

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA MAKING THE APPROPRIATE FINDINGS AND APPROVING CONDITIONAL USE PERMIT 22-29 TO ESTABLISH AND OPERATE A MARTIAL ARTS STUDIO (COMMERCIAL SCHOOL) WITHIN AN EXISTING COMMERCIAL CENTER AT 1403 EAST LAMBERT ROAD, SUITE O, 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, CA Fund Investments, Inc., filed an application requesting approval of Conditional Use Permit 22-29 to establish and operate a martial arts studio (commercial school) at 1403 East Lambert Road, Suite O (the "Project").
- b. As detailed in the staff report accompanying this resolution, 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 CEQA Guidelines because the proposed martial arts studio 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 December 12, 2022 to consider the Applicant's request of Conditional Use Permit 22-29. The Planning Commission, after considering all the written and oral evidence offered including the staff report and all attachments and the findings set forth in this resolution, approves the request, subject to the conditions set forth in this resolution.

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.

This resolution to approve CUP 22-29 includes conditions of approval to ensure that the proposed martial arts studio will not be detrimental to the public welfare and will not unreasonably interfere with the use, possession, and enjoyment of surrounding and adjacent properties. In this case, project specific conditions were applied to limit the impact of the proposed commercial school. Through compliance with the conditions of approval, the operation of the martial arts studio will not impair the character of the M-1 (Light Manufacturing) Zone in which it is to be located.

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

The subject 2,945 square-foot tenant space is part of an established commercial center. The tenant space was previously used as a CrossFit gym, which demonstrates that the existing tenant space is of adequate size, shape, and topography to accommodate the martial arts studio. The proposed land use type best aligns with the commercial school category. The martial arts studio will have a maximum of 30 occupants at any given time. Using the commercial school parking requirements set forth in Table 18.14.060.B.2 of the La Habra Municipal Code (LHMC) (0.35 spaces per student, per session), the facility would require 11 parking spaces at maximum occupancy. The remainder of the property requires 106 spaces. In total, the property requires 117 parking spaces to accommodate the current uses. An inspection of the property revealed that there are compact parking spaces on the property. Per LHMC Section 18.14.070(A)(1), compact spaces are not permitted. The previous use of the tenant space as a CrossFit gym required 9 parking spaces based on an estimated class size of 8-10 participants per class. Because the martial arts studio constitutes an intensification in the use, the parking spaces must be upgraded to current code

standards (LHMC 18.14.060(E)(2)). Therefore, a condition of approval has been added to ensure this change is made. The property currently has 168 parking spaces provided on site. While eliminating compact parking spaces may result in fewer parking spaces, the property has 51 parking spaces in excess of the City's requirement and will still be able to comply with the City's parking requirements.

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 M-1 (Light Manufacturing) Zone, which conditionally allows for the operation of a martial arts studio (commercial school). With the incorporation and implementation of the conditions of approval, the use will be harmonious with the surrounding land uses and comply with the intent of all applicable provisions of Title 18 of the La Habra Municipal Code.

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

Granting CUP 22-29 to allow for the operation of a martial arts studio (commercial school) 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 Lambert Road, adjacent to La Habra's border with the City of Fullerton. By adding a martial arts studio at this site, Manifest Brazilian Jiu Jitsu adds another fitness option within La Habra. It also provides more variety to the mix of uses in the existing commercial center.

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 October 16, 2022 and are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of December 12, 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 22-29.

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:

1. The business hours of operation shall be limited to commencing at 6:00 AM and closing no later than 10:00 PM, seven days a week.
2. The property owner/business operator shall conduct no more than one class at a time, with a maximum of 25 participants per class. The property owner/business operator shall not permit more than 30 individuals to occupy the facility at any time.
3. The property owner/business operator shall keep all doors to the martial arts studio closed during the business hours of operation to minimize any noise that may be emitted.
4. The property owner/business operator shall comply with the La Habra Noise Control Ordinance (Chapter 9.32 of the La Habra Municipal Code) at all times during the business hours of operation of the facility.
5. The property owner/business operator shall not conduct any business activities outside of the building.
6. The property owner/business operator shall submit final plans that show all compact parking spaces will be re-striped as full sized (each nine feet by eighteen feet) parking spaces to the satisfaction of the Director of Community and Economic Development and/or their designee prior to the issuance of any building permits.

Section 4. Based upon the foregoing, the Planning Commission of the City of La Habra approves Conditional Use Permit 22-29, subject to the conditions set forth in this resolution. 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: December 12, 2022

ATTEST: _____ APPROVED: _____
Veronica Lopez, Secretary Manuel Munoz, Chair