

**RESOLUTION NO. 25 – \_\_\_\_\_**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING CONDITIONAL USE PERMIT 24-0009 (CUP 24-0009) TO ALLOW AUTOMOBILE SERVICE/REPAIR FOR COMPANY VEHICLES, INCLUDING STORAGE OF COMPANY VEHICLES, AT A GENERAL BUSINESS OFFICE LOCATED AT 700 NORTH HARBOR 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 February 12, 2025, the Applicant, Julian Shahinian, on behalf of the Property Owner, John Akhoian, filed an application requesting the approval of Conditional Use Permit 24-0009 (CUP 24-0009) to allow automobile service/repair of company vehicles, including storage of company vehicles, at a general business office (Rooter Hero Plumbing & Air) in an existing commercial building located at 700 North Harbor Boulevard (the "Project").
- B. On June 16, 2025, the Applicant submitted revised plans per staff's comments and directives.
- C. On July 28, 2025, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for CUP 24-0009.
- 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 provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301(e), Class 1: "Existing Facilities" of the CEQA Guidelines. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed Project will operate within an existing 29,200-square-foot commercial building and

associated 750square-foot vehicle shade structure. The Project does not include major remodeling or structural rehabilitation. Use of the property for automobile service/repair for company vehicles, and associated vehicle storage, is a negligible expansion of the general commercial office use.

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 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. SUBSTANTIALLY SIMILAR USE.** Pursuant to Section 18.06.040.A of the La Habra Municipal Code, the Planning Commission finds and determines that automobile service/repair for company vehicles, including outdoor storage of such vehicles, is substantially similar to an automobile service/retail use that is conditionally permitted throughout the C-2 (Commercial) Zone. The La Habra Municipal Code defines “automobile service/repair” as “a retail place of business serving vehicles. It provides services directly related to the operation and maintenance of the vehicle. All services must be performed entirely within a closed building and includes such services as follows: battery service, hand washing, waxing and polishing of automobiles, the sale and repair of tires (excluding recapping), cleaning and flushing of radiators, lubrication of automobiles, wheel balancing, testing, adjustment and replacement of carburetors, coils, condensers, distributor caps, fan belts, filters, generators, points, rotors, spark plugs, voltage regulators, water hoses and wiring and brake service limited to servicing and replacement of brake cylinders and brake shoes. No machine work, body work or paint spraying is permitted outside of an enclosed building. Internal motor or drive train repairs may be performed only when they are incidental to other repairs being performed and they may not be done as a regular repair service.” Although the proposed use is not a retail use, the services to be provided on site to the company’s vehicles are those outlined in the definition of “automobile service/repair.” Therefore, the proposed use is substantially similar to an “automobile service/repair” use.

**SECTION 3. CONDITIONAL USE PERMIT 24-0009 (CUP 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 CUP 24-0009 to allow automobile service/repair of company vehicles, including outdoor storage of company vehicles, at a general business office at 700 North Harbor Boulevard and approves CUP 24-0009 based on the following findings required by Section 18.66.070.C of the La Habra Municipal Code (LHMC), 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 subject site and building have been the location of a variety of commercial uses since 1961. The proposed business (Rooter Hero Plumbing & Air) will occupy the existing 29,200-square-foot building. The primary operations, including general office activity, storage of plumbing equipment, and service and repair of company vehicles, will be fully contained within the building. The granting of the CUP to allow automobile service and repair of company vehicles and outdoor storage of company vehicles with project-specific conditions, such as prohibiting service and repair within the parking lot and requiring compliance with the City's noise ordinance at all times, will not impair the character of the area. The hours of vehicle services and repairs will be limited to 7:30 a.m. to 5:30 p.m., Monday through Friday, and 8:00 a.m. to 3:00 p.m. on Saturdays. This will further ensure that no site activities, particularly noise related to vehicle repair, will occur or affect adjacent residence during the evening hours. Therefore, granting the CUP will not be detrimental to the public welfare and will not unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties or impair the character of the C-2/MX Overlay Zone.

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

The CUP does not necessitate modifications to the existing building footprint size. Nor does it require any significant changes to the site layout. As proposed, the parking lot will be able to provide 117 parking spaces after the relocation and re-striping of several parking spaces, which will satisfy the minimum of 57 parking spaces required under the LHMC. Therefore, the subject site will continue to be physically suitable for the operation of automobile service and repair for company vehicles.

- 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, automobile service/repair is subject to the approval of a CUP in the C-2 Zone. Staff reviewed the Project plans and Letter of Business Operations and determined that the proposed use complies with all applicable LHMC requirements and the development standards of the C-2 Zone, as provided by the table below:

**Site Development Standards**

<b>Development Standard</b>	<b>Required</b>	<b>Proposed</b>
<b>Front Setback (min)</b>	15 Feet	205 Feet
<b>Street-side Setback (min)</b>	10 Feet	120 Feet
<b>Interior Side Setback (min)</b>	5 Feet	5 Feet
<b>Rear Setback (min)</b>	20 Feet	70 Feet
<b>Building Height (max)</b>	50 Feet	28 Feet
<b>Floor Area Ratio (max)</b>	30%	23.7%
<b>Landscaping (min)</b>	6,064 SF (7%)	11,014 SF (12.7%)
<b>Parking (min)</b>	57 Spaces	117 Spaces

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 Mixed-Use Center 1, which is characterized by parcels developed exclusively for retail or office commercial, multi-unit residential, or for a mix of these uses distributed horizontally on the site or vertically in buildings with housing above ground level commercial uses. The Applicant is proposing automobile service/repair for company vehicles related to a plumbing business within an existing commercial building. The in-house servicing of the vans will allow the business to serve the daily or frequent plumbing needs of residents in the immediate vicinity.

The proposed Project is consistent with the following General Plan policies:

LU 4.1: Development Compatibility: Require that development is located and designed to assure compatibility among land uses, addressing such elements as building orientation and setbacks, buffering, visibility and privacy, automobile and truck access, impacts of noise and lighting, landscape quality, and aesthetics.

- The proposed use is automobile service/repair for company vehicles for a plumbing/HVAC-related company utilizing an existing commercial building on a site historically occupied by commercial businesses. The site development standards are consistent with the C-2 (Commercial) zoning standards related to setbacks, parking, and landscaping. Further, business operations will take place fully within the enclosed building and

not pose any excessive noise or light-related nuisances to the adjacent existing residences.

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 use is automobile service/repair for company vehicles for a plumbing/water/HVAC-related company located within a commercial building along a primary thoroughfare that already features a variety of commercial uses, such as restaurants, medical offices, automobile service stations, but no similar plumbing businesses.

LU 12.1: Land Use Mix. Allow for the development of properties and buildings in areas designated as "Mixed Use" for commercial, office, and/or multi-unit housing uses.

- The proposed use is automobile service/repair for company vehicles for a plumbing business within an existing commercial building on a site that is zoned for commercial uses and has a land use designation of Mixed-Use Center 1 which supports the use.

#### **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. NO NET LOSS.** In accordance with California Government Code section 65583, each city's housing element must include an inventory of land suitable and available for residential development to meet the locality's housing need for each of the designated income levels of the assigned Regional Housing Needs Assessment (RHNA) allocation. Additionally, pursuant to California Government Code section 65863, if the City allows development of a site with less units by income level than identified in the Housing Element for that site, the City must make written findings supported by substantial evidence as to whether there are remaining sites identified in the Housing Element to accommodate the City's share of regional housing needs, including a quantification of the remaining unmet need for each income level. The Planning Commission finds as follows:

A. The subject property is identified as Site #5 in Table HE-4.4 (RHNA Production and Sites Credit) of the City's 2021-2029 Housing Element, and anticipated

for the development of 43 units affordable to above-moderate income households and five units affordable to moderate-income households.

B. The Project does not include any residential development. The approval of this Project results in 43 fewer units affordable to above-moderate income households and five fewer units affordable to moderate-income households than anticipated in the Housing Element.

C. Based on the City's monitoring of the unmet need for its share of the regional housing need at each income level and the remaining capacity of sites identified in the Housing Element to accommodate that need by income level, as of the date of this approval, the City's surplus capacity to accommodate its share of the regional housing need is as follows:

- Very Low / Low Income: 236 Units
- Moderate Income: -53 Units
- Above Moderate Income: -124 Units

According to the flexibility afforded in California Government Code Section 65583, as of the City's 2024 Housing Element progress update, the 236-unit low-income unit surplus is enough to offset the 53-unit shortage in moderate-income units plus the 124-unit shortage in above-moderate income units.

D. The City received a RHNA allocation of 804 units to plan for the 2021-2029 planning period. However, the Housing Element plans for a total of 1,232 units, exceeding the City's RHNA allocation. While the Project is not providing the number of housing units of each identified income level as assumed in the Housing Element, there are more than sufficient sites remaining that are identified in the Housing Element to accommodate the City's share of regional housing for the 2021-2029 planning period.

**SECTION 6. APPEAL.** The approvals granted by this Resolution may be appealed within 10 working days from adoption of this Resolution. All appeals must be in writing and filed with the City Clerk within this time period with the appropriate fee. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

**SECTION 7. RECORD.** Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project. All summaries of information in the findings which precede this section are based on the entire record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

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

**SECTION 9. CERTIFICATION.** The Secretary shall certify the passage of this Resolution.

PASSED, APPROVED, and ADOPTED this 28th day of July, 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 July 28, 2025 by the following vote:

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

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

## **EXHIBIT A**

### **CONDITIONAL USE PERMIT 24-0009 (CUP 24-0009) – 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 federal, state and local laws, ordinances, policies and regulations.

##### **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 July 28, 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 24-0009 (CUP 24-0009).

#### 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 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 to legalize the 750-square-foot shade structure at the southeast corner of the site to the satisfaction of the Building Official.
2. The Applicant/Operator shall remove the existing 6-foot-tall wrought iron fencing along the Whittier Avenue and Harbor Boulevard property lines and relocate the fencing 10 feet inward along Whittier Avenue and 15 feet inward along Harbor Boulevard. Access gates at Whittier Avenue and Harbor Boulevard shall be positioned 20 feet back from right-of-way to ensure adequate vehicle queuing.
3. The Applicant shall obtain an electrical permit for power operation of both access gates (Whittier Avenue and Harbor Boulevard). The Applicant shall install Knox Boxes at both gates for emergency fire access.
4. The seven existing non-conforming compact parking spaces along the Whittier Boulevard frontage shall be re-striped to create six standard (9'x18') parking spaces. The four non-conforming compact spaces along the northern elevation of the building shall be removed and replaced with four parallel (9'x24') parking spaces at the northwest corner of the site. The six remaining non-conforming compact parking spaces along the northern elevation of the building shall be restriped to create four standard (9'x18') parking spaces. The Applicant shall submit a Parking Lot Plan which shows all compact spaces converted to full-size and parallel parking spaces to the satisfaction of the Director of Community and Economic Development and the Building Official prior to issuance of building permits.
5. The Applicant shall submit interior tenant improvement plans to the Building Department no later than 30 days after approval of CUP 24-0009. All interior improvements must comply with Americans with Disabilities Act (ADA) requirements.
6. 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.
7. 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.
8. The Applicant shall ensure automatic fire sprinkler systems are designed and maintained in accordance with NFPA 13.

9. All new or existing rooftop mounted mechanical equipment shall be screened from public view.
10. 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.
11. Onsite lighting shall not exceed 0.0 foot-candles along the southern and eastern property boundaries and 0.5 foot-candles along the northern and western property boundaries.
12. The Applicant/Operator shall only provide vehicle services and repairs to company vehicles.
13. The hours during which the Applicant/Operator may conduct vehicle servicing and repairs of company vehicles shall be limited to 7:30 a.m. to 5:30 p.m., Monday through Friday, and 8:00 a.m. to 3:00 p.m. on Saturdays, unless a modification to such hours is approved by the Director of Community and Economic Development.
14. The Applicant/Operator shall not perform any vehicle servicing or repair work outside of the building. The Applicant/Operator shall only service and repair vehicles inside the building.
15. The Applicant/Operator shall only store company vehicles onsite, and shall store no more than 30 company fleet vehicles onsite.
16. The automobile service/repair area shall have a maximum of two vehicle lifts.
17. The Applicant/Operator shall not perform onsite any vehicle servicing in which full motors/engines are removed from their respective vehicles. No removal of body panels or vehicle painting shall occur either.
18. The Applicant/Operator shall comply with the La Habra Noise Control Ordinance (Chapter 9.32 of the La Habra Municipal Code) at all times.