

RESOLUTION NO. 25 – ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING A CONDITIONAL USE PERMIT (CUP 24-0013) TO OPERATE AN EDUCATIONAL INSTITUTION AT 1515 WEST WHITTIER BOULEVARD, 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 15301, CLASS 1: "EXISTING FACILITIES" OF THE CEQA GUIDELINES

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

- A. On August 26, 2024, the Applicant, Silenna Brown, the founder of Creative Little Rascals Preschool, on behalf of Lakeside Resources, LLC, the property owner, submitted an application for a Conditional Use Permit (CUP 24-0013) to operate an educational institution at 1515 West Whittier Boulevard (the "Project").
- B. On April 25, 2025, the Applicant submitted revised plans per staff's comments and directives.
- C. On May 12, 2025, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for Conditional Use Permit (CUP 24-0013).
- D. 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 California Environmental Quality Act (CEQA) pursuant to Section 15301(e), Class 1: "Existing Facilities" of the CEQA Guidelines. The Class 1 Exemption is applicable to additions of up to 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less. The proposed Project will only result in a negligible 1,000 square foot expansion, for an outdoor play area, to an existing 2,000 square foot tenant space within an established 58,500 square foot shopping center.

The Project is also 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. The Project will not cause a substantial adverse change in the significance of any historical resource. Staff does not expect any significant impacts or unusual circumstances related to the approval and construction of the Project. Therefore, the Project is categorically exempt from CEQA.

SECTION 2. CONDITIONAL USE PERMIT (CUP 24-0013). The Planning Commission finds and determines that the Applicant has succeeded in meeting its burden of providing evidence to support the approval of a Conditional Use Permit (CUP 24-0013) for an educational institution at 1515 West Whittier Boulevard and approves the Conditional Use Permit (CUP 24-0013) based on the following findings required by Section 18.66.070.C of the La Habra Municipal Code, subject to the conditions of approval 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 use is an educational institution (Creative Little Rascals Preschool), which is permitted within the C-2 Zone, subject to the approval of a CUP. The location is an existing suite within the La Habra Gateway shopping plaza that currently features a variety of commercial businesses of similar intensity. The addition of this use to the shopping plaza will not interfere with the use, possession, or enjoyment of the adjacent businesses. The proposed business includes an outdoor play area that will reduce the La Habra Gateway shopping center's parking by seven parking spaces to 214 parking spaces, which will still exceed the 202 parking spaces required for this site by the LHMC. By operating from 5:00 a.m. to 10:00 p.m., the proposed business will be a convenient service to the residents of La Habra who need access to a preschool with extended operating hours. Conditions of approval have been included requiring that drop-offs only take place at the front entrance of the suite and that the play area only be in use during the approved hours of operation. The operator will also be required to comply with the City's Noise Control Ordinance. Therefore, the approval of the Conditional Use Permit 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 Commercial (C-2) zone.

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

The proposed educational institution will operate within an existing tenant space, in a multi-tenant building that is part of the La Habra Gateway shopping center. Proposed building modifications primarily include interior tenant improvements and the addition of a 1,000-square-foot outdoor play area at the rear of the shopping center. There are no other changes to the exterior of the existing building, the drive access points, onsite landscaping, or onsite circulation. Even with the addition of the 1,000-square-foot outdoor play area, the subject multi-tenant building remains consistent with all applicable development standards required for the C-2 Zone. Although the 221 onsite parking spaces will be reduced to 214 parking spaces after the dedication of seven parking spaces for the outdoor play area, the site continues to exceed the minimum number of parking spaces required by the LHMC for this site. Therefore, the subject site is physically suitable for the land use proposed.

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

Per Table 18.06.040.A (Land Use Matrix) of the LHMC, educational institutions are permitted within the C-2 Zone subject to the approval of a Conditional Use Permit. Staff reviewed the Project plans and determined that the proposed use complies with all applicable LHMC requirements. Therefore, the proposed use is conditionally permitted within the C-2 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 comprehensive general plan.

The General Plan designates the Project site for Neighborhood Commercial, which is characterized by commercial uses that serve the daily or frequent commercial needs of the residents in the immediate vicinity. The Applicant is proposing an educational institution within an existing tenant space of a multi-tenant building that is part of the La Habra Gateway shopping center. The proposed use will serve the daily or frequent commercial needs of residents in the immediate vicinity. The proposed Project is consistent with the following General Plan policies:

CI 5.3: Working Parents: Encourage and coordinate supervised childcare, after-school, and summer programs that assist working parents and enrich the lives of child participants.

- The proposed business gives La Habra parents with young children a safe option for childcare and early development.

ED 7.2: Child Health and Lifestyle Enrichment Programs: Encourage and coordinate supervised childcare, after-school, and summer programs that assist working parents and enrich the lives and health of child participants.

- The proposed business offers La Habra parents with young children a safe option for childcare that is available during early mornings and late nights to accommodate atypical work schedules.

LU 3.2: Uses to Meet Daily Needs: Encourage uses that meet daily needs such as grocery stores, local-serving restaurants, and other businesses and activities within walking distance of residences to reduce the frequency and length of vehicle trips.

- The proposed childcare center is located within a primary shopping center in the City, giving parents access to a safe option for childcare and early development locally. Located just south of a large residential community within the City, the childcare facility will be within walking distance or a short drive for parents.

LU 10.2: Daycare Centers: Maintain regulations for large-family daycare facilities (as defined by the State of California) and childcare centers to minimize impacts on residential neighborhoods, to the extent permitted by state law.

- The proposed business is a daycare center that is licensed and regulated by the State, with certified directors and caregivers, providing early morning and late evening child care for parents with young children.

LU 11.1: Diversity of Uses: Provide for and encourage 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 business is a daycare center within an existing shopping center that already features a variety of commercial uses, such as restaurants, medical offices, and auto servicing stores.

LU 17.5 School Parking and Access: Work with schools to ensure that parking and student drop-offs are located to minimize impacts on adjoining residential neighborhoods.

- The proposed business is located toward the center of the building and drop-offs/pick-ups will take place at the front entrance only, on the southern side, away from any residential uses.

Therefore, the granting of the CUP is consistent with the General Plan.

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 12th day of May, 2025.

Maria Mahecha, Chair

I, Veronica Lopez, Secretary to the Planning Commission of the City of La Habra, do hereby certify that the foregoing Resolution No. 25 – _____ was adopted at a regular meeting of the City of La Habra Planning Commission held on May 12, 2025 by the following vote:

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

Veronica Lopez, Secretary

EXHIBIT A

CONDITIONAL USE PERMIT (CUP 24-0013)– 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/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 Applicant/property owner/business operator/any 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 LA COUNTY FIRE DEPARTMENT

The Applicant/property owner/business owner/successor in interest 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 reviewed and approved by the City of La Habra Planning Commission at its meeting on May 12, 2025. 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 Applicant/property owner/business operator/successor in interest shall be grounds for rehearing and consideration by the Planning Commission for possible revocation of Conditional Use Permit (CUP 24-0013).

Standard Condition 1.8 VIOLATION

In the event that the Applicant/property owner/business operator/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 1.41 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 3.8 PLANS SUBMITTAL

The Applicant shall provide street improvement plans prepared on standard size sheets by a licensed Civil Engineer and be submitted for approval to the City Engineer. Standard plan check and inspection fees shall be paid by the Applicant.

Standard Condition 4.1 CONDITIONS ON CONSTRUCTION PLANS

The Applicant shall include the conditions of approval on the construction plans.

Project specific conditions:

1. The Applicant shall obtain building permits for the outdoor play area behind the suite.
2. The Applicant shall verify the two restrooms are ADA compliant. If the turning radius inside each restroom does not meet ADA requirements, the Applicant must reconstruct both to satisfy ADA standards.
3. Review and approval by the County of Los Angeles Fire Department, Fire Prevention Engineering Section Building Plan Check Unit may be required prior to building permit issuance. The Applicant shall contact the Fire Prevention Engineering Unit at (323) 890-4125 for information regarding the EPICLA submittal requirements.
4. The Applicant shall provide for firefighting and rescue purposes a minimum 5-foot-wide firefighter access walkway leading to all required openings in the building's exterior walls as approved by the County of Los Angeles Fire Department in accordance with California Fire Code section 504.1.
5. The Applicant shall ensure automatic fire sprinkler systems are designed and maintained in accordance with NFPA 13. Approved automatic sprinkler systems in new buildings and structures shall be provided in locations described in Sections 903.2.1 through 903.2.12 of the County of Los Angeles Fire Code.
6. All rooftop mounted mechanical equipment shall be screened from public view.
7. All ground mounted, as well as wall mounted mechanical, electrical, or gas equipment shall be screened from public view by the use of landscaping and/or architectural treatments compatible with the adjoining building's architectural design.
8. The hours of operation shall be limited to Monday through Saturday, from 5:00 a.m. to 10:00 p.m., unless a modification to such hours is approved by the Director of Community and Economic Development.
9. All drop-offs and pick-ups must occur through the front entrance to the suite only. No child may be dropped-off or picked-up by a parent/guardian through the back entrance or use the outdoor play area without being checked-in/out at the front entrance.
10. The Applicant/Operator shall comply with all State and Federal requirements including, but not limited to, obtaining a child care center license.

11. The outdoor play area located behind the suite shall only be in-use during the approved hours of operation.
12. The number of children served on this site shall not exceed the capacity authorized by the State-issued child care center license.
13. The Applicant/Operator shall comply with the La Habra Noise Control Ordinance (Chapter 9.32 of the La Habra Municipal Code) at all times during business hours.