

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 22-21 TO ESTABLISH A PERSONAL TRAINING FACILITY (COMMERCIAL SCHOOL) AT 530 WEST LA HABRA BOULEVARD, MAKING THE APPROPRIATE FINDINGS, 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. Yair Smolinisky filed an application requesting approval of Conditional Use Permit 22-21 to establish a personal training facility (commercial school) at 530 West La Habra 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 because the proposed personal training business will operate within an existing building that requires interior tenant improvements only.
- c. 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.
- d. The Planning Commission held a duly noticed public hearing on October 10, 2022 to consider the Applicant's request of Conditional Use Permit 22-21. 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 Section 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 enjoyment of surrounding and adjacent properties and will not impair the character of the zone in which it is to be located.

The resolution to approve CUP 22-21 includes conditions of approval to ensure that the proposed personal training facility will not be detrimental to the public welfare and will not unreasonably interfere with the use, possession, and enjoyment of surrounding and adjacent properties. Through compliance with the conditions of approval, the addition of the personal training facility to the site will not impair the character of the SP-1 Zone. It is expected that the addition of the personal training facility would add to the vibrancy of the existing shopping center.

2. The subject site is physically suitable for the type of land use being proposed.

The 7,750 square foot commercial building is part of an established commercial center. The proposed plans for the personal training facility show that the existing commercial building is adequate in size, shape, and topography to accommodate the personal training facility. The proposed land use type best aligns with the commercial school category. Using the commercial school parking requirements, the facility would require five parking spaces for its larger sessions. With 19 parking spaces available onsite, the site has enough parking to accommodate the use type. Therefore, the subject site is physically suitable to handle the addition of the personal training facility.

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

The subject site is located in the SP-1 Zone, which conditionally allows for the operation of a personal training facility, which is viewed as being the same as a commercial school. With the incorporation and implementation of the conditions of approval, the use will be harmonious with the surrounding land uses.

4. The granting of this Conditional Use Permit is consistent with the comprehensive general plan.

Granting CUP 22-21 to allow for the operation of a personal fitness facility will be consistent with La Habra's General Plan Policy LU 11.1 which encourages "the development of a broad range of uses in La Habra's commercial centers and corridors that reduce the need to travel to adjoining communities, and capture a greater share of local spending." The subject property is situated on West La Habra Boulevard where there are currently no other personal training facilities. By adding a personal training facility at this site, Powerhouse Fitness Training adds a fitness option to the range of surrounding uses. Granting CUP 22-21 is also consistent with General Plan Policy LU 3.2 which promotes "uses that meet daily needs... within walking distance of residences." The subject property is conveniently located adjacent to existing single-family dwelling units to the south along First Avenue. The addition of a personal training facility to the shopping center expands the fitness opportunities available within walking distance to the adjacent residences as well as the greater La Habra area.

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 July 9, 2022 and are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of October 10, 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 22-21.

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 1.12 SIGN MAINTENANCE

The property owner/business operator shall maintain any installed tenant signs in good condition at all times.

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 1.18 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.

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 judgments or awards against the City (including an 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 all such costs incurred by the City.

Prior to the issuance of building permits:

Standard Condition 4.1      **CONDITIONS ON CONSTRUCTION PLANS**

The property owner/business operator shall include the conditions of approval of this resolution on the construction plans.

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.

Project specific conditions:

