

RESOLUTION NO. 16-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 16-03 FOR A RESTAURANT IN CONJUNCTION WITH A MARKET AT 1305 WEST WHITTIER BOULEVARD, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

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. Los Altos XIX, LP filed an application requesting Conditional Use Permit 16-03 to establish a restaurant within a market at 1305 West Whittier Boulevard.
- b. This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorical Exempt pursuant to Section 15301(e)(2), 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 the proposal will constitute the disturbance of more than 5,000 square feet of soil, a Priority WQMP is required. A Preliminary Priority WQMP has been reviewed and approved for all properties. All work undertaken will be required to incorporate Best Management Practices (BMPs) as required by the WQMP.
- d. The Planning Commission held a duly noticed public hearing on May 23, 2016 to consider the Applicant's request of Conditional Use Permit 16-03 and continued the item to the June 13, 2016 meeting.
- e. On June 13, 2016 The Planning Commission continued the Applicant's request of Conditional Use Permit 16-03 to a date uncertain.
- f. The Planning Commission held a duly noticed public hearing on June 27, 2016 to consider the Applicant's request of Conditional Use Permit 16-03. 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 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 proposed restaurant is located within a market. The center itself provides adequate vehicular access and parking to support this type of use. In addition, since the site is located along a main thoroughfare, the establishment of a restaurant is a compatible use with the other commercial businesses in the vicinity. Conditions have been placed on the project to ensure the use will not negatively impact surrounding uses. 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 proposed use will be located within a market that is located within an integrated shopping center. Based on the La Habra Municipal Code parking requirements, the establishment of a 4,000 square foot restaurant in the market increases the required number of spaces for the facility by eighteen (18) spaces. A shared parking and access agreement exists between the subject property, CVS, and Petco. The La Habra Municipal Code requires that 434 spaces be provided for all of the proposed and existing uses and 518 spaces exist on-site. Thus, this site is suitable for the type of land use proposed.

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 restaurants within the C-2 Commercial 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 Land Use Element of the City's General Plan designates this site as Commercial Highway. This category provides for commercial uses that are primarily related to and dependent on the City's main arterials, and the General Plan specifically notes that a restaurant use is appropriate. Therefore, the establishment of a restaurant within a market is consistent with the comprehensive General Plan.

The projects implement Policies LU 2.2 (Places to Shop), LU 3.2 (Uses to Meet Daily Needs), LU 4.1 (Development Compatibility), LU 11.1 (Diversity of Uses), LU 11.5 (Cohesive Development), ED 1.1 (Consumer Demand), and ED 2.1 (Business Attraction) 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 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 (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.

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 plans date stamped February 24, 2016 and are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of June 27, 2016. 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 (Modified)

The failure to comply with any of these conditions of approval, as well as the conditions of approval for Design Review 16-05, by the property owner/business operator shall be grounds for rehearing and consideration by the Planning Commission for possible revocation of Conditional Use Permit 16-03.

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 applicant/developer 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 signs in good condition at all times and shall repaint the freestanding sign every eight (8) years at a minimum. The Director of Community and Economic Development may require more frequent painting if the improvements are not maintained in good condition.

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 community preservation 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 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 1.37 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 1.38 CANOPIES, AWNINGS AND
UMBRELLAS (Modified)

The applicant/developer shall maintain canopies, awnings, and umbrellas in good condition at all times and shall replace them every five (5) years at a minimum. The Director of Community and Economic Development may require more frequent replacement if the canopies, awnings, or umbrellas are not maintained in good condition or become damaged, faded, ripped, frayed, or marred by graffiti. No advertising shall be permitted on canopies, awnings or umbrellas.

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. Said plan shall also include cameras to cover the trash enclosures at the rear of the building to discourage illegal dumping. Additionally, signage shall be placed in the parking lots indicating that security cameras are in use.

Standard Condition 5.11 SPILL CONTAINMENT

The property owner/business operator shall ensure that all employees have been trained in the containment and removal of liquid and food spills. Proof of training shall be submitted to the Director of Public Works.

Standard Condition 5.12 SPILL KIT

The property owner/business operator shall, at all times, ensure that the business has a spill kit on site which is placed in a conspicuous and marked area to the satisfaction of the City Engineer.

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 7.2 ON-SITE CONSUMPTION
PROHIBITION

The property owner/business operator shall not allow the consumption of any alcoholic beverages on the premises.

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.

