

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 20-20 FOR AN ABC TYPE 41 ON-SALE BEER AND WINE LICENSE IN CONJUNCTION WITH A RESTAURANT AT 1301 WEST IMPERIAL HIGHWAY, AS PER THE APPROVED PLAN, MAKING THE APPROPRIATE FINDINGS, 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. La Habra Associates, LLC, filed an application requesting approval of Conditional Use Permit 20-20 for a Type 41 On-Sale Beer and Wine License in conjunction with a restaurant at 1301 West Imperial Highway.
- 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 15301, Class 1: Existing Facilities of the California Environmental Quality Act Guidelines.
- 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 no disturbance of soil will occur, this project is exempted by the Water Quality Ordinance for the preparation of a WQMP.
- d. The Planning Commission held a duly noticed public hearing on August 9, 2021 to consider the Applicant's request of Conditional Use Permit 20-20. 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 pursuant to 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 such Conditional Use Permit will not be detrimental to the public welfare and 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.

The C-2sh zone allows restaurant establishments to serve alcohol for on-site consumption with the approval of a Conditional Use Permit granted by the Planning Commission. The proposed alcohol service is an ancillary use to the restaurant, as conditions have been placed on the project to assure that the operational nature of the restaurant and alcohol sales will not change and ensure that proper business conduct is maintained.

The Applicant will be required to comply with all of the regulations of the Department of Alcoholic Beverage Control. Additionally, the Applicant is required to comply with all appropriate City of La Habra Municipal Codes and Ordinances. Therefore, the proposed alcohol license will not unreasonably interfere with the use 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 proposal will not physically affect the site as the sale and consumption of alcoholic beverages will take place within a commercial building and enclosed outdoor patio. The requested license type is linked to a bona fide public eating-place, which is similar to other restaurants already operating throughout the City and within the subject commercial shopping center.

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

Table 18.06.040.A of the La Habra Municipal Code allows for the sale and service of alcoholic beverages within the C-2sh zone with the approval of a Conditional Use Permit by the Planning Commission.

4. The granting of this Conditional Use Permit is consistent with the comprehensive general plan.

The project implements Policies LU 2.2 Places to Shop, LU 2.3 Places to Work, 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 1.4 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 17, 2021 and are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of August 9, 2021. 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 20-20.

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 1.14 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 code enforcement inspector.

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 7.1 ALCOHOLIC BEVERAGE
ADVERTISING

The property owner/business operator shall have no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within or promoting or indicating the availability of alcoholic beverages. Interior displays of beer and wine beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.

Standard Condition 7.3 MULTI-STATE IDENTIFICATION
MANUAL

The property owner/business operator shall obtain and maintain upon the premises an up-to-date multi-State identification manual.

Standard Condition 7.5 SELLER AGE REQUIREMENT

The property owner/business operator shall provide continuous supervision by a person of 21 years or older of all persons age 17 and younger who sell alcoholic beverage products, pursuant to section 25663(b) of the California Business and Professions Code.

Standard Condition 7.6 LICENSING REQUIREMENTS

The property owner/business operator shall comply with all the licensing requirements of the State of California Department of Alcoholic Beverage Control (ABC).

Standard Condition 7.7 EMPLOYEE CERTIFICATION

The property owner/business operator shall ensure that all employees selling alcoholic beverages to patrons enroll in and complete a certified training program approved by the State Department of Alcoholic Beverage Control (ABC) for the responsible sales of alcohol or by the California Coordinating Council on Responsible Beverage Service (CCCRBS). The training shall be offered to new employees on no less than a quarterly basis. The certificate issued to each employee shall be kept on site and available for inspection upon request by the City of La Habra.

Standard Condition 7.11 PUBLIC CONVENIENCE (ON-SITE)

The property owner/business operator shall ensure, at all times, that the necessary utensils, table settings and condiments with which to serve and consume meals shall be displayed in plain view and in such a manner as to be convenient for use by the public.

Standard Condition 7.12 BONA FIDE EATING
ESTABLISHMENT

The property owner/business operator shall ensure, at all times, that the facility maintain kitchen facilities and serve meals to qualify as a bona fide public eating place, in accordance with Business and Professions Code, Section 23038. This includes quarterly on-site gross sales of food and non-alcoholic beverages that constitute more than 50 percent of the establishment's gross sales for the same period. Any off-site catering activities shall not be included for the purposes of calculating gross sales.

Standard Condition 7.13 MENU REQUIREMENT (ON-SITE)

The property owner/business operator shall ensure, at all times, that food menus shall be provided to all patrons of the premises.

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 7.17 DESIGNATED DRIVER

The property owner/business operator shall, at all times, display a Designated Driver sign, of at least ten inches by ten inches at all public entrances at eye level. The sign shall be worded in a way that reminds patrons who are consuming alcohol to designate a non-drinking driver.

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 8.3 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 8.6 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.

Project specific conditions:

1. This approval is valid for use with an established restaurant with a Type 41 On-Sale Beer and Wine License. Should the Applicant or any future business operator request to have the license type

