

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 22-09 FOR PUBLIC ART (MURAL) AT 101 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. The applicant filed an application requesting approval of Conditional Use Permit 22-09 to permit public art (mural) at 101 West Whittier Boulevard.
- b. That pursuant to Section 18.06.040(A) of the La Habra Municipal Code, uses not specifically listed for the specific zone are prohibited unless pursuant to a review by the Planning Commission a determination is made that the proposed use is substantially similar to another permitted or conditionally permitted use in that zone. The proposed public art in a commercial zone is substantially similar to public art as permitted by the Planning Commission in a multi-family residential zone, as per Section 18.26.040.C2c.
- c. 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(a), Class 1: "Existing Facilities" of the California Environmental Quality Act Guidelines.
- d. 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 no disturbance of soil will occur, this project is exempted by the Water Quality Ordinance from preparation of a Non-Priority Plan. All work will incorporate Best Management Practices (BMPs).
- e. The Planning Commission held a duly noticed public hearing on March 14, 2022 to consider the applicant's request of Conditional Use Permit 22-09. 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:

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 use (public art) will not impact any of the on-site improvements. The request is for two murals: the first mural is placed on the east-facing wall of the Claro's store and is 8 feet tall by 16 feet wide and the second mural is placed on the south-facing wall of the Claro's store and is 6 feet tall by 3 feet wide.

Currently, the subject property provides adequate vehicular access and parking to support the existing use as a retail establishment. Also, conditions have been placed on the project to ensure there are no negative impacts to the surrounding uses. Therefore, the proposed public art 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 mural will occupy the east-facing wall and the south-facing wall of the existing commercial building. The proposed public art can be physically accommodated on the structure and does not occupy any ground space. 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.

Pursuant to Section 18.06.040(A) of the La Habra Municipal Code, uses not specifically listed for the specific zone are prohibited unless the Planning Commission makes a determination that the proposed use is substantially similar to another permitted or a conditionally permitted use. The proposed mural is substantially similar to public art which is permitted by the Planning Commission in the multi-family residential zones.

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

The Land Use designation for the subject site is Commercial Highway by the General Plan 2035. This Land Use is characterized by commercial uses on large parcels that are adjacent to main arterials.

The City of La Habra does not currently have an official public art program. However, the La Habra General Plan 2035 references public art in a couple of places, both directly and indirectly. This includes within the Land Use Section (Chapter 2, Section A) and the Community Identity Section (Chapter 2, Section E).

The projects implement Policies LU 4.4 (Design Review), LU 5.6 (Building Rehabilitation), LU 11.9 (Retail Landscapes), CI 2.4 (Iconic Buildings), and CI 3.3 (Private Signage) of the La Habra General Plan 2035.

Section 3. 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 1.3 GRAFFITI ABATEMENT (Modified)

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. This shall include any graffiti that is painted onto the mural. An anti-graffiti coat placed on top of the mural is highly recommended.

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 March 1, 2022 and which are those plans reviewed and approved by the City of La Habra Planning

Commission at its meeting of March 14, 2022. 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 22-09.

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 LANDSCAPING 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.

Section 4. Based upon the foregoing, the Planning Commission of the City of La Habra approves Conditional Use Permit 22-09. 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:

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Dated: March 14, 2022

ATTEST: _____ APPROVED: _____
Veronica Lopez, Secretary Chairman, Jason Manley