

RESOLUTION NO. 5042
CUP Gas Station

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA HABRA DENYING THE APPEAL AND SUSTAINING THE DECISION OF THE PLANNING COMMISSION APPROVING CONDITIONAL USE PERMIT, CUP #04-07, BY COSTCO WHOLESALE CORPORATION TO ESTABLISH A RETAIL GASOLINE FUELING STATION IN CONJUNCTION WITH A COSTCO STORE AT 2001-2261 WEST LA HABRA BOULEVARD, AS PER THE APPROVED PLANS, MAKING THE APPROPRIATE FINDINGS, AND SUBJECT TO CONDITIONS.

The City Council of the City of La Habra does hereby resolve as follows:

Section 1. The City Council does hereby find and determine that:

- a. Costco Wholesale Corporation has filed an application requesting a Conditional Use Permit, CUP #07-07, to establish a retail gasoline fueling station in conjunction with a COSTCO store at 2001-2261 West La Habra Boulevard.
- b. The environmental effects of the proposed Project were reviewed pursuant to the California Environmental Quality Act ("CEQA") through the preparation and circulation of an Initial Study followed by the preparation and public circulation of a Draft Environmental Impact Report (DEIR) and related documents.
- c. A Final EIR (FEIR) that includes Responses to Comments, revisions to the DEIR and a modified Mitigation Monitoring and Reporting Program was prepared. The placement of the fueling station was reviewed as part of the DEIR prepared for the project. The FEIR includes conditions to mitigate potential impacts from the fueling station to a level of insignificance. The City Council certified the FEIR before acting on this request.
- d. The proposal has been reviewed under the requirements of the National Pollutant Discharge Elimination System (NPDES), Local Implementation Plan (LIP), Section 7 (New Development or Significant Redevelopment), and qualifies as a "High-Priority" project.
- e. The Planning Commission held a duly noticed public hearing on August 9, 2004, to consider the applicant's request of Conditional Use Permit, CUP #04-07. The Planning Commission, after considering all the written and oral evidence offered, including the staff report and all attachments, approved the request.

- f. The action of the Planning Commission was appealed to the City Council on August 23, 2004, by a group of residents.
- g. The City Council held a duly noticed public hearing on September 7, 2004, to consider the appeal of the applicant's request of the Conditional Use Permit, CUP #04-07. The City Council, after considering all the written and oral evidence offered during the public hearing, the appeal letter, the staff report and all attachments, denies the appeal and sustains the Planning Commission decision approving the Conditional Use Permit to establish a retail gasoline fueling station in conjunction with a Costco Store.

Section 2. The City Council 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 under Chapter 18.58 of the Municipal Code.
- b. The City Council 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 or injurious to the property or improvements in such vicinity in which the property is located.

The design and layout of the fueling station complies with all the appropriate standards of both the La Habra Boulevard Specific Plan and the La Habra Municipal Code. Additionally, the placement of the fueling station was reviewed as part of the DEIR prepared for the project. The DEIR was circulated pursuant to the requirements of California Environmental Quality Act ("CEQA"). The DEIR includes conditions to mitigate potential impacts for the fueling station, to a level of insignificance. A Mitigation Monitoring and Reporting Program is included as Section "V" within the FEIR, listing the Mitigation Measures and the responsible agencies overseeing their implementation.

- 2. The granting of this Conditional Use Permit will not adversely affect the Comprehensive General Plan.

Both the La Habra General Plan 2020 Land Use Component, and the La Habra Boulevard Specific Plan, identifies the site as a Community Shopping Center. This category provides for commercial uses serving the larger citywide area as well as the immediate surrounding communities. The establishment of a retail

gasoline fueling station in conjunction with a retail store would be consistent with that designation.

3. There are no deed restrictions or easements, which would prohibit the proper use of this request.

Upon review of City records, Staff has not discovered any deed restrictions or easements that would prohibit the proper use of this request.

4. This request is authorized by the La Habra Boulevard Specific Plan and the Zoning Ordinance of the City.

The La Habra Boulevard Specific Plan and Section 18.32.040.16 of the La Habra Municipal Code, authorizes the Planning Commission to approve Conditional Use Permits for auto service stations as provided under the criteria established in Chapter 18.58 of said code.

- c. This action is subject to the following conditions:

1. The applicant/business operator shall comply with all of the mitigation measures identified in the Initial Study and Final Environmental Impact Report (FEIR) titled "Costco La Habra Project, SCH#2002101011", dated August 2004, as stated within the Mitigation Monitoring and Reporting Program contained within the FEIR per Section V.
2. The applicant/business operator shall keep the site graffiti free at all times including the perimeter walls. Any graffiti shall be removed within 48 hours of its discovery.
3. The applicant/business operator shall comply with all applicable City codes and ordinances and shall obtain all necessary permits and approvals from the Chief Building Official, for all improvements made to the site.
4. The applicant/business operator shall obtain all the required permits from the Orange County Health Department, prior to the issuance of building permits.
5. The applicant/business operator shall provide evidence on the building plans that a grease interceptor will be provided outside of the building, as per the requirements of the Chief Building

Official, prior to the issuance of a building permit and said interceptor shall be installed prior to the issuance of a Certificate of Occupancy.

6. The outdoor seating area shall be limited to a total of 84 seats as shown on the approved plan. There shall be no amplified sound or music in the outdoor food court. No expansion of the outdoor seating area shall be allowed without approval by the Planning Commission at a noticed public hearing and evidence provided that sufficient parking is provided to meet the increased code requirement for the additional seating.
7. The design of the shopping cart collection/storage areas shall be per attachment #3 of the City Council Agenda Report. Plans shall be reviewed and approved by the Director of Community Development, prior to the issuance of building permits.
8. The applicant/business operator shall screen all roof top equipment from public view to the satisfaction of the Director of Community Development. A design plan to screen the equipment shall be prepared and submitted to the Director of Community Development for review and approval before building permits are issued.
9. The applicant/business operator shall maintain the approved architectural theme at all times. No additions or alteration shall be made to the building without the approval of the Planning Commission through the Plan Approval process.
10. The applicant shall install a 6-foot high see through wall along the northern property line. The height of the wall shall be measured from the highest grade. A 14-foot high block wall shall be constructed along the western property line adjacent to the apartment complex. The wall shall step down to 6 feet for the remaining portion of the western property line adjacent to the single family homes along the western property line, measured from the highest grade. Design plans for these walls shall demonstrate architectural consistency with the Costco building and shall be submitted to the Director of Community Development for review and approval prior to the issuance of building permits.
11. The applicant/business operator shall submit a precise landscape and irrigation plan to the Director of Community Development for review and approval prior to the issuance of any building permits.

All proposed trees shall be a combination of a minimum of 24-inch box trees and larger with the final mix to be approved by the Director of Community Development. All shrubs shall be at least 5 gallon in size. All landscaping shown on the approved Landscape Plan shall be installed, prior to the issuance of a Final Certificate of Occupancy

12. The applicant shall submit a tree location report prepared by an arborist. The report shall evaluate the health and aesthetic value of all the trees that currently exist on the site or adjacent public right-of way and make a recommendation on the retention and replanting of the trees. The final report will be reviewed and approved by the Director of Community Development and the recommendations shall be implemented prior to the issuance of a Final Certificate of Occupancy.
13. The applicant/business operator shall maintain all installed landscape areas in good condition at all times and kept watered, cleaned and weeded at all times. Dead or dying plant material shall be replaced. Landscape and hardscape areas shall be kept free of trash and debris.
14. The applicant/business operator shall, on a yearly basis, obtain all required business licenses from the City of La Habra Finance Department.
15. The applicant/business operator shall submit plans to monitor the gas station during the hours of operation, via closed circuit camera link with system, manner and area to be approved by the Director of Community Development and Police Chief prior to the issuance of building permits. Additionally, the operator shall have at least one attendant at the gas fueling station during operating hours of the gas station. The system shall be tested and operational at the time a Certificate of Occupancy is issued for the service station.
16. The applicant/business operator shall not have any vending machines located outside of the structure or outdoors sales displays at any time; all business shall be conducted within the building with exception of a photo drop-off kiosk, with the colors of the kiosk to be approved by the Director of Community Development, to be consistent with the La Habra Boulevard Specific Plan. Any exceptions to the outdoor sales displays may only be allowed through the granting of a special event permit in accordance with the adopted Special Event Permit guidelines.

17. The applicant/business operator shall not have more than 3 video/arcade games on-site for use by the public (i.e., this does not preclude Costco from stocking and selling them).
18. The applicant/business operator shall not conduct any outdoor special events without prior City approval. All special event requests are to be processed in accordance the adopted Special Event Permit guidelines.
19. The applicant/business operator shall, prior to the installation of any signage, obtain approval from the Planning Manager and permits from the Chief Building Official and 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, no human signs shall be permitted on-site or off-site within the City of La Habra.
20. The applicant/business operator shall conform to the following conditions for the duration of the project to insure safety, protect property and preserve the peace, as per the requirements of the Chief of Police.

20.1 Liaison

- a. The applicant/business operator shall provide a letter to the Chief of Police assigning a representative to function as a liaison with the Police Department for the construction and operation phase of the project. The applicant/business operator's representative shall be available 24 hours a day, seven days a week.
- b. The applicant/business operator's representative shall promptly address public safety, traffic and legal concerns associated with the project upon notification by the Police Department.
- c. The applicant/business operator's representative shall have sufficient authority to remedy any public safety, traffic, or legal matter brought to his/her attention immediately.

20.2 Traffic

- a. The applicant/business operator shall provide the Police and Public Works Department with ingress, egress, and parking plans for vehicles weighing more than 6,000 lbs.

associated with the construction of the project for review and approval. The ingress, egress, and parking plan shall include proposed routes and hours of operation.

- b. The applicant/project manager shall have all cargo areas covered when vehicles are hauling demolition debris, gravel, dirt, powder or similar loose materials at all times.
- c. The applicant/project manager/business operator shall not allow vehicles associated with the construction or operation of this project to be parked or stored on a public roadway in the City of La Habra at anytime.

20.3 Security

- a. The applicant/operator shall insure that the perimeter of the site is fenced and locked at the conclusion of the workday, during the grading and construction phases of the project.
- b. The applicant/project manager/operator shall provide a letter of protection to the La Habra Police Department permitting the enforcement of state and local laws at the site in the absence of the owner, manager, foreman or other responsible party.
- c. The applicant/project manager shall provide perimeter gate keys to the Police Department, during the grading and construction phases of the project.
- d. The applicant/project manager shall lock all portable office buildings and storage containers (used during grading and construction) at the conclusion of each workday. No storage containers shall be allowed to remain on site after the issuance of a Certificate of Occupancy.
- e. The applicant/project manager shall render inoperative all grading and construction vehicles left overnight at the site by locking the ignition switches or removing a necessary ignition component (coil, coil wire, battery, etc.), at the end of each workday.

- 21. The developer shall, prior to the issuance of any demolition permits, provide on-site grading and underground utilities plans to the Engineering Division and Building and Safety Division for review and approval. The said plans shall include the following:

- 21.1 Proposed buildings.
 - 21.2 Existing and proposed water, sewer and storm drain facilities including Fire Hydrants.
 - 21.3 A Hydraulic/Hydrology report. The report will include adequacy or deficiencies of the existing and proposed on-site drainage system including Storm water runoff impact from the proposed subject project to the surrounding private properties and public streets.
 - 21.4 Construction plans providing a sufficient size RCP public storm drain system along La Habra Boulevard from the subject site Westerly to La Mirada Creek. The proposed storm drain system shall be sized to convey the entire storm discharge from the Costco site plus storm water from Dexford Drive and flow from La Habra Boulevard. This storm drain system is a public work of improvement that shall be constructed by the applicant. Because the City of La Habra will maintain no proprietary interest in the Costco project, the developer shall only be responsible for the construction cost of the storm drain related to Costco site. The City shall pay for the cost of the public storm drain system serving Dexford Drive and the portion of La Habra Boulevard not exclusively serving the Costco site (the "Public Portion"). In no event shall the costs paid by the City of La Habra exceed the costs related to Public Portion.
 - 21.5 The subject project shall be drained directly to a public street or to an approved storm drain system.
 - 21.6 No surface runoff shall be allowed across sidewalks and driveway approaches.
 - 21.7 All on-site drainage facilities shall be owned and maintained by the property owner.
 - 21.8 The sanitary sewer from the subject project shall be connected directly into City of La Habra sewer system. The sewer laterals within the public right-of-way shall not be less than 8" in diameter.
22. The applicant/operator shall prepare and submit to the Engineering Division for review and approval, prior to the issuance of building permits, a complete set of off-site improvement plans including but

not limited to; landscape and irrigation plans, proposed street lights, sidewalk, driveway approaches and underground utilities along Beach Boulevard and La Habra Boulevard. These improvements shall be installed prior to the issuance of a Certificate of Occupancy. The applicant shall be responsible for the planting of trees within the right of way consistent with the La Habra Boulevard Specific Plan. The applicant shall be responsible for the maintenance of all landscaping installed within the public right of way along the property.

23. The applicant/operator shall, prior to the issuance of any permits, pay to the City of La Habra required Engineering plan check fees and inspection fees, in accordance with the City of La Habra Fee Resolution.
24. The applicant shall, prior to the issuance of a Certificate of Occupancy, construct streetlights on a marbelite pole along La Habra Boulevard and Beach Boulevard, the street lights shall be constructed in accordance with the Caltrans and Southern California Edison Company's requirements and consistent with the requirements of the La Habra Boulevard Specific Plan.
25. The applicant/developer shall have all driveway approaches that are not used for this project removed and a new matching sidewalk, curb, and gutter constructed prior to the issuance of any Certificate of Occupancy.
26. The applicant shall comply with all Title 24, Accessibility Requirements.
27. The applicant/developer shall have any and all deliveries to the site that are over weight, and/or over width, and/or over height, and/or over length per the requirements of the La Habra Municipal Code be made pursuant to a valid transportation permit from the Engineering Department before entering the City of La Habra and the project site.
28. The applicant shall obtain permits from the City of La Habra Public Works Department for all work in the public right-of-way and shall obtain approvals from CALTRANS for all work in the public right of way along Beach Boulevard.
29. The applicant/developer shall remove and reconstruct the deteriorated portion of the existing asphalt pavement along the

North side of La Habra Boulevard adjacent to the existing gutter from West property line to East property line of the subject project.

30. The applicant/developer shall have separate plans for any and all proposed demolition and construction within the public right-of-way; said plans shall be prepared and signed by a Civil Engineer. These plans shall be submitted to the City Engineer, and to CALTRANS, as to work along Beach Boulevard, for review and approval prior to the issuance of building permits.
31. The developer shall comply with NPDES and other environmental requirements as they may apply, at all times.
32. The applicant shall submit to the City of La Habra a copy of the recent title report of the subject project for review and verification prior to the issuance of Building Permits.
33. The City has determined that the project applicant is subject to pay "fair share" traffic impact fees of \$674,380.00 prior to the issuance of a building permit. This traffic impact fee is based upon the findings of the traffic impact study.
34. It is a condition of approval to the applicant's entitlements to construct an added (second) northbound left turn lane at the intersection of Beach Boulevard and La Habra Boulevard in order to satisfy traffic operational requirements of Caltrans District 12. The applicant's project impacts do not require this improvement under CEQA. However, Costco will be performing the entire construction at Costco's sole cost and expense.
35. It is a condition of approval to the applicant's entitlements to provide a southbound right turn lane into the project site for the driveway along Beach Boulevard in order to satisfy traffic operational requirements of Caltrans District 12. The applicant's project impacts do not require this improvement under CEQA. However, Costco will be performing the entire improvement at Costco's sole cost and expense.
36. The applicant shall provide "fair share" fees of \$21,000.00 in lieu of the installation of traffic signal interconnect along La Habra Boulevard and Beach Boulevard, prior to the issuance of any Building Permits.
37. Prior to the issuance of a Certificate of Occupancy, the project applicant shall install, at Costco's sole expense, a traffic signal and

associated signing, striping, and physical barrier modifications at the intersection of La Habra Boulevard and Mission Street. The design of the intersection, traffic signal, signing, striping, and physical barriers shall prohibit the northbound and southbound through and the northbound left turn at this intersection and shall be submitted to the City Engineer for review and approval prior to the issuance of Building Permits.

38. The applicant shall dedicate and install a westbound right turn lane into the project site at the new Mission Street and La Habra Boulevard signalized intersection. The subject improvement shall be completed before issuance of a Certificate of Occupancy.
39. The applicant shall fully fund a neighborhood traffic management plan study to reduce existing cut-through traffic in the adjacent neighborhoods located to the north and south of La Habra Boulevard, west of Beach Boulevard and east of the westerly City limits per the requirements of the Director of Public Works. A scope of work and traffic engineering firm shall be agreed upon by the City and applicant with a contract executed for the preparation and completion of a neighborhood traffic management plan study prior to the issuance of a Certificate of Occupancy.
40. The applicant shall provide fire sprinklers. The system shall be designed per NFPA 13 and the City of La Habra Ordinance. Fire Department connection shall be within 40 feet of a fire hydrant with the location to be approved by the Fire Chief and Chief Planner, prior to the issuance of building permits.
41. The applicant/developer shall, in the event that construction of any Fire Hydrants are requested by the City of La Habra Fire Department, install a full size water meter per the Water Division's requirements, before issuance of a Certificate of Occupancy.
42. The applicant/developer shall prior to issuance of building permits, submit to the City for approval, a Water Quality Management Plan (WQMP) specifically identifying Best Management Practices (BMPs) that will be used on site to control predictable pollutant runoff, before demolition permits are issued.

This WQMP shall identify the structural and non-structural measures as required by the National Pollutant Discharge Elimination System (NPDES), Local Implementation Plan (LIP), Section 7 (New Development or Significant Redevelopment) per the requirements of the Director of Public Works.

43. The applicant shall not locate any vaults, transformers or fire apparatuses within the front landscape setback area (20 feet) along Beach and La Habra Boulevards. All above ground equipment shall be noted on the landscape plans to be reviewed and approved by the Director of Community Development before building permits are issued. The subject equipment shall be screened from public view by the use of landscape materials where determined feasible by the Director of Community Development.
44. The applicant shall construct Double Detector Check Valves Assemblies (DDCV) with metered bypass, on any private water system, immediately downstream from each point of connection. These assemblies shall not be located in any of the street front landscaping setback areas. Additionally, the assemblies shall be painted green and screened from public view with landscape materials. All systems shall be noted on landscape plans to be reviewed and approved by the Director of Community Development, before building permits are issued.
45. The applicant/developer shall have an Orange County Certified Tester conduct backflow device tests before issuance of a Certificate of Occupancy. No backflow devices shall be located in any of the street landscape setback areas. Additionally, the assemblies shall be screened from public view with landscape materials. All devices shall be noted on the landscape plans to be reviewed and approved by the Director of Community Development before building permits are issued.
46. The applicant shall provide a soils report and hydrology study for review and approval by the Chief Building Official and Director of Public Works, prior to the issuance of any grading permits.
47. The applicant shall obtain all necessary permits and approval for each phase of development from the Chief Building Official prior to such phase of development.
48. The applicant shall place addresses on the building in a manner approved by the Fire Chief. Address numbers shall have a minimum height of 12 inches for each building and be installed, prior to the issuance of a Certificate of Occupancy.
49. The applicant/business operator shall maintain a 3-foot wide clear area around each fire hydrant at all times.

50. The applicant shall install concrete wheel stops for all parking spaces adjacent to sidewalks, prior to the issuance of a Certificate of Occupancy. Vehicles are not permitted to extend over the sidewalk area.
51. The applicant/business operator shall provide and maintain shopping cart collection areas throughout the lot, as per the approved plans. All shopping carts shall be stored either inside the building or behind an approved, screened area, when the store is closed. Proposed storage areas must be shown on the site plan and approved by the Director of Community Development, before building permits are issued.
52. The applicant shall install fire hydrants as required by the Fire Chief, before issuance of a Certificate of Occupancy.
53. The applicant shall meet all requirements of the State Energy Conservation regulation for Climate Zone 8, before building permits are issued.
54. The applicant shall submit a demolition/construction-recycling plan to the Director of Public Works, for review and approval prior to the issuance of any grading permits.
55. Alcohol Sales
 - 55.1 The applicant/business operator shall obtain and maintain a type 21 license from the State Alcoholic Beverage Control Board, prior to the sale of any alcoholic beverages on site. A copy of the license shall be presented to the Director of Community Development prior to alcohol sales being conducted on site.
 - 55.2 The applicant/business operator shall have all new employees, selling alcoholic beverages to patrons, enroll in and complete a certified training program approved by the State Department of Alcoholic Beverages Control (ABC) or by California Coordinating Council on Responsible Beverage Service (CCCRBS). The training shall be offered to new employees on no less than a quarterly basis. Proof of training shall be kept on site and shall be available at any time, to City Officials. Proof of training shall be forwarded to the Director of Community Development prior to the issuance of a Certificate of Occupancy.

- 55.3 The applicant/business operator shall have no exterior advertising or signs of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs, which are clearly visible to the exterior, shall constitute a violation of this condition.
- 55.4 The applicant/business operator shall install a scanner capable of reading the information contained in the magnetic strip of any California Driver's License or Identification Card for age verification. The applicant/business operator shall ensure that employees check identification from all customers appearing younger than 30 years of age. The system shall be installed and in operation prior to the sales of alcohol.
- 55.5 The applicant/business operator shall not allow the consumption of any alcoholic beverages on the premises, at any time.
- 55.6 The applicant/business operator shall locate alcohol products in an area not immediately adjacent to soda or candy sales area.
- 55.7 The applicant/business operator shall not sell beer or malt beverages in quarts, 22 oz., 32 oz., 40 oz., or similar size containers. No beer or malt beverages shall be sold in quantities less than six pack lots, at any time, with the exception of prepackaged or promotional items (seasonal).
- 55.8 The applicant/business operator shall have no cups, glasses, or similar receptacles commonly used for the drinking of beverages, sold, furnished, or given away at the site in quantities of less than twenty-four in their original multi-container package, except within the designated food court area.
- 55.9 The applicant/business operator shall not sell wine in bottles or containers smaller than 750 ml. and wine coolers and beer must be sold in the manufacturer's prepackaged multi-unit quantities, with the exception of prepackaged or promotional items (seasonal).

56. The applicant/business operator shall not allow any overnight truck parking on the site at any time. Trailers may be stored overnight in the loading dock. When delivery trucks are parked on the site, the motor and refrigeration units are to be shut off. The applicant shall not permit the overnight parking of Recreational Vehicles.
57. The applicant/business operator shall not store any items/pallets/products, etc., outside of the building at any time, except within an enclosure that is architecturally compatible with the structure, as approved by the Director of Community Development. Additionally, the enclosure shall be screened with landscaping and nothing shall be stacked above the top of said enclosure.
58. The applicant/business operator shall not sell or display any products for sale at the fueling station at any time. Vehicle fuel shall be the only product available.
59. The applicant/business owner shall comply with the City of La Habra Noise Ordinance at all times.
60. The applicant/business operator shall have posted at all times a sign in a clear and conspicuous exterior location, listing a phone number at which a responsible employee may be contacted to address any complaints from the community. Said contact person's name and phone number shall also be available through the staff at all times. The Director of Community Development, prior to the issuance of any Certificates of Occupancy, shall approve the location of said signs.
61. The applicant shall, within one business day of receiving any complaint, follow-up with any complainant. The applicant shall also establish a complaint log for the purpose of registering complaints received concerning violation of project conditions. The complaint log shall be available to Department of Community Development on a monthly basis or as requested by the City.
62. The applicant shall, at all times, require all customers and employee to comply with smoking regulations set forth by the State of California.
63. This approval is for those plans date stamped May 14, 2004, and which are those plans reviewed and approved by the Planning Commission on August 9, 2004 and the City Council on September 7, 2004. 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. The Director of Community Development may approve minor alterations and modifications.

64. In the event that the applicant/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, revocation of this permit. Violation of any of the above conditions is ground for suspension or revocation of the Conditional Use Permits per Municipal Code Chapter 18.58 titled "Conditional Use Permit". The applicant shall be required to reimburse the City fully 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 violation has been fully remedied.
65. The applicant/operator of the facility (warehouse and service station) shall install all exterior lighting in accordance with the plan approved by the Planning Commission at the Planning Commission meeting of August 9, 2004 and the City Council on September 7, 2004. Additionally, all parking lot and facility lights shall having a reading of 0.00 candle at property line plus be turned off one hour after the closing of the store/service station to the public, except for those deemed necessary by the Chief of Police, to provide for public safety, in accordance with the requirements of the security ordinance. *Lights for the service station will not come on until one hour prior to opening.*
66. The project applicant shall be responsible for the development and implementation of all conditions required by Caltrans for the issuance of encroachment permits associated with the COSTCO project.
67. The applicant shall obtain a "no building" easement from the adjacent property owner to the north prior to the issuance of any building permits.
68. The applicant/operator shall limit the hours of operation to the general public for the Costco Warehouse to the following: Monday through Friday 10:00 a.m. to 8:30 p.m., Saturday 9:30 a.m. to 6:00

p.m. and Sunday 10:00 a.m. to 6:00 p.m. The hours of operation to the general public, of the gasoline fueling stations shall be as follows, Monday through Friday from 6:00 a.m. to 9:30p.m. Saturday from 6:00 a.m. to 6:00 p.m. and on Sunday from 6:00 a.m. to 6:00 p.m. The Planning Commission, through a Special Event Permit may approve short-term change in hours for seasonal sales. Such request shall be considered at a legally noticed public hearing.

69. DELETED

70. The applicant shall install a security camera and video taping system to cover the entire parking lot to assist in law enforcement efforts per the requirements of the Chief of Police. Tapes of the parking lot shall be kept on file for a length of time to be determined by the Police Chief and made available to the Police Department when requested. The subject system shall be in place before issuance of a Certificate of Occupancy.

71. The applicant shall install handicap access ramps at the intersections of Mission Street and La Habra Boulevard and along the southern side of La Habra Boulevard at Dexford Street. The subject improvements shall be made before issuance of a Certificate of Occupancy.

72. The applicant shall install Truck Route directional signs within the property with location to be approved by the Traffic Manager and Director of Community Development. The signs shall be installed prior to the issuance of a Certificate of Occupancy.

73. DELETED.

74. The applicant/operator shall, prior to the issuance of any permits, pay to the City of La Habra, all required fees in accordance with the City of La Habra Fee Resolution in effect at that time.

75. The applicant shall prohibit all employees from parking off site on any public street.

76. The applicant shall ensure that any shopping carts removed from the site are recovered and returned to the site on a daily basis by Costco personnel or by a service enlisted by Costco.

77. The applicant shall prohibit the use of the parking lot for the display of used vehicles advertising they are for sale and shall

ensure that any vehicles parked on the lot displaying for sale signs when the store is closed are towed and any such vehicles displaying such signs during operating hours, other than while its operator is shopping, are also towed.

78. The applicant shall submit a sign program for the site, which is to include any window advertising to the Director of Community Development for approval prior to the issuance of Building Permits. The sign program shall be consistent with the requirements of the La Habra Boulevard Specific Plan.
79. The applicant shall ensure that the outdoor dining area is kept clean at all times, including the paved area beneath and around the tables and surrounding parking lot area, and that adequate trash receptacles are provided and continually emptied. The design of the trash receptacles shall be consistent with the architectural design theme of the building and shall be approved by the Director of Community Development.
80. The applicant shall discourage to the extent permitted by law, the solicitation of customers on the site.
81. The applicant shall not object to the utilization of a portion of the street landscape setback area for the future placement of an identification feature identifying the La Habra Boulevard Specific Plan Area.
82. The applicant shall work with the Community Services Department to establish job-recruiting operations to hire residents from within the community where possible.
83. The applicant/operator shall have a legible laminated copy of the conditions of approval posted during the construction phase. A sign shall be provided on the construction site with minimum dimensions of four feet by four feet, with lettering no less than two inches in height on a contrasting background, visible and readable from the public right of way stating the following:
 - a. Job site address.
 - b. Name and phone number of Project owner or owner's representative.
 - c. Name and phone number of the general contractor and/or on-site superintendent (both if not the same person).
 - d. Construction hours per the FEIR.

