



APPLICATION FOR CONDITIONAL USE PERMIT

City of La Habra Planning Department

APPLICANT: 110 East La Habra Blvd., P.O. Box 337, La Habra Ca 90633-0337
Target Corporation Phone: (562) 383-4100 Fax: (562) 383-4476
Business Licensing, P.O. Box 9471, TPS-3010
Minneapolis, MN 55440 www.lahabracity.com

Office Use Only
MOD 2205

APPLICANT

Property Owner(s) (use mailing address)
Name LA Retail 1, LLC
Address c/o Newmark
3281 E. Guasti Rd., Ste. 600, Ontario, CA 91761
Phone: Home () _____
Work (909) 974-4025
Fax () _____
E-mail rhonda.leuschen@nrmk.com

Representative (acting on behalf of the property owner(s))
Name Beth Aboulafia
Address Hinman & Carmichael LLP
260 California St., Ste. 700, San Francisco, CA 94111
Phone () _____
Work: () (415) 362-1215 ext. 104
Fax: () (415) 362-1494
E-mail aboulafia@beveragelaw.com

CONTACT

Send all **short-term** correspondence to: Property Owner () Representative ()
Send all **long-term** correspondence to: Property Owner () Representative- ()
Applicant (Target Corp.)

INFORMATION

Location of Property 1000 W. Imperial Hwy., La Habra, CA 90631
Legal Description of Property _____ Tract No. _____ Lot No. _____ or Attached ()
Assessors Parcel Number 019-171-25
Present Use Target retail store Present Zoning C-2s Community Shopping Center with PUD Overlay Zone

REQUEST

Please state what is intended to be done with the property which does not comply with the provisions of the Zoning code:
Add sale of distilled spirits, in addition to beer and wine, for off-site consumption at existing Target retail store.
Sale of beer and wine for off-site consumption is permitted under CUP #06-27.

PROPERTY OWNERS AFFIDAVIT

STATE OF CALIFORNIA
COUNTY OF ORANGE
CITY OF LA HABRA

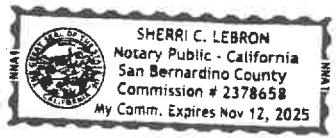
I, (We) RHONDA LEUSCHEN, being duly sworn, depose and say that I am (we are) the owner (s)* of the property involved in this petition and that the statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my (our) knowledge and 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 Rhonda Leuschen
AGENT FOR LA RETAIL 1, LLC
SIGNED _____

Subscribed and sworn to before me on this 18th day of October 20 22

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

Sherril C. Lebron
Signature



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

REQUIRED FINDINGS

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.

- 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.

OPERATIONAL CHARACTERISTICS

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.

SEE ATTACHED PROJECT DESCRIPTION

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 DAVID LOPEZ Date 10/25/22

Exhibit A

Legal Description of Shopping Center

Real property in the City of La Habra, County of Orange, State of California, described as follows:

All that portion of the North half of the North half of Section 17, Township 3 South, Range 10 West, in the Rancho Los Coyotes, as per map recorded in Book 51, Page 7 of Miscellaneous Maps, in the Office of the County Recorder of Orange County, California, and is more particularly described as follows

Beginning at the Northwest corner of said Section 17;

Thence South $89^{\circ} 09' 31''$ East (North $89^{\circ} 46' 34''$ East R.) 900.00 feet along the North line of said section, parallel to the centerline of Imperial Highway,

Thence South $00^{\circ} 49' 40''$ West (South $00^{\circ} 14' 18''$ East R.) 910.00 feet parallel to the West line of said section and the centerline of Idaho Avenue,

Thence North $89^{\circ} 09' 31''$ West (South $89^{\circ} 46' 34''$ R.) 860.00 feet parallel to the North Line of said section and the centerline of said Imperial Highway;

Thence North $00^{\circ} 49' 40''$ East (North $00^{\circ} 14' 18''$ West R.) 80.07 feet, parallel to the centerline of said Idaho Avenue, to the most Southerly corner of the land of the City of La Habra as described in that certain Grant Deed recorded September 26, 1994, as Document Number 94-0578692 in Official Records of said County,

Thence continuing along the Easterly line of said City of La Habra Land North $09^{\circ} 44' 43''$ East 70.96 feet;

Thence North $00^{\circ} 49' 40''$ East 281.02 feet;

Thence North $06^{\circ} 21' 37''$ East 41.49 feet;

Thence North $00^{\circ} 49' 40''$ East 343.50 feet;

Thence North $89^{\circ} 10' 20''$ West 15.00 feet;

Thence North $00^{\circ} 49' 40''$ East 17.00 feet to the beginning of a tangent curve concave Southeasterly having a radius of 25.00 feet,

Thence Northeasterly along said curve through a central angle of $90^{\circ} 00' 52''$ an arc length of 39 28 feet to a point of cusp in a line parallel with and distance 52 00 feet southerly of said centerline of Imperial Highway;

Thence along said last mentioned parallel line North $89^{\circ} 09' 31''$ West 65 01 feet;

Thence North $00^{\circ} 49' 40''$ East 52 00 feet to the Point of Beginning

Excepting from said land all oil, gas, minerals and other hydrocarbon substances lying below a depth of 500 feet from the surface thereof, but without the right of entry upon the surface and 500 feet vertically in Depth below the surface for the purpose of extracting same, provided, however, that the same shall not prevent slant drilling at a depth of 500 feet below the surface thereof, as reserved by John E. Wilks in Deed Recorded March 9, 1961 in Book 5651, Page 469 of Official Records, in the Office of the County Recorder of said County

PROJECT DESCRIPTION

TARGET – 1000 W. Imperial Hwy., La Habra, Ca 90631

Target Corporation (“Target”) has applied to the Department of Alcoholic Beverage Control to upgrade its existing Type 20 Off-Sale Beer and Wine license to a Type 21 Off-Sale General license which allows the sale of distilled spirits in addition to beer and wine. Because Target’s current conditional use permit (CUP #06-27) is for beer and wine only, Target is applying for a new conditional use permit to allow the sale of beer, wine and distilled spirits. Target is also requesting a determination, pursuant to Cal. Bus. & Prof. Code Section 23958.4, that issuance of the new license will serve public convenience or necessity.

Since the issuance of the original Conditional Use Permit for beer and wine sales, Target has significantly expanded the market section of its stores, including the La Habra store, to offer a full-range of grocery products, including fresh meats, fresh vegetables and produce and fresh bakery items, along with an expanded selection of dry goods.

In conjunction with the expanded grocery selections, Target would like to be able to offer customers a full-range of alcoholic beverage products, including distilled spirits. Target is already selling beer and wine as part of its grocery offerings. Adding distilled spirits will offer customers a more complete shopping experience and will provide a convenience to Target’s customers by eliminating the need for an additional shopping trip. Most other Target stores in California sell a full-range of alcoholic beverages as part of their grocery offerings and it is a convenience Target shoppers expect.

The addition of distilled spirits sales will not change the character of the existing use. The operations of the store will remain essentially the same as they are now. The hours of operation, types of vehicular traffic, number of people involved (both as employees and as customers), outdoor activities and other operational aspects of the store will be unchanged. Alcoholic beverage sales, even with the addition of distilled spirits, will still account for only a small part of overall sales revenue at the store. Adding distilled spirits sales, therefore, will not have any adverse effect on the general welfare of the surrounding neighborhood.