

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING ZONE VARIANCE 25-0002 (ZV25-0002) TO ALLOW THE INSTALLATION OF PERIMETER FENCING AND SECURITY GATES THAT EXCEED SIX FEET IN HEIGHT AT AN EXISTING INDUSTRIAL BUSINESS AT 901 AND 951 SOUTH LESLIE STREET (APN 019-111-03), 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 15305, CLASS 5: "MINOR ALTERATIONS TO LAND USE LIMITATIONS" OF THE CEQA GUIDELINES

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

- A. The Applicant, Candice Grimsrud of Snyder Langston, on behalf of the property owner, Patrick Boyle of BPE, LLC, filed an application requesting approval of Zone Variance 25-0002 (ZV25-0002) to allow an existing industrial business to install security fencing gates that exceed the maximum allowable height of six feet pursuant to La Habra Municipal Code (LHMC) Section 18.12.070 at 901 and 951 South Leslie Street (APN 019-111-03) (the "Project").
- B. On October 13, 2025, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for approval of Zone Variance 25-0002.
- C. In making the various findings set forth in this Resolution, the Planning Commission has considered all of the evidence presented by staff, the Applicant, and the public, whether written or oral, and has considered the procedures and standards required by the La Habra Municipal Code.

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 15305, Class 5: "Minor Alterations to Land Use Limitations" of the CEQA Guidelines. Class 5 consists of minor alterations in land use limitations in areas with an average slope of less than 20 percent, which do not result in any changes in land use or density. The site has an average slope of less than 20% as verified through topographic maps and site inspection. The Project involves minor variances to perimeter fence heights and alterations not resulting in changes in land use or density.

The Project is not subject to any of the exceptions for exemption under Section 15300.2 of the CEQA Guidelines. The location of the Project is predominantly urban and not considered a sensitive environment; therefore, the Project will not result in any significant environmental impact. 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 of this project. Therefore, the Project is categorically exempt from CEQA.

SECTION 2. ZONE VARIANCE 25-0002. The Planning Commission finds and determines that the Applicant has succeeded in meeting its burden of providing evidence to support the granting of Zone Variance 25-0002 (ZV25-0002) to allow an existing industrial business to install security fencing gates that exceed the maximum allowable height of six feet pursuant La Habra Municipal Code (LHMC) 18.12.070 based on the following findings required by Section 18.76.030 of the LHMC and subject to the conditions attached hereto as **Exhibit A**.

- A. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.**

The Applicant has provided evidence of propriety government contracts and manufacturing processes which require additional screening for enhanced security. Therefore, there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.

- B. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or vicinity in which the property is located.**

The request seeks to exceed the maximum fencing height of six feet to a height of eight feet in most locations with the exception of 75 linear feet along the western property line where the height is proposed at sixteen feet. At this location, the property line is located at the base of a ten-foot slope which terminates in a low retaining wall. From the top of the grade, the wall is six feet in height. The fencing proposed is part of significant overall site improvements and the request to exceed the maximum fence height of six feet is necessary to provide adequate screening and access controls. The security fencing and gates will be subject to comply with all Building Code requirements, which will be verified through building plan check and

inspection. Therefore, the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or vicinity in which the property is located.

C. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone and vicinity.

As outlined in the staff report, the intended use of the property consists of manufacturing highly specialized sealants with proprietary ingredients that are used by the U.S. government. The Applicant has provided evidence that the business operator's contracts with the government require additional screening for enhanced security. Without the requested increases in fence heights, the property cannot be used for its allowed manufacturing/industrial land use. Therefore, the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone and vicinity.

D. That the granting of such variance will not adversely affect the comprehensive general plan.

The site is designated as Light Industrial (0.8 FAR). There is no change or impact to the General Plan nor the land use objectives identified in the General Plan. Combined with the other site improvements, the Project helps to implement the General Plan in providing for high-quality, local job-producing industrial uses. Therefore, the granting of such variance will not adversely affect the comprehensive General Plan.

SECTION 3. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

The Applicant's proposal has been reviewed pursuant to the requirements of the City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, the Local Implementation Plan (LIP), and the Model Water Quality Management Plan (WQMP), Section 7.2. Since no disturbance of soil will occur, the Project is exempted by the Water Quality Ordinance from the preparation of a WQMP.

SECTION 4. APPEAL. The approvals granted by this Resolution may be appealed within 10 working days from the adoption of this Resolution. All appeals must be in writing and filed with the City Clerk within this time period with the appropriate fee. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 5. RECORD. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project. All summaries of information in the findings which precede this section are based on the entire record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 6. EFFECTIVE DATE. This Resolution shall take effect immediately.

SECTION 7. CERTIFICATION. The Secretary shall certify the passage of this Resolution.

PASSED, APPROVED, AND ADOPTED this 13th day of October, 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. __ was adopted at a regular meeting of the City of La Habra Planning Commission held on October 13, 2025 by the following vote:

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

Veronica Lopez, Secretary

EXHIBIT A

VARIANCE 25-0002 CONDITIONS OF APPROVAL

GENERAL CONDITIONS:

Standard Condition 1.1 CODE COMPLIANCE

The property owner/business operator shall comply with the City of La Habra Municipal Code and all applicable 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 (or Residential Code), California/La Habra Plumbing Code, California/La Habra Mechanical Code, California/La Habra Electrical Code, California/La Habra Energy Code, and California/La Habra Green Building Standards Code, as applicable.

Standard Condition 1.3 GRAFFITI ABATEMENT

The property owner/business operator shall maintain the property in a clean and orderly condition at all times and remove any graffiti from the site within forty-eight (48) hours of its discovery in matching colors to the existing improvements.

Standard Condition 1.4 LOS ANGELES COUNTY FIRE DEPARTMENT

The property owner/business operator shall comply with the County of Los Angeles Fire Code and the Los Angeles County Fire Department requirements, as applicable.

Standard Condition 1.5 MINOR MODIFICATIONS

The Director of Community and Economic Development or designee may approve minor modifications through the Administrative Adjustment process to the conditions of approval so long as the intent of the Planning Commission or City Council is maintained.

Standard Condition 1.6 PLANS

This approval is for those plans approved by the City of La Habra Planning Commission at its meeting of October 13, 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 property owner/business operator shall be grounds for rehearing and consideration by the Planning Commission for possible revocation of Zone Variance 25-0002 (ZV25-0002).

Standard Condition 1.8 VIOLATION

In the event that the property owner/business operator violates or fails to comply with any of the conditions of approval of this permit, the City may take measures to cure such violations, including but not limited to, administrative citation and full reimbursement of the City for its costs and expenses, including but not limited to, attorney's fees, in undertaking such corrective action. Reimbursement of enforcement costs shall constitute a civil debt and may be collected by any means permitted by law. In the event that violations of this permit occur, the City shall refrain from issuing further permits, licenses or other approvals until such violations have been fully remedied.

Standard Condition 1.14 RESOLUTION ON HAND

The property owner/business operator shall at all times maintain a copy of the approved resolution containing all the conditions of approval on site. Said resolution shall be provided for review upon request by any law enforcement officer or community preservation inspector.

Standard Condition 1.41 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.

Condition 4.1

CONDITIONS ON CONSTRUCTION PLANS

The applicant/developer shall include the conditions of approval of this resolution on the construction plans.

PRIOR TO AUTHORIZATION TO USE, OCCUPY, AND/OR OPERATE:

Condition 5.1

POLICE DEPARTMENT ACCESS (CLICK 2 ENTER)

The applicant/developer shall ensure that all required vehicular gates are installed with the Click 2 Enter or comparable system for emergency ingress and said gates shall be maintained operational, to the satisfaction of the La Habra Police Department.

Condition 5.2

POLICE AND FIRE DEPARTMENT ACCESS (KNOX BOX)

The applicant/developer shall ensure that all security gates are installed with an approved means of emergency operation and said gates shall be maintained operational, to the satisfaction of the Los Angeles County Fire Department and the La Habra Police Department.

PROJECT SPECIFIC CONDITIONS:

1. The applicant/developer shall execute an encroachment agreement with the City in the form required by the City.
2. The applicant/developer shall grant the City a 12-foot-wide access easement to provide the City access to the ten-inch (10") City water line that runs through the property, to the satisfaction of the City Engineer.