

## RESOLUTION NO. 26-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING MODIFICATION 26-0001 (MOD 26-0001) TO AMEND CONDITIONAL USE PERMIT 25-0016 (CUP 25-0016) TO ALLOW ALCOHOLIC BEVERAGE SALES AND SERVICES UNDER A TYPE-47 CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE (ON-SALE GENERAL - EATING PLACE) WITHIN AN EXISTING GENERAL RETAIL USE LOCATED AT 1305 WEST WHITTIER BOULEVARD (ASSESSOR'S PARCEL NUMBER: 017-152-17) AND OUTSIDE THE GENERAL RETAIL USE WITHIN AN ADJACENT PATIO AREA LOCATED AT 1439 WEST WHITTIER BOULEVARD (ASSESSOR'S PARCEL NUMBER: 017-143-23), AS PER THE APPROVED PLANS AND 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 January 6, 2026, the Applicant, Steve Rawlings, on behalf of the Property Ownership Group, Los Altos XIX, submitted a request for a Modification (MOD 26-0001) to Conditional Use Permit (CUP) 25-0016 to allow alcoholic beverage sales and services under a Type-47 ABC License within an existing general retail use located at 1305 West Whittier Boulevard (Assessor's Parcel Number: 017-152-17) and outside the general retail use within an adjacent patio area located at 1439 West Whittier Boulevard (Assessor's Parcel Number: 017-143-23) (the "Project").
- B. On March 9, 2026, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for MOD 26-0001.
- 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 pursuant to Section 15301(e), 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 no expansion of existing or former use. The Project would allow an existing general retail use to continue to provide alcoholic beverage sales and services within the building that contains the general retail use and outside in an adjacent patio, with a change in the type of license issued by the California Department of Alcoholic Beverage Control (ABC). Currently, the Applicant has a Type-48 ABC License (On-Sale General - Public Premises); a Type-47 ABC License (On-Sale General - Eating Place) is proposed. The Project includes a minor exterior improvement that involves the fencing-off of a 1,500-square-foot portion of an existing 3,000-square-foot outdoor patio area. The Project involves a negligible expansion of the existing use.

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. Staff does not expect any significant impacts or unusual circumstances related to the approval and construction of the Project. Therefore, the Project is categorically exempt from CEQA.

**SECTION 2. MODIFICATION (MOD 26-0001).** The Planning Commission finds and determines that the Applicant has succeeded in meeting its burden of providing evidence to support the approval of MOD 26-0001 to CUP 25-0016 to modify the existing alcoholic sales and service from a Type-48 Alcoholic Beverage Control (ABC) License (On-Sale General - Public Premises) to a Type-47 ABC License (On-Sale General - Eating Place) within the existing general retail use (Northgate Gonzalez Market), located at 1305 West Whittier Boulevard, and the adjacent patio area (Paseo Gonzalez), located at 1439 West Wittier Boulevard, and approves MOD 26-0001 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**, which shall be in addition to the conditions of approval for CUP 25-0016.

- 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 subject property is designated by the General Plan for Highway Commercial land use, which anticipates restaurants and commercial establishments serving the traveling public and surrounding community, and located within the Commercial (C-2) Zone, which implements the General Plan Highway Commercial land use designation. The Project modifies an already approved on-sale alcohol authorization and does not increase the number of on-sale licenses within Census Tract 11.01. The total number of on-sale licenses will remain at six, consistent with the

maximum number of on-sale licenses permitted by ABC within the tract, and therefore does not create overconcentration. Unlike the previously approved Type-48 license, which permitted operation as a bar or public premises where food service is not required and minors are prohibited, the Type-47 license requires operation as a bona fide eating place with substantial meal service and allows minors on the premises. The modification therefore shifts the operation toward a restaurant model where alcohol service is incidental to food service, reducing potential impacts associated with standalone bar operations. Alcohol service will be limited to the hours of 10:00 a.m. to 10:00 p.m., within the existing hours of operation of the retail use. The outdoor patio area will be secured with a perimeter gate, as required by ABC to prevent the removal of open containers. The Applicant must comply with Responsible Beverage Service (RBS) requirements, and all operations remain subject to the City's noise standards and other municipal regulations. Given the commercial context of the site, existing reciprocal access and parking agreements, required security measures, and operational limitations, the proposed Modification will not impair the character of the C-2 Zone and will not unreasonably interfere with nearby properties, including residential uses to the north. 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-2 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 is located within an existing 10.8-acre commercial shopping center (La Habra Town Center) with established vehicular access from Whittier Boulevard, Idaho Street, and Hacienda Road through reciprocal parking and access agreements. The site is fully developed with adequate utilities, infrastructure, circulation, and shared parking to accommodate restaurant and retail uses. The proposed Modification does not expand the building footprint and includes a minor exterior improvement that involves the fencing-off of a 1,500-square-foot portion of the existing adjacent outdoor patio area (Paseo Gonzalez), an ABC requirement. The fenced patio area represents a negligible expansion (approximately 1,500 square feet) relative to the existing 4,000-square-foot restaurant space. No grading or significant site disturbance is proposed. The property has historically operated as a grocery store with restaurant and alcohol sales components and is therefore physically capable of accommodating the requested Type-47 license. 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.**

Pursuant to Chapter 18.06 (Zones Established – Zoning Map Boundaries and Land Uses), alcoholic beverage sales and service within the C-2 Zone are subject to the approval of a conditional use permit by the Planning Commission. The Project involves a modification to an already approved CUP authorizing on-sale alcohol service and does not introduce a new land use category. The modification maintains consistency with zoning development standards and does not require variances or deviations from applicable regulations. The Project is subject to Project-specific conditions of approval, in addition to ABC licensing requirements and ongoing code compliance, including noise standards pursuant to LHMC Chapter 9.32. Therefore, the use is conditionally permitted within the C-2 Zone and complies with the intent of all applicable provisions of the Zoning Ordinance.

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

By authorizing alcoholic beverage sales and service under a Type-47 ABC License, the restaurant inside the general retail use (Northgate Gonzalez Market) will further enhance its dining experience by integrating alcohol service into a bona fide eating establishment within the La Habra Town Center. Unlike the previously approved Type-48 license, the Type-47 license requires substantial meal service and operation as a restaurant, thereby reinforcing the site's identity as a dining-focused destination rather than a bar use. This enhancement strengthens the business's "grocerant" concept, embraces the practices and experiences commonly found in Hispanic culture, and expands the range of dining amenities available within the City, helping to capture local spending that might otherwise occur in surrounding communities and reinforcing the General Plan's objective of maintaining strong and competitive commercial corridors. The granting of a modification to a CUP for alcoholic sales and service under a Type-47 ABC License is consistent with the Comprehensive General Plan and implements 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 sale of alcoholic beverages in conjunction with substantial meal service further enhances the restaurant by providing a more complete dining experience within an established retail anchor. This integrated model responds to evolving consumer preferences for experiential retail and dining environments, strengthening La Habra's commercial offerings and reducing retail leakage to neighboring cities.

- 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 general retail use (Northgate Gonzalez Market) is a well-established regional brand that serves as a cornerstone tenant within the La Habra Town Center. Approval of the Type-47 license for the onsite restaurant further supports the continued investment and long-term viability of this proven operator by allowing the restaurant to function as a full-service dining establishment. Located within the La Habra Town Center shopping plaza, just south of an existing residential area, the addition of beer, wine, and spirits to the food and drink options expands the business'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 9th day of March, 2026.

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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. 26-06 was adopted at a regular meeting of the City of La Habra Planning Commission held on March 9, 2026 by the following vote:

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

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Veronica Lopez, Secretary

## **EXHIBIT A**

### **MODIFICATION 26-0001 – CONDITIONS OF APPROVAL (AMENDING CONDITIONAL USE PERMIT 25-0016)**

#### **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 1.6     PLANS**

This approval is for those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of March 9, 2026. 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 by the property owner/business operator shall be grounds for rehearing and consideration by the Planning Commission for possible revocation of Conditional Use Permit 25-0016, as modified by Modification 26-0001.

## 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 1.41 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.

### **Project Specific Conditions:**

1. The property owner/business operator shall install a new four-foot-tall perimeter gate, as well as "No alcohol beyond this point" signs, along the meandering walkway within patio area "Paseo Gonzalez" to the satisfaction of the Director of Community and Economic Development and Building Official prior to the finalization of building permits.
2. The property owner/business operator shall conduct operations in substantial conformance with the Letter of Business Operations presented to the Planning Commission on March 9, 2026.
3. The property owner/business operator shall not serve or permit alcohol outside of the ABC-defined licensed premises.