

RESOLUTION NO. 25 – ____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING DESIGN REVIEW 24-0009 (DR2PH 24-0009) TO COMPREHENSIVELY REMODEL THE EXTERIOR OF AN EXISTING MULTI-TENANT COMMERCIAL BUILDING AND SITE, CONDITIONAL USE PERMIT 25-0002 (CUP 25-0002) TO ALLOW THE ESTABLISHMENT AND OPERATION OF TWO RESTAURANTS, A COMMERCIAL SCHOOL FOR MARTIAL ARTS AND AN AUTOMOBILE SERVICE/REPAIR FACILITY, CONDITIONAL USE PERMIT 24-0016 (CUP 24-0016) TO PERMIT REDUCED ON-SITE PARKING FOR THE PROPOSED MIXED OCCUPANCIES SUPPORTED BY A PARKING ANALYSIS, AND CONDITIONAL USE PERMIT 24-0011 (CUP 24-0011) TO IMPLEMENT A SIGN PROGRAM FOR THE SUBJECT COMMERCIAL SHOPPING CENTER AT 301-341 NORTH HARBOR BOULEVARD (ASSESSOR'S PARCEL NUMBER 022-324-24), 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 February 3, 2025, the Applicant, Kevin Lee, of Berkshire Hathaway Commercial Real Estate, on behalf of the property owner, Diamond Harbor LLC, submitted the following entitlement applications (the "Project"):
1. Design Review 24-0009 (DR2PH 24-0009) - to comprehensively remodel an existing multi-tenant commercial building and site, known as the La Habra Shopping Center, addressed as 303-341 North Harbor Boulevard;
 2. Conditional Use Permit 25-0002 (CUP 25-0002) - to allow the establishment and operation of two restaurants, a commercial school for martial arts, and an automobile service/repair facility in specific suites within said shopping center;
 3. Conditional Use Permit 24-0016 (CUP 24-0016) - to permit reduced on-site parking for the proposed mixed occupancies in said shopping center; and
 4. Conditional Use Permit 24-0011 (CUP 24-0011) - to implement a Sign Program for the subject shopping center.

- B. On May 27, 2025, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for Design Review 24-0009 (DR2PH 24-0009), Conditional Use Permit 25-0002 (CUP 25-0002), Conditional Use Permit 24-0016 (CUP 24-0016), and Conditional Use Permit 24-0011 (CUP 24-0011).
- 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 as the Project involves a negligible expansion of use. The Project consists of the renovation of the exterior of an existing shopping center building where all necessary public services and facilities are readily available and no expansion of building square footage is proposed.

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 similar projects 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 anticipate 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. DESIGN REVIEW (DR2PH 24-0009). The Planning Commission finds and determines that the Applicant has succeeded in meeting its burden of providing evidence to support the approval of Design Review 24-0009 (DR2PH 24-0009) for the renovation of a 21,086 square foot shopping center building on a 1.7-acre site, located at 301-341 North Harbor Boulevard, and approves Design Review 24-0009 (DR2PH 24-0009) based on the following findings required by Section 18.68.050 of the La Habra Municipal Code, subject to the conditions of approval attached hereto as **Exhibit A**.

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

The proposed Project is consistent with the Highway Commercial General Plan land designation for the site. This designation is characterized by uses that are primarily related to and dependent upon the City's main arterials for access. The multi-tenant commercial shopping center will include a variety of businesses that will be especially convenient for people that travel north and south on Harbor Boulevard. This includes two full service restaurants, three food-to-go establishments, and an automobile service/repair business in addition to general retail spaces and an administrative office use. The revitalization of this site with the proposed remodel which allows for these mixed occupancies will benefit the residents of the apartment complex to the west as well as other members of the La Habra community. The proposed Project also implements the following General Plan goal:

Goal LU 11: Diverse Districts and Corridors

- Comprehensively remodeling an existing building will help revitalize the Harbor Boulevard corridor, a primary thoroughfare in the City. The proposed building enhancements will revive the overall shopping center by providing a refreshed building design along with a modern aesthetic and 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 has a zoning designation of C-2 (Commercial). The proposed Project complies with each of the site development standards pertaining to building height, setback limits, and landscaping requirements, as established in LHMC Chapter 18.32 (C-P, C-1, C-2, C-2s, C-2sH, and C-3 Commercial Zones). The proposed Project exceeds the six-foot maximum height limit for the wall/fencing along the northern and western boundaries of the property; however, the six-foot high, CMU block wall with two feet of wrought iron fencing on top will remain as-is and is considered legal, nonconforming as it was permitted and constructed prior to the development of this shopping center. While the site should provide 115 total parking spaces per LHMC Section 18.14.060 (Number of Spaces Required), the Applicant has provided a parking study as part of a related entitlement, Conditional Use Permit (CUP 24-0016), that analyzed peak parking demand within the site and concluded that only 75 total parking spaces are needed. A total of 76 parking spaces have been proposed as part of this Project. The Applicant has also applied for another related entitlement, Conditional Use Permit (CUP 24-0011), to establish a Sign Program to allow for greater sign flexibility but still create a cohesive feel amongst the various

uses within the shopping center. Lastly, each of the uses proposed as part of this Project is permitted or conditionally permitted within the C-2 (Commercial) Zone. 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 to help ensure that all projects achieve goals that promote the public health, safety and welfare of the community. The proposed Project is harmonious with both the Zoning Ordinance and the policies of the General Plan. The proposed comprehensive remodel to the exterior of the existing shopping center building will be reviewed to conform with all Building Code requirements and confirm that the shopping center will be structurally sound and meet all electrical, plumbing and mechanical requirements to ensure a safe environment for all anticipated tenants. As part of the Building and Safety analysis, the Project will be reviewed by Building Inspectors prior to issuing a Certificate of Occupancy for any of the suites. Therefore, by complying with the Zoning Ordinance and various policies of the General Plan, as well as being subject to the Building and Safety 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 shopping center is situated along Harbor Boulevard, a primary thoroughfare in the City, and is surrounded by existing commercial uses to the north, south, and east. The proposed site and building improvements to revitalize the shopping center will be a significant upgrade to an existing building. The Project will also bring greatly anticipated retail and restaurant uses within walking distance to the residents of the existing apartment complex to the west. Lastly, the proposed site improvements will provide a modern aesthetic with better vehicular circulation and will be complemented by landscaping and trees that will further beautify the property. Therefore, the nature of the proposed land use and the design is appropriate for the existing building location and is 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 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 as the Project involves a negligible expansion of use. The Project consists of the renovation of the exterior of an existing shopping center building where all necessary public services and facilities are readily available and no expansion of building square footage is proposed.

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 similar projects 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 anticipate any significant impacts or unusual circumstances related to the approval and construction of this Project. Therefore, the Project is categorically exempt from CEQA.

SECTION 3. APPROVAL OF CONDITIONAL USE PERMIT 25-0002 (CUP 25-0002). The Planning Commission finds and determines that the Applicant has succeeded in meeting its burden of providing evidence to support the approval of Conditional Use Permit 25-0002 (CUP 25-0002) to allow the establishment and operation of two restaurants, a commercial school for martial arts, and an automobile service/repair facility in specific suites within the shopping center located at 301-341 North Harbor Boulevard, and approves Conditional Use Permit 25-0002 (CUP 25-0002) based on the following findings required by Section 18.66.070 of the La Habra Municipal Code, subject to the conditions of approval attached hereto as **Exhibit B**.

- 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 proposed businesses, including two full service restaurants, a commercial school for martial arts and an automobile repair/service facility will each operate wholly within the building. No outside activities associated with the businesses will take place. Moreover, all of the businesses have been conditioned to adhere to the City’s Noise Ordinance. To minimize any adverse impact to the surrounding and adjacent properties, conditions have been added to require the doors be closed for the commercial school for martial arts during instruction, any truck deliveries for the two restaurants will be required to occur between the hours of 8 a.m. and 6 p.m. only, the automobile service/repair facility will not be permitted to have on-site storage of vehicles or impede any of the driveways or aisles needed for on-site circulation at all times. Therefore, with the added conditions of approval, it is not anticipated that the proposed uses will be detrimental to the public welfare or unreasonably interfere with the use, possession or enjoyment of

surrounding and adjacent properties or impair the character of the C-2 (Commercial) Zone.

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

The existing building, where the proposed two restaurants, commercial school for martial arts, and automobile repair/service facility will be located, was designed to be utilized by multiple tenants since 1965. As proposed, the existing building will not increase in size, but the existing site will be further improved to the greatest extent possible by removing one driveway along Stearns Avenue, providing sufficient drive aisle space to allow safe on-site circulation and providing new landscaping to complement the building remodel. Access and on-site vehicle circulation was reviewed by the City's Traffic Engineer and deemed adequate for the proposed uses. Therefore, the subject site is physically suitable for the proposed land uses.

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

Pursuant to LHMC Section 18.06.040.D.2 (Land Uses), the proposed full-service restaurants, commercial school for martial arts and automotive repair/service facility are all allowed subject to the approval of a Conditional Use Permit by the Planning Commission. The project plans associated with the CUP have been reviewed for compliance with all applicable development standards. Additionally, approving the aforementioned suites for the respective uses will ensure that the 76 provided parking spaces on the site is and will remain sufficient. Therefore, the proposed blanket Conditional Use Permit complies with the intent of applicable provisions of the Zoning Ordinance.

D. The granting of the Conditional Use Permit is consistent with the City's General Plan.

The property is designated Highway Commercial by the General Plan. This designation is characterized by uses that are primarily related to and dependent upon the City's primary thoroughfare for access. The site is a commercial shopping center that will include several uses, such as general retail and food to go, and, if the Conditional Use Permit is approved, sit down restaurants, a martial arts studio, and an auto service/repair facility. This mix of uses is necessary to make the shopping center commercially viable, which fulfills the following General Plan policies:

LU 3.2 Places to Meet Daily Needs

- The renovation of the shopping center, and specifically the Conditional

Use Permit, aims to bring several uses that include sit down restaurants, a martial arts studio, and an auto service/repair facility to the community.

LU 5.5 Revitalization of Obsolete and Underused Properties

- The subject shopping center has remained primarily vacant since last being purchased in 2023. The proposed renovation project, which is proposed as part of a related entitlement, Design Review 24-000 9, and the approval of the Conditional Use Permit will bring a variety of different uses and business to the community and serve the general public.

LU11.1 Diversity of Uses

- The proposed renovation project, which is proposed as part of a related entitlement, Design Review 24-0009, and the approval of the Conditional Use Permit will bring a variety of different uses and business to the community and serve the general public.

LU 11.5 Cohesive Development

- The shopping center will provide a variety of commercial uses to a location primarily surrounded by existing commercial properties while also providing nearby residents with retail and restaurant access at a walking distance.

SECTION 4. APPROVAL OF CONDITIONAL USE PERMIT 24-0016 (CUP 24-0016). The Planning Commission finds and determines that the Applicant has succeeded in meeting its burden of providing evidence to support the approval of Conditional Use Permit 24-0016 (CUP 24-0016) to permit reduced on-site parking, totaling 76 parking spaces, for the proposed mixed occupancies in the shopping center located at 301-341 North Harbor Boulevard, and approves Conditional Use Permit 24-0016 (CUP 24-0016) based on the following findings required by Section 18.66.070 of the La Habra Municipal Code, subject to the conditions of approval attached hereto as **Exhibit C**.

- 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.**

Based on the proposed uses per suite, the shopping center requires a total of 115 parking spaces pursuant to LHMC Section 18.14.060 (Number of Spaces Required), as depicted by the table below:

Proposed Project Parking Generation per La Habra City Municipal Code Section 18.14.060

Unit Address	Square Footage	Type of Use	Parking Calculation	Parking Spaces Required
#301	1,396	Restaurant – food to-go	3.3 spaces per 1,000 SF	5
#303	2,950	Restaurant –	10 spaces per 1,000 SF	30

		sit down		
#309	1,000	General Retail	3.3 spaces per 1,000 SF	4
#311	1,010	Restaurant – food to-go	3.3 spaces per 1,000 SF	4
#313	600	Restaurant – food to-go	3.3 spaces per 1,000 SF	2
#315	1,020	General Retail	3.3 spaces per 1,000 SF	4
#319	1,020	General Retail	3.3 spaces per 1,000 SF	4
#321	1,020	General Retail	3.3 spaces per 1,000 SF	4
#323	4,000	Martial Arts Studio (Maximum number of 16 students per session and 5 coaches)	1 space per student or coach	21
#325				
#327				
#329	900	General Retail	3.3 spaces per 1,000 SF	3
#331a	1,966	Restaurant – sit down	10 spaces per 1,000 SF	20
#331b	1,200	Administrative Office	3.3 spaces per 1,000 SF	4
#339	3,004	Auto Service/ Repair (4 bays + 696 SF of interior sales area)	2 spaces per service bay + 2.7 spaces per 1,000 SF (interior sales and office area)	10
Total				115

As noted in the staff report, the Applicant intends to merge existing Suites #323, #325, and #327 into one suite for a martial arts training facility. The remainder of the units will remain as-is.

A peak parking demand analysis for the shopping center was prepared and concluded the actual demand based on the mix of uses and differing peak times of operation is 75 spaces, as depicted by the table below:

Weekday Parking Hourly Characteristics

Time of Day	General Retail		Restaurant – sit down		Restaurant – food to-go		Martial Arts Studio		Total Parking Demand	Surplus Parking
	% of peak demand	# of parking spaces	% of peak demand	# of parking spaces	% of peak demand	# of parking spaces	% of peak demand	# of parking spaces		
6 am	1%	1	0%	0	0%	0	50%	9	10	66
7 am	5%	2	0%	0	75%	16	50%	9	27	49
8 am	15%	5	0%	0	100%	21	55%	10	36	40
9 am	35%	11	0%	0	65%	14	100%	18	43	33
10 am	60%	18	85%	26	60%	13	40%	8	65	11
11 am	75%	22	90%	27	45%	10	40%	8	67	9
12 pm	100%	29	100%	30	40%	9	35%	7	75	1

1 pm	100%	29	90%	27	30%	7	35%	7	70	6
2 pm	95%	28	50%	15	25%	6	60%	11	60	16
3 pm	85%	25	45%	14	25%	6	90%	17	62	14
4 pm	85%	25	45%	14	20%	5	90%	17	61	15
5 pm	85%	25	75%	23	20%	5	100%	18	71	5
6 pm	90%	27	80%	24	25%	6	100%	18	75	1
7 pm	80%	24	80%	24	5%	1	100%	18	67	9
8 pm	65%	19	80%	24	0%	0	0%	0	43	33
9 pm	45%	13	60%	18	0%	0	0%	0	31	5
10 pm	15%	5	55%	17	0%	0	0%	0	22	54
11 pm	5%	2	75%	23	0%	0	0%	0	25	51
12 am	0%	0	25%	8	0%	0	0%	0	8	68

Per the layout of the parking area, 76 total parking spaces have been proposed on the site, providing a surplus of 1 parking space during the peak demand times of 12:00 p.m. and 6:00 p.m. within the shopping center. Only peak weekday demand was evaluated as part of the parking study as, per the Urban Land Institute (ULI) guidelines, the peak weekend demand for martial arts studios is further reduced by 10 percent, weekend retail demand by 10 percent, weekend restaurant demand by 12.7 percent, and weekend office rates by 90 percent. These adjustments reflect typical patterns in mixed-occupancy parking utilization and provide a surplus of 14 parking spaces during the equivalent times of peak weekend demand. Therefore, approval of this Conditional Use Permit would not lead to any parking shortages and would not be detrimental to the public welfare nor will it 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.

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

The parking study provided demonstrates that due to the mix of uses within the shopping center, reduced parking is suitable for this site. The shopping center has a variety of uses and services including general retail, food-to-go businesses, an administrative office use, full-service/dining restaurants, a commercial school for martial arts, and an automotive repair/service facility that each anticipates different hours of peak foot traffic. The peak demand analysis identified varying times for parking at maximum capacity for the various uses which concluded that 75 total spaces would be necessary to satisfy each of the suites. A total of 76 total parking spaces have been proposed on the site, providing a surplus of 1 parking space during the peak demand times of 12:00 p.m. and 6:00 p.m. within the shopping center. Therefore, pursuant to the parking study, the site is physically suitable for the reduction from 115 parking spaces to 76 parking spaces.

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

Pursuant to LHMC Section 18.14.060.D (Shared Parking), in the case of mixed occupancies, the total requirement for off-street parking shall be the sum of the requirements for the various uses computed separately. However, the total number of parking spaces may be reduced upon: (a) approval of a conditional use permit by the Planning Commission; or (b) a reduction of up to ten percent may be approved by the Director of Community Development. In either case, a parking study must be prepared by a California licensed civil or traffic engineer and approved by the City Engineer. The City's Traffic Engineer has reviewed and approved the parking study. Therefore, the reduced parking is conditionally permitted within the subject zone and complies with the intent of all applicable provisions of the Zoning Ordinance.

D. The granting of the Conditional Use Permit is consistent with the City's General Plan.

The property is designated Highway Commercial by the General Plan. This designation is characterized by uses that are primarily related to and dependent upon the City's primary thoroughfare for access. The site is a commercial shopping center that proposes several uses that include general retail, sit down restaurants, food to go, a martial arts studio, and an auto service center; all of which are uses that vary in peak parking demand periods. The analysis for reduced parking due to mixed occupancies implements the following General Plan policies:

LU 2.5 Places Supporting the Quality of Life

- The proposed Project aims to revitalize an existing shopping center along a primary roadway within the City. The parking analysis identifies the peak demand for each of the uses and determines that a total of 75 spaces is necessary to bring this renovation project to fruition. A total of 76 spaces have been provided.

LU 3.2 Places to Meet Daily Needs

- The renovation of the shopping center aims to bring several uses that include general retail, sit down restaurants, food to go, a martial arts studio, and an auto service center to the community. The parking analysis that identifies peak parking demand for each use concludes that 75 spaces are required for the proposed Project. 76 total spaces have been provided.

LU 5.5 Revitalization of Obsolete and Underused Properties

- The subject shopping center has remained primarily vacant since last

being purchased in 2023. The proposed renovation project will bring a variety of different uses and business to the community and serve the general public. The parking analysis identifies the provided parking to be sufficient in satisfying the peak parking demand for this site.

LU11.1 Diversity of Uses

- The proposed renovation project will bring a variety of different uses and businesses to the community and serve the general public. The parking analysis identifies the provided parking to be sufficient in satisfying the peak parking demand for this site.

LU 11.5 Cohesive Development

- The shopping center will provide a variety of commercial uses to a location primarily surrounded by existing commercial properties while also providing nearby residents with retail and restaurant access at a walking distance.

SECTION 5. APPROVAL OF CONDITIONAL USE PERMIT 24-0011 (CUP 24-0011). The Planning Commission finds and determines that the Applicant has succeeded in meeting its burden of providing evidence to support the approval of Conditional Use Permit 24-0011 (CUP 24-0011) to implement a Sign Program for the shopping center located at 301-341 North Harbor Boulevard, and approves Conditional Use Permit 24-0011 (CUP 24-0011) based on the following findings required by Section 18.66.070 of the La Habra Municipal Code, subject to the conditions of approval attached hereto as **Exhibit D.**

- 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 proposed Sign Program provides design specifications that will provide uniformity and orderly placement of multiple signs on a building for a cohesive aesthetic among each of the anticipated businesses/uses. Conditional Use Permit 24-0011 (CUP 24-0011) takes into consideration the property's location along a primary corridor within the City and provides signs sized to fit above each tenant's entrance. The proposed Sign Program, which will only apply to building-mounted wall and temporary signs, will provide visitors/patrons with clear identification of each tenant's location. There are also two existing, non-conforming, freestanding signs of 26 and 35 feet on the site. The 35-foot-tall sign, located on top of the east wing, will be removed as part of the building remodel. The 26-foot-tall sign, located along the Harbor Boulevard frontage, will be modified, keeping the overall sign frame and structure, but renovated to match the rest of the renovation project with modern wood paneling and metal accents.

Additionally, there are two existing, non-conforming rooftop signs that have been abandoned for many years. As required by LHMC Section 18.23.100 (Removal of illegal and abandoned signs - Public nuisance abatement), the Applicant has agreed to remove the non-conforming signs; a condition of approval has been added to ensure the removal of the signs. Therefore, the granting of this 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 C-2 (Commercial) Zone.

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

Appropriate signage is expected to help identify businesses. Conditional Use Permit 24-0011 (CUP 24-0011) proposes a Sign Program that aims to satisfy the needs of the multi-tenant shopping center while also creating a consistent and cohesive feel. Patrons will be able to clearly identify each tenant location by a sign atop the wooden paneling that will complement the building's modern aesthetic. The subject site can physically accommodate the proposed signage. Therefore, the subject site is physically suitable for the proposed Sign Program.

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

Pursuant to LHMC Section 18.23.050.D.2 (Conditional Use Permit), processing of a Conditional Use Permit for a sign program provides greater design flexibility than what is permitted under LHMC Section 18.23.080 (Sign Regulations – Nonresidential). Conditional Use Permit 24-0011 (CUP 24-0011) will allow for building-mounted wall signs above primary and secondary entrances that will be up to 18 square feet in size. The proposed Sign Program will also remove the requirement to provide sign illumination provided an external light source illuminates the plaque sign. Further, the Sign Program will permit halo and neon signs as well as storefront glazing. Therefore, the proposed Sign Program is conditionally permitted within the C-2 (Commercial) 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 City's General Plan.

The proposed Sign Program implements the following General Plan policy:

Goal LU 11.6 Enhanced Design Character

- The Project includes customized signage that will further enhance the proposed modern building design. The proposed sign program includes sign placement and sizing guidelines that will help reduce visual clutter.

Therefore, the proposed Sign Program is consistent with the City's General Plan.

SECTION 6. 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 7. 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 8. 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 9. EFFECTIVE DATE. This Resolution shall take effect immediately.

SECTION 10. CERTIFICATION. The Secretary shall certify the passage of this Resolution.

PASSED, APPROVED, and ADOPTED this 27th 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 27, 2025 by the following vote:

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

Veronica Lopez, Secretary

EXHIBIT A

DESIGN REVIEW 24-0009 (DR2PH 24-0009) CONDITIONS OF APPROVAL

Standard Condition 1.1 CODE COMPLIANCE

The Applicant/Developer shall comply with all the City of La Habra Municipal Code and all applicable federal, state and local laws, ordinances, policies and regulations.

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, 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 LA COUNTY FIRE DEPARTMENT

The Applicant/Developer/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 and/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 of May 27, 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/Developer/successor in interest shall be grounds for rehearing and consideration by the Planning Commission for possible revocation of Design Review (DR2PH 24-0009).

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 including the public right-of-way. 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 approved building and accoutrements every eight (8) years at a minimum from the date of project approval, unless otherwise approved by the Director of Community and Economic Development. 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 area every five (5) years at a minimum from the date of approval of this entitlement. 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 shall maintain signs in good condition at all times and shall repaint/remodel the freestanding sign 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 1.18 LITTER

The Applicant/Developer/successor in interest 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 on the construction plans.

Standard Condition 4.3 FINAL WATER QUALITY MANAGEMENT PLAN

The Applicant/Developer shall submit a Final WQMP to the City for review and approval. This plan shall address the following:

1. Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or zero discharge areas, and conserving natural areas.

2. Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan (DAMP).
3. Incorporates Treatment Control BMPs as defined in the DAMP.
4. Generally, describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
5. Identifies the entity that will be responsible for the long-term operations and maintenance of the Treatment Control BMPs.
6. Describes the mechanism for funding the long-term operation and maintenance of Treatment Control BMPs.

Standard Condition 4.10 SITE PHOTOMETRIC PLAN

The Applicant/Developer shall submit a final photometric 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) 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. All outdoor fixtures shall be compatible with the architectural theme of the project.

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 a detailed landscape and irrigation plan 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 trash enclosure to City standards. 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 are subject to approval by the City Engineer and Director of Community and Economic Development or designee.

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 authorization to use, occupy, and/or permit final:

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 5.7 LANDSCAPE INSTALLATION

The Applicant/Developer shall install all required landscaping and irrigation systems as per the approved plans to the satisfaction of the Director of Community and Economic Development or designee. Upon final inspection, staff will verify quantity, size, placement, and health of all plant material, at which time staff may require replacement or addition of landscaping material to ensure a high-quality planting.

Standard Condition 5.13 CATCH BASIN MARKING

The Applicant/Developer shall mark all catch basins and public access points that cross or abut an open channel with a water quality message in accordance with City Standards to the satisfaction of the City Engineer.

Standard Condition 5.15 BICYCLE FACILITIES

The Applicant/property owner/successor in interest 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, and etc. which complement the on-site development.

Project specific conditions:

1. The Applicant/Developer shall remove the existing drive approach and install full height curb along Stearns Avenue, just south of the Winchell's Donuts store. The new drive approach shall be installed per the approved site plan. The Applicant/Developer shall perform all of this work to the satisfaction of the City Engineer prior to the issuance of a Certificate of Occupancy.
2. The Applicant/Developer shall grind and overlay to a 2" depth from the pavement edge to the centerline of Stearns Avenue for the full length of the property to the satisfaction of the City Engineer prior to issuance of a Certificate of Occupancy.
3. The Applicant/Developer shall remove existing sidewalk and replace full width concrete sidewalk and curb and gutter as necessary prior to AC paving for the length of the driveway removal along Stearns Avenue to the satisfaction of the City Engineer.
4. The Applicant/Developer shall obtain an encroachment permit from the Engineering Division and pay permit fees for any construction in the City's right-of-way.
5. The Applicant/Developer shall pay the Traffic Administration Fee of \$373.00 to the Traffic Manager, prior to the issuance of a building permit.
6. The Applicant/Developer shall include an energy efficient landscape design plan that reduces exterior heat gains and heat island effects through the installation of trees, reflective paving materials, and cool roofs to reduce energy demand within the project. The plan shall be submitted for review and approval by the Director of Community and Economic Development or designee prior to the issuance of building permits.
7. 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/Developer shall contact the Fire Prevention Engineering Unit at (323) 890-4125 for information regarding the EPICLA submittal requirements.
8. The Applicant/Developer shall maintain a fire lane clear of all encroachments at all times in accordance with Title 32 of the County of Los Angeles Fire Code.
9. Landscape planters shall be surrounded by masonry or concrete curbs and arranged to prevent motor vehicles from driving onto or over them.
 - (a) Trees planted adjacent to existing overhead utility wires shall be subject to the height and clearance restrictions established by the applicable utility providers.

- (b) Tree species requiring hard pruning to maintain utility clearance once trees are mature shall be avoided.
 - (c) Applicant/Developer shall ensure that right-of-way trees are spaced in a manner in which they do not obstruct clear sight lines.
 - (d) Minimum 12-inch step out required on landscape fingers along parking space.
10. All non-lawn landscape areas shall be supplemented with a three-inch (3") layer of wood mulch or decorative gravel/cobble material, so that no bare soil is left exposed on site.
 11. All rooftop mounted mechanical equipment shall be fully screened from public view using an architectural designed screen to the satisfaction of the Director of Economic and Community Development or designee. This can be accomplished by architectural treatments of parapets equal in height to the tallest piece of roof-mounted equipment or similar architectural screen.
 12. All trees in planter islands, or within six feet of hardscape, shall be planted with root barriers.
 13. 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 (i.e., vinyl wraps or decorative low wall/fence, etc.) compatible with the adjoining building's architectural design, to the satisfaction of the Director of Economic and Community Development or designee.
 14. The Applicant/Developer shall submit final design plans for the freestanding pylon sign to the satisfaction of the Director of Community and Economic Development. The final design shall not exceed 26 feet in height, and substantially conform to the approved Sign Program color renderings per the approved plans.

EXHIBIT B

CONDITIONAL USE PERMIT 25-0002 (CUP 25-0002) CONDITIONS OF APPROVAL

Standard Condition 1.1 CODE COMPLIANCE

The Applicant/Developer shall comply with all the City of La Habra Municipal Code and all applicable federal, state and local laws, ordinances, policies and regulations.

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

This approval is for those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of May 27, 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/Developer/successor in interest shall be grounds for rehearing and consideration by the Planning Commission for possible revocation of Conditional Use Permit 25-0002.

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 1.18 LITTER

The Applicant/Developer/successor in interest 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 1.15 OUTDOOR VENDING MACHINES

The property owner/business operator(s) 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(s) 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(s) shall, at all times, display a sign of at least ten inches by ten inches at all individual suite exits and within all 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(s) 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(s) shall not, at any time, permit loud, unruly or disorderly assemblages on the premises or in any tenant suite. 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 or tenant suite.

Standard Condition 8.2 SANITARY SEWER SYSTEM PROTECTION

The property owner/business operator(s) 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(s) 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 Chief Building Official, are not exceeded.

Standard Condition 8.6 NUISANCE PROHIBITION

The property owner/business operator and employees of any restaurant shall not, at any time, allow circumstances to develop that will adversely interfere with adjacent uses, the community's welfare, nearby residential areas, or the operation of adjacent businesses, including, but not limited to, customer parking issues.

Project specific conditions:

1. The approval of Conditional Use Permit (CUP 25-0002) shall be contingent upon the concurrent approval Conditional Use Permit (CUP 24-0016), which approves reduced parking based on the parking study analyzing the peak demand for proposed uses on the site.

2. This Conditional Use Permit (CUP25-0002) allows the establishment and operation of the following:
 - a. Full service restaurant within Suite #303 which comprises 2,950 square feet;
 - b. Full service restaurant within Suite #331a which comprises 1,966 square feet;
 - c. Commercial school for martial arts within Suites 323, #325 and #327 which comprises 4,000 square feet when combined; and
 - d. Automobile service/repair facility within Suite #339 which comprises 3,004 square feet with four service bays and 696 square feet for interior sales area.
3. The property owner/business operator for each conditionally permitted use shall comply with La Habra Noise Control Ordinance (Chapter 9.32 of the La Habra Municipal Code) at all times.
4. For the full-service restaurant uses:
 - a. All deliveries shall occur between the hours of 8 a.m. and 6 p.m. only.
5. For the commercial school for martial arts:
 - a. No training activities/sessions shall occur outside of the building.
 - b. The property owner/business operator shall keep all doors to the commercial school for martial arts closed during the business hours of operation to minimize any noise that may be emitted.
 - c. There shall be no more than 16 students and five instructors/coaches at the facility at any one time.
6. For the automobile service and repair business:
 - a. No overnight vehicle parking shall be permitted in any open parking space, aside from vehicles parked inside the auto-repair garage.
7. The uses permitted pursuant to this Conditional Use Permit cannot be changed without obtaining a modification to this Conditional Use Permit if the proposed new use has a higher parking ratio than the use it is replacing.

EXHIBIT C

CONDITIONAL USE PERMIT 24-0016 (CUP 24-0016) CONDITIONS OF APPROVAL

Standard Condition 1.1 CODE COMPLIANCE

The Applicant/Developer shall comply with all the City of La Habra Municipal Code and all applicable federal, state and local laws, ordinances, policies and regulations.

Standard Condition 1.4 LA COUNTY FIRE DEPARTMENT

The Applicant/Developer/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 and/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 of May 27, 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/ Developer/ successor in interest shall be grounds for rehearing and consideration by the Planning Commission for possible revocation of Conditional Use Permit 24-0016.

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 1.11 PAVEMENT RESURFACING

The Applicant/Developer/successor in interest shall re-slurry and re-stripe the driveway and parking area every five (5) years at a minimum from the date of approval of this resolution. 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 1.41 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/Developer shall provide site improvement plans prepared on standard size sheets by a licensed Civil Engineer and submit such plans for review and approval to the City Engineer. Standard plan check and inspection fees shall be paid by the Applicant.

Prior to the issuance of building permits:

Standard Condition 4.1 CONDITIONS ON CONSTRUCTION PLANS

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

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.

Prior to authorization to use, occupy, and/or permit final:

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 conditions:

1. The property shall provide a total of 72 standard parking space and 4 ADA-accessible parking spaces, for a total of 76 parking spaces onsite, per the approved site plan, to the satisfaction of the Director of Community Development and Director of Public Works.
2. The individual tenant space uses specified in the project plans cannot be changed without obtaining a modification to this Conditional Use Permit if the proposed new use has a higher parking ratio than the use it is replacing.
3. The Applicant/property owner shall keep a current list of tenants on file with the City's Planning Division.

EXHIBIT D

CONDITIONAL USE PERMIT 24-0011 (CUP 24-0011) CONDITIONS OF APPROVAL

Standard Condition 1.1 CODE COMPLIANCE

The Applicant/Developer shall comply with all the City of La Habra Municipal Code and all applicable federal, state and local laws, ordinances, policies and regulations.

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, 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 LA COUNTY FIRE DEPARTMENT

The Applicant/Developer/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 and/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 of May 27, 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/ Developer/ successor in interest shall be grounds for rehearing and consideration by the Planning Commission for possible revocation of Conditional Use Permit 24-0011 (CUP 24-0011).

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 1.12 SIGN MAINTENANCE

The Applicant/Developer shall maintain signs in good condition at all times and shall repaint/remodel the freestanding sign 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 1.41 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 on the construction plans.

Project specific conditions:

1. The approval of Conditional Use Permit (CUP 24-0011) shall be contingent upon the concurrent approval Design Review 24-0009 (DR2PH 24-0009), as the wood paneling and metal awnings referenced in the proposed Sign Program will only apply with the approval of the proposed façade improvements.
2. Conditional Use Permit (CUP24-0011) is for the approval of a Sign Program to be implemented for the La Habra Shopping Center (excluding Winchell's Donuts) addressed as 303-341 North Harbor Boulevard as depicted in the exhibit presented to and approved by the Planning Commission on May 27, 2025.
3. The property owner/developer shall remove two non-conforming signs, including a pole that extends through the roof of the east wing (Suite 331 & 339) and the freestanding sign located at the northeast corner of the property, to the satisfaction of the Director of Community and Economic Development and the Building Official, prior to the finalization of building permits.
4. The Applicant shall submit final design plans for the freestanding pylon sign to the satisfaction of the Director of Community and Economic Development. The final design shall not exceed 26 feet in height, and substantially conform to the approved Sign Program color renderings presented to and approved by the Planning Commission on May 27, 2025.