

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING CONDITIONAL USE PERMIT 24-01 TO OPERATE A RETAIL STORE SELLING PRE-OWNED MERCHANDISE AT 1241 EAST LA HABRA BOULEVARD, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS MAKING THE DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15301, 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, Don Henderson, filed an application requesting approval of Conditional Use Permit 24-01 to establish and operate a retail store that sells pre-owned merchandise at 1241 E La Habra Boulevard.
- B. On May 13, 2024, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for Conditional Use Permit 24-01, 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, Class 1: "Existing Facilities" of the CEQA Guidelines because the Project is consistent with the General Plan designation and all applicable General Plan policies and with applicable zoning designation and regulations; is less than five acres within an urbanized area; the Project site has no value as habitat for endangered, rare or threatened species; approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all utilities and public services.

The Project is not subject to any of the exceptions for exemption under Section 15300.2 of the CEQA Guidelines. The cumulative impact of this Project, and the approval of other projects like it in the vicinity, is not expected to have any significant environmental impact. The Project is not located along any state designated scenic highway nor within

any designated hazardous waste site. Staff does not expect any significant impacts or unusual circumstances related to the approval and construction of this Project. Therefore, the Project is categorically exempt from CEQA.

SECTION 2. CONDITIONAL USE PERMIT. 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 24-01 and approves Conditional Use Permit 24-01 based on the following findings required by Section 18.66.070 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 one in which it is to be located.**

The resolution to approve CUP 24-01 includes conditions of approval to ensure that the proposed use will not be detrimental to the public welfare and will not unreasonably interfere with the use, possession, and enjoyment of surrounding and adjacent properties. While this proposed retail store will be selling pre-owned merchandise, it will actually be more similar to a general retail use because their business operations will not include donations and/or recycling drop-offs. The proposed retail store will also operate primarily during the daytime and no later than 6:00 pm . No deliveries and/or donation drop-offs are proposed and will not have any negative impacts on surrounding businesses or residences. Through compliance with the conditions of approval, the operation of the proposed use at the subject site will not impair the character of the SP-1 (La Habra Specific Plan) Zone.

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

The subject 7,200 square foot tenant space was previously occupied by a general retail use. The proposed retail use of pre-owned merchandise will primarily operate in the same manner as the former general retail use. Therefore, the same tenant space will be adequate in size, shape, and topography to accommodate the proposed retail store (Magnolia Vintage Gifts). Per La Habra Municipal Code Section 18.114.040.B.5, integrated retail commercial centers (at least five storefronts) require 3.3 parking spaces per 1000 square feet of gross floor area; at this ratio, 24 parking spaces are required for the 7,200 square foot tenant space. In this case, there are 124 spaces and 4 accessible spaces provided in the shopping center, which was meant to be shared by all of the tenants in the same

shopping center. The City's Traffic Manager reviewed this application request to establish and operate a retail store that sells pre-owned merchandise along with the existing businesses located within the same shopping center and determined that the 128 existing parking spaces will be sufficient for use by all of the shopping center tenants.

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 La Habra Boulevard Specific Plan (SP-1) Zone with a mixed use (MX) overlay, which conditionally allows for the operation of retail stores selling pre-owned merchandise. 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 (La Habra Boulevard Specific Plan) Zone.

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

Granting CUP 24-01 to allow for the operation of a retail store with pre-owned merchandise will be consistent with La Habra's General Plan LU 2.2 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 proposed retail store which includes pre-owned merchandise will include unique antiques and collectibles, thereby providing a wider range of shopping options to the La Habra community.

SECTION 4. 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, the project is exempted by the Water Quality Ordinance from the preparation of a WQMP.

SECTION 5. 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 6. 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 7. EFFECTIVE DATE. This Resolution shall take effect immediately.

SECTION 8. CERTIFICATION. The Secretary shall certify the passage of this Resolution.

PASSED, APPROVED, AND ADOPTED this **13th day of May, 2024.**

Jason Manley, Vice 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 May 13, 2024 by the following vote:

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

Veronica Lopez, Secretary

EXHIBIT A

CONDITIONAL USE PERMIT 24-01 – CONDITIONS OF APPROVAL

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 applicant/developer 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 LOS ANGELES COUNTY FIRE DEPARTMENT

The property owner/business operator shall comply with the County of Los Angeles Fire Code and the Los Angeles County 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 and/or City Council is maintained.

Standard Condition 1.6 PLANS (modified)

This approval is for those reviewed and approved by the City of La Habra Planning Commission at its meeting of May 13th, 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 24-01.

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 1.11 PAVEMENT RESURFACING

The applicant/developer 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 signs in good condition at all times and shall repaint the freestanding signs every eight (8) years at a minimum. The Director of Community and Economic Development may require more frequent painting if the improvements are not maintained in good condition.

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 code enforcement 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, including adjacent public sidewalk areas and parking areas, 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 4.1 CONDITIONS ON CONSTRUCTION PLANS

The applicant/developer shall include the conditions of approval of this resolution on the construction plans.

Standard Condition 4.10 SITE LIGHTING PLAN

The applicant/developer shall submit a site lighting plan in conformance with city standards for review and approval by the Chief Building Official and the Director of Community and Economic Development or designee prior to the issuance of building permits. The plan shall ensure that all exterior lighting (i.e., parking areas, building areas, and entries) shall employ illumination in a manner that meets the approval of the Chief Building Official and the Director of Community and Economic Development or designee before Building Permits are issued. All light fixtures shall be designed and located in a manner that does not allow spill-over onto adjacent properties.

Standard Condition 4.12 TRAFFIC STRIPING AND SIGNING PLAN

The applicant/developer shall provide an on-site and off-site traffic striping and traffic signing plan to the satisfaction of the City Engineer.

Standard Condition 4.15 SERVICE TRUCK ACCESS

The applicant/developer shall provide access for service trucks across prepared surfaces suitable for continuous heavy truck usage, as determined by the City Engineer.

Standard Condition 4.16 STREET IMPROVEMENTS

The applicant/developer shall be responsible for rehabilitating the roadway pavement and parkway improvements between the street centerline to the right-of-way line which includes, but is not limited to, sidewalk, curb and gutter and street paving, to the satisfaction of the City Engineer. Plans shall be submitted before issuance of building permits and all work completed prior to issuance of Certificate of Occupancy.

Standard Condition 4.33 TRAFFIC IMPROVEMENT FEES

The applicant/developer shall pay all fees related to the requirements of the Citywide Traffic Improvement Fee.

PRIOR TO THE AUTHORIZATION TO USE, OCCUPY, AND/OR OPERATE

Standard Condition 5.3 INSTALLATION OF TRAFFIC STRIPING AND SIGNING

The applicant/developer shall install all required traffic striping and signing to the satisfaction of the City Engineer.

Project Specific

1. The business hours of operation shall be limited to 9:00 AM to 8:00 PM, seven days a week
2. The Applicant shall submit their project plans for review and approval by the County of Los Angeles Fire Department, Fire Prevention Engineering Section Building Plan Check Unit using their EPICLA online portal.
3. The Applicant shall comply with California Building Code section 11B-202.4, requiring 20% of adjusted construction costs be designated for accessibility upgrades to the satisfaction of the City's Building Official prior to the issuance of any building permits.

4. The applicant shall submit plans for any proposed signs to the Building and Safety department prior to the issuance of any building permits.
5. The property owner/business operator shall not store any donations and/or merchandise outside of the building and shall promptly remove any unsolicited donations left outside of the building.
6. The property owner/business operator shall only receive deliveries between 9:00 AM to 6:00 PM, Monday through Friday.