

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, MAKING THE REQUIRED FINDINGS AND APPROVING CONDITIONAL USE PERMIT 23-08 TO ESTABLISH AND OPERATE A COMMERCIAL SCHOOL AT 1211 EAST LA HABRA BOULEVARD, SUITE A, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS, AND MAKING THE DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301(A), CLASS 1: "EXISTING FACILITIES" OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES

THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA HEREBY FINDS AND DECLARES AS FOLLOWS:

- A. The Applicant, David Ostendi, filed an application requesting approval of Conditional Use Permit (CUP) 23-08 to establish and operate a commercial school known as "The 4<sup>th</sup> Chamber Personal Training Center and Clinic" at 1211 East La Habra Boulevard, Suite A (the "Project").
- B. The Planning Commission held a duly noticed public hearing on February 12, 2024 to consider the Applicant's request for approval of Conditional Use Permit 23-08, at which time it considered all material and evidence, whether written or oral.
- C. In making the various findings set forth in this Resolution, the Planning Commission has considered all of the evidence presented by staff, the Applicant, and the public, whether written or oral, and has considered the procedures and standards required by the La Habra Municipal Code.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA HEREBY RESOLVES AS FOLLOWS:

**SECTION 1. CALIFORNIA ENVIRONMENTAL QUALITY ACT.** The Planning Commission finds and determines that the Project is categorically exempt from the provisions of the California Environmental Quality Act ("CEQA") pursuant to Section 15301(a), Class 1: "Existing Facilities" of the CEQA Guidelines because the proposed personal training facility/wrestling clinic will operate within an existing building that requires interior tenant improvements only. The Project involves no expansion of use.

**SECTION 2. CONDITIONAL USE PERMIT 23-08.** The Planning Commission finds and determines that the Applicant has succeeded in meeting its burden of providing evidence to support the granting of Conditional Use Permit No. 23-08 for the establishment and operation of a commercial school and approves Conditional Use

Permit No. 23-08 based upon the following findings required by Section 18.66.070.C of the La Habra Municipal Code and subject to the conditions attached hereto as Exhibit A.

- A. 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 proposed commercial school (4th Chamber Personal Training Center and Clinic) will be located within an existing multi-tenant building. The property is located within the La Habra Boulevard Specific Plan (SP-1) Zone. Surrounding uses include a threading salon, restaurants, retail stores, dance school, and dental and chiropractic offices. The conditions of approval for CUP 23-08 ensure that the proposed commercial school 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 commercial school to the site will not impair the character of the SP-1 Zone. It is expected that the addition of the commercial school located near the intersection of La Habra Boulevard and Harbor Boulevard would add to the vibrancy of the existing shopping center.

- B. The subject site is physically suitable for the type of land use being proposed.**

According to the project plans, the subject tenant space is 1,456 square feet within an existing 5,458 square foot multi-tenant building. The building is part of an established commercial shopping center. The proposed project plans show that the existing commercial building is adequate in size, shape, and topography to accommodate the commercial school. The 4th Chamber Personal Training Center and Clinic will have a maximum of six clients 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 (0.35 spaces per student, per session), the facility would require three parking spaces for its larger sessions. As there is a shared access/parking agreement between 1211 East La Habra Boulevard and 250 North Harbor Boulevard that provides a total of 186 parking spaces onsite, the site has adequate parking to meet the City's parking requirements. Therefore, the subject site is physically suitable to handle the addition of the proposed commercial school.

- C. 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 commercial school. With the incorporation and implementation of the conditions of approval, the use will be harmonious with the surrounding land uses. The proposed use does not involve any exterior modification to the site, so the site remains in conformance with all applicable requirements of the SP-1 Zone.

**D. The granting of the Conditional Use Permit is consistent with the General Plan.**

The granting of CUP 23-08 to allow for the operation of a 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 in an existing shopping center on East La Habra Boulevard where it is expected that there would be a variety of commercial uses and services. By adding the proposed commercial school at this site, the 4th Chamber adds a fitness option to the range of surrounding uses.

The granting of CUP 23-08 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 near an existing single-family neighborhood that can be found just south of the Metro Auto Used Car Dealership and existing apartments situated less than 1/4 mile away to the east. The addition of a commercial school 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. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.**

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.

**SECTION 4. APPEAL.** The approvals granted by this Resolution may be appealed within 10 working days from adoption of this Resolution. All appeals must be in writing and filed with the City Clerk within this time period with the appropriate fee. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

**SECTION 5. RECORD.** Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. All summaries of information in the findings which precede this section are based on the entire record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

**SECTION 6. EFFECTIVE DATE.** This Resolution shall take effect immediately.

**SECTION 7. CERTIFICATION.** The Secretary shall certify the passage of this Resolution.

PASSED, APPROVED, AND ADOPTED this 12th day of February, 2024.

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Esther Rojas, Chair

I, Veronica Lopez, Secretary to the Planning Commission of the City of La Habra, do hereby certify that the foregoing Resolution No. \_\_\_ was adopted at a regular meeting of the City of La Habra Planning Commission held on February 12, 2024 by the following vote:

AYES:            COMMISSIONERS:  
NOES:            COMMISSIONERS:  
ABSTAIN:        COMMISSIONERS:  
ABSENT:         COMMISSIONERS:

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Veronica Lopez, Secretary

## **EXHIBIT A**

### **CONDITIONS OF APPROVAL**

#### **General conditions:**

##### **Standard Condition 1.1      CODE COMPLIANCE**

The property owner/business operator shall comply with all applicable provisions of the City of La Habra Municipal Code 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 December 13, 2023 and are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of February 12, 2024. 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 23-08.

**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 8:00 AM to 8:00 PM, Monday through Sunday.
2. The property owner/business operator shall ensure that the number of occupants within 1211 East La Habra Boulevard, Suite A does not exceed maximum occupant load of 10 persons pursuant to the California Building Code at any time.
3. The property owner/business operator shall keep all doors to the personal training facility/wrestling clinic 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.