

## RESOLUTION NO. 25-25

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING CONDITIONAL USE PERMIT 25-0008 (CUP25-0008) TO ALLOW ALCOHOLIC BEVERAGE SALES UNDER A TYPE 21 (OFF-SALE GENERAL) ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE AT AN EXISTING GENERAL RETAIL USE (A.K.A. 7-ELEVEN CONVENIENCE STORE) LOCATED AT 381 EAST WHITTIER BOULEVARD (ASSESSOR'S PARCEL NUMBER 017-303-45), SUBJECT TO CONDITIONS, AND MAKING THE DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15301, CLASS 1: "EXISTING FACILITIES" OF THE CEQA GUIDELINES

THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA HEREBY FINDS AND DECLARES AS FOLLOWS:

- A. The Applicant, Janet Jin, the authorized representative for 7-Eleven, Inc., and the property owner, The Chung Family Trust (c/o Joseph Chung), is requesting the approval of Conditional Use Permit 25-0008 (CUP25-0008) to allow alcoholic beverage sales at an existing general retail use (7-Eleven) under a Type 21 (Off-Sale General) ABC license, which will allow the sale of distilled spirits in addition to beer and wine for off-site consumption at 381 East Whittier Boulevard (the "Project").
- B. On November 10, 2025, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for approval of CUP25-0008.
- C. In making the various findings set forth in this Resolution, the Planning Commission has considered all of the evidence presented by staff, the Applicant, and the public, whether written or oral, and has considered the procedures and standards required by the La Habra Municipal Code.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA HEREBY RESOLVES AS FOLLOWS:

**SECTION 1. CALIFORNIA ENVIRONMENTAL QUALITY ACT.** The Planning Commission finds and determines that the Project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1: "Existing Facilities" of the CEQA Guidelines. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The Project involves a negligible expansion of use. The Applicant is proposing to upgrade an existing Type 20 (Off-Sale Beer and Wine) ABC license to a Type 21 (Off-Sale General) ABC license. In connection

with the proposed Type 21 license, the Applicant intends to add a display case inside the general retail store. The Project involves no interior or exterior alterations to the tenant space or property.

The Project is also not subject to any of the exceptions for exemption under Section 15300.2 of the CEQA Guidelines. The cumulative impact of this Project, and the approval of other projects like it in the vicinity, is not expected to have any significant environmental impact. The Project is not located along any state-designated scenic highway nor within any designated hazardous waste site. The Project will not cause a substantial adverse change in the significance of any historical resource because the subject existing building is less than 45 years old, and therefore, not considered a historical resource. Staff does not expect any significant impacts or unusual circumstances related to the approval of this Project. Therefore, the Project is categorically exempt from CEQA.

**SECTION 2. CONDITIONAL USE PERMIT 25-0008.** The Planning Commission finds and determines that the Applicant has succeeded in meeting its burden of providing evidence to support the granting of CUP25-0008 to allow alcoholic beverage sales at an existing general retailer (7-Eleven) under a Type 21 (Off-Sale General) ABC license, which will allow the sale of distilled spirits in addition to beer and wine for off-site consumption, based on the following findings required by Section 18.66.040.B of the La Habra Municipal Code and subject to the conditions attached hereto as **Exhibit A**.

- A. The proposed use 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.**

A general retail use that offers a variety of goods and services, including basic grocery needs, medicines, household goods, childcare products and many more everyday household items has been operating at this location since 1986, and selling beer and wine under a Type 20 ABC license since 1990, without any issues and/or concerns to date. The retailer will continue to operate in conformance with Alcoholic Beverage Control general operating requirements such as record keeping and server requirements with respect to age and certification and training, in order to ensure the sale of alcohol does not negatively impact surrounding residents, businesses or sensitive uses. The distilled spirits represent a small fraction (less than 1%) of the overall offerings sold at this location.

The subject property is located within the C-2 Zone and the MX Overlay Zone. As outlined in the staff report, the provisions of Chapter 18.54 (Mixed-Use Overlay Zones (MX)) do not apply pursuant to LHMC Section 18.54.010.C. General retail is a permitted use within the C-2 Zone; however, alcoholic beverage sales and services are subject to the approval of a CUP. In 1994, the City Council adopted Urgency Ordinance No.

1480, which amended the La Habra Municipal Code (LHMC) to establish requirements for CUPs for businesses selling alcohol for off-premises consumption. Since the subject retailer's sale of beer and wine predated this urgency ordinance, the alcoholic beverage sales provided at this location are considered a nonconforming use pursuant to LHMC Section 18.08.070 (Nonconforming buildings and uses), and are permitted, provided there is no increase or enlargement of the area, space or volume, occupied or devoted to such nonconforming use. Because the Applicant is proposing to increase the space devoted to the sale of alcohol by adding a display cabinet for distilled spirits, the Applicant is required to obtain a CUP. Approval of the proposed CUP would bring the existing sale of beer and wine, as well as the proposed sale of distilled spirits, into conformance with permitting requirements of the C-2 Zone.

Therefore, the proposed use will not be detrimental to the public welfare and will not unreasonably interfere with the use, possession and enjoyment of the 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.**

There will be no physical changes to the existing tenant space or subject property. All aspects of the use will remain unchanged besides the request to sell a small amount of distilled spirits. The subject site will remain physically suited for general retail use, as well as the sale of alcohol pursuant to a Type 21 ABC license. The site is situated at the northeast corner of East Whittier Boulevard and North Cypress Street with access from both East Whittier Boulevard and North Cypress Street, with two-way traffic circulation from either entrance. The site complies with the development standards of the C-2 Zone, as shown in the table below:

	<b>City Requirements</b>	<b>Existing</b>
<b>Building Height</b>	4 stories not to exceed 50 feet	1 story
<b>Front Setback</b>	15' minimum	76 feet
<b>Side Setback (West)</b>	Not Required	NA
<b>Side Setback (East)</b>	10 feet	16.5 feet
<b>Rear Setback</b>	20 feet (to center of the alley)	5 feet*
<b>Floor Area Ratio (FAR)</b>	30%	32%
<b>Parking</b>	3.3/kSF or 21 spaces	26 spaces
<b>Front Landscape Setback</b>	10%	10%
<b>Onsite Landscaping</b>	Minimum 7% of the parking lot	7%

\*Reduced rear setback was previously allowed under Zone Variance 86-36 (ZV86-36)

Since the Applicant is not proposing to expand the tenant space, the Applicant is not required to make any changes to the existing parking lot layout, which provides a total of 26 spaces, including two ADA parking spaces. Therefore, 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.**

The subject property is located within the C-2 Zone and the MX Overlay Zone. As outlined in the staff report, the provisions of Chapter 18.54 (Mixed-Use Overlay Zones (MX)) do not apply pursuant to LHMC Section 18.54.010.C. General retail is a permitted use within the C-2 Zone; however, alcoholic beverage sales and services are subject to the approval of a CUP. In 1994, the City Council adopted Urgency Ordinance No. 1480, which amended the La Habra Municipal Code (LHMC) to establish requirements for CUPs for businesses selling alcohol for off-premises consumption. Since the subject retailer's sale of beer and wine predated this urgency ordinance, the alcoholic beverage sales and services provided at this location are considered a nonconforming use pursuant to LHMC Section 18.08.070 (Nonconforming buildings and uses), and are permitted, provided there is no increase or enlargement of the area, space or volume, occupied or devoted to such nonconforming use. Because the Applicant is proposing to increase the space devoted to the sale of alcohol by adding a display cabinet for distilled spirits, the Applicant is required to obtain a CUP. Approval of the proposed CUP would bring the existing sale of beer and wine, as well as the proposed sale of distilled spirits, into conformance with permitting requirements of the C-2 Zone. Therefore, the use is conditionally permitted within the subject zone and complies with the intent of all applicable provisions of Title 18 of the LHMC.

**D. The proposed use is consistent with the comprehensive General Plan.**

The proposed use is consistent with the comprehensive General Plan. The site has a General Plan land use designation of Corridor Mixed-Use 1. According to the General Plan, the Corridor Mixed-Use is intended to provide "for the redevelopment of underutilized previously zoned commercial properties for a mix of multi-unit residential housing with supporting retail and service uses." The subject property consists of a fully utilized multi-tenant commercial center and the granting of this CUP will expand the products sold at the subject retailer, further increasing utilization of this commercial property. In addition, the request supports General Plan Policy LU 2.2 Diversity of Uses: Provide for and encourage the development of a broad range of uses in La Habra's commercial centers and corridors that reduce the need to travel to adjoining communities, and

capture a greater share of local spending. The proposed CUP would expand the diversity of products offered at this location, decreasing the need for customers to travel to other retailers. The subject property is located within the Commercial (C-2) Zone and the Mixed-Use (MX) Overlay Zone, which implement the General Plan's Corridor Mixed-Use 1 land use designation. Pursuant to LMHC Section 18.54.010.C, the provisions of Chapter 18.54 (Mixed-Use Overlay Zones (MX)) "shall not apply to property that has been, or is proposed to be, developed entirely under the base zone, except for the maximum permitted floor area ratio as noted in Section 18.54.050.C.2.b of [Chapter 18.54]." Because the subject property has been developed entirely under the base (C-2) zone, the provisions of Chapter 18.54 do not apply. Therefore, the proposed use is consistent with the comprehensive General Plan. Therefore, the proposed use is consistent with the comprehensive General Plan.

**SECTION 3. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.**

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, the Project is exempted by the Water Quality Ordinance from the preparation of a WQMP.

**SECTION 4. APPEAL.** The approval granted by this Resolution may be appealed within 10 working days from adoption of this Resolution. All appeals must be in writing and filed with the City Clerk within this time period with the appropriate fee. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

**SECTION 5. RECORD.** Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project. All summaries of information in the findings which precede this section are based on the entire record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

**SECTION 6. EFFECTIVE DATE.** This Resolution shall take effect immediately.

**SECTION 7. CERTIFICATION.** The Secretary shall certify the passage of this Resolution.

PASSED, APPROVED, AND ADOPTED this 10th day of November 2025.

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Maria Mahecha, Chair

I, Veronica Lopez, Secretary to the Planning Commission of the City of La Habra, do hereby certify that the foregoing Resolution No. \_\_\_\_\_ was adopted at a regular meeting of the City of La Habra Planning Commission held on November 10, 2025, by the following vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

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Veronica Lopez, Secretary

## **EXHIBIT A**

### **CONDITIONAL USE PERMIT 25-0008**

#### **GENERAL CONDITIONS:**

Standard Condition 1.1                      **CODE COMPLIANCE**

The applicant/developer shall comply with the City of La Habra Municipal Code and all applicable federal, state and local laws, ordinances, policies and regulations.

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 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 applicant/developer/successor in interest 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 applicant/developer shall comply with the Los Angeles County/La Habra Fire Code and Fire Department requirements, as applicable.

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 25-0008.

Standard Condition 1.8                      **VIOLATION**

In the event that the applicant/developer/successor in interest 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 will 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 code enforcement inspector.

Standard Condition 1.15                      OUTDOOR VENDING MACHINES

The property owner/business operator shall not operate or allow any outdoor vending machines on the site at any time.

Standard Condition 1.16                      OUTDOOR DISPLAY OF MERCHANDISE

The property owner/business operator shall not display any merchandise outside of the building at any time unless approved by the Director of Community and Economic Development or designee through a Special Event Permit.

Standard Condition 1.17                      PUBLIC PAY PHONES

The property owner/business operator shall, at all times, prohibit the installation and use of exterior public pay telephones.

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 the outdoor patio area and parking areas, no less frequently than once each day.

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 1.41                      INDEMNIFICATION

To the maximum extent permitted by law, the applicant and any successor in interest shall defend, indemnify and hold harmless the City of La Habra and its elected and appointed officials, officers, agents and employees from and against any and all actions, claims, damages, liabilities and/or proceedings (collectively referred to as "action") arising out of or in any way relating to the applicant's project or any approvals granted by the City related to the applicant's project, including, but not limited to, any action to attack, challenge, set aside, void, or otherwise modify or annul the approval of any entitlement or permit relating to the project or the environmental review of any entitlement relating to the project. The indemnification and hold harmless shall include, but not be limited to, any and all costs incurred by the City in defense of any action arising out of or relating to the applicant's project or any approvals granted by the City related to the applicant's project, including, but not limited to, payment of all court costs and attorneys' fees, costs of any judgements or awards against the City (including any award of attorneys' fees), damages, and/or settlement costs. The City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for such costs incurred by the City.

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. Additionally, signage shall be placed in the parking lot 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 alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.

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 7.8      SCANNER REQUIRED (OFF-SALES)**

The property owner/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 to confirm the age of the customer, or similar system as approved by the Director of Community and Economic Development. This device shall be used by the cashier to check the identification of all individuals who appear to be younger than 35 years of age.

**Standard Condition 7.14                      ON-SITE MANAGER**

The property owner/business operator shall ensure that a manager be on the premises at all times during the hours of operation. The manager shall ensure compliance with all conditions of approval. The property owner/business owner shall remain responsible for any violations of the conditions of approval.

**Standard Condition 7.16                      NOISE/LOITERING PREVENTION**

The property owner/business operator shall, at all times, display a sign of at least ten inches by ten inches at all exits and within all parking areas, requesting patrons to respect residents of adjacent residential neighborhoods by being quiet when leaving and by not loitering in the parking lot.

**Standard Condition 7.18                      CONTACT INFO FOR ON-SITE MANAGER**

The property owner/business operator shall, at all times, post a sign in a clear and conspicuous location, listing a phone number at which a responsible on-site manager may be contacted during all hours which the business is open to address any complaints from the community. Said contact person's name and phone number shall be available through the staff at all times.

**Standard Condition 7.19                      DISORDERLY CONDUCT**

The property owner/business operator shall not, at any time, permit loud, unruly or disorderly assemblages on the premises. The costs incurred by the City for multiple police responses to loud, unruly, or disorderly assemblages shall be the responsibility of the applicant, owner, and person in lawful custody of the premises.

**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 facility 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 adjacent businesses, including, but not limited to, customer parking issues. Any such nuisance must be abated immediately upon notice by the City of La Habra.