

## **RESOLUTION NO. 24-**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING SPECIAL EVENT PERMIT SEP2L24-0002 TO CONDUCT A LARGE SPECIAL EVENT THAT INCLUDES A PUMPKIN PATCH AND ANCILLARY ACTIVITIES AT 777 SOUTH BEACH BOULEVARD, AS PER THE APPROVED SITE PLAN AND SUBJECT TO CONDITIONS, AND MAKING THE DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15304(E), CLASS 4: "MINOR ALTERATIONS TO LAND" AND SECTION 15061(B)(3): "COMMON SENSE EXEMPTION" OF THE CEQA GUIDELINES

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

- A. The Applicant, Santa's Garden, Inc., filed an application requesting approval of Special Event Permit (SEP2L) 24-0002 to conduct a temporary, large special event that includes a pumpkin patch and ancillary activities at 777 South Beach Boulevard (the "Project").
- B. On August 26, 2024, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for Special Event Permit SEP2L24-0002.
- 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 and the City's Special Event Permit Policy Guidelines.

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 15304(e), Class 4: "Minor Alteration to Land" of the CEQA Guidelines in that the special event is a minor temporary use that will have negligible effects on the environment, and CEQA Guidelines Section 15061(b)(3) "Common Sense Exemption" in that there is no possibility that the special event may have a significant effect on the environment.

**SECTION 2. APPROVAL OF SPECIAL EVENT PERMIT 23-01.** The Planning Commission approves Special Event Permit SEP2L24-0002 to conduct a temporary,

large special event that includes a pumpkin patch and ancillary activities based on the submittal requirements for a Large Special Event as established within the City of La Habra's Special Event Permit Policy Guidelines and subject to the conditions attached hereto as Exhibit A.

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

**SECTION 4. APPEAL.** The approval granted by this Resolution may be appealed within 10 working days form 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 26th day of August, 2024.

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Jason Manley, 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 of August 26, 2024 by the following vote:

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

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

## **EXHIBIT A**

### **SPECIAL EVENT PERMIT SEP2L24-0002 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 and regulations, including, but not limited to, the Special Event Permit Policy Guidelines.

##### **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 1.6                      PLANS**

This approval is for the site plan date stamped July 29, 2024 and is the plan reviewed and approved by the City of La Habra Planning Commission at its meeting of August 26, 2024. A copy of said plan 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 plan, except as otherwise specified in these conditions of approval.

Standard of 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 the Special Event Permit.

Standard of 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 violation have been fully remedied.

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 1.18                    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.

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 attorney's 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 the applicant shall indemnify City for all such costs incurred by the City.

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. Smoking onsite is prohibited. Signage shall be clearly posted at the entrance and throughout the property.

**Project Specific Conditions:**

1. The property owner/business operator shall not install, park, or store vehicles, equipment, or merchandise within the public right-of-way at any time.
2. The property owner/business operator shall adhere to the National Pollutant Discharge Elimination System (NPDES) requirements regarding Best Management Practices (BMPs). The property owner/business operator shall at all times implement Best Management Practices (MBPs) as listed below:
  - a. The property owner/business operator shall only utilize dry sweep methods on a routine basis. Pressure washing and water hosing shall not be conducted.
  - b. The property owner/business operator shall acquire spill kits and keep them on site and readily available during the event. One spill kit shall be kept near the temporary restrooms.
  - c. The property owner/business operator shall sweep any tracking of mud/dirt coming off the property to prevent it from entering the street and storm drain.
  - d. The property owner/business operator shall keep all trash dumpster lids closed at all times and shall utilize trash containers with lids to prevent rain water from collecting in them.
3. The property owner/business operator shall maintain all fire lanes clear of obstructions at all times during the special event. Vehicle ingress, egress and passage through the parking lot shall not be blocked.

4. The property owner/business operator shall maintain accessibility to the tenant space i.e. van accessible parking, ramps, walkways, etc. A minimum of four-foot wide walkways shall be maintained.
5. The property owner/business operator shall not place any advertisements off-site. This includes advertisements on any public property, utility poles and the utilization of human display signs. All activities shall be limited to the property at 777 South Beach Boulevard.
6. This approval is valid for the event to operate from September 28, 2024 through October 31, 2024. The hours of operation shall be limited to 9:00 a.m. to 10 p.m. seven days a week. Event set up is allowed from September 1, 2024 to September 27 2024 and event tear down is allowed from November 1, 2024 through November 15, 2024 between the hours of 7:00 a.m. and 7:00 p.m.
7. The property owner/business operator shall, prior to the operation of the event, obtain an electrical permit from the Building Official for the use/installation of the temporary power poles.
8. The property owner/business operator shall have a total of four temporary restrooms, one of which is required to be accessible pursuant to the California Building Code.
9. The property owner/business operator shall remove all items associated with the event including temporary structures, temporary power poles, trailers, containers and support poles from the property within two weeks from November 1, 2024.