

## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING DESIGN REVIEW 22-02 TO COMPREHENSIVELY REMODEL AN EXISTING BUILDING AND CONDITIONAL USE PERMIT 22-08 TO ESTABLISH AND OPERATE A NEW HEALTH CLUB (PLANET FITNESS) AT 580 WEST LA HABRA BOULEVARD WITHIN THE LA HABRA PLAZA SHOPPING CENTER, 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, CLASS 1: "EXISTING FACILITIES" OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES

THE PLANNING COMMISSION OF THE CITY OF LA HABRA DOES HEREBY RESOLVE AS FOLLOWS:

- A. The Applicant, Parameter Corporation, filed applications requesting approval of Design Review (DR) 22-02 to remodel an existing 17,632 square foot building and Conditional Use Permit (CUP) 22-08 to establish and operate a new health club (Planet Fitness) located at 580 West Whittier Boulevard within the La Habra Boulevard Specific Plan.
- B. On May 13, 2024, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for approval of Design Review 22-02 and Conditional Use Permit 22-08, at which time is 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 involves negligible expansion of use. The Project will involve primarily interior tenant improvements and minimal changes to the façade of an existing building within an established shopping center where all necessary public services and facilities are readily available.

The Project is not subject to any of the exceptions for exemption under Section 15300.2 of the CEQA Guidelines. The location of the Project is predominantly urban and is not considered a sensitive environment; therefore, the Project will not result in any significant impacts that may otherwise occur in a sensitive environmental area. 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 designation 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. WALL SIGN HEIGHT.** In accordance with Section 18.44.050.C.2 of the La Habra Municipal Code, the Planning Commission approves the placement of the proposed wall sign identifying the business on the existing tower feature of the building, at a height of 22' 9.5" above grade, as shown in the Applicant's plans.

**SECTION 3. DESIGN REVIEW 22-02.** The Planning Commission finds and determines that the Applicant has succeeded in meeting its burden of providing evidence to support the granting of Design Review 22-02 and approves Design Review based on the following findings required by Section 18.68.050 of the La Habra Municipal Code and subject to the conditions attached hereto as **Exhibit A**.

**A. The proposed project is consistent with the City's General Plan.**

The proposed project is consistent with the Neighborhood Commercial General Plan designation of the site. The proposed project also supports General Plan Goal LU 11: "Diverse Districts and Corridors" by comprehensively remodeling an existing building that was formerly occupied by the Northgate Market, but has been vacant since it closed. The proposed building enhancements will reinvigorate the overall shopping center by providing a refreshed building design along with new landscaping areas to beautify the property. Therefore, the proposed project is consistent with the City's General Plan.

**B. The proposed project is consistent with the City's Zoning Ordinance.**

The subject property is zoned La Habra Boulevard Specific Plan (SP-1). The proposed project complies with the majority of the SP-1 standards identified in Chapter 18.44 of the Zoning Ordinance including building height limits, design guidelines, on-site parking, and landscaping requirements. While the proposed project does not meet the minimum side and rear setbacks, these are legal non-conforming conditions, which can remain since the Applicant will not be expanding further into the side (east) or rear (south) setback as they are adaptively re-using an existing building and retaining the existing building footprint. Per La Habra Municipal Code

Section 18.44.050.C.2.a, wall signage may be no higher than 12 feet above grade. The proposed wall signage will have a height of 22' 9.5" above grade at the base of the sign. However, per La Habra Municipal Code Section 18.44.050.C.2.c, exceptions to these location standards may be granted for specialized signs by approval of the Planning Commission. The Planning Commission approved the proposed height for the wall signage in Section 2 of this Resolution. Therefore, the proposed project is consistent with the City's Zoning Ordinance.

**C. The proposed project is in the best interests of the public health, safety, and welfare of the community.**

The Zoning Ordinance and General Plan are tools that are available to ensure that all projects achieve goals that promote the public health, safety and welfare of the community. The proposed project is in harmony with both the Zoning Ordinance and the policies of the General Plan. The proposed comprehensive remodel to an existing building will be reviewed to conform with all Building Code requirements to ensure the proposed health club will be structurally sound and meet all electrical, plumbing and mechanical requirements to ensure a safe environment to operate a health club. As part of the Building plan review process, the project will be reviewed by Building Safety Inspectors before the issuance of the Certificate of Occupancy. Therefore, by complying with the Zoning Ordinance and various policies of the General Plan, as well as being subject to the Building plan review and inspection processes, the proposed project is in the best interests of the public health, safety, and welfare of the community.

**D. The nature of the proposed land use and the design is appropriate for the proposed location and is compatible with the surrounding land uses and improvements.**

The proposed health club will be situated among various commercial uses within the La Habra Plaza shopping center. The proposed site and building improvements to accommodate the proposed health club will be a significant upgrade to an existing, vacant building. The proposed building improvements will result in an overall more attractive building that serves as a major anchor tenant that will be complemented by landscape trees and plants that will further beautify the property. The project site was also reviewed to ensure that adequate parking could be provided for the proposed health club. Therefore, the nature of the proposed land use and the design is appropriate for the existing building location and will be compatible with surrounding uses and improvements.

**E. The project complies with all requirements of the California Environmental Quality Act, or has been found to be exempt.**

The project has been found to be 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 involves negligible expansion of use. The project will involve primarily interior tenant improvements and minimal changes to the façade of an existing building within an established shopping center where all necessary public services and facilities are readily available.

The project is not subject to any of the exceptions for exemption under Section 15300.2 of the CEQA Guidelines. The location of the project is predominantly urban and is not considered a sensitive environment; therefore, the project will not result in any significant impacts that may otherwise occur in a sensitive environmental area. 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 designation 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 4. CONDITIONAL USE PERMIT 22-08.** 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 22-08 for the operation of a health club and approves Conditional Use Permit 22-08 based on 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 B**.

- 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 conditions of approval ensure that the proposed health club 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 a health club to the site will not impair the character of the SP-1 zone. Rather, it is expected that the addition of the health club would add to the vibrancy of the existing shopping center. Therefore, the granting of the CUP will not be detrimental to the public welfare and will not unreasonably interfere with the use, possession, and enjoyment of the surrounding and adjacent properties and will not impair the character of the SP-1 zone.

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

The 17,632 square foot building is part of an established shopping center that is intended to provide a variety of commercial uses. The proposed plans for the health club show that the existing commercial building is adequate in size, shape, and topography to accommodate the health club. The La Habra Municipal enables the Applicant to provide a parking study to help determine the appropriate number of parking spaces needed for a health club. The Applicant submitted a parking/trip generation study prepared by Linscott, Law & Greenspan dated February 29, 2024 which carefully analyzed three other Planet Fitness locations that resemble the proposed project and found a total of 104 parking spaces as proposed would be sufficient for the proposed health club. The same study also found that the existing parking lot layout also provides adequate on-site circulation for the projected number of vehicular trips to the health club. The City's Traffic Engineer agreed with the study's findings. Therefore, the subject site is physically suitable to handle the addition of the proposed Planet Fitness health club.

**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 health club. The project is in compliance with all applicable provisions of the SP-1 zone and the Zoning Ordinance. With the incorporation and implementation of the conditions of approval, the use will be harmonious with the surrounding land uses. Therefore, the use is conditionally permitted within the SP-1 zone and complies with the intent of all applicable provisions of the Zoning Ordinance.

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

The proposed use is consistent with the Neighborhood Commercial General Plan designation of the site. Further, granting CUP 22-08 to allow for the operation of a health club 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 located on West La Habra Boulevard where there are currently no other large-scale health clubs. By adding a health club at this site, Planet Fitness adds a unique fitness facility that offers both basic and deluxe fitness amenities inside of a major anchor tenant building that has been vacant for several years. It will be especially convenient for nearby residents that are within walking distance of the project site. Therefore, granting the CUP is consistent with the General Plan.

**SECTION 5. 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. A Non-Priority WQMP shall be prepared and submitted for review.

**SECTION 6. 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 7. 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 8. EFFECTIVE DATE.** This Resolution shall take effect immediately.

**SECTION 9. 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**  
**DESIGN REVIEW 22-02 CONDITIONS OF APPROVAL**

**GENERAL CONDITIONS:**

Standard Condition 1.1                      **CODE COMPLIANCE**

The applicant/developer/business operator shall comply with the City of La Habra Municipal Code and all applicable 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 applicant/developer/successor in interest 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 applicant/developer/successor in interest 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 or City Council is maintained.

Standard Condition 1.6                      **PLANS**

This approval is for those plans date stamped March 12, 2024 and are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of May 13, 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 1.8 VIOLATION

In the event that the applicant/developer/successor in interest 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 applicant/developer/successor in interest 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 1.10 BUILDING REPAINTING

The applicant/developer/successor in interest shall maintain the building in good condition at all times and shall repaint the buildings and accoutrements every eight (8) years at a minimum. The Director of Community and Economic Development or designee may require more frequent painting if the improvements are not maintained in good condition.

Standard Condition 1.11 PAVEMENT RESURFACING

The applicant/developer/successor in interest 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 applicant/developer/successor in interest shall maintain the signs in good condition at all times and shall repaint the freestanding signs that are proposed to advertise the business every eight (8) years at a minimum starting from the date of a permit final for the project. 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 community preservation 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 1.17                      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 1.41                      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 judgements or awards against the City (including any 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 such costs incurred by the City.

## **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 4.4                      NON-PRIORITY PROJECT WATER QUALITY PLAN

The applicant/developer shall submit a Non-Priority Project Water Quality Plan (WQP) to the City for review and approval by the City Engineer or designee. This plan shall be in conformance with all current NPDES requirements.

### 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 4.22                      LANDSCAPE PLANS

The applicant/developer shall submit for review and approval detailed landscape and irrigation plans prepared by a licensed landscape architect to the Director of Community and Economic Development or designee and the Director of Public Works. The plan shall include the use of a separate connection, backflow preventer and connection for future reclaimed water service. The irrigation system shall also provide water to any street trees along the property street frontage within the public right-of-way. At a minimum, tree size shall be 24-inch box and shrubs shall be 5-gallon size.

### Standard Condition 4.24                      SECURITY AND CAMERA PLANS

The applicant/developer shall submit a security camera system design plan with proposed locations 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 4.25 TRASH ENCLOSURE

The applicant/developer shall provide plans to install a six-foot tall decorative masonry block trash enclosure to City standards to contain a three-yard refuse bin and a ninety-six gallon recycling cart. The enclosure shall be finished to match the main building and shall include provisions for a solid roofed cover, hose bib, and an area drain connected to the sanitary sewer system. The design and location is subject to approval by the City Engineer and Director of Community and Economic Development or designee.

Standard Condition 4.27 PRE-CONSTRUCTION MEETING

The applicant/developer shall have a pre-construction meeting with City staff prior to any construction activity occurring, to the satisfaction of the Director of Community and Economic Development.

**PRIOR TO 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.

Standard Condition 5.15 BICYCLE FACILITIES

The property owner/business operator shall install and maintain bicycle facilities on-site in a convenient location prior to issuance of Certificate of Occupancy, to the satisfaction of the Director of Community Development. Examples of bicycle facilities include, but are not limited to, bicycle racks, lockers, indoor changing area with shower, bicycle storage room, etc.

**PRIOR TO THE ISSUANCE OF SIGN PERMITS:**

Standard Condition 4.31 ACKNOWLEDGEMENT OF SIGN CODE

The applicant/developer/successor in interest 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.

Standard Condition 4.32 MONUMENT SIGNS

The applicant/developer/successor in interest shall provide the precise location of new or relocated monument signs for final review and approval by the City Engineer, prior to issuance of the building permits.

**Project Specific Conditions:**

1. The applicant/developer shall pay \$2,678.00 for all fees related to the Parking Impact Analysis Review prior to the issuance of a building permit.
2. The applicant/developer shall pay \$370.00 for all fees related to the Traffic Administrative Fee prior to the issuance of a building permit.
3. The applicant/developer shall submit project plans for review and approval by the County of Los Angeles Fire Department using their online portal (EPICLA). Fire Prevention Engineering Section Building Plan Check Unit may be required for this project prior to building permit issuance.
4. The applicant/developer shall remove and reconstruct damaged driveway approach, curb and gutter, and adjacent pavement on La Habra Blvd. along the project's frontage, across from Leora Street, to the satisfaction of the Public Works Department.
5. The applicant/developer shall remove and reconstruct damaged driveway approach, curb and gutter, and adjacent pavement on La Habra Blvd. at the northwest corner of the property to the satisfaction of the Public Works Department.
6. The applicant/developer shall remove and reconstruct damaged driveway approach, curb and gutter, and adjacent pavement on 1st Avenue at the southwest corner of the property to the satisfaction of the Public Works Department.
7. The applicant/developer shall remove and reconstruct damaged sections of sidewalk along the project's frontage, on the south side of La Habra Blvd. to the satisfaction of the Public Works Department.
8. The applicant/developer shall remove and reconstruct damaged sections of sidewalk along the project's frontage, on the north side of 1st Avenue, to the satisfaction of the Public Works Department.
9. The applicant/developer shall remove and reconstruct damaged sections of asphalt sidewalk along the project's frontage, on the north side of 1st Avenue, to the satisfaction of the Public Works Department.
10. The applicant/developer shall remove and reconstruct damaged sections of curb and gutter along the north side of 1st Avenue, just west of the driveway

Resolution No.

Design Review 22-02 and Conditional Use Permit 22-08

Page 14

approach on the southeast corner of the property, to the satisfaction of the Public Works Department.

11. The applicant/developer shall replace survey markers damaged or obliterated during construction to the satisfaction of the Public Works Department.
12. The applicant/developer shall obtain an encroachment permit for any construction activity within the City's public right-of-way.

## **EXHIBIT B**

### **CONDITIONAL USE PERMIT 22-08 CONDITIONS OF APPROVAL**

#### **GENERAL CONDITIONS:**

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

The property owner/business operator shall comply with the City of La Habra Municipal Code and all applicable ordinances.

##### **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 or City Council is maintained.

##### **Standard Condition 1.7                    COMPLIANCE (Modified)**

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 22-08.

##### **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 1.15                      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 1.36                      HEALTH DEPARTMENT APPROVAL  
REQUIRED

The property owner/business operator shall obtain all necessary permits from the Orange County Health Care Agency if required.

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 judgements or awards against the City (including any 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 such costs incurred by the City.

Standard Condition 7.16                      NOISE/LOITERING PREVENTION

The property owner/business operator shall, at all times, display a sign of at least ten inches by ten inches at all exits and within the parking areas, requesting patrons to respect residents of adjacent residential neighborhoods by being quiet when leaving and by not loitering in the parking lot.

Standard Condition 7.18 CONTACT INFO FOR ON-SITE MANAGER

The property owner/business operator shall, at all times, post a sign in a clear and conspicuous location, listing a phone number at which a responsible on-site manager may be contacted during all hours which the business is open to address any complaints from the community. Said contact person's name and phone number shall be available through the staff at all times.

Standard Condition 7.19 DISORDERLY CONDUCT

The property owner/business operator shall not, at any time, permit loud, unruly or disorderly assemblages on the premises. The costs incurred by the City for multiple police responses to loud, unruly, or disorderly assemblages shall be the responsibility of the applicant, owner, and person in lawful custody of the premises.

Standard Condition 8.2 SANITARY SEWER SYSTEM PROTECTION

The property owner/business operator shall not, at any time, allow grease to run into public sanitary sewer systems.

Standard Condition 8.3 SMOKING REGULATIONS

The property owner/business operator shall, at all times, require all patrons to comply with the smoking regulations set forth by the State of California.

Standard Condition 8.5 BUILDING OCCUPANCY

The property owner/business operator shall ensure, at all times, that maximum building occupancy limits, as determined by the Building Official, not be exceeded.

Standard Condition 8.6 NUISANCE PROHIBITION

The property owner/business operator and employees of the facility shall not, at any time, allow circumstances to develop that will adversely interfere with adjacent uses, the community's economic welfare, nearby residential areas, or the operation of adjacent businesses, including, but not limited to, customer parking issues. Any such nuisance must be abated immediately upon notice by the City of La Habra.

**Project Specific Conditions:**

1. The property owner/business operator shall keep all doors to the health club closed during the business hours of operation to minimize any noise that may be emitted.

Resolution No.

Design Review 22-02 and Conditional Use Permit 22-08

Page 3

2. 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.
3. The property owner/business operator shall not conduct any business activities outside of the building.