

## **RESOLUTION NO.**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 20-17 TO ESTABLISH AN ALLIED HEALTH SCHOOL THAT WILL PROVIDE A NURSING ASSISTANT TRAINING PROGRAM, A LICENSED VOCATIONAL NURSING PROGRAM AND CERTIFICATION PROGRAMS FOR CPR, BLS, ACLS, AND NCLEX PREPARATION COURSES AT 618 EAST WHITTIER BOULEVARD. AS PER THE APPROVED PLAN, MAKING THE APPROPRIATE FINDINGS 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. BPTOVASH, LLC, filed an application requesting approval of Conditional Use Permit 20-17 to establish a commercial school at 618 East Whittier Boulevard.
- 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(a), Class 1: Existing Facilities of the California Environmental Quality Act Guidelines. The project consists of a tenant improvement.
- c. The 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 project disturbs less than 1,000 square feet of soil, it is exempted by the Water Quality Ordinance from preparation of a Non-Priority Plan. All work undertaken on site will be required to incorporate Best Management Practices (BMPs) as required by code.
- d. The Planning Commission held a duly noticed public hearing on January 11, 2021 to consider the Applicant's request of Conditional Use Permit 20-17. 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 commercial school activities will take place within an enclosed suite operating with a limited number of individuals. In addition, the main entrance to the suite is located in an area facing Whittier Boulevard that will not interfere or cause disturbances to any residential area. The facility will be required to comply with all Municipal Codes and Ordinances.

The proposed hours of operation for the school are also consistent with the hours of operation of the other businesses found within the center. Therefore, the proposed commercial school 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 commercial school complies with all applicable standards of the La Habra Municipal Code. The parking requirements for a commercial school with 9 individuals is 3.15 spaces. The remaining uses on site require 19.74 spaces, for a total parking requirement of 23 spaces. The project includes parking lot improvements which will result in the provision of 23 parking spaces. 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 commercial school within the C-1 Limited 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 project implements policies LU 11.1 (Diversity of Uses) and S 2.2 (Continuing Vocational and Adult Education) 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.

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 November 25, 2020 and are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of January 11, 2021. 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 20-17.

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 1.10 BUILDING REPAINTING

The property owner shall maintain the building in good condition at all times and shall repaint the buildings and accoutrements every eight (8) years at a minimum. The Director of Community and Economic Development or designee may require more frequent painting if the improvements are not maintained in good condition.

Standard Condition 1.11 PAVEMENT RESURFACING

The property owner shall re-slurry and re-stripe the driveway and parking areas every five (5) years at a minimum. The Director of Community and Economic Development or designee may require more frequent slurry and re-striping if the parking area is not maintained in good condition.

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 1.14 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, no less frequently than once each day prior to the close of business.

#### 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.

#### Prior to the issuance of building permits:

#### Standard Condition 4.22 LANDSCAPING PLANS

The applicant/developer shall submit for review and approval a detailed landscape and irrigation plans prepared by a licensed landscape architect to the Director of Community and Economic Development or designee and the Director of Public Works. The plan shall include the use of a separate connection, backflow preventer and connection for future reclaimed water service. At a minimum, tree size shall be 24 inch box and shrubs shall be 5 gallon size

#### 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 4.33 TRAFFIC IMPROVEMENT FEES (Modified)

The applicant/developer shall pay the Traffic Administration Fee of \$350.00 prior to commencement of operations, to the satisfaction of the City Engineer or designee.

Project specific conditions:

1. The property owner shall slurry seal the asphalt parking surface, restripe the parking stalls, construct parking lot improvements, and add any missing landscaping material prior to the commencement of the commercial school operations. Plans shall be submitted to Building and Safety for review and approval prior to commencement to parking lot improvement work, to the satisfaction of the Chief Building Official or designee.

Section 4. Based upon the foregoing, the Planning Commission of the City of La Habra approves Conditional Use Permit 20-17. 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:  
NOES:            COMMISSIONERS:  
ABSTAIN:        COMMISSIONERS:  
ABSENT:         COMMISSIONERS:

Dated: January 11, 2021

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
Carmen Gonzalez Avila, Secretary                      Chair, Daren Nigsarian