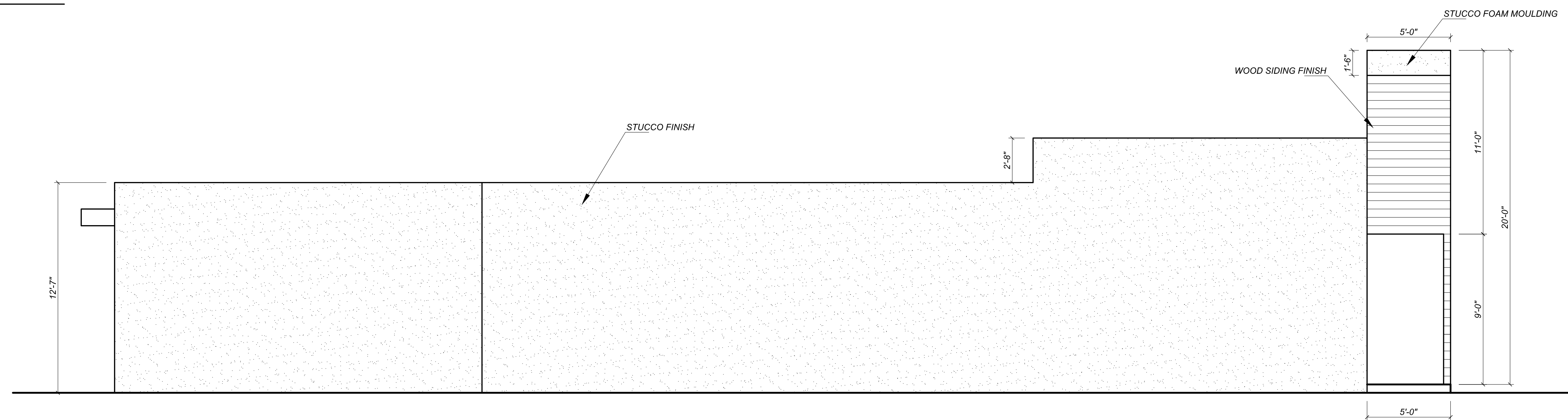
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SCALE: 1/4" = 1'-0"



**(N)RIGHT SIDE ELEVATION**

SCALE: 1/4" = 1'-0"



**(N)LEFT SIDE ELEVATION**

SCALE: 1/4" = 1'-0"



CONSULTANT:

**YUMMY BAKERY**  
**12036 BROOKHURST ST.**  
**GARDEN GROVE, CA 92840**

12036 BROOKHURST ST.,  
 GARDEN GROVE, CA 92840

COMMERCIAL PROJECT FOR:

**(N)ELEVATIONS**

DRAWING TITLE:

PLAN CHECK \_\_\_\_\_ DATE \_\_\_\_\_

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REVISIONS: \_\_\_\_\_ DATE \_\_\_\_\_

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DRAWN BY: \_\_\_\_\_ HA NGUYEN

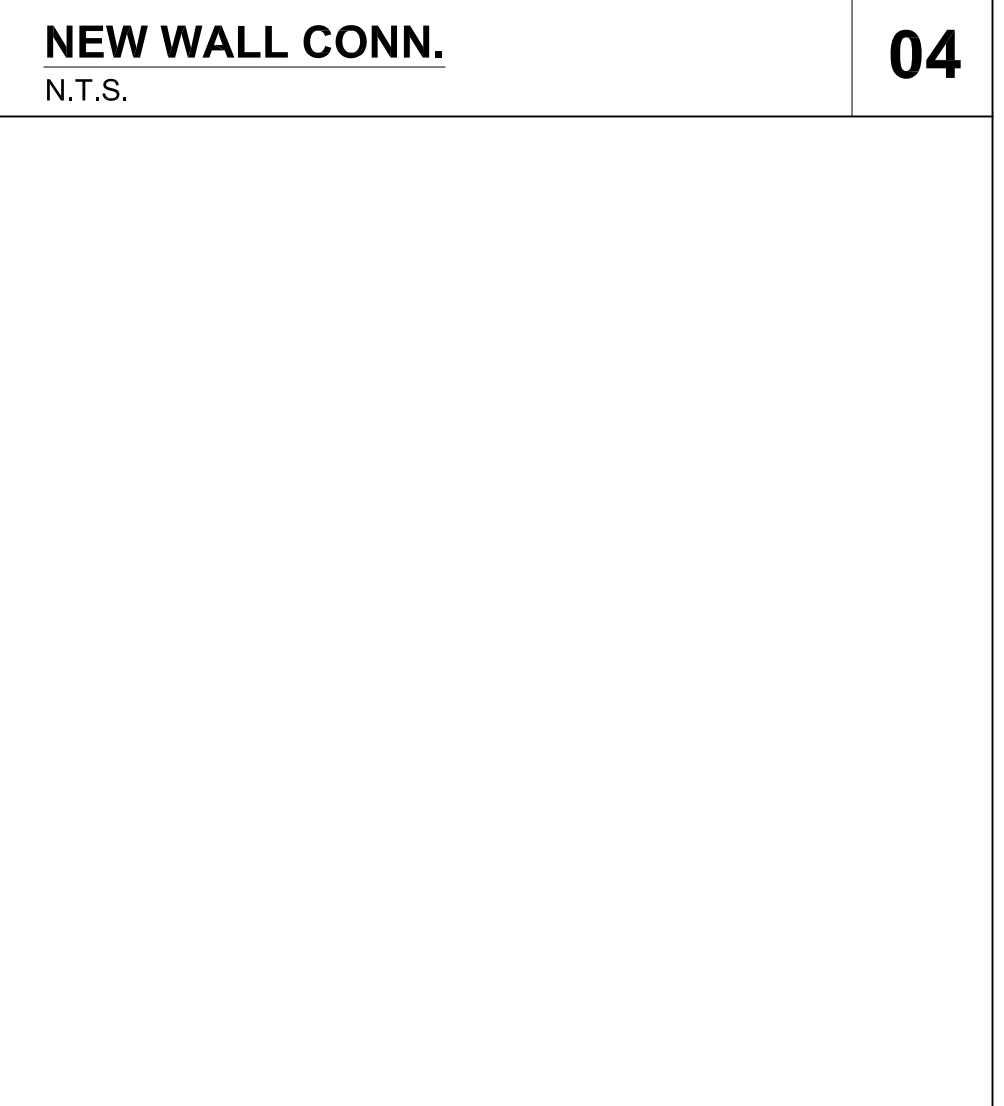
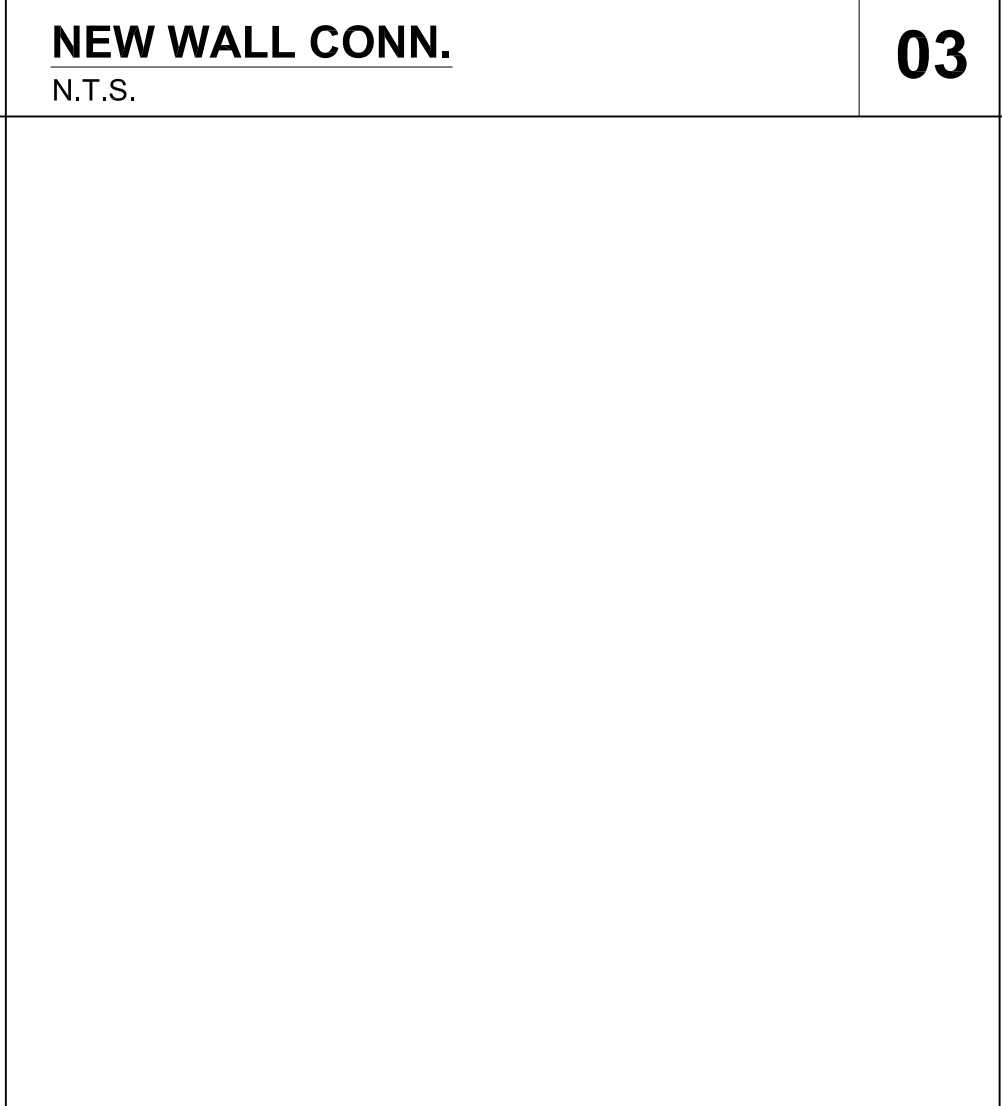
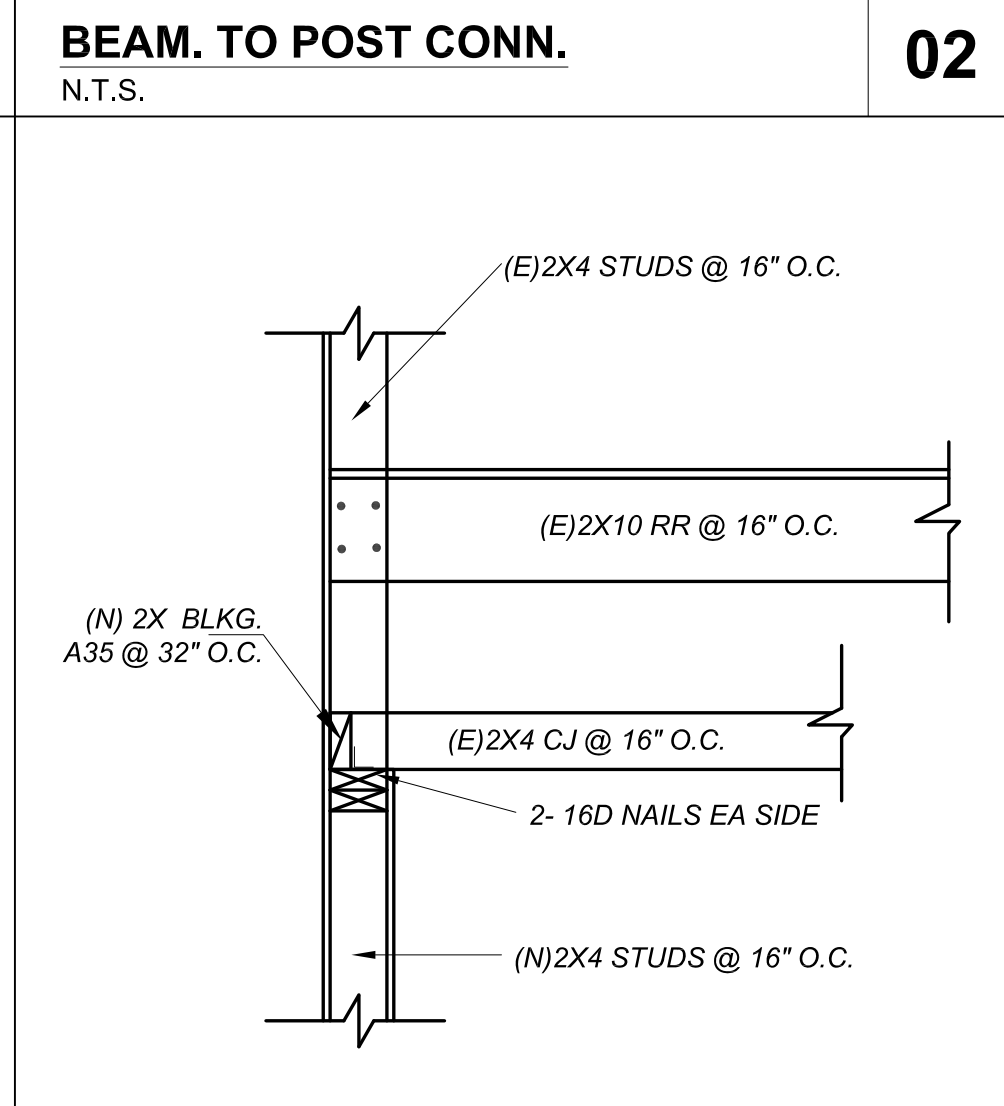
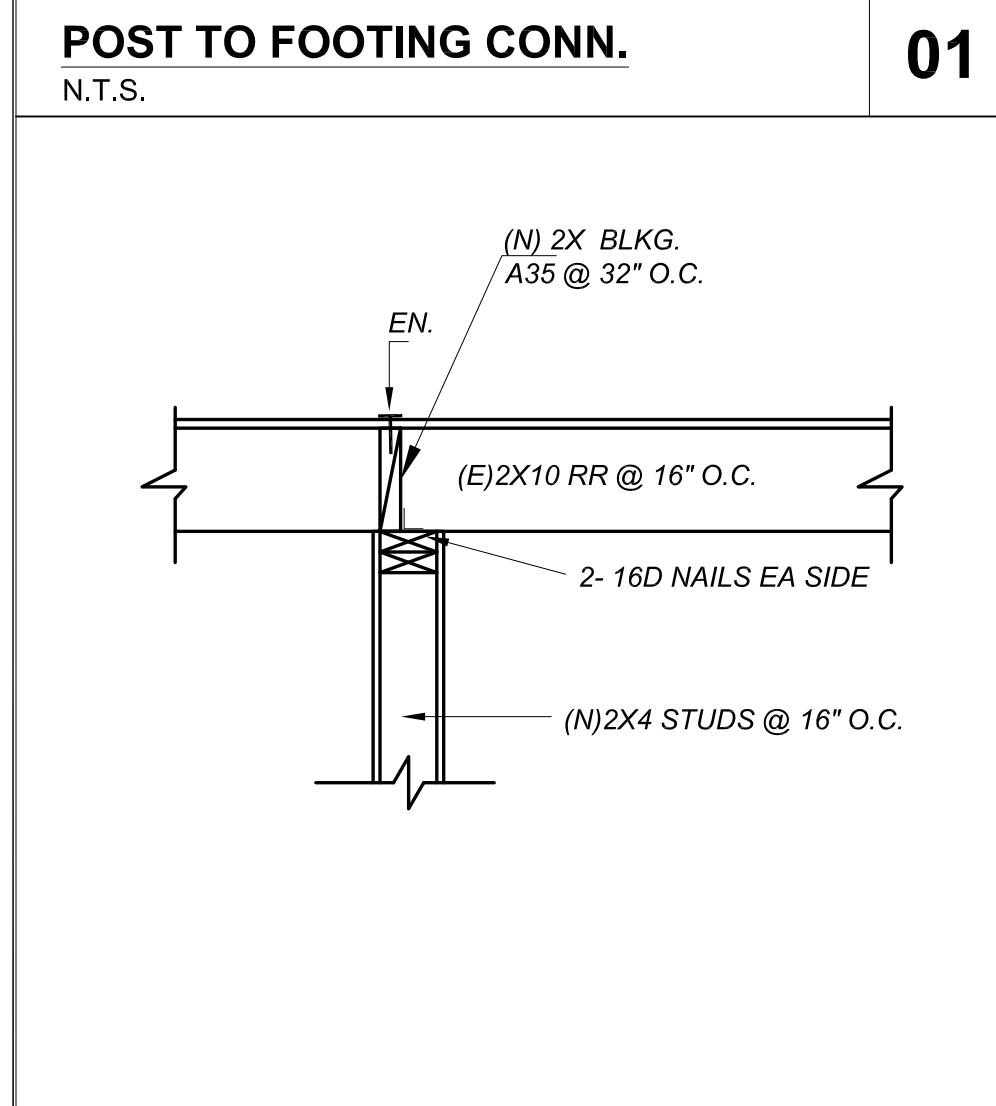
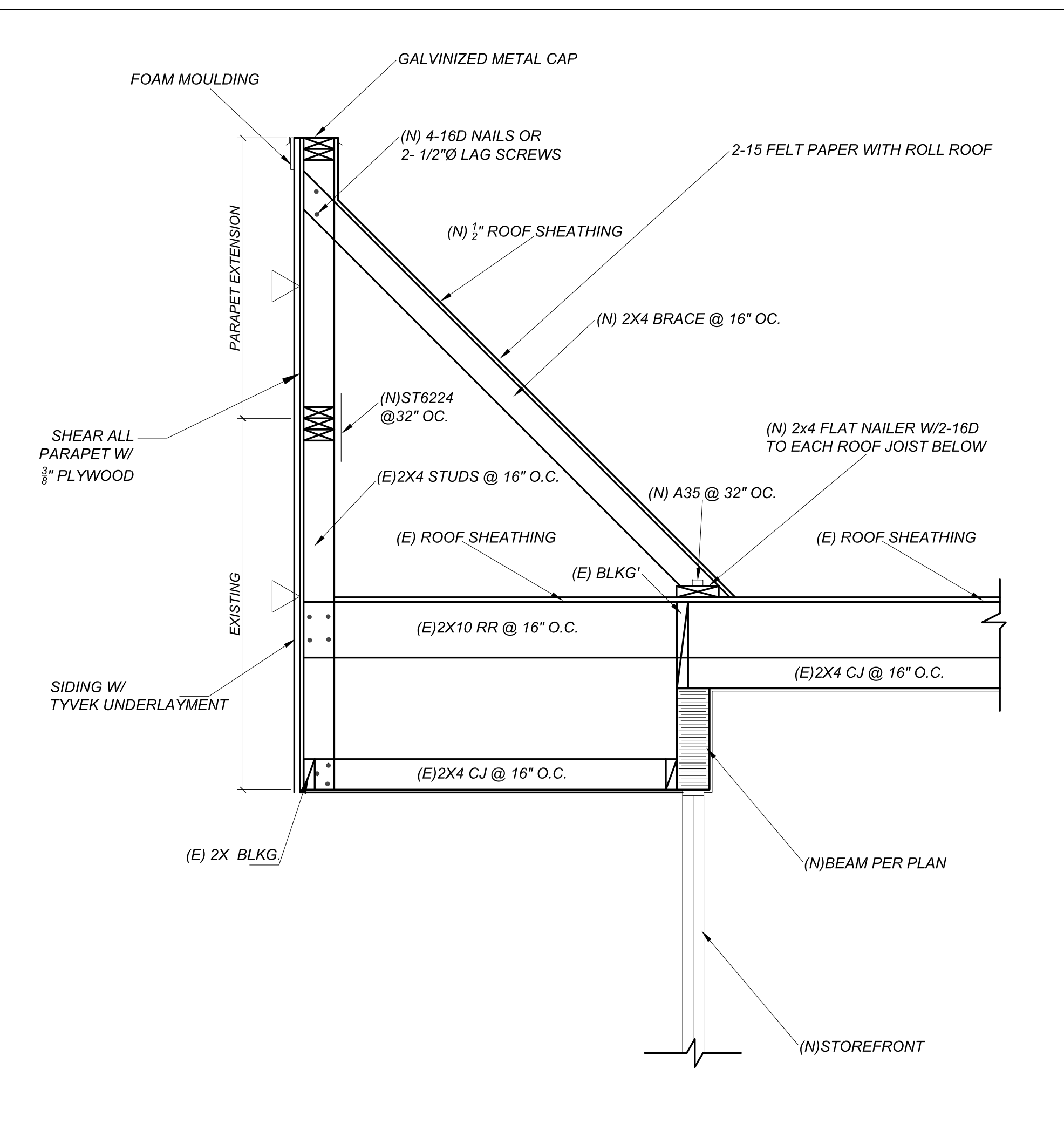
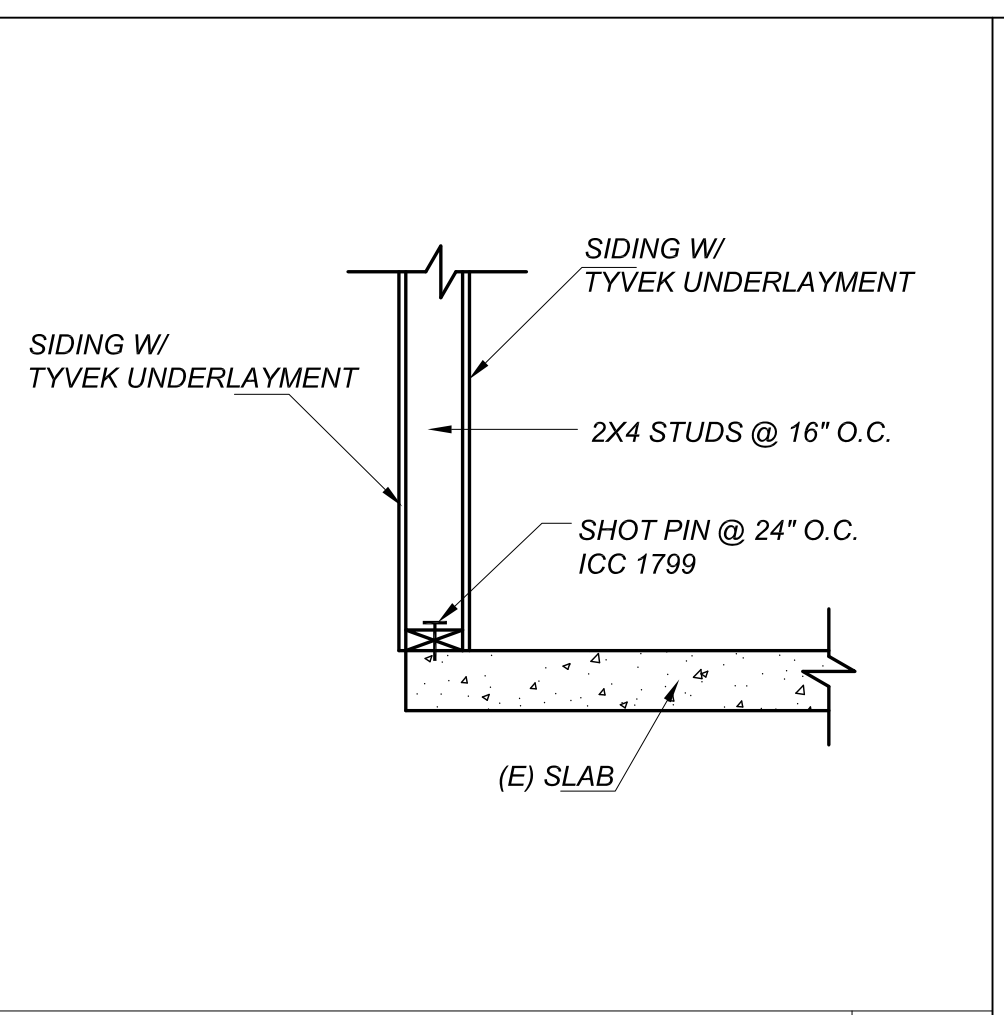
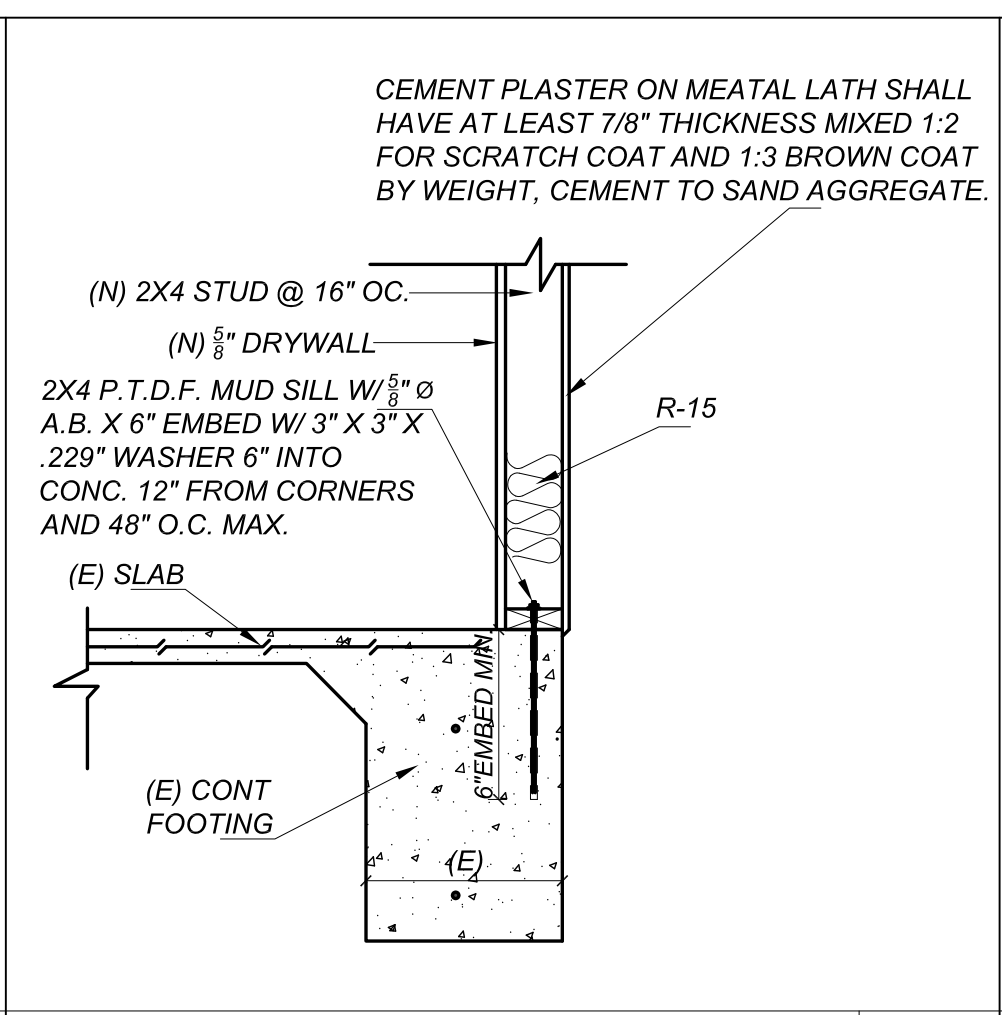
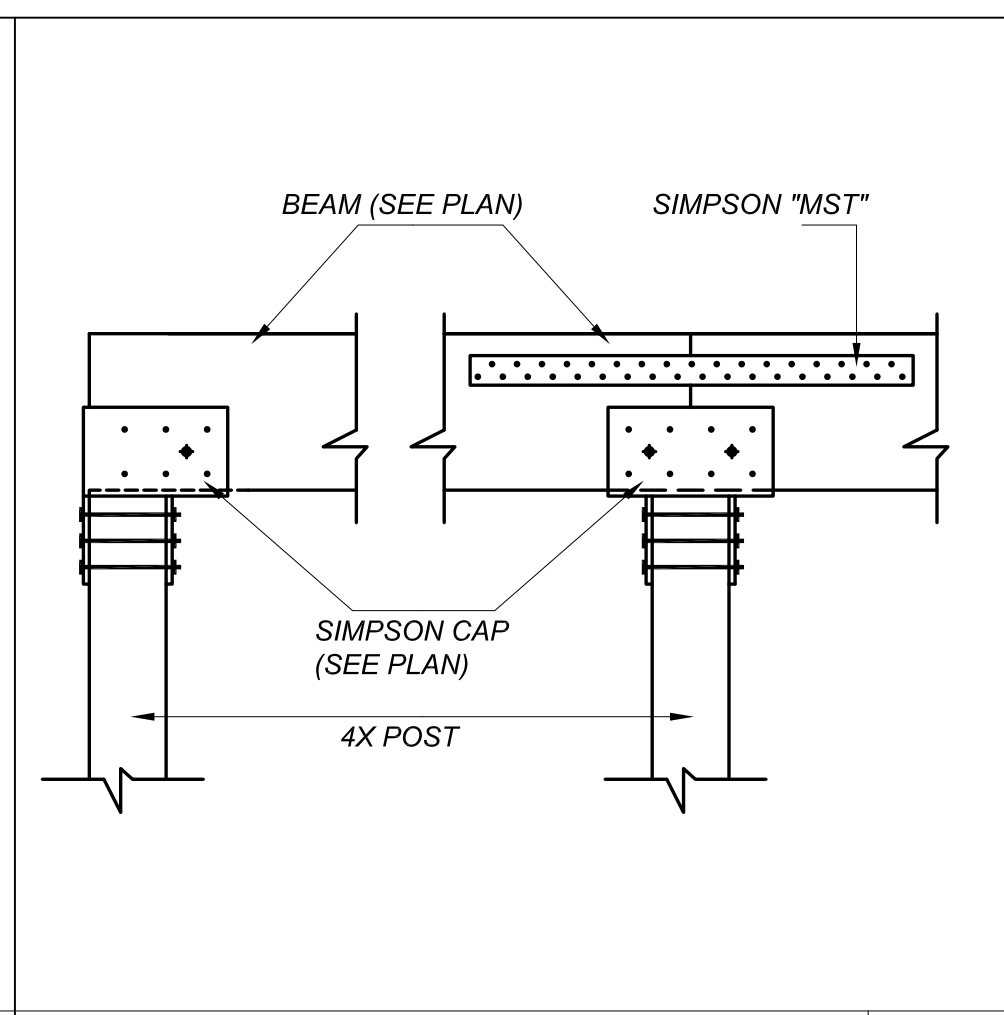
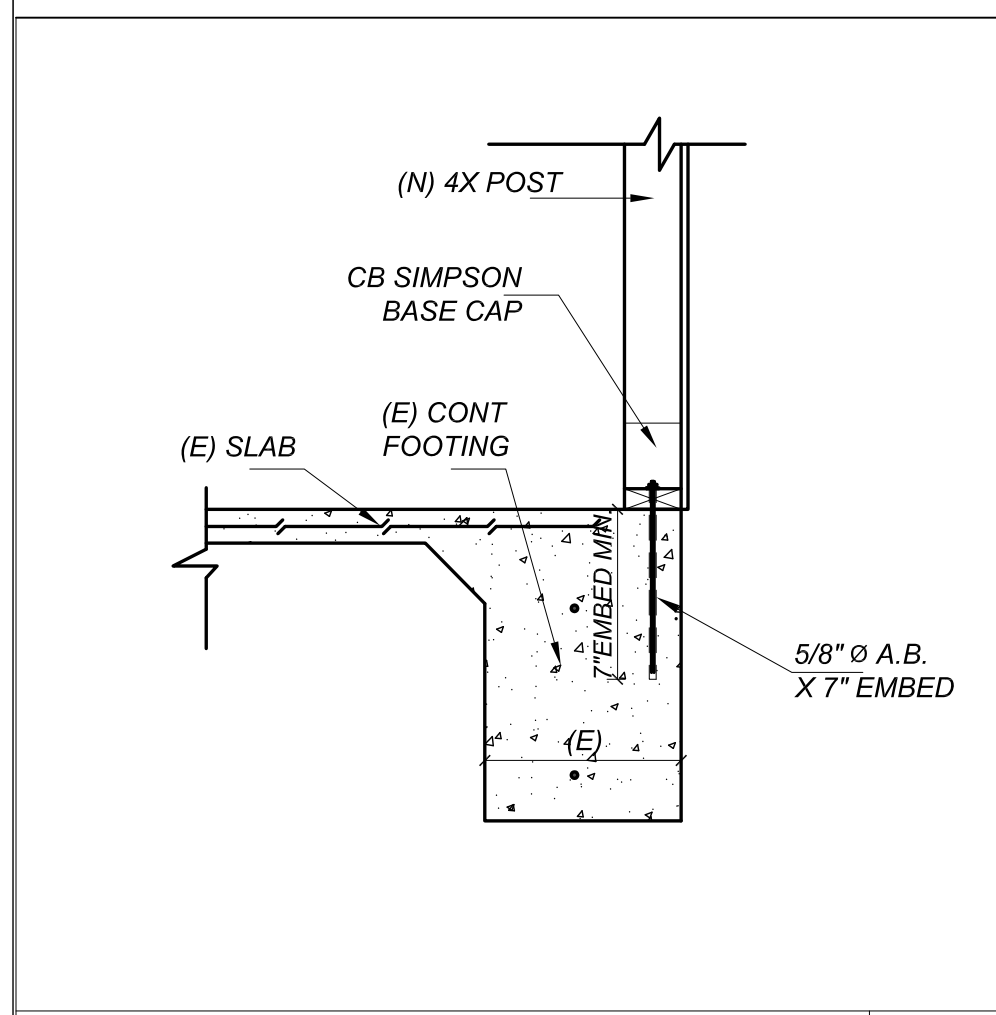
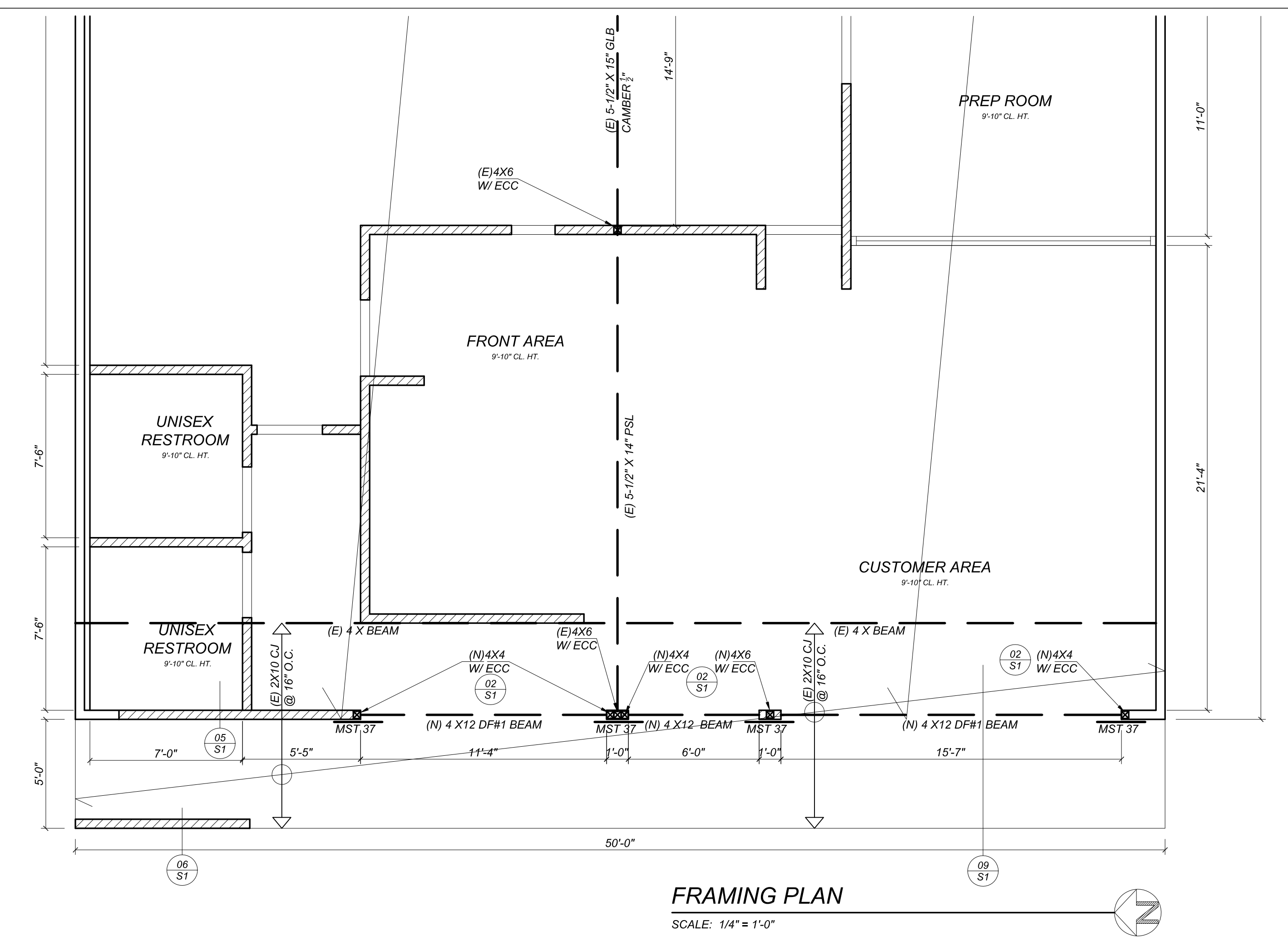
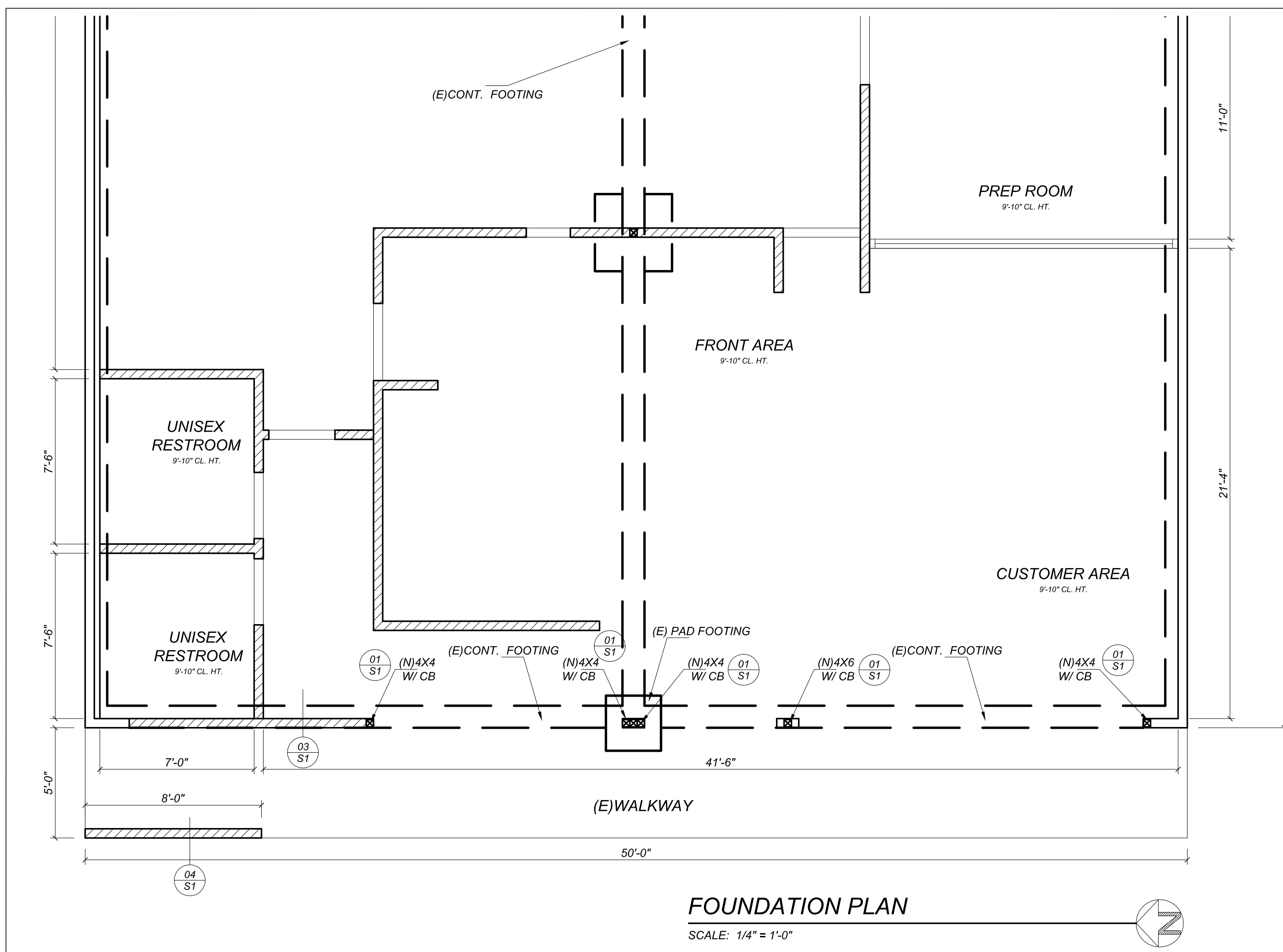
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DATE: \_\_\_\_\_ 02-16-2023

PROJECT NO: \_\_\_\_\_ 02162022

SHEET NO. 06 OF 07 SHEETS

**A2.1**



CONSULTANT:

**YUMMY BAKERY**  
**12036 BROOKHURST ST.**  
**GARDEN GROVE, CA 92840**

12036 BROOKHURST ST.,  
 GARDEN GROVE, CA 92840

COMMERCIAL PROJECT FOR:

**STRUCTURAL PLAN**

DRAWING TITLE:

PLAN CHECK	DATE
#	
REVISIONS:	DATE
△	
△	
△	
DRAWN BY: HA NGUYEN	
SCALE: AS NOTED	
DATE: 02-16-2023	
PROJECT NO: 02162022	
SHEET NO. 07 OF 07 SHEETS	

**S1**

DECISION NO. 1841-23

A DECISION OF THE ZONING ADMINISTRATOR OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-124-2023 TO ALLOW THE MODIFICATION OF THE FRONT FAÇADE OF AN EXISTING BUILDING, LOCATED ON THE EAST SIDE OF BROOKHURST STREET, JUST SOUTH OF CHAPMAN AVENUE, AT 12036 BROOKHURST STREET, ASSESSOR'S PARCEL NO. 089-453-49.

BE IT RESOLVED that the Zoning Administrator of the City of Garden Grove does hereby approve Site Plan No. SP-124-2023 to allow the modification of the front façade of an existing building, located on the east side of Brookhurst Street, just south of Chapman Avenue, at 12036 Brookhurst Street, Assessor's Parcel No. 089-453-49.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-124-2023, the Zoning Administrator of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Ha Nguyen, with authorization from the property owner, Mai Trang.
2. A request for Site Plan No. SP-124-2023 to allow the modification of the front façade of an existing building, located at 12036 Brookhurst Street.
3. The Zoning Administrator hereby determines that this project is categorically exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Article 19, 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 Residential/Commercial Mixed Use 2 (RC2) and is zoned BCSP-BCC (Brookhurst/Chapman Specific Plan – Brookhurst Chapman Commercial). The subject site abuts BCSP-BCC zoned properties to the north and to the south, an R-1 zoned property to the east, and Neighborhood Mixed Use (NMU) zoned properties across Brookhurst Street, to the west. The property is currently improved with a 3,534 square foot one-story commercial building that was built in 1964.
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 April 27, 2023, and interested persons were given an opportunity to be heard.



8. The Zoning Administrator gave due and careful consideration to the matter at its meeting on April 27, 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 9.32.30, are as follows:

FACTS:

The property, located at 12036 Brookhurst Street, is an approximately 12,400 square foot site located on the east side of Brookhurst Street, south of Chapman Avenue. The property has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2 (RC2) and is zoned BCSP-BCC (Brookhurst/Chapman Specific Plan – Brookhurst Chapman Commercial). The subject site abuts BCSP-BCC zoned properties to the north and to the south, an R-1 zoned property to the east, and Neighborhood Mixed Use (NMU) zoned properties across Brookhurst Street, to the west. Surrounding uses include mix of commercial and retail such as a gas station, a dental office, and the Pavilion Plaza shopping center across Brookhurst Street.

The property is currently improved with a 3,534-square-foot one-story commercial building. The building, which was built in 1964, has two (2) separate tenant spaces, previously occupied by a retail jewelry store, Continental Custom Jewelry, and a nutrition retail store, Nature's Way Health Foods and Gifts. Per Business Tax and License records, both businesses ceased their operations in 2020, and the building has been vacant since. In August 2022, a building permit was issued by the City for interior tenant improvements, which included the following scope of work: (i) to combine the two (2) separate tenant spaces into one; and (ii) to convert the whole building into a retail bakery for Yummy Bakery. Now, the applicant is proposing to improve the façade of the building as part of the on-going improvements for the building.

The Brookhurst/Chapman Specific Plan requires approval of a Site Plan, for any proposed rehabilitation, redevelopment, expansion or intensification of existing use of structures and new development, including any exterior changes to structures that require a building permit. Although the proposed improvements do not include any expansion to the building, it includes a significant change to the façade, which will require a building permit. Thus, the proposal requires approval of a Site Plan.

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 Brookhurst – Chapman Corridor Specific Plan, the Municipal Code, and other applicable ordinances.

The property has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2 (RC2) and is zoned BCSP-BCC (Brookhurst/Chapman Specific Plan – Brookhurst Chapman Commercial). The intent of this Specific Plan is, in part, to eliminate blight, address underutilized properties/developments, and to facilitate harmonious development and an attractive environment for work, shopping, and other commercial and professional activities within areas near the intersection of Brookhurst Street and Chapman Avenue.

The purpose of the project is to modify and improve the façade of existing building. The design and improvement of the proposed project is consistent with the spirit and intent of the General Plan, through its goals, policies, and implementation programs, including specifically:

*Policy CD-1.3 Improve the appearance and function of regional commercial centers through improved site design, landscaping, and architectural integrity* – The project proposes to improve the front façade of an existing outdated commercial building. All of the existing architectural elements of the building will be removed and replaced with a contemporary architectural style. With the new and improved façade, the building will become more attractive from the street, and increase the commercial viability of the site.

*Goal CD-2 Provide attractive and appropriate signage throughout the City of Garden Grove* – The existing building has a mix of different types of signage, which included the existing channel letter sign, a cabinet sign, and a roof sign. Through the proposed façade improvement, the existing signage inconsistency will be replaced with a new signage. Along with other architectural elements of the proposed design, the new signage will provide a cleaner and more attractive storefront.

*Policy LU-6.4 Work with property owner(s) of commercial developments that have been, or are currently, in a state of deterioration to revitalize these centers* – The purpose of the proposed façade improvement is to revamp the look of a vacant building and prepare it for the establishment of a new bakery. Approval of the Site Plan will enhance the site, and necessary building approvals to assist with a successful operation.

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.

With the exception of the proposed façade improvement, no other site improvements are being requested, with exception of interior tenant improvements, approved under Building Permit No. 22-3576, for the new bakery, as well as exterior site improvements for ADA (Americans with Disabilities Act) upgrades to accommodate accessible parking and path-of-travel to the building's entrance. The site will continue be served by the existing driveway approach along Brookhurst Street. All of the existing parking areas will remain the same. The existing development will not adversely impact essential on-site facilities, such as off-street parking, loading and unloading areas, traffic circulation, and points of vehicular and pedestrian 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 Public Works Department has reviewed the project and has incorporated all the appropriate conditions of approval to minimize any adverse impacts.

4. The project will not adversely impact the City's ability to perform its required public works functions.

The project has been reviewed by the Public Works Department. Because the project only involves a proposed façade improvement, and does not involve any expansion to the existing building, no on-site and off-site improvements were required by the Public Works Department.

5. 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 a highly-visible intersection within a mixed-use commercial area. The proposed project will be compatible with the rest of the surrounding neighborhood. Architecturally, the façade has been designed to be aesthetically complementary with the parts of the building to remain. A variety of materials and different massing help create visual intrigue. Furthermore, the contemporary design is compatible with the nearby commercial developments.



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.

6. 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.

The scope of work of the proposed project only includes modification of the building façade. No site improvements, including landscaping, are proposed, with exception of interior tenant improvements, approved under Building Permit No. 22-3576, for the new bakery, as well as exterior site improvements for ADA (Americans with Disabilities Act) upgrades to accommodate accessible parking and path-of-travel to the building's entrance. The new façade will be an improvement to the existing building, which will include a new contemporary style that will help create more visual intrigue, consistent with the intent of the Brookhurst/Chapman Specific Plan.

#### NO NET LOSS FINDINGS

1. The reduction of residential density is consistent with the adopted General Plan, including the Housing Element.

The applicant proposes to modify the façade of an existing commercial building. No additional square footage or site improvements are proposed, with exception of interior tenant improvements, approved under Building Permit No. 22-3576, for the new bakery, as well as exterior site improvements for ADA (Americans with Disabilities Act) upgrades to accommodate accessible parking and path-of-travel to the building's entrance. The proposed improvements are in compliance with the BCSP-BCC (Brookhurst/Chapman Specific Plan – Brookhurst/Chapman Commercial) zone. The proposed project is consistent with goals and policies of the General Plan, as discussed above under Site Plan finding #1. The proposed project is also consistent with the Housing Element, even though it does not propose any housing. Goal H-3 and Program 8 of the Housing Element require the City to monitor its remaining residential site capacity and to maintain adequate housing sites to accommodate its RHNA. As the analysis in Finding #2, below, illustrates, the proposed project will not result in the City having insufficient remaining residential capacity to accommodate the City's RHNA for each income category, which is consistent with these Housing Element provisions.

2. The remaining sites identified in the housing element are adequate to meet the requirements of Government Code Section 65583.2 and to accommodate the City's share of the regional housing need pursuant to Government Code Section 65584.

Government Code Section 65863 requires jurisdictions to maintain adequate sites to accommodate their remaining unmet Regional Housing Needs Allocation (RHNA) by each income category at all times throughout the Housing Element planning period. A jurisdiction may not take any action to reduce a housing element parcel's residential density unless it makes findings that the reduction is consistent with the General Plan, including the Housing Element, and that the remaining sites identified in its Housing Element sites inventory can accommodate its remaining unmet RHNA by each income category, or it identifies additional sites so that there is no net loss of residential unit capacity.

In addition, if a jurisdiction approves a development on a parcel identified in its Housing Element sites inventory with fewer units than shown in the Housing Element, the jurisdiction must either make findings that the Housing Element's remaining sites have sufficient capacity to accommodate the remaining unmet RHNA by each income level, or identify and make available additional adequate sites to accommodate the remaining unmet RHNA for each income category. The City Council has incorporated these requirements into the Garden Grove Municipal Code at Section 9.60.030.

The City's 6th Cycle RHNA requires the City to plan for 19,168 housing units for all income levels. A component of preparing the City's Housing Element is the identification of vacant and underutilized sites suitable for residential development, and an evaluation of the housing development potential of these sites in fulfilling the City's RHNA. The project site is identified in the City's Housing Element sites inventory as having a realistic capacity to accommodate a total of seventy-two (72) "moderate income" affordable housing units. The proposed project is a stand-alone commercial development and does not include any residential units. Therefore, in order to approve the proposed project, the Planning Commission must determine it is consistent with the General Plan, including the Housing Element, and that the remaining sites identified in the Housing Element sites inventory have sufficient capacity to accommodate the City's remaining unmet RHNA by income level. Staff has evaluated the housing projects that have been permitted or approved during the current planning period, and has determined that the remaining sites identified in the sites inventory will have sufficient capacity to accommodate the City's remaining unmet RHNA need for each income level if the project is approved as proposed. Staff's analysis is as follows:

At the time the Housing Element was prepared and adopted, the City's *unmet* RHNA was calculated to be 18,208 units, broken down as follows: 6,567 low and very-low income units, 3,087 moderate-income units, and 8,554 above moderate income units. The sites identified in the adopted Housing Element were determined adequate to accommodate a total of 18,291 units, including 401 more units than the City's unmet RHNA in the low and very low-income categories and 240 more units than the City's unmet RHNA for the moderate-income category. Sites deemed adequate to accommodate the lower and moderate-income categories are also adequate to accommodate above moderate income units. Overall, the sites inventory in the adopted Housing Element reflected a total capacity surplus of 83 units, at the time of adoption.

New housing units, which include, but may not be limited to, ADUs, single-family dwellings, SB 9 units, and multi-family dwelling units, that have been permitted thus far during the current 6<sup>th</sup> RHNA cycle (October 15, 2021 to October 15, 2029) have been accounted for in the Housing Element site capacity analysis. Some of these units were developed on sites not included in the Housing Element sites inventory. After accounting for permitted and entitled units, the City's total remaining unmet RHNA would be 17,458 units, broken down as follows: 6,555 low and very low-income units, 3,087 moderate-income units, and 7,816 above moderate income units. The remaining capacity of the sites identified in the Housing Element would be 18,078 units, resulting in a total capacity surplus of 615 units. The remaining sites are also adequate to accommodate a surplus of above moderate income (89), and such sites are also adequate to accommodate the City's remaining unmet above moderate income RHNA. Due to this surplus, the overall residential capacity on sites identified in the Housing Element will still be sufficient to accommodate the City's total remaining unmet RHNA if the proposed project is approved.

The proposed project is consistent with the General Plan, including the Housing Element, even though it does not propose any housing. Goal H-3 and Program 8 of the Housing Element require the City to monitor its remaining residential site capacity and to maintain adequate housing sites to accommodate its RHNA. As the above analysis illustrates, the proposed project will not result in the City having insufficient remaining residential capacity to accommodate the City's RHNA for each income category, which is consistent with these Housing Element provisions.

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

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

BE IT FURTHER RESOLVED that the Zoning Administrator does conclude:

- 1. Site Plan No. SP-124-2023 does possess characteristics that would indicate justification of the requests in accordance with Municipal Code Section 9.32.030 (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 following conditions of approval, attached as Exhibit "A", shall apply to Site Plan No. SP-124-2023.

Dated: April 27, 2023

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DAVID DENT  
ZONING ADMINISTRATOR

## **EXHIBIT "A"**

**Site Plan No. SP-124-2023**

12036 Brookhurst Street

### **CONDITIONS OF APPROVAL**

#### **General Conditions**

1. Each owner of the property shall execute, and the applicant shall record against the property, a "Notice of Discretionary Permit Approval and Agreement with Conditions of Approval" as prepared by the City Attorney's Office, on the property. Proof of such recordation is required prior to the 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, Ha Nguyen, 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 Department Director, in his or her discretion. Proposed modifications to the project and/or these Conditions of Approval determined by the Department Director not to be minor in nature shall be subject to the 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.

#### **Orange County Fire Authority**

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

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

7. The project shall comply with the requirements of the latest California Building Standards Code.

8. All single-user restrooms shall be identified as unisex restrooms.
9. The project shall be accessible and shall comply with the requirements of California Building Code (CBC) 11B.

**Community and Economic Development Department**

10. 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.
11. 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.
12. 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.
13. 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.
14. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
15. Signs shall comply with the City of Garden Grove sign requirements. No more than 15% of the total window area and clear doors shall bear advertising or signs of any sort. No signs advertising alcoholic beverages shall be placed on the windows. Any opaque material applied to the store front, such as window tint, shall count toward the maximum window coverage area.
16. Exterior advertisements displays or exterior wall advertisements shall not be allowed.
17. 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.
18. 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.
19. Construction activities shall adhere to SCAQMD Rule 403 (Fugitive Dust), which includes dust minimization measures, using electricity from power poles rather than diesel or gasoline powered generators, and using methanol, natural gas, propane or butane vehicles instead of gasoline or diesel powered equipment. Where feasible, the project shall use solar or low-emission water heaters, and low-sodium parking lot lights, to ensure compliance with Title 24.
20. No exterior piping, plumbing, rooftop 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.
21. 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.
22. 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.
23. Building color and material samples shall be submitted to the Planning Services Division for review and approval prior to the issuance of building permits.
24. 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 Services 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.
25. 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.
26. The property owner shall comply with the adopted City Noise Ordinance.
27. A copy of the resolution, including the conditions approving Site Plan No. SP-124-2023, shall be kept on the premises at all times.
28. The applicant/property owner shall submit signed letters acknowledging receipt of the decision approving Site Plan No. SP-124-2023, and his/her agreement with all conditions of approval.
29. 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-124-2023. 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.
30. 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-124-2023 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-124-2023 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-124-2023 shall expire if the building permits for the project expire.
31. It shall be the applicant's responsibility to verify that any building or site improvements do not impermissibly interfere with any recorded (or non-recorded) easements or required utility clearances on the subject property or the adjacent properties.