



PLANNING COMMISSION AGENDA REPORT

TO: Chairman and Commissioners
City of La Habra Planning Commission

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

VIA: Andrew Ho, Director of Community and Economic Development

DATE: November 25, 2019

CASE: Consideration of a request for Conditional Use Permit 19-20 for an import and wholesale warehouse of alcoholic beverages at 931 South Cypress Street.

SUMMARY RECOMMENDATION

It is recommended that the Planning Commission approve Conditional Use Permit 19-20 for an import and wholesale warehouse of alcoholic beverages at 931 South Cypress Street, subject to the findings and conditions in the attached resolution.

PROJECT PROPOSAL

Description

The Applicant, James Ha, is proposing to operate an import and wholesale warehouse for alcoholic beverages and general merchandise. The subject property is located near the Foundation Avenue and Cypress Street intersection (see Vicinity Map, attachment 5). The General Plan Land Use designation for the site is Light Industrial. The property is zoned Light Manufacturing (M-1) which is consistent with the General Plan.

Discussion

The subject property is approximately 39,639 square feet in area and contains a 15,427 square foot industrial building constructed along the southeastern property line. The property is improved with 20 onsite parking spaces and is secured with a tubular steel gate located near the front of the property. The vicinity is predominately industrial and light manufacturing, however the subject property borders a single-family residential area located to the north of the subject parcel.

The Applicant is requesting to operate a warehouse for imported alcoholic beverages including beer and distilled spirits. The business operator, BWS Group Company is a South Korea-based international exporter of wholesale alcoholic beverages. The facility will specialize in importing Korean alcoholic beverages including but not limited to: Godday Soju, White Soju, OB Beer and Cass Beer. As such the Applicant is requesting ABC license types: Type 9 Beer and Wine Importer; Type 12 Distilled Spirits Importer; Type 17 Beer and Wine Wholesaler and Type 18 Distilled Spirits Wholesaler. They will also have general merchandise, which does not require a CUP.

According to the operational characteristics, 70 percent of the facility's operations will focus on the import and wholesale of alcoholic beverages with the remaining 30 percent devoted to importing and wholesale of general merchandise. Both general merchandise items and imported alcoholic beverages will be stored onsite within the warehouse. The interior warehouse area totals approximately 8,942 square feet. The interior layout includes a large walk-in freezer, office areas, restrooms, and a showroom that will be used as a staff meeting area. The building is improved with a small second floor that will include additional offices, a conference room and a kitchen/breakroom. The warehouse will operate from 9:00 a.m. to 6:00 p.m. Monday through Friday with approximately 10 employees. It should be noted that the warehouse will not be open to the general public and is only available for individuals/companies that possess a wholesale ABC license. The business operator will visit customers and other retailers at their place of business and once a contact has been reached, the operator will utilize three, 16-foot-long box trucks to deliver the merchandise off-site. The delivery vehicles will be parked on the subject property overnight.

Analysis

The proposed project is before the Planning Commission pursuant to LHMC Section 18.06.040.A, which requires the approval of a Conditional Use Permit (CUP) for alcoholic beverages sales and service. In order to grant the Conditional Use Permit for this request, all of the following findings must be met:

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.

A CUP is required since the proposed facility will specialize in the import and wholesale of alcoholic beverages. As indicated earlier, the request involves obtaining 4 different licenses from the Department of Alcoholic Beverage Control (ABC) for the operation of

the warehouse. Staff has grouped the requested license types under one CUP since the license types are related to the import and wholesale of beer and distilled spirits and are specific to the subject property. The Department of Alcoholic Beverage Control provides a description of each of the requested license types:

License Type 9 Beer and Wine Importer

This license is only issued to a person who holds another type of license which permits the sale of beer and wine for resale. This license has no sale privileges. It only permits the holder to import and export alcoholic beverages and to transfer the beverages to him/herself under another license (Section 23374).

License Type 12 Distilled Spirits Importer

This license is only issued to a licensee who has another type of non-retail distilled spirits license. This license has no sale privileges. It only permits the holder to import and export alcoholic beverages, and to transfer the beverages to him/herself under another license (Section 23374).

License Type 17 Beer and Wine Wholesaler

The following pertains to beer and wine wholesalers generally. This permits incidental sales to other supplier-type licensees. However, to qualify as a bona fide wholesaler, a licensee must sell to retailers generally (Section 23779).

License Type 18 Distilled Spirits Wholesaler

The following pertains to distilled spirits wholesalers generally. "Wholesale sale" means a sale of distilled spirits to any licensee for the purpose of resale (Section 23027). This permits incidental sales to other supplier-type licensees. However, to qualify as a bona fide wholesaler, a licensee must sell to retailers generally (Section 23779, Rule 28).

The requested license types do not permit onsite consumption of alcoholic beverages or the establishment of a retail storefront similar to a liquor store for the sale of alcoholic beverages. The requested license types are specifically intended for the importing and wholesale of alcoholic beverages. The granting of a CUP will not be detrimental to the public welfare, as the proposed warehouse will operate in conformance with the M-1 Light Manufacturing Zone which permits wholesale and warehouse uses outright. All business activities will take place within an enclosed building and the identified hours of operation, from 9:00 a.m. to 6:00 p.m. are deemed to be appropriate for the area.

The subject property provides adequate vehicular access and parking to support the requested warehouse. To ensure that the proposed facility continues to operate in an appropriate manner, conditions have been crafted including limiting onsite delivery hours, providing a security plan and requiring the Applicant to abide by all ABC regulations.

The General Plan land use designation of the subject site is Light Industrial which is characterized by manufacturing, wholesale and warehouse uses. It should be noted that since 1980, the property has been in continuous operation with various other warehouse and light manufacturing uses. The proposed warehouse will continue to operate in the same manner as all other previous businesses and as noted, warehouse uses are

permitted within the Light Industrial land use designation. Therefore, since the required findings can be made, it is recommended that the Planning Commission approve Conditional Use Permit 19-20 for an import and wholesale warehouse of alcoholic beverages at 931 South Cypress Street, subject to the findings and conditions in the attached resolution.

Code Compliance

	<u>City Requirements</u>	<u>Proposal</u>
Building Height	50 feet	Approx. 25 feet
Front Setback (South)	15 feet	25 feet
Side Setback (East)	0 feet	0 feet
Side Setback (West)	0 feet	38 feet
Rear Setback (North)	50 feet	68 feet
Floor Area Ratio	31,711 sf (80%)	15,427 sf (38%)
Parking	16 spaces	20 spaces
Landscaping		
Front Setback	15 feet	25 feet
Onsite	991.41 sf (7%)	1,557 sf (11%)

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 no disturbance of soil will occur, this project is exempted by the Water Quality Ordinance from the preparation of a WQMP.

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 15301, Class 1: Existing Facilities of the California Environmental Quality Act Guidelines. The projects consist of a minor tenant improvement to an existing industrial building.

General Plan Relevance

The property is designated Light Industrial which is *characterized by “manufacturing, wholesale and warehouse uses with off-street parking that can be developed in close proximity to residential uses without serious conflict due to development standards that regulate things such as noise, vibration, setbacks and landscaping”*, according to the General Plan. The subject property is already improved with a warehouse building which the Applicant intends to utilize. Therefore, the warehouse use is authorized by the General Plan, and the subject property provides sufficient off-street parking.

The Specific General Plan policies implemented are; Policies LU 16.1 Diversity of Uses; and LU 16.9 Buffering from Adjacent Properties, of the General Plan 2035.

Related Cases

- On October 8, 1980 a building permit was issued for the construction of a 15,427 square foot industrial building.

REQUIRED FINDINGS

Findings of Fact are required to be made before a Conditional Use Permit can be granted. The findings are provided in the attached resolution 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 Resolution).

RECOMMENDATION

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

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 19-20 FOR A WAREHOUSE THAT INCLUDES ALCOHOLIC BEVERAGES AT 931 SOUTH CYPRESS STREET, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

ATTACHMENTS

1. [Resolution](#)
2. [Vicinity Map](#)
3. [Project Plans](#)
4. [Application](#)
5. [Property Owner Notice and Mailing List](#)