



APPLICATION FOR CONDITIONAL USE PERMIT

City of La Habra Planning Department
110 East La Habra Blvd., P.O. Box 337, La Habra Ca 90633-0337
Phone: (562) 383-4100 Fax: (562) 383-4476
www.lahabracity.com

Office Use Only
CUP 20-20

APPLICANT

Property Owner(s) (use mailing address)

Name La Habra Associates, LLC
Address 7777 Edinger Ave. Suite 133
Huntington Beach, CA 92647
Phone: Home (714) 793-1122
Work () _____
Fax () _____
E-mail ghuang@djmcapital.com

Representative (acting on behalf of the property owner(s))

Name Michael Cho
Address c/o Palmieri Tyler, LLP
1900 Main Street, Suite 700, Irvine CA 92614
Phone () _____
Work: (949) 851-7268
Fax: () _____
E-mail mcho@ptwww.com

CONTACT

Send all **short-term** correspondence to: Property Owner () Representative ()

Send all **long-term** correspondence to: Property Owner () Representative ()

INFORMATION

Location of Property 1301 W. Imperial Highway, La Habra, CA 90631
Legal Description of Property _____ Tract No. _____ Lot No. _____ or Attached ()
Assessors Parcel Number 018-391-38
Present Use Restaurant Present Zoning Commercial

REQUEST

Please state what is intended to be done with the property which does not comply with the provisions of the Zoning code: Conditional use permit is required for the additional of a Type 41 On-Sale Beer & Wine alcoholic beverage license to the existing restaurant use.

PROPERTY OWNERS AFFIDAVIT

STATE OF CALIFORNIA
COUNTY OF ORANGE
CITY OF LA HABRA

I, (We) La Habra Associates, LLC being duly sworn, depose and say that I am (we are) the owner (s)* of the property involved in this petition and that the statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my (our) knowledge and belief and that I (we) have the intention to proceed with the application and understand that the application shall become null and void within six (6) months from the date this application is deemed incomplete as required by L.H.M.C. Section 18.08.130. In addition, I (we) have the intention to proceed with the actual construction work in accordance with these plans within one (1) year from the date of granting of the Conditional Use Permit and understand that this Conditional Use Permit if granted, becomes null and void if I (we) do not proceed with the actual construction work in accordance with these plans within one (1) year from the granting of this Conditional Use Permit.

SIGNED [Signature]

SIGNED [Signature]

Subscribed and sworn to before me on this 16th day of June 2021

by Grace Huang proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

[Signature]
Signature

*Power of attorney must accompany affidavit if signed by other than the actual owner of record.

Please Type or Print

The City Planning Commission is required to make a "Finding of Fact" based upon the following questions and answers and such other evidence as many be established at a public hearing. Granting of the request is dependent upon proof that all four conditions have been met.

REQUIRED FINDINGS

- A. That 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 enjoyment of surrounding and adjacent properties and will not impair the character of the zone in which it is to be located.
- B. The subject site is physically suitable for the type of land use being proposed.
- C. The use is conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this title.
- D. The granting of this Conditional Use Permit is consistent with the Comprehensive General Plan.

Please list all relevant characteristics of your proposal/business including, but not limited to the following: days and hours of operation, number of employees and a complete description of services provided.

OPERATIONAL CHARACTERISTICS

See attached letter of intended operations.

NOTICE

Approval of your plans and specifications are subject to all conditions and requirements which may be imposed by the City of La Habra Planning Commission and/or City Council. This application shall become null and void within six months from the date of the project being deemed initially incomplete. An extension of six months may be approved by the Director of Community and Economic Development upon the submittal of a Continuance request fee, as per the fee schedule to cover the costs of extending the application.

The approval of your plot plans and specifications SHALL NOT be held to permit or approve any omission or deviation from, or any violation of the provisions of any city codes or ordinances or state laws except for the above specifically requested conditional use under a section of the City of La Habra Zoning Code.

FOR OFFICE USE ONLY:

Application and Fee Received By DAYID LOPEZ Date 11-16-20

APPLICANT: PJ Warren, Inc. dba "IHOP"
REQUEST: Approval of Conditional Use Permit (CUP) Permitting a Type 41 On-Sale Beer & Wine Alcoholic Beverage License in Conjunction With The Operation of the Existing Restaurant
PROPOSED USE: Restaurant With On-Sale Service of Beer & Wine
ADDRESS: 1301 W. Imperial Highway, La Habra, CA 90631

PROJECT INTENDED OPERATIONS

The proposed project is for the approval of a Type 41 On-Sale Beer & Wine Alcoholic Beverage License for an existing restaurant located in the airport area at 1301 W. Imperial Highway, La Habra, CA 90631. The existing restaurant "IHOP" and is owned and operated by PJ Warren, Inc. and is a full service casual dining restaurant.

This request is to permit the sale of beer and wine for on-sale consumption in conjunction with the operations of the existing restaurant. Service of beer and wine is made for the convenience of patrons dining at the restaurant.

The subject property is located in the La Habra Market Place regional shopping center. The site is bounded by other commercial and retail. There are no residents within 500 feet of the restaurant. The existing restaurant will continue to serve the local families and residents of the surrounding community.

The existing restaurant has a total area of approximately 4,073 square feet with an exterior patio of approximately 686 square feet.. The existing restaurant is open seven (7) days a week. The hours of operation are 7:00 am to 10:00 pm seven (7) days a week. The restaurant has 118 interior dining and 28 patio seats. There is no fixed alcohol bar.

The project will employ approximately 10 employees that would be on-site at one time.

The surrounding land uses are as follows:

North: Commercial/Retail.
South: Commercial/Retail.
East: Commercial/Retail.
West: Commercial/Retail.

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USE PERMIT APPLICATION JUSTIFICATION

The proposed project is for the approval of a Type 41 On-Sale Beer & Wine Alcoholic Beverage License for an existing restaurant located in the airport area at 1301 W. Imperial Highway, La Habra, CA 90631. The existing restaurant "IHOP" and is owned and operated by PJ Warren, Inc. and is a full service casual dining restaurant. The applicant proposes obtaining approval from the California Department of Alcoholic Beverage Control for the Type 41 On-Sale Beer & Wine Eating Place alcoholic beverage license. The proposed request meets the requirements set forth in the City of La Habra Municipal Code.

BURDEN OF PROOF:

1. The use is consistent with the General Plan and any applicable specific plan;

Response: The proposed use as a restaurant with beer and wine is consistent with the La Habra General Plan and provisions of the Municipal Code.

2. The use is allowed within the applicable zoning district and complies with all other applicable provisions of this Zoning Code and the Municipal Code;

Response: The proposed use as a restaurant with beer and wine is permitted in the zoning district and is subject to the all the regulations, conditions, policies or other requirements of the Municipal Code. This is an existing restaurant requesting a Type 41 On-Sale Beer & Wine license.

3. The design, location, size, and operating characteristics of the use are compatible with the allowed uses in the vicinity;

Response: The proposed use is not inconsistent with the adjacent uses and will not materially affect the surrounding community or environment. The proposed project is ideally suited for the area and is not located near any residences. The approval of the request that serves the local community and tourism, will not adversely affect the public's health, safety, welfare nor will it jeopardize or endanger the public. It will not be detrimental to the use, valuation or enjoyment of surrounding property owners or residents.

4. The site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities; and

Response: The proposed site, an existing shopping center, is not inconsistent with the adjacent uses and will not materially affect the surrounding community or

environment. The proposed site is ideally suited for the La Habra Market Place Shopping Center and surrounding area. The approval of the request that serves the local community and tourism, will not adversely affect the public's health, safety, welfare nor will it jeopardize or endanger the public. It will not be detrimental to the use, valuation or enjoyment of surrounding property owners or residents.

- 5. Operation of the use at the location proposed would not be detrimental to the harmonious and orderly growth of the City, nor endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.**

Response: The proposed use will contribute to the economic growth of the City as it will serve the local community and tourism. The proposed project will not adversely affect the public's health, safety, welfare nor will it jeopardize or endanger the public. It will not be detrimental to the use, valuation or enjoyment of surrounding property owners or residents.