

RESOLUTION NO. 26-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING CONDITIONAL USE PERMIT 25-0018 (CUP 25-0018) TO ALLOW ALCOHOLIC BEVERAGES SALES AND SERVICES UNDER A TYPE 41 ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE (ON-SALE OF BEER AND WINE - EATING PLACE) AT A RESTAURANT LOCATED AT 1331 WEST IMPERIAL HIGHWAY, SUITES B AND C (ASSESSOR'S PARCEL NUMBER: 018-391-38), 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. On November 5, 2025, the Applicant, Ricky Ramirez of Genesis Consulting, Inc., on behalf of the Property Owner, La Habra Association LLC, submitted a request for a Conditional Use Permit (CUP 25-0018) to allow the onsite sale and consumption of beer and wine under a Type 41 ABC license (the "Project") at an approved restaurant space located at 1331 West Imperial Highway, Suites B and C (the "Project Site").
- B. On February 23, 2026, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for CUP 25-0018.
- 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 use. The Project involves interior improvements to an approved restaurant space within an existing building. The Project involves a negligible expansion of the existing use to allow a restaurant to provide alcohol sales and services under a Type 41 ABC License (on-sale of beer and wine - eating place).

The Project is 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 building and property where it is located are not listed on any National, California, or local registers. Staff does not expect any significant impacts or unusual circumstances related to the approval of the Project. Therefore, the Project is categorically exempt from CEQA.

SECTION 2. CONDITIONAL USE PERMIT (CUP 25-0018). The Planning Commission finds and determines that the Applicant has succeeded in meeting its burden of providing evidence to support the approval of the proposed Conditional Use Permit to allow the onsite sale and consumption of beer and wine under a Type 41 ABC license at an approved restaurant space located at 1331 West Imperial Highway, Suites B and C, and approves CUP 25-0018 based on the following findings required by Section 18.66.040.B of the La Habra Municipal Code (LHMC), subject to the conditions of approval 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.**

The proposed use, alcoholic beverages sales and services, will be incidental to a restaurant, and will require a Type 41 Alcoholic and Beverage Control (ABC) License (on-sale of beer and wine - eating place). Under a Type 41 ABC License, distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). The restaurant must operate and maintain the licensed premises as a bona fide eating place, with suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises. This license type is subject to Responsible Beverage Service (RBS) requirements and requires alcohol servers and managers of alcohol servers to be RBS certified. As identified in the Applicant's Letter of Business Operations, the restaurant associated with this request will operate from 11:00 a.m. to 12:00 (midnight) seven days a week. The proposed hours of operation are suitable for a restaurant with alcoholic beverages sales and services, especially in light of the fact that other nearby tenants in the same shopping center, including, but not limited to, Regal Theater and Krispy Kreme Doughnuts, maintain similar late hours of operation. In addition, the proposed hours of operation remain consistent with the findings included in Resolution 22-19 approving CUP 22-12 for a restaurant use, which identified that the restaurant's hours of operation would be consistent with the hours of operation of other

businesses found within the center. The indoor dining area of the restaurant provides seating for up to 76 customers with no outdoor seating proposed. The CUP includes standard conditions of approval, including ABC's requirement for RBS training for all staff. By applying these specific conditions, the potential secondary effects, such as excessive noise or public nuisances, can be greatly reduced, ensuring the use remains compatible with the surrounding properties that are also located within the Community Shopping Center High Density (C-2sH) 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 surrounding and adjacent properties and will not impair the character of the C-2sH Zone in which it is to be located.

B. The subject site is physically suitable for the type of land use being proposed.

The Project Site is a 3,489 square-foot tenant space within a multi-tenant commercial building that is part of an established shopping center. The day-to-day operation and use of the location as a restaurant (Panera Bread) in the past demonstrates that the tenant space, within the existing retail commercial center, and its associated parking, is adequate in size and accessibility for a restaurant. While the approval of CUP 25-0018 will allow the sale of beer and wine, it will not result in substantial changes to the restaurant operation. No exterior modifications are proposed that would result in new square footage. Therefore, the subject site is physically suitable for the proposed alcoholic beverage sales and services use in conjunction with a restaurant.

C. The use is conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this title.

Pursuant to La Habra Municipal Code (LHMC) Chapter 18.06 (Zones Established - Zoning Map Boundaries and Land Uses), alcoholic sales and service uses within the C-2sH Zone are subject to the approval of a CUP by the Planning Commission. With the incorporation and implementation of the conditions of approval, the use will be harmonious with surrounding land uses and will comply with the intent of all applicable provisions of the Zoning Ordinance.

D. The proposed use is consistent with the comprehensive general plan.

By authorizing the alcoholic beverage sales and services use under a Type-41 ABC license, the restaurant at this location (Cocori K-Food and Pub) will be able to serve beer and wine to complement the food menu and further elevate the dining experience. This enhancement will make the subject restaurant a more complete destination, thereby reducing the need for

residents to travel to neighboring communities. The granting of a CUP for alcoholic sales and services under a Type 41 ABC License is consistent with the comprehensive General Plan as it will implement the following policies:

- ED 1.1: Consumer Demand: Explore opportunities to increase the competitive role of the City's retail sector to serve both the community and the larger base of consumers in surrounding communities.
 - The subject restaurant space (Cocori K-Food and Pub) is situated within the La Habra Marketplace shopping center, which presently features a variety of food, retail, and fitness offerings. By adding beer and wine to its menu, the restaurant will further be able to meet customer needs and contribute to the variety of dining choices in the La Habra area. This enhancement caters to a broader base of consumer demand for a more comprehensive dining experience. By providing a higher-tier amenity within La Habra, the Type 41 ABC license helps capture local spending that might otherwise leave the City for surrounding communities, making La Habra's commercial corridor more competitive.
- LU 3.2: Uses to Meet Daily Needs: Encourage uses that meet daily needs such as grocery stores, local-serving restaurants, and other businesses and activities within walking distance of residences to reduce the frequency and length of vehicle trips.
 - The subject restaurant space (Cocori K-Food and Pub) is conveniently located near existing multi-unit residential complexes to the north of the commercial retail center. The addition of beer and wine to the existing menu expands the restaurant's offerings to these residences within walking distance as well as the greater La Habra area.

Therefore, the proposed use is consistent with the 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 granting of the Conditional Use Permit 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 23rd day of February, 2026.

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. 26-05 was adopted at a regular meeting of the City of La Habra Planning Commission held on February 23, 2026 by the following vote:

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

Veronica Lopez, Secretary

EXHIBIT A

CONDITIONAL USE PERMIT 25-0018 (CUP 25-0018) – CONDITIONS OF APPROVAL

General Conditions:

Standard Condition 1.1 CODE COMPLIANCE

The Applicant/business operator shall comply with all 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 Chief Building Official. Construction shall comply with the California/La Habra Building 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 1.4 LA COUNTY FIRE DEPARTMENT

The Applicant/Developer/successor in interest 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 1.7 COMPLIANCE (Modified)

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 25-0018.

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 shall refrain from issuing further permits, licenses or other approvals until such violations have been fully remedied.

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 1.18 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 1.41 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 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 beer and wine 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 7.14 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(s) 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 or tenant suite.

Standard Condition 8.3 SMOKING REGULATIONS

The property owner/business operator(s) shall, at all times, require all patrons to comply with the smoking regulations set forth by the State of California.

Standard Condition 8.5 BUILDING OCCUPANCY

The property owner/business operator shall ensure, at all times, that maximum building occupancy limits, as determined by the Chief Building Official, are not exceeded.

Standard Condition 8.6 NUISANCE PROHIBITION

The property owner/business operator and employees of any restaurant shall not, at any time, allow circumstances to develop that will adversely interfere with adjacent uses, the community's welfare, nearby residential areas, or the operation of adjacent businesses, including, but not limited to, customer parking issues.