

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 21-03 TO ESTABLISH A RESTAURANT (COFFEE SHOP) AT 171 EAST IMPERIAL HIGHWAY, SUITE B, 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. Jung Woo Kim, filed an application requesting Conditional Use Permit 21-03 to establish a restaurant at 171 East Imperial Highway, Suite B.
- 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 from the preparation of a WQMP.
- d. The Planning Commission held a duly noticed public hearing on September 13, 2021 to consider the Applicant's request of Conditional Use Permit 21-03. 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. Pursuant to Section 18.08.070.B of the La Habra Municipal Code, the Planning Commission may grant a waiver to individual properties in cases where compliance with the Zoning Code is not physically possible due to existing circumstances. For this property, it is not physically possible to add additional onsite parking and onsite landscaping due to the configuration of the lot and existing and proposed onsite improvements.
- b. 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.

- c. 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 subject suite is located within a commercial building, situated within a commercial corridor. The proposed food to go type restaurant is not as intensive as a dine in or drive-thru type restaurant. The proposed coffee shop will blend in with the surrounding improvements.

The proposed hours of operation for the coffee shop are reasonable and are consistent with the hours of operation of other businesses within the general vicinity. Therefore, the proposed restaurant 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.

All proposed restaurant functions will take place within the enclosed suite. The restaurant facility will be required to comply with all Municipal Codes and Ordinances as well as the requirements from the Orange County Health Care Agency. Therefore, the site is physically suitable for the proposed land use.

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 establishment of a restaurant within the C-2 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 1.3 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 August 10, 2021 and are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of September 13, 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 21-03.

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 1.18 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, 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.

Prior to the issuance of building permits:

Standard Condition 4.1 CONDITIONS ON CONSTRUCTION PLANS

The property owner/business operator shall include the conditions of approval of this resolution on the construction plans.

Standard Condition 4.24 SECURITY AND CAMERA PLANS

The property owner/business operator shall submit a security camera system design plan with proposed locations to the Planning Department to be forwarded 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. Additionally, signage shall be placed in the parking lot indicating that security cameras are in use.

Standard Condition 4.25 TRASH ENCLOSURE

The property owner/business operator shall provide plans to install a six-foot tall decorative masonry block wall trash enclosure to City standards to contain a three-yard refuse bin and a ninety-six gallon recycling cart, however may require additional bins/carts as per the Director of Public Works. The enclosure shall be finished to match the main building and shall include provisions for a solid roofed cover, hose bib, and an area drain connected to the sanitary sewer system. The design and location is subject to the approval of the City Engineer and Director of Community and Economic Development or designee.

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 4.33 TRAFFIC IMPROVEMENT FEE

The property owner/business operator shall pay the Citywide Traffic Improvement fee, determined to be \$6,935.72, prior to the issuance of a building permit. The fee shall be paid to the Engineering/Traffic Department.

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 8.2 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 8.6 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

