

## **RESOLUTION NO.**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 21-08 FOR A COMMERCIAL KITCHEN AT 2101 EAST EMERY AVENUE, 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. The applicant filed an application requesting approval of Conditional Use Permit 21-08 to permit a commercial kitchen at 2101 East Emery Avenue.
- b. That pursuant to Section 18.06.040(A) of the La Habra Municipal Code, uses not specifically listed for the specific zone are prohibited unless pursuant to a review by the Planning Commission a determination is made that the proposed use is substantially similar to another permitted or conditionally permitted use in that zone. The proposed commercial kitchen is substantially similar to a restaurant as permitted by a Conditional Use Permit in the M-1 zone.
- c. 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.
- d. The 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 preparation of a Non-Priority Plan. All work will incorporate Best Management Practices (BMPs).
- e. The Planning Commission held a duly noticed public hearing on November 8, 2021 to consider the applicant's request of Conditional Use Permit 21-08. 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:

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 property provides adequate vehicular access and parking to support the proposed use. Also, conditions have been placed on the project to ensure there are no negative impacts to the surrounding uses. Therefore, the proposed commercial kitchen 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 commercial kitchen will occupy the main suite within the light industrial building. The proposed use can be physically accommodated in the structure. Thus, this site is 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.

Pursuant to Section 18.06.040(A) of the La Habra Municipal Code, uses not specifically listed for the specific zone are prohibited unless the Planning Commission makes a determination that the proposed use is substantially similar to another permitted or a conditionally permitted use in that zone. The proposed commercial kitchen is substantially similar to a restaurant which is permitted by a Conditional Use Permit in the M-1 zone.

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

The Land Use designation for the subject site is Light Industrial by the General Plan 2035. This Land Use is characterized by manufacturing, wholesale, and warehouse uses that can be developed close to residential uses without impacting those uses. The project complies with the goals and policies of the La Habra General Plan 2035, specifically policy LU 16.1 (Diversity of Uses).

Section 3. 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 applicant/developer 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 Current 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. All plans submitted for building permits must demonstrate intent to comply with California/La Habra Codes to the satisfaction of the Chief Building Official.

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 current 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 October 25, 2021 and which are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of November 8, 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 21-08.

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            LANDSCAPING MAINTENANCE

The applicant/developer 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 1.10           BUILDING REPAINTING

The applicant/developer shall maintain the building in good condition at all times and shall repaint the approved buildings and accoutrements every eight (8) years at a minimum, from the date of this approval. The Director of Community and Economic Development or designee may require more frequent painting if the improvements are not maintained in good condition.

Standard Condition 1.11           PAVEMENT RESURFACING

The applicant/developer shall re-slurry and re-stripe the driveway and parking areas every five (5) years at a minimum, from the date of this approval. The Director of Community and Economic Development or designee may require more frequent slurry and re-striping if the parking area is not maintained in good condition.

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.

Prior to the issuance of building permits:

Standard Condition 4.1      CONDITIONS ON CONSTRUCTION PLANS

The applicant/developer shall include the conditions of approval of this resolution on the construction plans.

Standard Condition 4.22      LANDSCAPE PLANS

The applicant/developer shall submit for review and approval a detailed landscape and irrigation plans prepared by a licensed landscape architect to the Director of Community and Economic Development or designee and the Director of Public Works. The plan shall include the use of a separate connection, backflow preventer and connection for future reclaimed water service. The irrigation system shall also provide water to any street trees along the property street frontage within the public right-of-way. At a minimum, tree size shall be 24 inch box and shrubs shall be 5 gallon size.

Standard Condition 4.25 TRASH ENCLOSURE

The applicant/developer shall provide plans to install a six-foot tall decorative masonry block 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 approval by the City Engineer and Director of Community and Economic Development or designee.

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.

Project specific conditions:

1. The property owner/business operator shall close the two unnecessary driveway approaches along Emery Avenue and replace them with solid curb and gutter, prior to issuance of Certificate of Occupancy and to the satisfaction of the City Engineer and Director of Community and Economic Development or designee. An encroachment permit shall first be obtained from the Engineering Department prior to commencement of any work in the public right-of-way.

Section 4. Based upon the foregoing, the Planning Commission of the City of La Habra approves Conditional Use Permit 21-08. The Planning Commission Secretary shall certify to the adoption of this resolution and transmit a copy to the applicant.

