

## RESOLUTION NO. 24-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING CONDITIONAL USE PERMIT 24-04 TO ALLOW A SIGN PROGRAM FOR AN EXISTING MULTI-TENANT INDUSTRIAL BUILDING LOCATED AT 2120 EAST LAMBERT ROAD, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS, AND MAKING THE DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15311, CLASS 11: "ACCESSORY STRUCTURES" OF THE CEQA GUIDELINES

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

- A. Section 18.23.050(A)(1) of the La Habra Municipal Code requires a sign program for multi-tenant developments consisting of three or more separate suites/tenants that share the same parcel or structure and use common access and parking facilities.
- B. Section 18.23.050(D)(2) of the La Habra Municipal Code requires the approval of a Conditional Use Permit for a sign program that deviates from the design standards of Chapter 18.23 of the La Habra Municipal Code.
- C. The Applicant, Wael Sahyoun, filed an application requesting approval of Conditional Use Permit (CUP) 24-04 to establish a sign program for an existing industrial multi-tenant building, including deviations from the design standards of Chapter 18.23 of the La Habra Municipal Code (the "Project").
- D. On May 28, 2024, the Planning Commission held a duly noticed public hearing to consider the Applicant's request of Conditional Use Permit 24-04.
- E. 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 15311, Class 11: "Accessory Structures" of the CEQA Guidelines because the project will involve the addition of on-premise signs only. No other modifications are proposed to the existing building and/or site.

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. CONDITIONAL USE PERMIT 24-04.** 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 24-04 for the allowance of a sign program that deviates from the design standards of Chapter 18.23 of the La Habra Municipal Code and approves Conditional Use Permit 24-04 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 granting of the 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 sign program provides design specifications that will provide uniformity and orderly placement of multiple signs on a building that contains nine businesses/tenant spaces. The proposed sign program request under Conditional Use Permit 24-04 takes into careful consideration the property's location and provides signs sized to fit above each tenant's entrance. The proposed sign program will provide visitors with clear identification of each tenant's location. At the same time, the sign program can be seen as an enhancement to the industrial zoned area where the existing building is located. The proposed sign program only involves on-site wall signs on the subject site. The granting of a Conditional Use Permit for the proposed sign program will not be detrimental to the public welfare, will not interfere with the use, possession and enjoyment of surrounding and adjacent properties and will not impair the character of the M-1 Zone. Therefore, the granting of Conditional Use Permit 24-04 will not be detrimental to the public welfare, will not unreasonably interfere with the use, possession and enjoyment of

surrounding and adjacent properties, and will not impair the character of the M-1 Zone.

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

Appropriate signage is expected to help identify businesses. Conditional Use Permit 24-04 includes a sign program that fits the needs of the existing multi-tenant industrial building. Visitors will be able to clearly identify each tenant location and the new sign design will complement the existing building as it considered the identification needs from Lambert Road as well as all of the tenant locations and recommends appropriate sign sizes above each entrance. The subject site can physically accommodate the proposed signage. Therefore, the subject site is physically suitable for the proposed sign program.

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

LHMC Section 18.23.050(D)(2) enables the processing of a Conditional Use Permit for a sign program to provide greater design flexibility than what is allowed under LHMC Chapter 18.23. Conditional Use Permit 24-04 is being requested in order to allow for a large directory sign and individual tenant wall signs that exceed the sign height of 15% of the total wall height; at the same time, it will remove the requirement to provide sign illumination. Conditional Use Permit 24-04 includes a sign program that fits the needs of the existing multi-tenant industrial building. Visitors will be able to clearly identify each tenant location and the new sign design will complement the existing building as it considered all of the tenant locations and includes appropriate sign sizes above each entrance. Therefore, the proposed sign program under Conditional Use Permit 24-04 is conditionally permitted within the subject zone and complies with the intent of applicable provisions of the Zoning Ordinance.

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

The proposed project supports General Plan Goal LU 11.6 “Enhanced Design Character” by enabling the Applicant to provide customized sign designs that will not detract from the existing building design. In fact, the sign program includes sign placement and sizing that helps reduce visual clutter. Therefore, granting the CUP is consistent with the General Plan.

**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. The project is exempt from further NPDES requirements.

**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 28th day of May, 2024.

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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 28, 2024 by the following vote:

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

\_\_\_\_\_  
Veronica Lopez, Secretary

## EXHIBIT A

### CONDITIONAL USE PERMIT 24-04 CONDITIONS OF APPROVAL

#### General conditions:

#### Standard Condition 1.1 CODE COMPLIANCE

The applicant/property owner/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 1.4 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 1.6 PLANS

This approval is for those plans approved by the City of La Habra Planning Commission at its meeting of May 28, 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 (Modified)

The failure to comply with any of these conditions of approval by the business operator shall be grounds for rehearing and consideration by the Planning Commission for possible revocation of Conditional Use Permit 24-04.

Standard Condition 1.8            VIOLATION

In the event that the 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 1.10          BUILDING REPAINTING

The applicant/developer 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 1.14          RESOLUTION ON HAND

The 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 1.3            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 1.41          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 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 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 applicant/property owner shall maintain all signs in a good condition at all times to the satisfaction of the Director of Community and Economic Development and the Building Official.
2. The applicant/property owner shall submit final plans to the Building and Safety Division for review and approval of the wall attachment details for all sign frames prior to the issuance of any building permits.
3. The applicant/property owner shall be responsible for notifying all existing and prospective tenants of the sign program requirements prior to the issuance of any building permits.