

RESOLUTION NO. 20-23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 20-06 FOR INSTRUCTIONAL TASTING (ABC TYPE 86 LICENSE) IN CONJUNCTION WITH A GROCERY STORE AT 1610 WEST IMPERIAL HIGHWAY, 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. ICI Development filed an application requesting Conditional Use Permit 20-06 for an Instructional Tasting (ABC Type 86) License at 1610 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(a), 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. The proposed use is not subject to the Water Quality Ordinance.
- d. The Planning Commission held a duly noticed public hearing on June 8, 2020 to consider the Applicant's request of Conditional Use Permit 20-06. 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 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 amount of alcohol served at tasting events is limited to quantities, number of samples, and tastings per day per individual pursuant to ABC regulations. Only individuals 21 years of age or older are permitted within the designated tasting area. Staff has placed conditions on the operator to comply with all the requirements of the Department of Alcohol Beverage Control for at Type 86 license. Therefore, the operation of a Type 86 license 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 proposed use will be located within a grocery store. The proposed tasting area is sectioned off from the remainder of the store by means not requiring any structural changes to the building. Therefore, the site is physically suitable for the type of land use proposed.

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 alcoholic beverage uses within the C-2sH Commercial 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 Land Use Element of the City's General Plan designates this site as Community Shopping Center 2. This category provides for commercial uses that are primarily related to and dependent on the City's main arterials, and the General Plan specifically notes that a variety of goods and services is appropriate for the location.

Additionally, the Instructional Tasting (ABC Type 86) License is an ancillary use to the Type 21 License approved via Conditional Use Permit 20-01. Therefore, the establishment of a Type 86 license within a grocery store within an integrated

retail center is consistent with the comprehensive General Plan.

The projects implement Policies LU 2.2 (Places to Shop), LU 3.2 (Uses to Meet Daily Needs), LU 4.1 (Development Compatibility), LU 11.1 (Diversity of Uses), LU 11.5 (Cohesive Development), ED 1.1 (Consumer Demand), and ED 2.1 (Business Attraction) 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 1.6 PLANS

This approval is for those plans date stamped October 14, 2019 and are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of June 8, 2020. 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 (Modified)

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 20-01.

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 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 1.37 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 4.24 SECURITY AND CAMERA PLANS

The applicant/developer shall submit a security camera system design plan with proposed locations to the Chief of Police for approval. All tapes shall be kept on file for a minimum of 30 days and be available to the City upon request. Said plan shall also include cameras to cover the trash enclosures at the rear of the building to discourage illegal dumping. Additionally, signage shall be placed in the parking lots indicating that security cameras are in use.

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 7.10 VISIBLE DISPLAY LOCATION
(Modified)

The property owner/business operator shall locate alcoholic products in a highly visible area and monitored through the use of visible security cameras. The display monitors for the cameras are to be located in the manager's office. The alcoholic product sales area is not to be adjacent to soda or candy sales areas. No more than one percent (2%) of the total floor space can be occupied by alcoholic beverage products.

Project specific conditions:

1. The property owner/business operator shall limit Instructional Tasting events to the hours of 10:00 a.m. to 9:00 p.m. seven days a week as well as applicable Department of Alcoholic Beverage Control regulations. Violation of said regulations may constitute a

rehearing of Conditional Use Permit 20-06 and result in possible revocation of this entitlement by the Planning Commission.

2. The approval for Conditional Use Permit 20-06 shall become null and void upon termination of an off-sale alcoholic beverage license (Type 20 or Type 21) for the subject property.

Section 4. Based upon the foregoing, the Planning Commission of the City of La Habra approves Conditional Use Permit 20-06. 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: MANLEY, MUNOZ, POWELL, NIGSARIAN,
BERNIER
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

Dated: June 8, 2020

ATTEST: 
Roy Ramsland, Acting Secretary

APPROVED: 
Chair, Daren Nigsarian