



## PLANNING COMMISSION AGENDA REPORT

---

**TO:** Chairman and Commissioners  
City of La Habra Planning Commission

**FROM:** Roy N. Ramsland Jr., Planning Manager  
By: David Lopez, Assistant Planner

**VIA:** Andrew Ho, Director of Community and Economic Development

**DATE:** November 26, 2018

**CASE:** Consideration of a request for Design Review 18-10 for the construction of a new commercial building at 1901 West Imperial Highway.

Consideration of Conditional Use Permit 18-14 for a drive-thru restaurant at 1901 West Imperial Highway, Suite A.

Conditional Use Permit 18-20 for a restaurant along with Conditional Use Permit 18-19 for an ABC Type 41 alcoholic beverage license in conjunction with a restaurant, at 1901 West Imperial Highway, Suite D.

---

### SUMMARY RECOMMENDATION

It is recommended that the Planning Commission approve Design Review 18-10 for the construction of a new commercial building, at 1901 West Imperial Hwy; Conditional Use Permit 18-14 for a drive-thru restaurant, at 1901 West Imperial Hwy, Suite A; and Conditional Use Permits 18-19 and 18-20 for an ABC Type 41 alcoholic beverage license in conjunction with a restaurant at 1901 West Imperial Highway, Suite D, subject to the findings and conditions in the attached resolutions.

### PROJECT PROPOSAL

#### Description

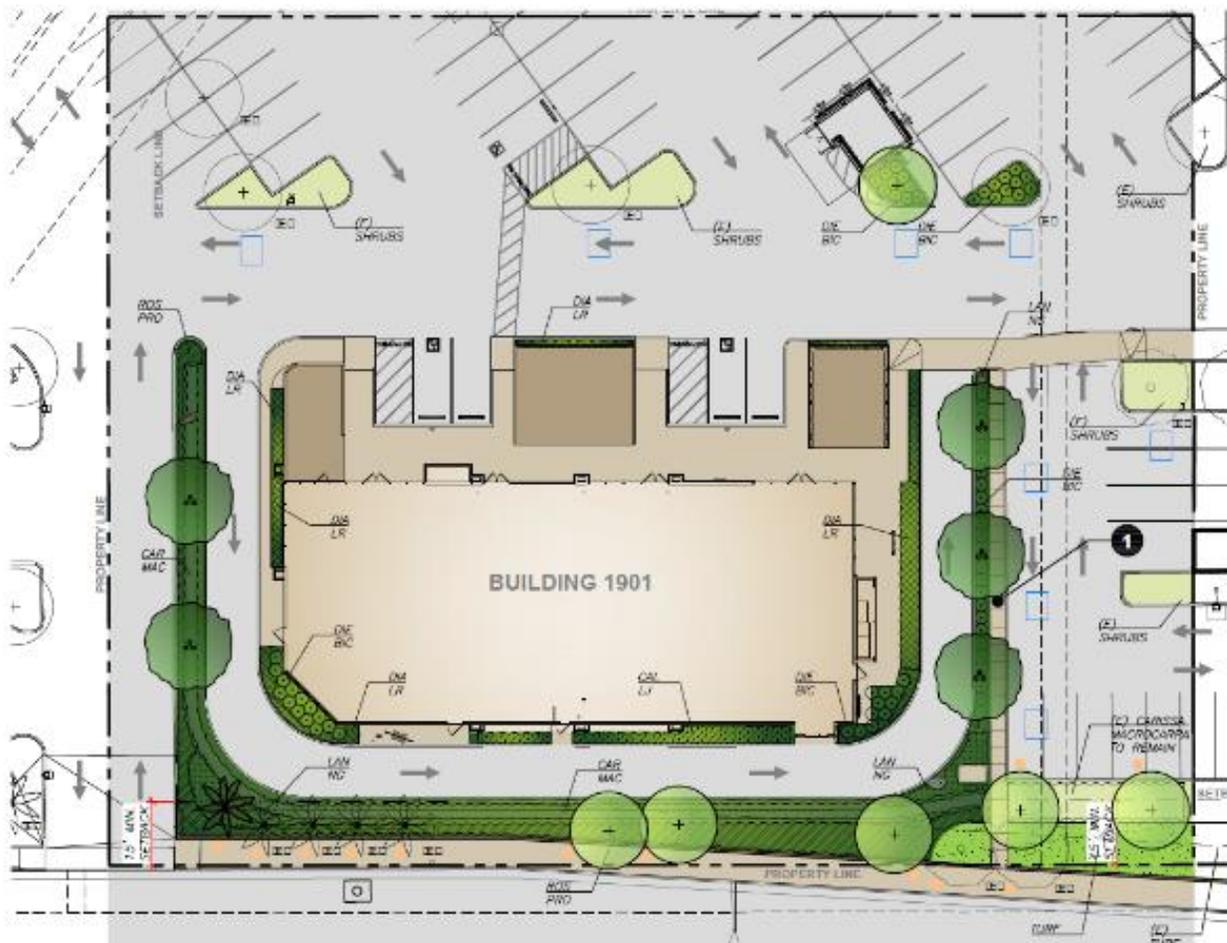
The Applicant, La Habra Associates, LLC, are proposing to demolish the existing 10,000 square foot building (formerly Hometown Buffet) and construct a new 7,500 square foot building subdivided into four suites with an integrated drive-thru. Included in the proposal is the operation of a drive-thru Starbucks within Suite A and the operation of Luna Grill (Mediterranean restaurant) with onsite alcohol sales within Suite D. The subject property is located within the La Habra Marketplace shopping center situated along the north side of Imperial Highway between Beach Boulevard and Idaho Street (see Vicinity Map, attachment 5). The General Plan Land Use designation for the site is Community

Shopping Center 2. The property is zoned Community Shopping Center High Density (C-2sh) which is consistent with the General Plan.

**Discussion**

The La Habra Marketplace is approximately 35 acres in area and contains 14 pad buildings, two drive-thru restaurants, and two multi-tenant buildings that contain a variety of retail, restaurants, a movie theater, and alcohol sales, professional and service oriented businesses. The subject project area involves the former Hometown Buffett building, which is located near the southwest corner of the shopping center in-between the Wells Fargo Bank and Chick-Fil-A drive-thru restaurant.

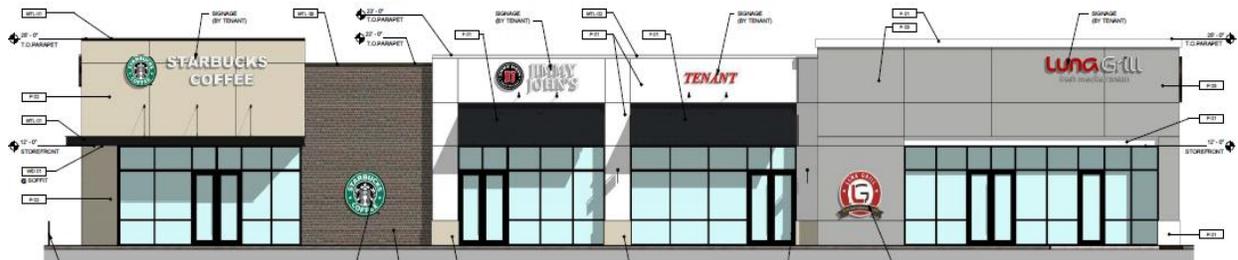
The proposal involves the demolition of the former Hometown Buffett building, and constructing a new 7,500 square foot building with an integrated drive-thru with stacking for 11 vehicles. The stacking area accommodates six vehicles in queue to order and another five vehicles from the order menu to the pick-up window. Vehicles wrap around and exit along the east side of the building onto a main drive aisle within the center. This new building will be subdivided into four suites.



The building's design features the main entrances along the north side of building facing the parking lot and includes three outdoor patio/seating areas, one at each end of the building and one in the middle ranging in area from 385 to 650 square feet. The drive-

thru lane is located along the south side of the building facing Imperial Highway. The drive-thru lane will service Suite A (Starbucks) which is located at the easterly end of the building. Suite A has an area of 2,500 square feet, Suite B has an area of 1,100 square feet, Suite C has an area of 1,500 square feet and Suite D has an area of 2,400 square feet.

The exterior of the building will include a combination of painted plaster walls, brick siding, black fabric awnings over the two middle suits, and a wood soffit with recessed lighting over the front and rear of the Starbucks suite. The building utilizes a contemporary architectural design with a flat parapet roof, varied in height and slight articulation in the exterior building walls, which become apparent with the combination of colors and exterior finish. The building colors include white, black, gray, and dark brown, which are not common within the rest of the shopping center (see attachment 6, Project Plans).



### Suite A - Starbucks

The interior layout includes two restrooms, storage and preparation areas and approximately 46 interior seats. Suite A will have access to a 450 square foot outdoor patio locate in front of the suite that will contain approximately 16 seats. The proposed hours of operation are 4:00 a.m. to midnight seven days a week. Starbucks will employ 25-30 persons with 4-8 employees per shift depending on the customer volume. It should be noted that the existing Starbucks located at the east end of the shopping center will be relocating to the new suite.



### Suite D – Luna Grill

The interior layout includes two restrooms, storage and preparation areas and 56 seats. The suite will have access to a 385 square foot outdoor patio located in front of the suite that will contain tables and chairs (Approx. 16 seats). Luna Grill is described as a fast casual Mediterranean restaurant with dine-in and takeout services. The restaurant will operate 11:00 a.m. to 9:00 p.m. daily with an average of 5-8 employees onsite. Alcoholic beverages (beer and wine) are being requested to be consumed onsite and within the outdoor patio/seating area. It should be noted that the three outdoor patios/seating areas will be secured/enclosed with a 42-inch high tubular steel fence. The provision of the secured enclosure allows for the consumption of alcohol in the patio.



### Analysis

The proposed project is before the Planning Commission pursuant to La Habra Municipal Code (LHMC) Section 18.32.050.C.2 which requires a Design Review for all new development, and major remodeling within the C-2sh Zone. Such projects are subject to standards and requirements set forth in Chapter 18.68 Design Review of the LHMC. In order to approve a design plan, the following findings must be made:

1. The proposed plan is consistent with the City's General Plan.
2. The proposed plan is consistent with the City's Zoning Ordinance.
3. The proposed plan is in the best interests of the public health, safety, and welfare of the community.

4. The nature of the proposed land uses and the design is appropriate for the proposed location and is compatible to the surrounding land uses and improvements.
5. The project complies with all requirements of the California Environmental Quality Act.

The General Plan's goals and policies encourage the rehabilitation and renovation of underutilized commercial centers with the goal to revitalize the area. The proposed project fulfills those goals by demolishing a 10,000 square foot building that has been vacant since 2016, and reconstructing a smaller building with an integrated drive-thru to better accommodate the new users. The proposed building has been designed to accommodate four tenants, includes outdoor seating areas and will be improved with a modern architectural style.

A parking study has been submitted that analyzed onsite parking, and the drive-thru component. The study concluded that the property would continue to provide sufficient parking even in the event that all four suites became occupied with restaurant uses. The study also determined that the vehicle stacking for the drive-thru and onsite circulation are adequate for the anticipated peak hours (see attachment 7, Parking Study). The project plans also analyzed the future reconfiguration of the drive-thru for Chick-Fil-A. Chick-Fil-A is considering modifying their existing drive-thru reconfiguration to better accommodate the existing cues. They will be filing applications for Planning Commission consideration early next year.

The proposed new building is setting an architectural precedence for the La Habra Marketplace. All future improvements/discretionary actions within the center will be required to match the updated architectural style and colors of the Starbucks/Luna Grill site on a case-by-case basis. As will, any repainting required as part of a condition of approval on any previously approved discretionary action. The Applicant has indicated that there is no set schedule for the painting of the other buildings to match, as it will be based on the center's maintenance budget. Staff's recommendation is to permit the new architectural design and allow the applicant to upgrade the remainder of the center over time.

The proposed project is also before the Planning Commission pursuant to La Habra Municipal Code (LHMC) Section 18.06.040.A which requires the approval of a Conditional Use Permit (CUP) for the establishment of a restaurant and all alcohol related uses. In order to grant the Conditional Use Permits for this request, the following findings must be made:

1. The granting of the Conditional Use Permit 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.
2. The subject site is physically suitable for the type of land use being proposed.

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

4. The granting of the Conditional Use Permit is consistent with the General Plan.

The area in which the new building is proposed was previously used for the operation of a buffet style restaurant. The findings at that time established that the operation of a restaurant would not unreasonably interfere the surrounding uses or be detrimental to the public. The sites history reveals those findings valid and true. The proposed new building continues to be located within a commercial corridor, within a commercial shopping center in which the building meets all applicable Zoning Code requirements, therefore, the continued use or authorization of restaurant uses within the area will not be detrimental to the public. The subject property is located within a commercial corridor along a major Highway, which provides a variety of drive-thru, dine in and take out restaurants. The addition of new restaurants to the mixture provides City residents with options, and provides employment opportunities.

As indicated earlier, as part of the project analysis, a parking study was submitted that determined that the project will provide sufficient parking to support the proposed restaurant uses. The parking study divides the shopping center into five different zones with each zone providing a specific number of parking spaces for the businesses contained therein. The subject site is located within zone 1 and based on the current parking requirements, the existing 10,000 square foot building requires 104 parking spaces. With the proposed 7,500 square foot building, and assuming that all four suites will include restaurant uses, a total of 70 spaces are required which equates to an excess of 34 spaces within zone 1.

The proposed alcohol service within Suite D for Luna Grill will be an ancillary use, which is typically found in conjunction with restaurants. Conditions have been included on the project to ensure that the operational nature of the restaurant will not change, and that the sale of alcoholic beverages will not exceed 50 % of the total food sales, as well as requiring the Applicant to implement several responsible alcohol server requirements.

The subject property is located within Census Tract 13.01, which allows for a total of seven “on-sale” licenses before a level of “Undue Concentration” is reached, as determined by the Department of Alcoholic Beverage Control (ABC). At this time, there are seven existing on-sale licenses within the Census Tract. The current application makes it the eighth license in the Census Tract and thus is considered to be in an area where an “Undue Concentration.” In situations of “Undue Concentration” pursuant to Section 23958.4(b)(1) of the California Business and Professions Code, the Applicant will be required to provide ABC with data to support a Finding of Public Convenience and Necessity (PCN) before the Type 41 License can be issued.

Conditions of approval have been included on all the requested actions that have been used for similar types of uses throughout the City to ensure compliance with City codes and ordinances. Since the required findings can be made of each of the requested actions, it is recommended that the Planning Commission approve Design Review 18-10 for the construction of a new commercial building, Conditional Use Permit 18-14 for a

drive-thru restaurant, Conditional Use Permit 18-19 and Conditional Use Permit 18-20 for an ABC Type 41 alcoholic beverage License in conjunction with a restaurant at 1901 West Imperial Highway, subject to the findings and conditions in the attached resolutions.

**Code Compliance**

	<u>City Requirements</u>	<u>Proposal</u>
Building Height	60 feet (max.)	25 feet
Front Setback (South)	20 feet (min.)	33 feet
Side Setback (East)	0 feet (min.)	74 feet
Side Setback (West)	0 feet (min.)	39 feet
Rear Setback (North)	20 feet (min.)	105 feet
Floor Area Ratio	39,604 sf (80% of max.)	7,500 sf (15%)
Parking		
Restaurant (Suites A)	20 spaces (min.)	
Retail (Suite B)	5 spaces (as retail)	
Retail (Suite C)	6 spaces (as retail)	
Restaurant (Suite D)	24 spaces (min.)	
Total	55 spaces	104 spaces*
Landscaping		
Front Setback	15 feet	7 feet**

\* Based on the existing 10,000 square foot commercial building.

\*\* Active Zone Variance 88-39 to reduce the front setback along Imperial Highway from 10 feet to 7 feet.

**NPDES**

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 Priority WQMP has been reviewed and approved.

**CEQA**

This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorically Exempt pursuant to Section 15303(c), Class 3: “New Construction or Conversion of Small Structures” of the California Environmental Quality Act Guidelines. The projects consists of the reconstruction of a 7,500 square foot commercial building.

**General Plan Relevance**

The projects implement Policies LU 3.2 Uses to Meet Daily Needs, LU 4.1 Development Compatibility, LU 4.2 Transitions in Scale, LU 4.4 Design Review, LU 5.6 Building

Rehabilitation, LU 11.1 Diversity of Uses, LU 11.3 Economic Vitality, LU 11.6 Enhanced Design Character, LU 11.7 Architecture and Site Design, of the General Plan 2035.

### **Related Cases**

- On January 23, 1989, the Planning Commission approved Plan Approval 88-09, and Negative Declaration 88-12 to develop the westerly half of the center and Zone Variance 88-39 to reduce the front setback along Imperial Highway from 10 feet to 7 feet.
- On March 8, 1991, a building permit was issued for the construction of the subject building for the tenant Roger's Sound Lab.
- On September 12, 1994, the Planning Commission approved Conditional Use Permit 94-04 to establish a buffet style restaurant (Hometown Buffet), Zone Variance 94-09 to place a sign along the eastern building elevation, Zone Variance 94-08 to place a sign along the western building elevation and Zone Variance 94-10 to reduce parking from 2,186 spaces to 1,834 spaces.
- On May 8, 2017, the Planning Commission approved Time Extension 17-01 to keep Conditional Use Permit 94-04 active. A one-year extension was approved but the CUP expired on May 8, 2018 due to inactivity.

### **REQUIRED FINDINGS**

Findings of Fact are required to be made before a Design Review or Conditional Use Permit can be granted. The findings are provided in the attached resolutions along with conditions that staff has identified as being necessary to ensure that the proposed project will have no negative effects on the public welfare and compliance with all appropriate City codes and ordinances (see attached Resolutions).

### **RECOMMENDATION**

It is recommended that the Planning Commission adopt the following resolutions entitled:

#### Design Review

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING DESIGN REVIEW 18-10 FOR THE CONSTRUCTION OF A NEW COMMERCIAL BUILDING AT 1901 WEST IMPERIAL HIGHWAY, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

#### Restaurant (Suite A)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 18-14 TO OPERATE A DRIVE-THRU RESTAURANT AT 1901 WEST IMPERIAL HIGHWAY,

SUITE A, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

Alcohol Sales (Suite D)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 18-19 FOR AN ON-SALE BEER AND WINE FOR A BONA FIDE PUBLIC EATING PLACE (ABC TYPE 41) LICENSE IN CONJUNCTION WITH A RESTAURANT AT 1901 WEST IMPERIAL HIGHWAY, SUITE D, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

Restaurant (Suite D)

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 18-20 TO OPERATE A RESTAURANT AT 1901 WEST IMPERIAL HIGHWAY, SUITE D, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

## **ATTACHMENTS**

1. [Resolution \(Design Review\)](#)
2. [Resolution \(Restaurant\)](#)
3. [Resolution \(Alcohol Sales\)](#)
4. [Resolution \(Restaurant\)](#)
5. [Vicinity Map](#)
6. [Project Plans](#)
7. [Parking Study](#)
8. [Applications](#)
9. [Property Owner Notice and Mailing List](#)