

## **RESOLUTION NO. 22-19**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 22-12 FOR THE OPERATION OF A RESTAURANT (DAVE'S HOT CHICKEN) AT 1331 WEST IMPERIAL HIGHWAY, SUITES B AND C, MAKING THE APPROPRIATE FINDINGS AND SUBJECT TO CONDITIONS AS PER THE APPROVED PLANS.

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

Section 1. The Planning Commission does hereby find and determine that:

- a. La Habra Associates, LLC, filed an application requesting Conditional Use Permit 22-12 for the operation of a restaurant at 1331 West Imperial Highway, Suites B and C.
- b. This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorically Exempt pursuant to Section 15301, Class 1: Existing Facilities of the California Environmental Quality Act Guidelines.
- c. 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, this project is exempted by the Water Quality Ordinance from the preparation of a WQMP.
- d. The Planning Commission held a public hearing on April 25, 2022 to consider the Applicant's request of Conditional Use Permit 22-12. The Planning Commission, after considering all the written and oral evidence offered including the staff report and all attachments, approves the request.

Section 2. The Planning Commission further finds and determines that:

- a. The Applicant has succeeded in meeting their burden of providing evidence to support the granting of the Conditional Use Permit application pursuant to Chapter 18.66 of the La Habra Municipal Code.
- b. The Planning Commission hereby makes the following required findings of the Conditional Use Permit application pursuant to Chapter 18.66.070.C of the La Habra Municipal Code:
  1. The granting of such Conditional Use Permit will not be detrimental to the public welfare and will not unreasonably interfere with the use, possession, and or enjoyment of surrounding and adjacent properties and will not impair the character of the zone in which it is to be located.

The subject commercial suite is located within a commercial shopping center, where the establishment of a restaurant has been determined to be a compatible use.

Parking for the center has been addressed by an approved parking study dated September, 2009, which found that the operation of a similarly proposed restaurant would yield a surplus of nineteen parking spaces. Therefore, the property will continue to provide sufficient onsite parking.

The proposed hours of operation for the restaurant are consistent with the hours of operation of the other businesses found within the center. Therefore, the proposed restaurant will not unreasonably interfere with the use, possession and or enjoyment of surrounding and adjacent properties and will not impair the character of the zone in which it is to be located.

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

The subject commercial suite allows for the operation of a restaurant. All restaurant functions will take place within the enclosed suite and outdoor patio area. The restaurant facility will be required to comply with all Municipal Codes and Ordinances. Therefore, the site is physically suitable for the proposed land use.

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

Table 18.06.040.A of the La Habra Municipal Code allows for the establishment of a restaurant within the C-2sh zone with the approval of a Conditional Use Permit by the Planning Commission.

4. The granting of this Conditional Use Permit is consistent with the comprehensive general plan.

The project implements Policies LU 2.2 Places to Shop, LU 2.3 Places to Work, LU 3.2 Uses to Meet Daily Needs, LU 11.1 Diversity of Uses, of the General Plan 2035.

Section 3. The Planning Commission further finds and determines that:

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

General conditions:

**Standard Condition 1.1 CODE COMPLIANCE**

The property owner/business operator shall comply with all applicable City of La Habra Municipal Codes and Ordinances.

**Standard Condition 1.2 BUILDING PERMITS**

The property owner/business operator 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 (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 property owner/business operator shall maintain the property in a clean and orderly condition at all times and remove any graffiti from the site within forty-eight (48) hours of its discovery in matching colors to the existing improvements.

**Standard Condition 1.4 LA COUNTY FIRE DEPARTMENT**

The property owner/business operator shall comply with the Los Angeles County/La Habra Fire Code and Fire Department requirements, as applicable. Review and approval by the County of Los Angeles Fire Department, Fire Prevention Engineering Section Building Plan Check Unit is required for this project prior to building permit issuance. Contact the Fire Prevention Engineering Unit at (323) 890-4125 for additional Fire Department requirements and EPICLA submittal instructions.

**Standard Condition 1.5 MINOR MODIFICATIONS**

The Director of Community and Economic Development or designee may approve minor modifications through the Administrative Adjustment process to the conditions of approval so long as the intent of the Planning Commission or City Council is maintained.

**Standard Condition 1.6 PLANS**

This approval is for those reviewed and approved by the City of La Habra Planning Commission at its meeting of April 25, 2022. A copy of said plans shall be maintained in the files of the City of La Habra Planning Division. The project shall be developed and maintained in substantial conformance

with said plans, except as otherwise specified in these conditions of approval.

**Standard Condition 1.7 COMPLIANCE**

The failure to comply with any of these conditions of approval by the property owner/business operator shall be grounds for rehearing and consideration by the Planning Commission for possible revocation of Conditional Use Permit 22-12.

**Standard Condition 1.8 VIOLATION**

In the event that the property owner/business operator violates or fails to comply with any of the conditions of approval of this permit, the City may take measures to cure such violations, including but not limited to, administrative citation and full reimbursement of the City for its costs and expenses, including but not limited to, attorney's fees, in undertaking such corrective action. Reimbursement of enforcement costs shall constitute a civil debt and may be collected by any means permitted by law. In the event that violations of this permit occur, the City shall refrain from issuing further permits, licenses or other approvals until such violations have been fully remedied.

**Standard Condition 1.9 LANDSCAPE MAINTENANCE**

The property owner/business operator shall maintain landscaping in a healthy and well-kept manner at all times. Dead or damaged landscape material/vegetation shall be replaced immediately per the approved landscape plan. The irrigation system shall be maintained at all times. Trees shall be permitted to grow to their maximum height.

**Standard Condition 1.12 SIGN MAINTENANCE**

The property owner/business operator shall maintain any installed tenant signs in good condition at all times.

**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, 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.

Prior to the issuance of building permits:

**Standard Condition 4.1 CONDITIONS ON CONSTRUCTION PLANS**

The property owner/business operator shall include the conditions of approval of this resolution on the construction plans.

**Standard Condition 4.24 SECURITY AND CAMERA PLANS**

The property owner/business operator shall submit a security camera system design plan with proposed locations to the Planning Department to be forwarded 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 4.31 ACKNOWLEDGEMENT OF SIGN CODE**

The property owner/business operator 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, the property owner/business operator shall not utilize any human display signs.

**Standard Condition 8.1 GREASE INTERCEPTORS**

The property owner/business operator shall provide a grease interceptor at a location where it shall be easily accessible for inspection, cleaning and removal of accumulated grease. The sizing and installation shall conform to the current California/La Habra Plumbing Code. The grease interceptor shall be constructed in accordance with plans approved by the Director of Public Works and the Chief Building Official. The property owner/business operator shall contract with a maintenance company for maintenance and cleaning of the grease interceptor based on a maintenance schedule to be submitted and approved by the Director of Public Works.

**Standard Condition 8.2 SANITARY SEWER SYSTEM PROTECTION**

The property owner/business operator shall not, at any time, allow grease to run into public sanitary sewer systems.

**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 restaurant 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.

Project specific conditions:


1. The property owner/business operator shall limit all deliveries and onsite maintenance activities located along the north side of the property to between the hours of operation of 11:00 a.m. to 10:00 p.m. daily.

Section 4. Based upon the foregoing, the Planning Commission of the City of La Habra approves Conditional Use Permit 22-12. The Planning Commission Secretary shall certify to the adoption of this resolution and transmit a copy to the Applicant.

Said motion CARRIED by the following roll call vote:

AYES: COMMISSIONERS: BERNIER, SURICH, MANLEY, MUNOZ, ROJAS  
NOES: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: NONE

Dated: April 25, 2022

ATTEST:   
Veronica Lopez, Secretary

APPROVED:   
Manuel Munoz, Chair