



AGENDA

GARDEN GROVE PLANNING COMMISSION

REGULAR MEETING

JULY 21, 2016

COMMUNITY MEETING CENTER
11300 STANFORD AVENUE

REGULAR SESSION - 7:00 P.M. COUNCIL CHAMBER

ROLL CALL: CHAIR O'NEILL, VICE CHAIR KANZLER
COMMISSIONERS BARKER, MARGOLIN, NUYGEN, PAREDES,
ZAMORA

Members of the public desiring to speak on any item of public interest, including any item on the agenda except public hearings, must do so during Oral Communications at the beginning of the meeting. Each speaker shall fill out a card stating name and address, to be presented to the Recording Secretary, and shall be limited to five (5) minutes. Members of the public wishing to address public hearing items shall do so at the time of the public hearing.

Any person requiring auxiliary aids and services due to a disability should contact the City Clerk's office at (714) 741-5035 to arrange for special accommodations. (Government Code §5494.3.2).

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

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

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

- A. ORAL COMMUNICATIONS - PUBLIC
- B. APPROVAL OF MINUTES: July 7, 2016
- C. PUBLIC HEARING(S) (Authorization for the Chair to execute Resolution shall be included in the motion.)
 - C.1. SITE PLAN NO. SP-026-2016
CONDITIONAL USE PERMIT NO. CUP-342-11 (REV. 2016)

APPLICANT: SHAWERMA GO., INC. DBA CAIRO RESTAURANT
AND CAFE

LOCATION: SOUTHEAST CORNER OF KATELLA AVENUE AND
DINO CIRCLE AT 10832 KATELLA AVENUE

REQUEST: Site Plan approval to construct a new 960 square foot steel-framed patio cover over an existing outdoor customer patio dining area for an existing restaurant, Cairo Restaurant and Café. This establishment was approved under Conditional Use Permit No. CUP-342-11, to operate as a restaurant with accessory hookah lounge activity in the outdoor patio area. The proposal includes a request to modify the approved plans, under CUP-342-11, to allow the construction and use of the proposed patio cover. The site is in the NMU (Neighborhood Mixed Use) zone. The project is exempt pursuant to CEQA Section 15303 – New Construction or Conversion of Small Structures.

STAFF RECOMMENDATION: Approval of Site Plan No. SP-026-2016 and Conditional Use Permit No. CUP-342-11 (Rev. 2016), subject to the recommended conditions of approval.

- D. MATTERS FROM COMMISSIONERS
- E. MATTERS FROM STAFF
- F. ADJOURNMENT

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

Meeting Minutes
Thursday, July 7, 2016

CALL TO ORDER: 7:00 p.m.

ROLL CALL:

Vice Chair Kanzler
Commissioner Barker
Commissioner Margolin
Commissioner Nuygen
Commissioner Paredes
Commissioner Zamora

Absent: Chair O'Neill, Commissioner Nuygen absent at Roll Call, but joined the meeting at 7:01 p.m.

PLEDGE OF ALLEGIANCE: Led by Commissioner Barker.

ORAL COMMUNICATIONS – PUBLIC – None.

June 16, 2016 MINUTES:

Action: Received and filed.

Motion: Margolin Second: Barker

Ayes: (6) Barker, Kanzler, Margolin, Nuygen, Paredes, Zamora

Noes: (0) None

Absent: (1) O'Neill

PUBLIC HEARING – CONDITIONAL USE PERMIT NO. CUP-066-2016. FOR PROPERTY LOCATED AT 12755 BROOKHURST STREET, SOUTH OF STANFORD AVENUE, WEST OF BROOKHURST STREET AND STANFORD AVENUE.

Applicant: Karie Barker

Date: July 7, 2016

Request: Conditional Use Permit approval to operate a new 1,850 square foot after-school tutoring center for 46 students and six (6) instructors. The site is in the GGMU1 (Garden Grove Mixed Use 1) zone. The project is exempt pursuant to CEQA Section 15301 – Existing Facilities.

Staff announced that the applicant, Ms. Karie Barker, was not related to

Commissioner Barker.

Action: Public Hearing held. Speaker: Karie Barker

Action: Resolution No. 5856-16 was approved.

Motion: Margolin Second: Zamora

Ayes: (6) Barker, Kanzler, Margolin, Nuyen, Paredes,
Zamora

Noes: (0) None

Absent: (1) O'Neill

MATTERS FROM COMMISSIONERS:

Commissioner Zamora asked for parking enforcement on Taft Street adjacent to Costco; that a list of projects be available on the City's website; and if there had been discussions regarding loosening regulations for entertainment on Main Street. Sergeant Vaicaro responded that with more specific information, a patrol memo could be issued for this area. Staff noted that the City's website was updated quarterly with a list of projects. The Main Street business owners would need to request consideration on entertainment regulations.

Commissioner Paredes stated that he attended an Active Streets meeting and noted that there were some neighborhood streets that had neither sidewalks nor street lighting. He stated that he understood that Garden Grove bus shelters were maintained by the City, and suggested the shelters be consistently maintained and designed to encourage ridership. He asked about a study for historical properties. In response, staff commented that in those areas without sidewalks, residents had expressed a desire to maintain a rural character, and that residents would need to request sidewalks. The City would then need to allocate funding for sidewalks, and that the street lighting was installed by Southern California Edison. The residents would have to pay for street lighting and the maintenance. Funding would be necessary to conduct a study for historical properties, and suggested that it would be a good class project for a University to identify eligible properties.

Commissioner Margolin commented on an email she received from the owner of the McDonald's restaurant on Valley View Street requesting the City intervene with the Gas Company, as the completion of the restaurant's renovation was waiting on inspection. Staff noted that the City was being proactive on this project and was assisting the owner with outstanding issues.

Commissioner Barker suggested that the City limit residential occupancy based on square footage; that the City's website provide a common list of code violations; that mailers be provided to explain code violations; and that the Street Sweeping Parking

Compliance Officers cite lawn parking. He asked when the Royal Palm neighborhood became a gated community, and the parameters for second units on single-family properties. In response, staff noted that the California Courts have determined that a family could not be defined, and therefore, limiting the number of people who reside in a home was not enforceable; however, for residential projects funded by government subsidies, there was an occupancy limit. Street Sweeping Parking Compliance Officers may not be designated to enforce the Municipal Code. The Royal Palm neighborhood created a Homeowners Association and subsequently installed a security gate. Second units in single-family residential zoning have to meet lot size and setback requirements.

Commissioner Nugyen asked how a residential property could be converted to a mixed use. Staff responded that the property would need to be located in a mixed use zone.

Vice Chair Kanzler asked if the City had removed Stage 2 drought requirements; and suggested installing bike racks along Garden Grove Boulevard. Staff stated that the City was still in Stage 2 drought requirements.

COMMISSIONER ZAMORA LEFT THE MEETING AT 8:10 P.M.

MATTERS FROM STAFF:

Staff noted that there was one Public Hearing item scheduled for July 21, 2016, and that the August 18, 2016, meeting would be cancelled.

Staff provided a PowerPoint presentation on the Brown Act and Conflict of Interest Laws. Commissioners and staff discussed and received input on the subject.

ADJOURNMENT: At 9:00 p.m. to the next Regular Meeting of the Garden Grove Planning Commission on Thursday, July 21, 2016, at 7:00 p.m. in the Council Chamber of the Community Meeting Center, 11300 Stanford Avenue, Garden Grove.

Teresa Pomeroy, CMC
Deputy City Clerk

COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT PLANNING STAFF REPORT

AGENDA ITEM NO.: C.1.	SITE LOCATION: Southeast corner of Katella Avenue and Dino Circle, at 10832 Katella Avenue
HEARING DATE: July 21, 2016	GENERAL PLAN: Residential/Commercial Mixed Use 2
CASE NO.: Site Plan No. SP-026-2016, Conditional Use Permit No. CUP-342-11 REV. 2016	ZONE: NMU (Neighborhood Mixed Use)
APPLICANT: Showerma Go, Inc. dba Cairo Restaurant and Cafe	CEQA DETERMINATION: Exempt
PROPERTY OWNER(S): Goldenson Family Trust	APN: 089-010-60

REQUEST:

A request for Site Plan approval to construct a new 1,500 square foot steel-framed patio cover over an existing outdoor patio dining area for an existing restaurant, Cairo Restaurant and Cafe, located at 10832 Katella Avenue. Also, a request to modify the approved plans, under Conditional Use Permit No. CUP-342-11, to allow the construction and use of the proposed patio cover.

BACKGROUND:

The subject property is approximately 9,887.5 square feet in area and is located on the southeast corner of Katella Avenue and Dino Circle. The lot is currently improved with an existing 1,678 square foot pad building restaurant, Cairo Restaurant and Café. The property has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2 and is zoned NMU (Neighborhood Mixed Use). The property is adjacent to NMU zoned properties to the east, south, to the west, across Dino Circle, and a mini-storage use located in the City of Anaheim, to the north, across Katella Avenue. According to business license records, the existing pad building has been in use as a restaurant since 1968, beginning as a Kentucky Fried Chicken. Other past restaurant businesses include Alberto's Mexican Food, Ching's 123 Chinese Fast Food, Taco Time, and Goodies.

In 2011, the City of Garden Grove approved Conditional Use Permit No. CUP-342-11, which allowed the existing restaurant to have hookah as an accessory use, restricted only to the new outdoor patio dining area, and subject to the Operating Requirements and Special Standards for smoking lounges (i.e., establishments with hookah). The approval of CUP-342-11 also included the

installation of new landscaping and site improvements to accommodate the new outdoor patio dining area.

DISCUSSION:

SITE PLAN:

Site Design, Circulation & Floor Plan:

As approved under CUP-342-11, the existing 1,678 square foot pad building restaurant also includes a 1,650 square foot outdoor patio dining area, on the east side of the building, which is enclosed by a 5'-10" high wrought iron fence providing unobstructed visibility into the outdoor patio area.

The proposal involves the construction of a new 1,500 square foot steel-framed patio cover, which is open on all four sides, over the existing 1,650 square foot outdoor patio dining area. The posts supporting the patio cover do not extend beyond the perimeter of the existing wrought iron fence, which encloses the outdoor patio dining area. Additionally, the overhangs of the patio cover do not extend beyond 2'-0" from the posts.

No new floor area will be added to the existing building. And the existing outdoor patio dining area will not be expanded, nor will the existing wrought iron fences be moved. Additionally, there are no other proposed changes to the operation of the restaurant. The subject application only involves the construction of the open patio cover to provide shade and cover from inclement weather for the convenience of the patrons of the business.

The development standards of the NMU zone specify a minimum front setback of 15'-0" along Katella Avenue, a 10'-0" corner side setback along Dino Circle, and no setbacks requirements to the interior side property line. A rear setback is not required unless a property abuts a residentially zoned lot, to which, the subject property does not. The proposed patio cover complies with all setback requirements of the NMU zone.

The height of the patio cover will be 10'-0", as measured from grade to the bottom of the rafters. Thus, the patio cover will be approximately 11'-0" to the top, as measured from grade to its highest point – the patio cover will maintain a slight slope.

Parking:

Parking requirements for the existing outdoor patio dining area, were previously reviewed and approved under Conditional Use Permit No. CUP-342-11. The proposed patio cover will not affect the existing parking demand for the restaurant

because it will be covering the existing outdoor patio dining area. No new floor area will be added to the building or to the outdoor patio dining area. Therefore, Staff does not expect any change in the parking demand for the restaurant or to the surrounding uses in the immediate vicinity.

Building Design:

The applicant has proposed a design for the new patio cover that is architecturally compatible with the existing pad building restaurant in architecture, material, and color. As previously mentioned, CUP-342-11, in part, allowed accessory smoking lounge (hookah) activity in the outdoor patio dining area. A typical wood constructed patio cover was not deemed acceptable due to its use of combustible materials, as smoking lounge (hookah) activity would be taking place under the patio cover structure. Therefore, the applicant's proposal will have the patio cover comprised primarily of steel construction including other non-combustible materials such as aluminum and bronze.

Landscaping:

There are no proposed changes to the existing landscaping on-site. However, upon site inspection, Staff found that the front area of the establishment along Katella Avenue, did not have the required landscaping per the approved plans under CUP-342-11. Therefore, the applicant is required to, and has agreed to, install landscaping in the front, including any other areas of the site where it may be lacking, to bring the development into conformance with the approved plans under CUP-342-11.

CONDITIONAL USE PERMIT:

The applicant is also requesting approval to modify the approved plans, under CUP-342-11, to allow the construction and use of the proposed patio cover, which will cover the existing outdoor patio dining area. The project complies with all development standards of the NMU zone.

The Community and Economic Development Department and the Police Department have reviewed the request and are supporting the proposal. All former conditions of approval approved under CUP-342-11, including all new and modified conditions of approval, will apply.

RECOMMENDATION:

Staff recommends that the Planning Commission take the following action:

1. Approve Site Plan No. SP-026-2016 and Conditional Use Permit No. CUP-342-11 REV. 2016, subject to the recommended conditions of approval.



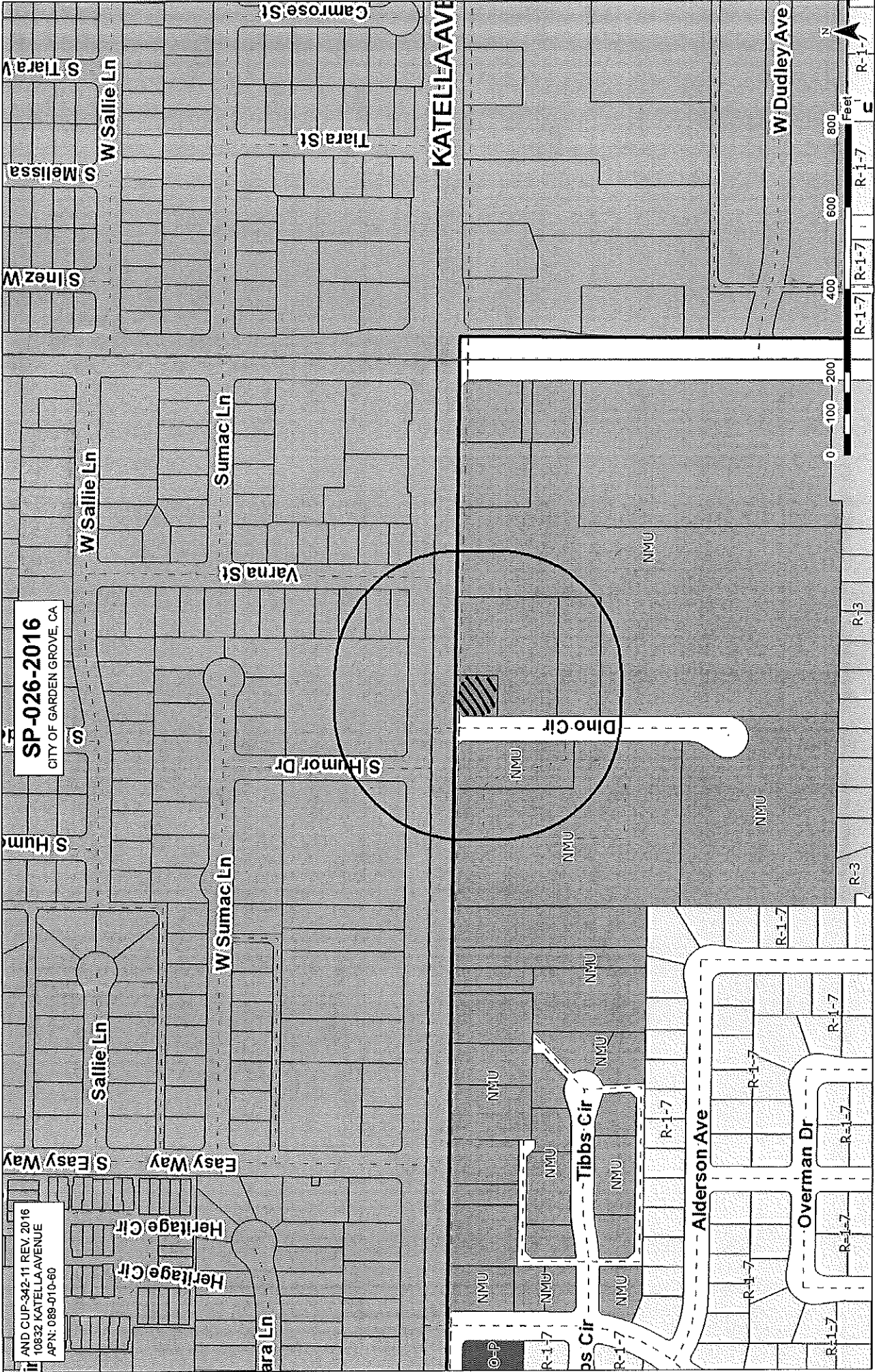
KARL HILL
Planning Services Manager



By: Chris Chung
Associate Planner

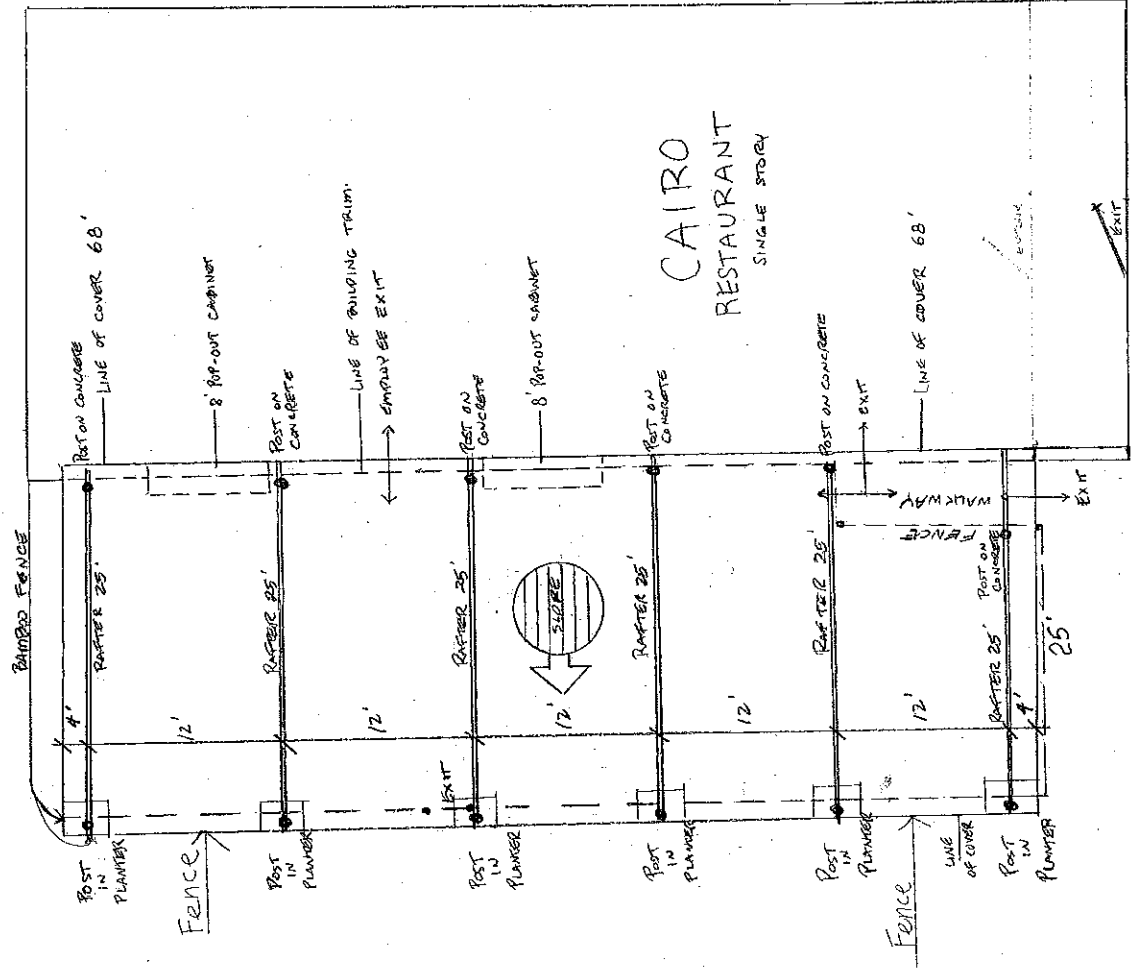
AND CUP-342-11 REV. 2016
10832 KATELLA AVENUE
APN: 089-010-60

SP-026-2016
CITY OF GARDEN GROVE, CA

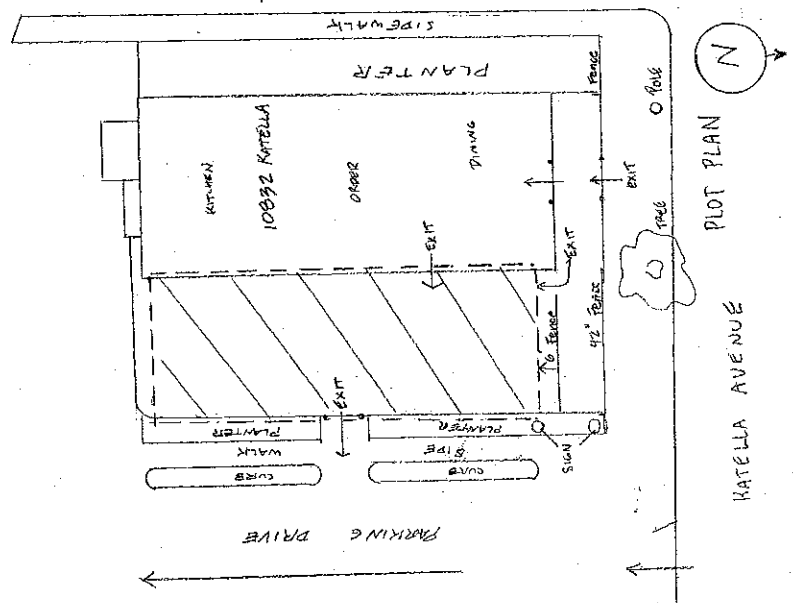
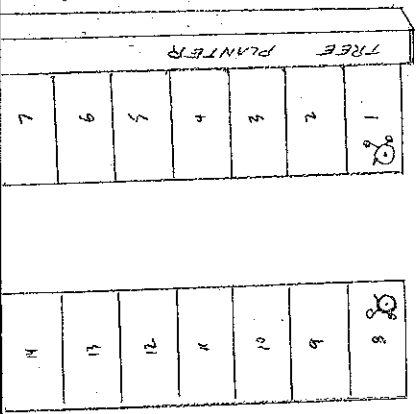


REVISIONS BY	DATE	DESCRIPTION

PLAN VIEW 25x68' PATIO COVER FREESTANDING-



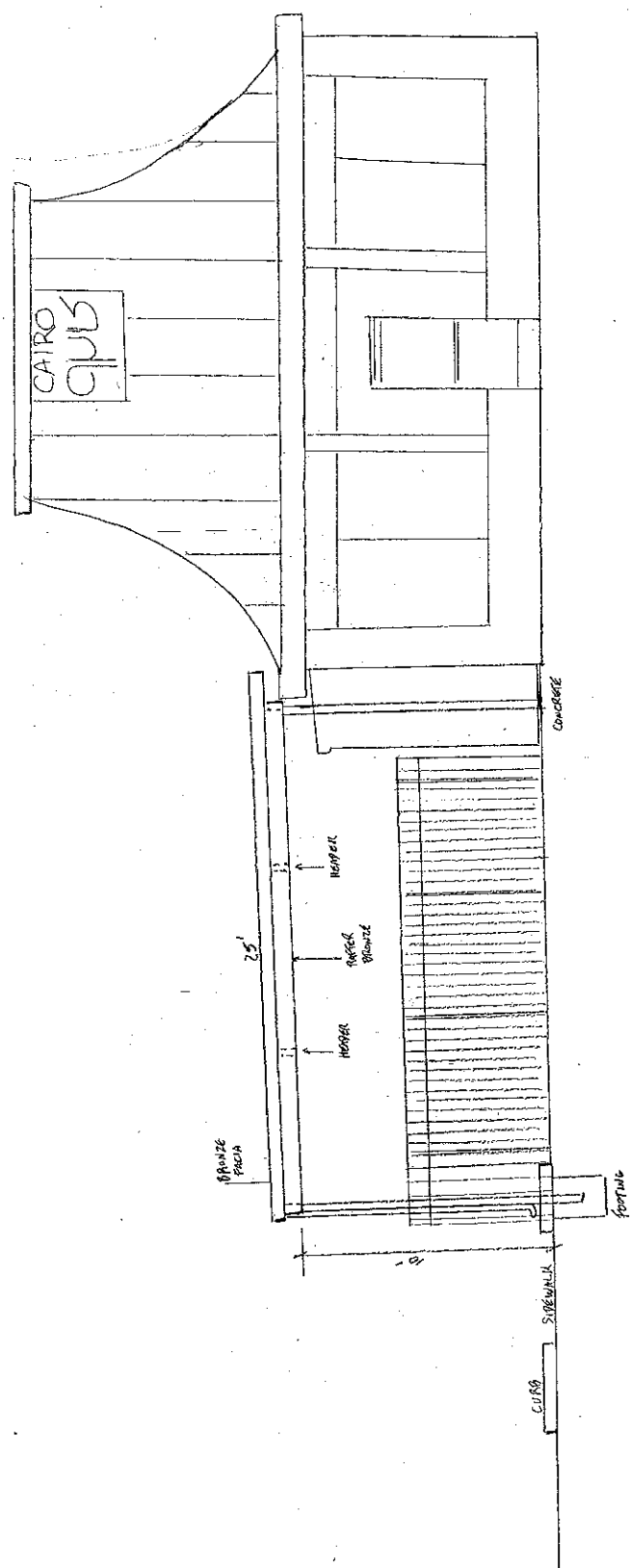
CAIRO RESTAURANT SINGLE STORY



10892 KATELLA
 KATELLA AVENUE
 PARKING DRIVE

REVISIONS	BY

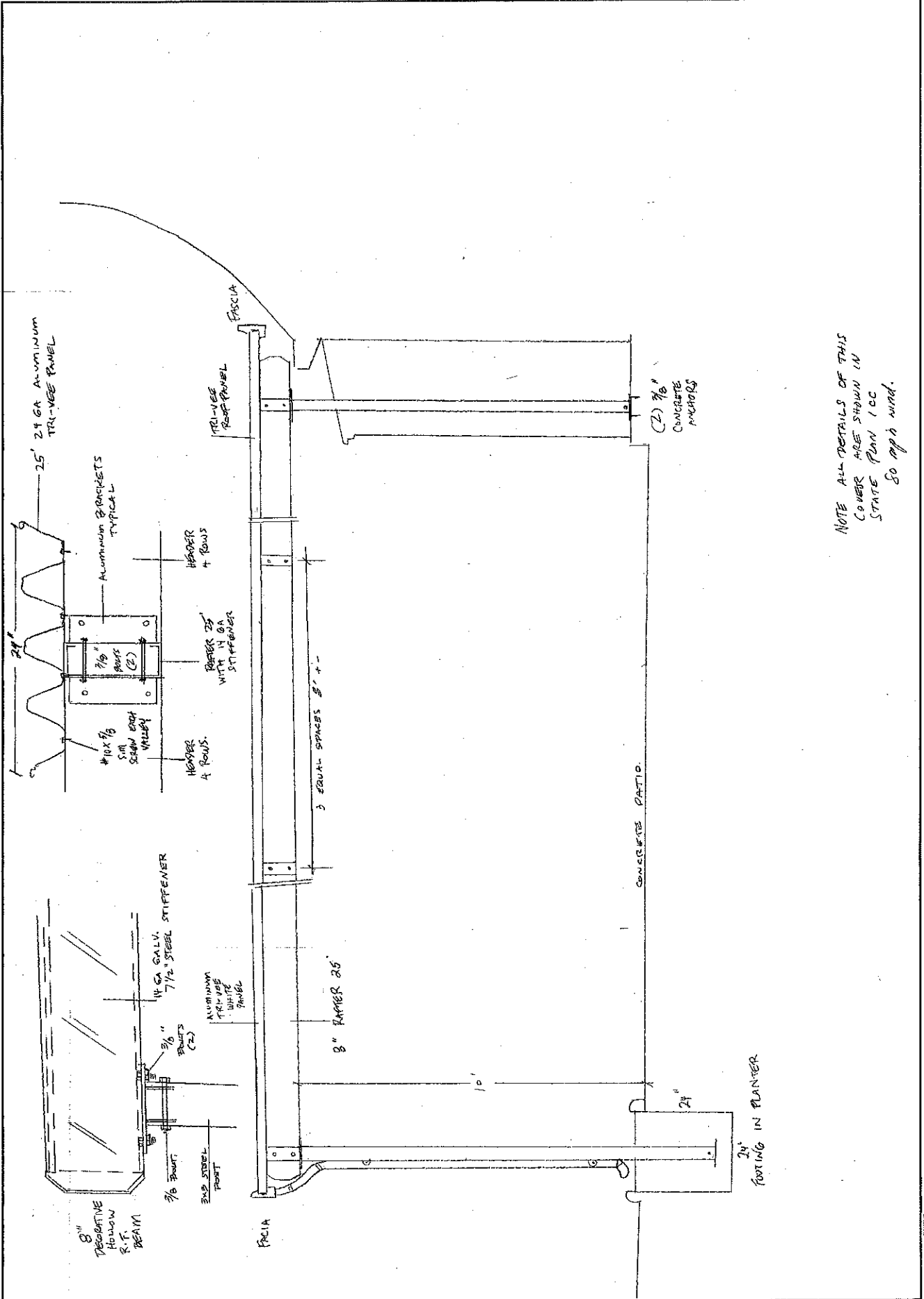
DATE 1/5/12
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 CHECKED
 SHEET 2
 OF 3



NORTH ELEVATION

REVISIONS	BY

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 Of 3 Sheets



NOTE ALL DETAILS OF THIS
 COVER ARE SHOWN IN
 STATE PLAN 100
 SO APP'LY WIND.

RESOLUTION NO. 5866-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF GARDEN GROVE APPROVING SITE PLAN NO. SP-026-2016 AND CONDITIONAL USE PERMIT NO. CUP-342-11 REV. 2016, FOR A PROPERTY LOCATED ON THE SOUTHEAST CORNER OF KATELLA AVENUE AND DINO CIRCLE, AT 10832 KATELLA AVENUE, ASSESSOR'S PARCEL NO. 089-010-60.

BE IT RESOLVED that the Planning Commission of the City of Garden Grove does hereby approve Site Plan No. SP-026-2016, Conditional Use Permit No. CUP-342-11 REV. 2016, for the construction of a new 1,500 square foot steel-framed patio cover over an existing outdoor patio dining area for an existing restaurant, Cairo Restaurant and Cafe, and to modify the approved plans, under Conditional Use Permit No. CUP-342-11, to allow the construction and use of the proposed patio cover (the "Project"), for property located on the southeast corner of Katella Avenue and Dino Circle, at 10832 Katella Avenue, Assessor's Parcel No. 089-010-60.

BE IT FURTHER RESOLVED in the matter of Site Plan No. SP-026-2016, Conditional Use Permit No. CUP-342-11 REV. 2016, the Planning Commission of the City of Garden Grove does hereby report as follows:

1. The subject case was initiated by Showerma Go, Inc. dba Cairo Restaurant and Cafe.
2. A request for Site Plan approval to construct a new 1,500 square foot steel-framed patio cover over an existing outdoor patio dining area for an existing restaurant, Cairo Restaurant and Cafe, located at 10832 Katella Avenue. Also, a request to modify the approved plans, under Conditional Use Permit No. CUP-342-11, to allow the construction and use of the proposed patio cover.
3. Pursuant to the California Environmental Quality Act ("CEQA"), the City of Garden Grove has determined that the proposed project is categorically exempt from the CEQA pursuant to Section 15303(c) (New Construction or Conversion of Small Structures) of the CEQA Guidelines (14 Cal. Code Regs., Section 15303).
4. The property has a General Plan Land Use designation of Residential/Commercial Mixed Use 2, and is zoned NMU (Neighborhood Mixed Use). The subject property is approximately 9,887.5 square feet in area and is located on the southeast corner of Katella Avenue and Dino Circle. The lot is currently improved with an existing 1,678 square foot pad building restaurant, Cairo Restaurant and Café.
5. Existing land use, zoning, and General Plan designation of property in the vicinity of the subject property have been reviewed.

6. Report submitted by City staff was reviewed.
7. Pursuant to a legal notice, a public hearing was held on July 21, 2016, and all interested persons were given an opportunity to be heard.
8. The Planning Commission gave due and careful consideration to the matter during its meeting of July 21, 2016, and

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

FACTS:

The subject property is approximately 9,887.5 square feet in area and is located on the southeast corner of Katella Avenue and Dino Circle. The lot is currently improved with an existing 1,678 square foot pad building restaurant, Cairo Restaurant and Café. The property has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2 and is zoned NMU (Neighborhood Mixed Use). The property is adjacent to NMU zoned properties to the east, south, to the west, across Dino Circle, and a mini-storage use located in the City of Anaheim, to the north, across Katella Avenue. According to business license records, the existing pad building has been in use as a restaurant since 1968, beginning as a Kentucky Fried Chicken. Other past restaurant businesses include Alberto's Mexican Food, Ching's 123 Chinese Fast Food, Taco Time, and Goodies.

In 2011, the City of Garden Grove approved Conditional Use Permit No. CUP-342-11, which allowed the existing restaurant to have hookah as an accessory use, restricted only to the new outdoor patio dining area, and subject to the Operating Requirements and Special Standards for smoking lounges (i.e., establishments with hookah). The approval of CUP-342-11 also included the installation of new landscaping and site improvements to accommodate the new outdoor patio dining area.

As approved under CUP-342-11, the existing 1,678 square foot pad building restaurant also includes a 1,650 square foot outdoor patio dining area, on the east side of the building, which is enclosed by a 5'-10" high wrought iron fence providing unobstructed visibility into the outdoor patio area.

FINDINGS AND REASONS:

SITE PLAN:

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

The project has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2 and is zoned NMU (Neighborhood Mixed Use). The project complies with the land use designation and the zoning requirements for the property. The proposed project has been designed within the parameters of the NMU zone of Title 9 of the Municipal Code. The placement and design of the patio cover structure is consistent with the spirit and intent of the requirements of the Municipal Code.

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

The subject site is currently improved with two (2) driveway approaches, one (1) off of Katella Avenue, and the other off of Dino Circle. Sufficient access for vehicular traffic and pedestrians will continue to be maintained, as there are no changes to circulation on-site or to the existing building. The project will not encroach into existing drive aisles or pedestrian path-of-travels and will, therefore, 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

Furthermore, the City's Traffic Engineering Division and the Fire Department have also reviewed the plans, and all appropriate conditions of approval will eliminate any adverse impacts to surrounding streets.

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 will continue to be adequate to accommodate the development as the developer has or will provide any necessary improvements for the project. Utilities and drainage channels in the area are existing and adequate to accommodate the development. The property is not located in a sewer deficiency area. The project will have no impacts to the sewer system, as it only involves the construction of a patio cover.

The Public Works Engineering and Water Services Division have reviewed the plans, and do not expect any adverse impacts to the streets and alleys, utilities and drainage channels.

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

The project is located in an area with both commercial and residential uses. The proposed project is consistent with the surrounding area and compatible

with the existing uses on the properties. The design of the proposed development will ensure a reasonable degree of compatibility with adjacent developments. The proposed design for the new patio cover is architecturally compatible with the existing pad building restaurant in architecture, material, and color.

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

The project has been designed to consider building appearance, building placement, landscaping, and other amenities in order to create an attractive and pedestrian-oriented environment. All landscaped areas are required to adhere to the landscaping requirements of the Title 9 of the Municipal Code. Through the conditions of approval for the project, the necessary agreements for the protection and maintenance of all landscaping will be achieved.

CONDITIONAL USE PERMIT:

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

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

The site has a General Plan Land Use Designation of Residential/Commercial Mixed Use 2 and is zoned NMU (Neighborhood Mixed Use). The existing restaurant use, with accessory smoking lounge (hookah) activity, will not change, and will continue to operate as it was previously approved under Conditional Use Permit No. CUP-342-11. Provided that the conditions of approval are complied with, the use is will continue to be consistent with the General Plan.

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

The use will not adversely affect the health, peace, comfort or welfare of persons residing or working in the surrounding area. The existing use will not change with the addition of the proposed patio cover over an existing outdoor patio dining area, and will continue to be consistent and compatible with the existing uses in the area. Provided the conditions of approval are

adhered to for the life of the project, the use will continue to be harmonious with the persons who work and live in the area.

The proposed patio cover will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site. The existing development is similar to the existing uses in the vicinity of the site. Provided that the project adheres to the conditions of approval, the project will not unreasonably interfere with the use, enjoyment or valuation of the property of other persons located within the vicinity of the site.

The proposed patio cover will not jeopardize, endanger, or otherwise constitute a menace to public health, safety, or general welfare. The project has been designed to comply with the development standards for the zone. The City's Departments have reviewed the plan, and all appropriate conditions of approval have been incorporated. The conditions of approval will ensure the public health, safety, and welfare.

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

The existing site is adequate in size and shape to accommodate the required yards, walls, loading facilities, landscaping and other development standards required by the Municipal Code.

4. That the proposed site is adequately served: by highways or streets of 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.

Adequate parking and vehicular access are available for the subject site in accordance with the requirements of Title 9. The proposed patio cover will not reduce parking or infringe on any vehicular access way. The proposal has been reviewed by City Departments responsible for traffic, water services, environmental services, and safety. These Departments have determined that the site will be adequately served by existing infrastructure, circulation, and other facilities to allow its operation.

INCORPORATION OF FACTS AND FINDINGS SET FORTH IN STAFF REPORT

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

BE IT FURTHER RESOLVED that the Planning Commission does conclude:

1. The Site Plan and Conditional Use Permit possess characteristics that would indicate justification of the request in accordance with Municipal Code Section 9.32.030.
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-026-2016 and Conditional Use Permit No. CUP-342-11 REV. 2016.

EXHIBIT "A"
Site Plan No. SP-026-2016
Conditional Use Permit No. CUP-342-11 REV. 2016

10832 Katella Avenue

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. The Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest.
2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to the project applicant, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission, except as otherwise provided herein.
3. Approval of this Site Plan and 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.
4. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the intensification of the project or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.
5. All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Fire Department

6. The restaurant shall not exceed the posted occupancy load of 24 persons inside, and 32 persons in the outdoor patio dining area, as determined by the Fire Department.
7. The outdoor patio area and the inside of the restaurant shall be limited to no more than 56 seats at any one time and conform to all California Fire Code 2010 regulations with specification F5-310.7 (Smoking Lounge Requirements). The occupant load shall be posted in the tenant space in a location approved by the Fire Department. A Fire Department inspection shall be conducted prior to a final of the building permit.
8. Whenever hot coals are removed from the preparation area, they shall be placed in a ceramic, metal, or other non-combustible container. Open mesh containers shall not be used.
9. Coal containers shall not be placed on combustible materials such as tablecloths or furniture. All devices used to transfer coals from the container to the hookah pipe shall be of a non-combustible material.
10. Hookah pipes shall be securely fastened in place to prevent overturning. An approved clasp or hook may be used to secure the pipe to a table or other stationary object. A shield or other approved device shall be applied to the top of the pipe to prevent accidental contact of patrons to exposed coals. A protective device may be a cap constructed of aluminum foil so that the height is not less than two inches above the top of the coals.
11. Used coals shall not be discarded in such a manner that could cause ignition of combustible materials. Used coals shall be removed and placed into a sealed metal or ceramic container with a lid (no openings other than the lid). The container shall be labeled "Hot Coals Only." The container shall not be placed within ten feet of other combustible materials, including combustible walls, partitions, or within two feet of openings of the building. If the container is placed on a non-combustible floor, ground surface, or stand, the container may be within two feet of the wall or partition. Hot ashes shall be thoroughly cooled (at least 24 hours) before being discarded.
12. 2A:10B:C type fire extinguishers shall be installed in approved locations. A 2A:20B:C type fire extinguisher shall be installed adjacent to the area where the coals are prepared. A sign shall be provided to indicate extinguishers to occupants.

13. A rated chimney shall be provided to vent heat from charcoal and smoke above the enclosed roof line of the patio cover. The applicant shall submit plans of the chimney to the Planning Division for review and approval of the design, which shall be architecturally compatible to the existing building and new patio cover.
14. Panic hardware shall be installed on both exit doors of the outdoor patio dining area.
15. Any proposed heaters in or under the patio cover, in the outdoor patio dining area, shall be subject to the review and approval by the Fire Department.
16. Any siding attached to the existing wrought iron fence shall be treated with flame proofing and shall not exceed 36 inches in height, as measured from grade.

Police Department

17. 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.
18. Hours of operation shall be permitted only between the hours of 10:00 a.m. to 10:00 p.m., Monday through Thursday, and 10:00 a.m. to 12:00 a.m., Friday and Saturday. In addition, the permittee, at his own expense, shall provide a uniformed security guard on Friday and Saturday, or additional days, if requested by the Police Department.
19. In the event security problems occur, the City of Garden Grove reserves the right to reduce hours of operation, (at any time), by order of the Chief of the Police Department, in the event problems arise concerning the operation of this business.
20. There shall be no customers or patrons in or about the premises when the establishment is closed.
21. The sale of alcoholic beverages for consumption on or off the premises is prohibited. No consumption of alcoholic beverages shall occur in or outside the establishment at any time.
22. 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.
23. No visual obstructions shall be placed in or around the perimeter of the outdoor patio dining area that exceeds 36 inches in height to maintain unobstructed visibility into the outdoor patio area.
 24. No person under 18 years of age shall be permitted at any time within the outdoor smoking/patio area.
 25. The door leading from the interior of the restaurant to the patio shall remain closed at all times in order to prevent the smoke from the hookahs from entering into the restaurant interior.
 26. At all times when the business is open, the sale of hookah shall be incidental to the sale of food.
 27. 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).

Public Works Department - Environmental Services Division

28. Grease Control Device is required. If installed inside, the Orange County Health Care Agency must approve inside location. This requirement is to assure cross-contamination does not occur.

Public Works Department - Engineering Services Division

29. In the event this matter was not already addressed as required under the original approval of Conditional Use Permit No. CUP-342-11, the applicant must submit for review and approval by the City Engineer, a site plan that incorporates a storm water quality structured BMP.

Community and Economic Development Department - Building Services Division

30. The applicant shall obtain approval from the Building Division for any change in occupancy exceeding 56 persons.
31. The building shall comply with the 2011 California Building Standards Code.

32. The patio cover structure shall comply with the applicable California Building Standards Code.

Community and Economic Development Department - Planning Services Division

33. Approval of this Site Plan and Conditional Use Permit will allow the construction of a patio cover over the existing outdoor patio dining area and continue to allow the existing restaurant to provide hookah within the outside patio area as an accessory use only. If the restaurant ceases operation, the hookah use shall also cease. At no time shall the restaurant transition into a smoking lounge.
34. There shall be no additional changes in the design of the floor plan without the approval of the Community and Economic Development Department, Planning Division. Any additional changes in the approved floor plan, which has the effect of expanding or intensifying the present use, shall require a new Conditional Use Permit.
35. 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.
36. 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 restaurant's entrance, and shall also be visible to the public.
37. No live entertainment, i.e., dancing, karaoke, solo performer, live music, sport bar or disc-jockey entertainment, etc., including amplified music, shall be permitted on the premises.
38. There shall be no raised platform, stage, or dance floor allowed on the premises at any time.
39. There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.
40. There shall be no deliveries to or from the premises before 8:00 a.m. and after 9:00 p.m., seven days a week.

41. Operation of the site shall be in compliance with the Noise Ordinance No. 2660 Title 8 Section 47.060. Special Noise Sources.
42. All rear doors shall be kept closed at all times, except to permit employee ingress and egress, to access the trash enclosure, and in emergencies.
43. There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.
44. In the event, the shopping center cannot accommodate the parking demand, due to impacts generated by the subject restaurant, at any given time, which causes a nuisance, hindrance, and/or problem with both on-site and off-site parking and circulation, the business owner/property owner shall devise and implement a plan to relieve the situation.

The business owner/property owner shall submit a plan to manage parking issues for review and approval by the Community and Economic Development Department. The plan may include, but not be limited to: reducing the hours of operation, instituting an off-site parking arrangement; having on-site parking control personnel; and/or others actions that may be deemed applicable to the situation.

If the City's Community and Economic Development Director deems such action is necessary to address parking and circulation problems, such action shall be implemented within 30 days of written notice. Failure to take appropriate action shall be deemed a violation of these Conditions of Approval and may result in the City restricting the overall use of the facility.

45. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.
46. Ten (10) percent of all developable site area for commercial parking areas is to be landscaped as outlined in City Code Section 9.16.40.070. Landscaping Requirements. All new landscaping shall match the existing landscaping materials.
47. The applicant shall submit plans to the Planning Division for review and approval of the design and materials for the patio cover prior to the issuance of building permits.

48. 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 based on the existing schedule provided by the commercial center.
49. Graffiti shall be removed from the premises, and all parking lots under the control of the licensee and/or the property owner, within 120 hours upon notification/application. Additionally, the applicant/owner shall remove all USA markings from the public right-of-way upon completion of the project.
50. 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.
51. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.
52. No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.
53. Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).
54. 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.
55. 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.
56. Any Conditional Use Permit previously governing this tenant space shall become null and void, and superseded in its entirety, by approval of Site Plan No. SP-026-2016 and CUP-342-11 REV. 2016.

SP-026-2016 & CUP-342-11 REV. 2016
Conditions of Approval

57. A copy of the decision and the conditions of approval for Site Plan No. SP-026-2016 and CUP-342-11 REV. 2016 shall be kept on the premises at all times.
58. The permittee shall submit a signed letter acknowledging receipt of the decision approving Site Plan No. SP-026-2016 and CUP-342-11 REV. 2016, and his/her agreement with all conditions of the approval.
59. The Conditional Use Permit shall be reviewed within six months from the date of this approval, and every year thereafter, in order to determine if the business is operating in compliance.
60. 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-026-2016 and CUP-342-11 REV. 2016. 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.
61. 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.
62. Except as modified by the above conditions of approval, the subject restaurant, with associated hookah, shall comply with the Section 9.16.020.050 YY Special Operating Conditions and Development Standards of Title 9 and Section 5.75.020 of Title 5 of the City's Municipal Code regarding the Establishment and Operation of Smoking Lounges.
63. The restaurant is subject to all provisions of the City's Municipal Code for Title 5 and Title 9. For convenience and reference sake, the Title 5 and Title 9

special standards, operating conditions, and development standards are as follows:

Municipal Code Section 9.16.020.050 AX. Smoking Lounges: Special Operating Conditions and Development Standards, of Title 9 of the Municipal Code, only allows hookah within the C-2 (Community Commercial) and the C-3 (Heavy Commercial) zones, subject to special standards. These standards include:

- Smoking Lounges shall be permitted, subject to Conditional Use Permits, within the C-2 and C-3 zones.
- The premises shall not be located within 200 feet of any residential zone boundary or any property containing a residential use, whether said residential boundary or property containing a residential use is within or outside of the corporate boundaries of the City.
- The premises shall be a minimum distance of one thousand (1,000) feet from any public or private primary or secondary school, whether said school is within or outside of the corporate boundaries of the City.
- Operational Requirements. Smoking Lounges shall be subject to the operational requirements set forth in Chapter 5.75 of this Code.
- Parking. Parking shall be provided using the standard for bars and nightclubs.
- Conditions of Approval. In addition to the standards for issuance of Conditional Use Permits under this Title, the hearing body may impose any condition reasonably related to mitigate any possible adverse effect upon the public health, safety, or welfare created by the establishment and/or operation of the Smoking Lounge.
- Nonconforming Uses. Notwithstanding the provisions of Chapter 9.28, any Smoking Lounge lawfully existing on the effective date of the ordinance adopting this subsection may continue its operation, provided that its operation does not cease for more than 90 days, and provided that the nonconforming use, structures, or buildings of the business shall not be increased, enlarged, or altered without first conforming with the regulations herein.

Additionally, Section 5.75.020 of Title 5 of the Municipal Code includes the following operating requirements:

It is unlawful, and a public nuisance, for any person to engage in, conduct, or carry on, in or upon any premise within the city the business of a Smoking Lounge except in compliance with all of the following requirements:

Conditions of Approval

- The business shall be owner-operated or otherwise exempt from the prohibition of smoking in the workplace as set forth in California Labor Code Section 6404.5.
- No alcoholic beverages shall be sold or consumed at the business except as permitted pursuant to a conditional use permit issued under Title 9 of this code.
- No person under 18 years of age shall be permitted within the business (or smoking patio area).
- No live entertainment, including, but not limited to karaoke, singers, DJs, dancers, or comedians shall be permitted within the business except as permitted pursuant to a conditional use permit issued under Title 9 of this code.
- All business related activities shall be conducted wholly indoors within the premises of the business except as permitted pursuant to a conditional use permit issued under Title 9 of this code.
- No admittance fee, cover charge, or requirement of any charge of minimum payment as a condition of entry shall be permitted.
- Uniformed security guard (s) shall be provided, as deemed necessary by the Chief of Police or his/her designee.
- Window coverings shall not prevent visibility of the interior of the business from its outside during operating hours. Any proposed window tint shall be approved in advance by the Chief of Police or his/her designee.
- The interior of the business shall be maintained with adequate illumination to make the conduct of patrons within the premises readily discernable to persons of normal visual acuity.
- Notwithstanding Section 9.08.050 of this code, Amusement Devices shall not be permitted anywhere within the premises of the business except as permitted pursuant to a conditional use permit issued under Title 9 of this code.
- Adequate ventilation shall be provided for the heating of coals and smoking areas in accordance with all requirements imposed by the Garden Grove Fire Department, or as otherwise required by state or federal laws.
- The occupancy load shall not exceed the lesser of (1) the occupancy load limit for the premises established by the applicable provisions of the California Building Standards Codes or (2) and occupancy load limit established as a condition of the land use approvals under Title 9 of this code.
- The business shall not operate between the hours of 2:00 a.m. and 6:00 a.m.
- The business shall also be in conformity with all other city, state and federal laws.

64. 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 Site Plan No. SP-026-2016 and Conditional Use Permit No. CUP-342-11 REV. 2016 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.

THE FOLLOWING RED LINE SET OF CONDITIONS OF APPROVAL SHOW ALL CHANGES (WHICH INCLUDE DELETIONS, CHANGES, AND ADDITIONS) THAT WERE MADE TO THE ORIGINAL CONDITIONS OF APPROVAL APPROVED UNDER CONDITIONAL USE PERMIT NO. CUP-342-11.

RED LINE SET OF CONDITIONS OF APPROVAL

(The following conditions have been modified. Deleted text shown in strikethrough and changes/additions shown in underline).

EXHIBIT "A"

Site Plan No. SP-026-2016

Conditional Use Permit No. CUP-342-11 REV. 2016

10832 Katella Avenue

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. The Conditional Use Permit runs with the land and is binding upon the property owner, his/her/its heirs, assigns, and successors in interest. The applicant shall record a "Notice of Agreement with Conditions of Approval and Discretionary Permit Approval," as prepared by the City Attorney's Office, on the property. All conditions of approval are required to be adhered to for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Zoning Administrator.

2. All Conditions of Approval set forth herein shall be binding on and enforceable against each of the following, and whenever used herein, the term "applicant" shall mean and refer to the project applicant, the owner(s) and tenant(s) of the property, and each of their respective successors and assigns, including all subsequent purchasers and/or tenants. The applicant and subsequent owner/operators of such business shall adhere to the conditions of approval for the life of the project, regardless of property ownership. Any changes of the conditions of approval require approval by the Planning Commission, except as otherwise provided herein. Approval of this Conditional Use Permit shall not be construed to mean any waiver of applicable and appropriate zoning and other regulations; and wherein not otherwise specified, all requirements of the City of Garden Grove Municipal Code shall apply. Modifications which do not change the intent of the project may be approved by the Community Development Director.

3. Approval of this Site Plan and 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. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the

FINAL

Conditions of Approval

~~intensification of the project or create impacts that have been previously addressed, the proper entitlements shall be obtained reflecting such changes.~~

4. If major modifications are made to the approved floor plan, site plan, or other related changes that result in the intensification of the project or create impacts that have not been previously addressed, the proper entitlements shall be obtained reflecting such changes.

~~3.5.~~ All conditions of approval shall be implemented at the applicant's expense, except where specified in the individual condition.

Fire Department

4.6. The restaurant shall not exceed the posted occupancy load of 24 persons inside, and 32 persons ~~outside~~ in the outdoor patio dining area, as determined by the Fire Department.

5.7. The outdoor patio area and the inside of the restaurant shall be limited to no more than 56 seats at any one time and conform to all California Fire Code 2010 regulations with specification F5-310.7 (Smoking Lounge Requirements). The occupant load shall be posted in the tenant space in a location approved by the Fire Department. A Fire Department inspection shall be conducted prior to a final of the building permit.

6.8. Whenever hot coals are removed from the preparation area, they shall be placed in a ceramic, metal, or other non-combustible container. Open mesh containers shall not be used.

7.9. Coal containers shall not be placed on combustible materials such as tablecloths or furniture. All devices used to transfer coals from the container to the hookah pipe shall be of a non-combustible material.

8.10. Hookah pipes shall be securely fastened in place to prevent overturning. An approved clasp or hook may be used to secure the pipe to a table or other stationary object. A shield or other approved device shall be applied to the top of the pipe to prevent accidental contact of patrons to exposed coals. A protective device may be a cap constructed of aluminum foil so that the height is not less than two inches above the top of the coals.

9.11. Used coals shall not be discarded in such a manner that could cause ignition of combustible materials. Used coals shall be removed and placed into a sealed metal or ceramic container with a lid (no openings other than the lid).

Conditions of Approval

The container shall be labeled "Hot Coals Only." The container shall not be placed within ten feet of other combustible materials, including combustible walls, partitions, or within two feet of openings of the building. If the container is placed on a non-combustible floor, ground surface, or stand, the container may be within two feet of the wall or partition. Hot ashes shall be thoroughly cooled (at least 24 hours) before being discarded.

- ~~12.~~ 2-A:-10-B:-C type fire extinguishers shall be installed in approved locations. A 2-A:-20-B:-C type fire extinguisher shall be installed adjacent to the area where the coals are prepared. A sign shall be provided to indicate extinguishers to occupants.
- ~~13.~~ A rated chimney shall be provided to vent heat from charcoal and smoke above the enclosed roof line of the patio cover. The applicant shall submit plans of the chimney to the Planning Division for review and approval of the design, which shall be architecturally compatible to the existing building and new patio cover.
- ~~14.~~ Panic hardware shall be installed on both exit doors of the outdoor patio dining area.
- ~~15.~~ Any proposed heaters in or under the patio cover, in the outdoor patio dining area, shall be subject to the review and approval by the Fire Department.
- ~~10-16.~~ Any siding attached to the existing wrought iron fence shall be treated with flame proofing and shall not exceed 36 inches in height, as measured from grade.

Police Department

- ~~11-17.~~ There shall be no gaming tables or gaming machines, as outlined in City Code Sections 8.20.010 and 8.20.050, on the premises at any time.
- ~~12.~~ There shall be no live entertainment, including but not limited to, Karaoke, live music and/or an amplified instrumentalist.
- ~~13-18.~~ Hours of operation shall be permitted only between the hours of 10:00 a.m. to 10:00 p.m., Monday through Thursday, and 10:00 a.m. to 12:00 a.m., Friday and Saturday. In addition, the permittee, at his own expense, shall provide a uniformed security guard on Friday and Saturday, or additional days, if requested by the Police Department.

~~CONDITIONAL USE PERMIT NO. SP-026-2016 & CUP-342-11 REV. 2016~~

Conditions of Approval

~~14.19.~~In the event security problems occur, the City of Garden Grove reserves the right to reduce hours of operation, (at any time), by order of the Chief of the Police Department, in the event problems arise concerning the operation of this business.

~~15.20.~~There shall be no customers or patrons in or about the premises when the establishment is closed.

~~16.21.~~The sale of alcoholic beverages for consumption on or off the premises is prohibited. No consumption of alcoholic beverages shall occur in or outside the establishment at any time.

22. 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.

~~17.23.~~No visual obstructions shall be placed in or around the perimeter of the outdoor patio dining area that exceeds 36 inches in height to maintain unobstructed visibility into the outdoor patio area.

~~18.24.~~No person under 18 years of age shall be permitted at any time within the outdoor smoking/patio area.

~~19.25.~~The door leading from the interior of the restaurant to the patio shall remain closed at all times in order to prevent the smoke from the hookahs from entering into the restaurant interior.

~~20.26.~~At all times when the business is open, the sale of hookah shall be incidental to the sale of food.

~~21.27.~~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).

Public Works Department- Environmental Services Division

~~22.28.~~Grease Control Device is required. If installed inside, the Orange County Health Care Agency must approve inside location. This requirement is to assure cross-contamination does not occur.

Public Works Department- Engineering Services Division

~~23.~~29. ~~The applicant must submit for review and approval by the City Engineer, a site plan that incorporates a storm water quality structured BMP. In the event this matter was not already addressed as required under the original approval of Conditional Use Permit No. CUP-342-11, the applicant must submit for review and approval by the City Engineer, a site plan that incorporates a storm water quality structured BMP.~~

Community Development Department-Building Services Division

30. The applicant shall obtain approval from the Building Division for any change in occupancy exceeding 56 persons.

~~24.~~

31. The building shall comply with the 2011 California Building Standards Code.

~~25.~~32. ~~The patio cover structure shall comply with the applicable California Building Standards Code.~~

Community Development Department- Planning Services Division

~~26.~~33. ~~Approval of this Site Plan Conditional Use Permit will allow the construction of a patio cover over the existing outdoor patio dining area and continue to allow the existing restaurant to provide hookah within the outside patio area as an accessory use only. If the restaurant ceases operation, the hookah use shall also cease. At no time shall the restaurant transition into a smoking lounge.~~

~~27.~~34. ~~There shall be no additional changes in the design of the floor plan without the approval of the Community and Economic Development Department, Planning Division. Any additional changes in the approved floor plan, which has the effect of expanding or intensifying the present use, shall require a new Conditional Use Permit.~~

~~28.~~35. ~~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.~~

~~29.~~36. ~~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~~

Conditions of Approval

high with black letters on a white background. The sign shall be displayed near or at the restaurant's entrance, and shall also be visible to the public.

~~30.37.~~ No live entertainment, i.e., dancing, karaoke, solo performer, live music, sport bar or disc-jockey entertainment, etc., including amplified music, shall be permitted on the premises.

~~31.38.~~ There shall be no raised platform, stage, or dance floor allowed on the premises at any time.

~~32.39.~~ There shall be no uses or activities permitted of an adult-oriented nature as outlined in City Code Section 9.08.070.

~~33.40.~~ There shall be no deliveries to or from the premises before 8:00 a.m. and after 9:00 p.m., seven days a week.

~~34.41.~~ Operation of the site shall be in compliance with the Noise Ordinance No. 2660 Title 8 Section 47.060. Special Noise Sources.

~~35.42.~~ All rear doors shall be kept closed at all times, except to permit employee ingress and egress, to access the trash enclosure, and in emergencies.

~~36.43.~~ There shall be no outdoor activities conducted on the premises without approval of a Special Event Permit or Community Event Permit.

~~44.~~ In the event that the circulation and parking for the Hookah Café changes or becomes a problem due to the operation of the hookah establishment as determined by the Community Development Director, the applicant shall submit and implement a mitigation plan to be reviewed and approved by the Community Development Director and Planning Division. In the event, the shopping center cannot accommodate the parking demand, due to impacts generated by the subject restaurant, at any given time, which causes a nuisance, hindrance, and/or problem with both on-site and off-site parking and circulation, the business owner/property owner shall devise and implement a plan to relieve the situation.

The business owner/property owner shall submit a plan to manage parking issues for review and approval by the Community and Economic Development Department. The plan may include, but not be limited to: reducing the hours of operation, instituting an off-site parking arrangement; having on-site parking control personnel; and/or others actions that may be deemed applicable to the situation.

Conditions of Approval

~~37.~~ If the City's Community and Economic Development Director deems such action is necessary to address parking and circulation problems, such action shall be implemented within 30 days of written notice. Failure to take appropriate action shall be deemed a violation of these Conditions of Approval and may result in the City restricting the overall use of the facility

~~38.~~45. Litter shall be removed daily from the premises, including adjacent public sidewalks, and from all parking areas under the control of the licensee. These areas shall be swept or cleaned, either mechanically or manually, on a weekly basis, to control debris.

~~39.~~46. ~~The applicant shall submit a landscaping and irrigation plan, for the site, to the Planning Department for review and approval prior to the final approval of the Conditional Use Permit. Ten (10) percent of all developable site area for commercial parking areas is to be landscaped as outlined in City Code Section 9.16.40.070. Landscaping Requirements. All new landscaping shall match the existing landscaping materials.~~

~~40.~~47. The applicant shall submit plans to the Planning Department for review and approval of the design and materials for the fence and patio cover prior to the issuance of building permits.

~~41.~~48. 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 based on the existing schedule provided by the commercial center.

~~42.~~49. Graffiti shall be removed from the premises, and all parking lots under the control of the licensee and/or the property owner, within 120 hours upon notification/application. Additionally, the applicant/owner shall remove all USA markings from the public right-of-way upon completion of the project.

~~43.~~50. 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.

~~44.~~51. No roof-mounted mechanical equipment shall be permitted unless a method of screening complementary to the architecture of the building is approved by the Community and Economic Development Department, Planning Division. Said screening shall block visibility of any roof-mounted mechanical equipment from view of public streets and surrounding properties.

~~CONDITIONAL USE PERMIT NO. SP-026-2016 & CUP-342-11 REV. 2016~~

Conditions of Approval

~~45.52.~~ No satellite dish antennas shall be installed on said premises unless, and until, plans have been submitted to and approved by the Community and Economic Development Department, Planning Division. No advertising material shall be placed thereon.

~~46.53.~~ Permits from the City of Garden Grove shall be obtained prior to displaying any temporary advertising (i.e., banners).

~~47.54.~~ 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.

~~48.55.~~ 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.

~~49.56.~~ Any Conditional Use Permit previously governing this tenant space shall become null and void, and superseded in its entirety, by approval of CUP-342-11 Site Plan No. SP-026-2016 and Conditional Use Permit No. CUP-342-11 REV. 2016.

~~50.57.~~ A copy of the decision and the conditions of approval for ~~Conditional Use Permit No. CUP-342-11 Site Plan No. SP-026-2016 and Conditional Use Permit No. CUP-342-11 REV. 2016~~ shall be kept on the premises at all times.

~~51.58.~~ The permittee shall submit a signed letter acknowledging receipt of the decision approving ~~Conditional Use Permit No. CUP-342-11 Site Plan No. SP-026-2016 and Conditional Use Permit No. CUP-342-11 REV. 2016,~~ and his/her agreement with all conditions of the approval.

~~52.59.~~ The Conditional Use Permit shall be reviewed within six months from the date of this approval, and every year thereafter, in order to determine if the business is operating in compliance.

~~53.60.~~ 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-026-2016 and Conditional Use Permit No. CUP-342-11 REV. 2016 ~~Conditional Use Permit No. CUP-342-11.~~ The

~~CONDITIONAL USE PERMIT NO. SP-026-2016 & CUP-342-11 REV. 2016~~

Conditions of Approval

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.

~~54.61.~~ 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.

~~55.62.~~ Except as modified by the above conditions of approval, the subject restaurant, with associated hookah, shall comply with the Section 9.16.020.050 YY Special Operating Conditions and Development Standards of Title 9 and Section 5.75.020 of Title 5 of the City's Municipal Code regarding the Establishment and Operation of Smoking Lounges.

~~56.63.~~ The ~~El Omda Egyptian-Cafe~~ restaurant is subject to all provisions of the City's Municipal Code for Title 5 and Title 9. For convenience and reference sake, the Title 5 and Title 9 special standards, operating conditions, and development standards are as follows:

Municipal Code Section 9.16.020.050 AX. Smoking Lounges: Special Operating Conditions and Development Standards, of Title 9 of the Municipal Code, only allows hookah within the C-2 (Community Commercial) and the C-3 (Heavy Commercial) zones, subject to special standards. These standards include:

- Smoking Lounges shall be permitted, subject to Conditional Use Permits, within the C-2 and C-3 zones.
- The premises shall not be located within 200 feet of any residential zone boundary or any property containing a residential use, whether said residential boundary or property containing a residential use is within or outside of the corporate boundaries of the City.
- The premises shall be a minimum distance of one thousand (1,000) feet from any public or private primary or secondary school, whether said school is within or outside of the corporate boundaries of the City.
- Operational Requirements. Smoking Lounges shall be subject to the operational requirements set forth in Chapter 5.75 of this Code.

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- Parking. Parking shall be provided using the standard for bars and nightclubs.
- Conditions of Approval. In addition to the standards for issuance of Conditional Use Permits under this Title, the hearing body may impose any condition reasonably related to mitigate any possible adverse effect upon the public health, safety, or welfare created by the establishment and/or operation of the Smoking Lounge.
- Nonconforming Uses. Notwithstanding the provisions of Chapter 9.28, any Smoking Lounge lawfully existing on the effective date of the ordinance adopting this subsection may continue its operation, provided that its operation does not cease for more than 90 days, and provided that the nonconforming use, structures, or buildings of the business shall not be increased, enlarged, or altered without first conforming with the regulations herein.

Additionally, Section 5.75.020 of Title 5 of the Municipal Code includes the following operating requirements:

It is unlawful, and a public nuisance, for any person to engage in, conduct, or carry on, in or upon any premise within the city the business of a Smoking Lounge except in compliance with all of the following requirements:

- (a)• The business shall be owner-operated or otherwise exempt from the prohibition of smoking in the workplace as set forth in California Labor Code Section 6404.5.
- (b)• No alcoholic beverages shall be sold or consumed at the business except as permitted pursuant to a conditional use permit issued under Title 9 of this code.
- (c)• No person under 18 years of age shall be permitted within the business (or smoking patio area).
- (d)• No live entertainment, including, but not limited to karaoke, singers, DJs, dancers, or comedians shall be permitted within the business except as permitted pursuant to a conditional use permit issued under Title 9 of this code.
- (e)• All business related activities shall be conducted wholly indoors within the premises of the business except as permitted pursuant to a conditional use permit issued under Title 9 of this code.
- (f)• No admittance fee, cover charge, or requirement of any charge of minimum payment as a condition of entry shall be permitted.
- (g)• Uniformed security guard (s) shall be provided, as deemed necessary by the Chief of Police or his/her designee.

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- ~~(h)~~• Window coverings shall not prevent visibility of the interior of the business from its outside during operating hours. Any proposed window tint shall be approved in advance by the Chief of Police or his/her designee.
 - ~~(i)~~• The interior of the business shall be maintained with adequate illumination to make the conduct of patrons within the premises readily discernable to persons of normal visual acuity.
 - ~~(j)~~• Notwithstanding Section 9.08.050 of this code, Amusement Devices shall not be permitted anywhere within the premises of the business except as permitted pursuant to a conditional use permit issued under Title 9 of this code.
 - ~~(k)~~• Adequate ventilation shall be provided for the heating of coals and smoking areas in accordance with all requirements imposed by the Garden Grove Fire Department, or as otherwise required by state or federal laws.
 - ~~(l)~~• The occupancy load shall not exceed the lesser of (1) the occupancy load limit for the premises established by the applicable provisions of the California Building Standards Codes or (2) and occupancy load limit established as a condition of the land use approvals under Title 9 of this code.
 - ~~(m)~~• The business shall not operate between the hours of 2:00 a.m. and 6:00 a.m.
 - The business shall also be in conformity with all other city, state and federal laws.
- ~~(n)~~64. 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 Site Plan No. SP-026-2016 and Conditional Use Permit No. CUP-342-11 REV. 2016 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.