

RESOLUTION NO. 18-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 18-09 TO OPERATE A RESTAURANT/BANQUET FACILITY WITH LIVE ENTERTAINMENT AT 651 WEST WHITTIER BOULEVARD, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The Planning Commission of the City of La Habra does hereby resolve as follows:

Section 1. The Planning Commission does hereby find and determine that:

- a. Jaswant Rai Enterprises, filed an application requesting approval of CUP 18-09 to operate a restaurant and banquet facility at 651 West Whittier Boulevard.
- b. This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorically Exempt pursuant to Section 15303(c), Class 3: "New Construction or Conversion of Small Structures" of the California Environmental Quality Act Guidelines. The projects consist of an addition not exceeding 10,000 square feet.
- c. The Applicant's proposal has been reviewed pursuant to the requirements of the City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, the Local Implementation Plan (LIP), and the Model Water Quality Management Plan (WQMP), Section 7.2. Since the proposal will constitute the disturbance of more than 1,000 square feet of soil, a Non-Priority WQMP is required. A Non-Priority WQMP has been reviewed and approved.
- d. The Planning Commission held a duly noticed public hearing on July 23, 2018 to consider the Applicant's request for Conditional Use Permit 18-09. The Planning Commission, after considering all the written and oral evidence offered including the staff report and all attachments, approves the request.

Section 2. The Planning Commission further finds and determines that:

- a. The Applicant has succeeded in meeting their burden of providing evidence to support the granting of the Conditional Use Permit application under Chapter 18.66 of the La Habra Municipal Code.
- b. The Planning Commission hereby makes the following required findings of the Conditional Use Permit application pursuant to Chapter 18.66.070.C of the La Habra Municipal Code:

1. The granting of this Conditional Use Permit will not be detrimental to the public welfare and will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties and will not impair the character of the zone in which it is to be located.

The proposed restaurant is located on a commercial designated property located within a commercial corridor surrounded by other commercial uses. The restaurant is a compatible use with other commercial businesses in the vicinity.

The operation of a banquet facility will complement the restaurant. Conditions have been placed on the project to ensure the restaurant and banquet facility will not negatively affect surrounding uses such as limiting the hours of operation, and requiring all activities to take place within the building and to abide by the City's Noise Ordinance. Therefore, the proposed restaurant and banquet facility will not unreasonably interfere with the use, possession and or enjoyment of surrounding and adjacent properties and will not impair the character of the zone in which it is to be located.

2. The subject site is physically suitable for the type of land use being proposed.

The restaurant will be located in a building that has been used for the operation of a variety of different restaurants from the years 1970 to 2014. The site is physically suitable for the proposed land use as all activities will be limited to take place within the building and there is enough parking to support the operation of the restaurant/banquet hall.

3. The use is conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this title.

Section 18.06.040.A of the La Habra Municipal Code allows for the establishment of a restaurant within the C-2 Commercial zone with the approval of a Conditional Use Permit by the Planning Commission.

In addition, Section 5.32.010.B1 allows entertainment permits to be processed in conjunction with a Conditional Use Permit.

4. The granting of this Conditional Use Permit is consistent with the comprehensive General Plan.

The projects implement Policies LU 3.2 Uses to Meet Daily Needs, LU 11.1 Diversity of Uses, of the General Plan 2035.

Section 3. The Planning Commission further finds and determines that:

a. This action is subject to the following conditions:

General conditions:

Standard Condition 1.1 CODE COMPLIANCE

The property owner/business operator shall comply with all applicable City of La Habra Municipal Codes and Ordinances.

Standard Condition 1.2 BUILDING PERMITS

The property owner/business operator shall comply with all the applicable California/La Habra Building Code requirements and obtain all required permits from the Chief Building Official. Construction shall comply with the California/La Habra Building Code (or Residential Code), California/La Habra Plumbing Code, California/La Habra Mechanical Code, California/La Habra Electrical Code, California/La Habra Energy Code, and California/La Habra Green Building Standards Code, as applicable.

Standard Condition 1.3 GRAFFITI ABATEMENT

The property owner/business operator shall maintain the property in a clean and orderly condition at all times and remove any graffiti from the site within forty-eight (48) hours of its discovery in matching colors to the existing improvements.

Standard Condition 1.4 LA COUNTY FIRE DEPARTMENT

The property owner/business operator shall comply with the Los Angeles County/La Habra Fire Code and Fire Department requirements, as applicable.

Standard Condition 1.5 MINOR MODIFICATIONS

The Director of Community and Economic Development or designee may approve minor modifications through the Administrative Adjustment process to the conditions of approval so long as the intent of the Planning Commission or City Council is maintained.

Standard Condition 1.6 PLANS

This approval is for those plans date stamped June 28, 2018 and are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of July 23, 2018. A copy of said plans shall be maintained in the files of the City of La Habra Planning Division. The project shall be developed and maintained in substantial conformance with said plans, except as otherwise specified in these conditions of approval.

Standard Condition 1.7 COMPLIANCE

The failure to comply with any of these conditions of approval by the property owner/business operator shall be grounds for rehearing and consideration by the Planning Commission for possible revocation of Conditional Use Permit 18-09.

Standard Condition 1.8 VIOLATION

In the event that the property owner/business operator violates or fails to comply with any of the conditions of approval of this permit, the City may take measures to cure such violations, including but not limited to, administrative citation and full reimbursement of the City for its costs and expenses, including but not limited to, attorney's fees, in undertaking such corrective action. Reimbursement of enforcement costs shall constitute a civil debt and may be collected by any means permitted by law. In the event that violations of this permit occur, the City shall refrain from issuing further permits, licenses or other approvals until such violations have been fully remedied.

Standard Condition 1.9 LANDSCAPE MAINTENANCE

The property owner/business operator shall maintain landscaping in a healthy and well-kept manner at all times. Dead or damaged landscape material/vegetation shall be replaced immediately per the approved landscape plan. The irrigation system shall be maintained at all times. Trees shall be permitted to grow to their maximum height.

Standard Condition 1.12 SIGN MAINTENANCE

The property owner/business operator shall maintain any installed tenant signs in good condition at all times.

Standard Condition 1.14 RESOLUTION ON HAND

The property owner/business operator shall at all times maintain a copy of the approved resolution containing all the conditions of approval on site. Said resolution shall be provided for review upon request by any law enforcement officer or community preservation inspector.

Standard Condition 1.18 LITTER

The property owner/business operator shall maintain the property in a clean and orderly condition at all times and remove all litter from the exterior areas around the premises, including adjacent public sidewalk areas and parking areas, no less frequently than once each day prior to the close of business.

Standard Condition 1.36 HEALTH DEPARTMENT APPROVAL
REQUIRED

The property owner/business operator shall obtain all necessary permits from the Orange County Health Care Agency if required.

Standard Condition 1.37 CONDUCT OF BUSINESS

The property owner/business operator shall, at all times, conduct business operations in a manner that does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City of La Habra.

Standard Condition 7.14 ON-SITE MANAGER

The property owner/business operator shall ensure that a manager be on the premises at all times during the hours of operation. The manager shall ensure compliance with the terms of the Conditional Use Permit. The property owner/business owner shall remain responsible for any violations of the terms of this Conditional Use Permit.

Standard Condition 7.16 NOISE/LOITERING PREVENTION

The property owner/business operator shall, at all times, display a sign of at least ten inches by ten inches at all exits and within all parking areas, requesting patrons to respect residents of adjacent residential neighborhoods by being quiet when leaving and by not loitering in the parking lot.

Standard Condition 7.18 CONTACT INFO FOR ON-SITE MANAGER

The property owner/business operator shall, at all times, post a sign in a clear and conspicuous location, listing a phone number at which a responsible on-site manager may be contacted during all hours which the business is open to address any complaints from the community. Said contact person's name and phone number shall be available through the staff at all times.

Standard Condition 7.19 DISORDERLY CONDUCT

The property owner/business operator shall not, at any time, permit loud, unruly or disorderly assemblages on the premises. The costs incurred by the city for multiple police responses to loud, unruly, or disorderly assemblages shall be the responsibility of the applicant, owner, and person in lawful custody of the premises.

Standard Condition 8.2 SANITARY SEWER SYSTEM PROTECTION

The property owner/business operator shall not, at any time, allow grease to run into public sanitary sewer systems.

Standard Condition 8.3 SMOKING REGULATIONS

The property owner/business operator shall, at all times, require all patrons to comply with the smoking regulations set forth by the State of California.

Standard Condition 8.4 OUTDOOR SEATING

The property owner/business operator shall not utilize any outdoor seating without prior approval from the Director of Community and Economic Development or designee.

Standard Condition 8.6 NUISANCE PROHIBITION

The property owner/business operator and employees of the restaurant shall not, at any time, allow circumstances to develop that will adversely interfere with adjacent uses, the community's economic welfare, nearby residential areas, or the operation of adjacent businesses, including, but not limited to, customer parking issues.

Prior to the issuance of building permits:

Standard Condition 4.24 SECURITY AND CAMERA PLANS
(Modified)

The property owner/business operator shall submit a high definition security camera system design plan with proposed locations to the Chief of Police for approval. It is requested that cameras be installed covering the front and rear doors as well as any elevation facing parking lot areas. All recordings shall be kept on file for a minimum of 30 days and be available to the City upon request. Additionally, signage shall be placed in the parking lots indicating that security cameras are in use.

Standard Condition 4.31 ACKNOWLEDGEMENT OF SIGN CODE

The property owner/business operator shall acknowledge receipt of the Sign Code, Banner Policies/Guidelines and approved sign program for the property and sign an agreement to abide thereby. In addition, the property owner/business operator shall not utilize any human display signs.

Standard Condition 4.32 MONUMENT SIGNS

The property owner/business operator shall provide the precise location of new or relocated monument signs and be subject to the final review and approval by the City Engineer, prior to issuance of the building permits.

Prior to authorization to use, occupy, and/or operate:

Standard Condition 5.7 LANDSCAPE INSTALLATION

The property owner/business operator shall install all required landscaping and irrigation systems as per the approved plans to the satisfaction of the Director of Community and Economic Development or designee. Upon final inspection, staff will verify quantity, size, placement, and health of all plant material, at which time staff may require replacement or addition of landscaping material to ensure a high quality planting.

Standard Condition 8.1 GREASE INTERCEPTORS

The property owner/business operator shall provide a grease interceptor at a location where it shall be easily accessible for inspection, cleaning and removal of accumulated grease. The sizing and installation shall conform to the current California/La Habra Plumbing Code. The grease interceptor shall be constructed in accordance with plans approved by the Director of Public Works and the Chief Building Official. The property owner/business operator shall contract with a maintenance company for maintenance and cleaning of the grease interceptor based on a maintenance schedule to be submitted and approved by the Director of Public Works.

Standard Condition 8.5 BUILDING OCCUPANCY

The property owner/business operator shall ensure, at all times, that maximum building occupancy limits, as determined by the Chief Building Official, not be exceeded.

Project specific conditions:

1. The property owner shall limit all activities within the building to cease or terminate no later than 11:00 p.m. Monday through Thursday and at 12:00 a.m. on Friday and Saturday and at 10:00 p.m. on Sunday unless modified by the Planning Commission.
2. The property owner/business operator shall limit all deliveries between the hours of 7:00 a.m. to 10:00 p.m. during the week and weekends to minimize noise disturbance complaints.
3. The property owner/business operator shall comply with the La Habra Noise Ordinance at all times.
4. The property owner/business operator shall limit all business activities/gatherings within the building unless special permission is granted through the Special Event Permit process. The doors to the building shall remain closed during the business hours to minimize any noise that may be emitted from inside the building.
5. Live Entertainment is only approved in conjunction with the banquet hall for private events. The approved live entertainment functions includes a DJ, a live band and a dance area as identified on the approved plans. All other forms of live entertainment must be approved by the Planning Commission.
6. The property owner/business operator shall provide a minimum of one uniformed security guard from an approved professional security company during the operation of the banquet hall events and to patrol the parking lot and shall carry a current photo I.D. and valid guard card at all times.
7. The property owner/business operator shall ensure that a responsible person who shall be at least twenty-one years of age shall be on the premises to act as manager at all times the business is open. The individual designated as the on-site manager shall be registered with the City by the owner within twenty-four hours of employment of such designated manager. Registration of designated manager(s) shall be made directly to the Police Department by the owner of said business.
8. The property owner/business operator shall provide all on-site designated managers with a copy of all rules, regulations and conditions of the Conditional Use Permit. Such designated manager shall receive all complaints and be responsible for all violations taking place on the premises and/or parking lot areas of the business. Criminal activity and/or illegal conduct by patrons and/or employees shall be immediately reported to the Police Department by the on-duty manager.

Section 4. Based upon the foregoing, the Planning Commission of the City of La Habra approves Conditional Use Permit 18-09. The Planning Commission Secretary shall certify to the adoption of this resolution and transmit a copy to the Applicant.

Said motion CARRIED by the following roll call vote:

AYES: COMMISSIONERS: HANDLER, BERNIER, NIGSARIAN,
FERNANDEZ, POWELL

NOES: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

Dated: July 23, 2018

ATTEST: Carmen G. Henderson APPROVED: Jerry Powell
Carmen G. Henderson, Secretary Chairman, Jerry Powell