

RESOLUTION NO. 26-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING CONDITIONAL USE PERMIT 25-0015 (CUP25-0015) TO ESTABLISH AND OPERATE A COMMERCIAL RECREATION FACILITY (A.K.A. FUNBOX) AT 951 NORTH HARBOR BOULEVARD (ASSESSOR'S PARCEL NUMBER 017-371-28), 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(a), 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. The Applicant, Muhammad Siddique, on behalf of the property owner, Seth Stuart of SKBB Investments, filed an application requesting approval of Conditional Use Permit 25-0015 (CUP25-0015) to establish and operate a commercial recreation facility (Funbox) located at 951 North Harbor Boulevard (the "Project").
- B. The City noticed a public hearing for December 8, 2025 for the Planning Commission to consider CUP25-0015.
- C. On December 8, 2025, the Planning Commission continued the public hearing to January 26, 2026.
- D. On January 26, 2026, the Planning Commission held a public hearing to consider the Applicant's request for approval of CUP25-0015.
- E. 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(a), 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 use. The Project consists of interior tenant improvements to an existing commercial building located within an existing

commercial shopping center. No expansion of building square footage is proposed. The Project involves no expansion of 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 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 because the building and property where it is located are not listed on any National, California, or local registers. 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. CONDITIONAL USE PERMIT 25-0015 (CUP25-0015). The Planning Commission finds and determines that the Applicant has succeeded in meeting its burden of providing evidence to support the granting of CUP25-0015 and approves CUP25-0015 based on the following findings required by Section 18.66.040 (Applications – Investigation and Findings) of the La Habra Municipal Code (LHMC) and subject to the conditions attached hereto as **Exhibit A**.

- A. The proposed use 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 establishment and operation of the proposed use will require interior tenant improvements only, which will be reviewed during the City's building plan check process to ensure compliance with the California Building Codes. This process will necessitate inspections by the City's Building and Safety Staff before a Certificate of Occupancy is issued. Furthermore, the Applicant will be following all safety regulations pertaining to playground equipment checks, playground safety rules signs, waivers, staff monitoring, and fire alarms in place to ensure operational safety at all times. No commercial recreation activities are proposed to occur outside the building. Further, the proposed use will be located within an existing shopping center. The property is located within the C-2 (Commercial) Zone and has a Mixed-Use (MX) Overlay and surrounding uses include a grocery store, laundromat, dentist's office, barber shop, sushi restaurant and UPS shipping store. The conditions of approval for this Project will ensure that the proposed commercial recreation facility will not be detrimental to the public welfare and will not unreasonably interfere with the use, possession, and enjoyment of surrounding or adjacent properties by regulating noise levels and setting approved hours of operation. The Applicant has provided proof through the inclusion of a trip analysis and parking impact study that there will be no significant traffic or parking impact on the site or neighboring

businesses. Through compliance with the conditions of approval, the proposed commercial recreation facility in the shopping center will not impair the character of the C-2 (Commercial) Zone or Mixed-Use (MX) Overlay Zone. Rather, it is expected that the proposed commercial recreation facility will integrate harmoniously with other commercial uses within the same shopping center.

Therefore, the proposed use 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.

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

The subject site is a 20,100 square foot tenant space within an established commercial shopping center. The site is located within the C-2 (Commercial) Zone and has a Mixed-Use (MX) Overlay, which accommodate a variety of commercial uses and services. The plans for the proposed use show that the existing commercial tenant suite is adequate in size, shape, and topography to accommodate the proposed use. Since there are no changes to the exterior of the building and/or site, the existing vehicular access points and on-site circulation will continue to serve the site as it does today. The Applicant also provided a parking study to determine the amount of parking required for the proposed use. This study was conducted by analyzing similar uses in similarly sized buildings and shopping centers to estimate the impact that the proposed use will have on the site. The parking impact study was prepared by a licensed traffic engineer and has been reviewed and approved by the City's Traffic Engineer. The study concluded that of the 265 total parking spaces located on the project site, there are approximately 140 to 180 parking spaces available during the expected peak periods, while the maximum vehicles per hour observed at the comparable sites was 71 vehicles per hour. Therefore, the project site has sufficient available parking spaces to accommodate the peak traffic during expected peak hours and the proposed use is not expected to create any significant parking impact to the project site or surrounding uses.

Therefore, the subject site is physically suitable for the proposed commercial recreation facility.

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

The subject site is located within the C-2 (Commercial) Zone and has a Mixed-Use (MX) Overlay. Both zone classifications implement the Mixed-Use Center 3 land use designation. Table 18.06.040.A (Land Use Matrix) of the LHMC identifies a commercial recreation facility as conditionally permitted within both the Commercial (C-2) Zone and the Mixed-Use (MX) Overlay Zone. Pursuant to LHMC Section 18.54.040.A, the regulations set forth in Chapter 18.54 (Mixed-Use Overlay Zones (MX)) of the LHMC are in addition to the regulations set forth in the base zone (C-2 Zone). In the event of a conflict between provisions of the MX Overlay Zone and the provisions of the base zone (C-2 Zone), the provisions of the MX Overlay Zone prevail. If the MX Overlay Zone is silent in regard to any development standard, the development standard identified in the base zone (C-2 Zone) prevails. There are no conflicts between the provisions of the C-2 Zone and the MX Overlay Zone for the proposed development standards applicable to the Project. The Project does not involve exterior modifications to the building or the site, so the site remains in conformance with all applicable requirements of the Commercial (C-2) Zone and Mixed-Use (MX) Overlay Zone.

Therefore, the use is conditionally permitted within the subject zone and complies with the intent of all applicable provisions of the Zoning Ordinance.

D. The proposed use is consistent with the comprehensive general plan.

The General Plan designates the project site for Mixed-Use Center 3 land use, which is characterized by parcels developed exclusively for retail or office commercial, multi-unit residential, or for a mix of these uses at a maximum floor area ratio (FAR) of 0.8 for community shopping centers, multi-unit residential at a maximum density of 50 dwelling units per acre, or for a mix of those uses distributed horizontally on the site or vertically in buildings with housing above ground level commercial uses at a maximum FAR of 1.5. The project site has a FAR of 0.42, which satisfies the General Plan FAR requirement of 0.8. This Project is for the establishment of a commercial recreational facility in a preexisting commercial shopping center suite. The existing suite is currently vacant and the establishment of the proposed use will enhance the center as a desirable destination as a commercial property.

The proposed Project also implements General Plan Policy LU 11.1: Diversity of Uses, of General Plan Goal LU-11: Diverse Districts and Corridors. This policy encourages “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 children’s special event venue and indoor playground will provide a new type of use within this shopping center that is walking distance of nearby existing residential neighborhoods in the immediate vicinity and add vibrancy and variety to the existing shopping center.

Therefore, the proposed use is consistent with the City’s 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 adoption of this Resolution. All appeals must be in writing and filed with the City Clerk within this time period with the appropriate fee. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

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

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

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

PASSED, APPROVED, AND ADOPTED this 26th day of January, 2026.

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. 26-01 was adopted at a regular meeting of the City of La Habra Planning Commission held on January 26, 2026 by the following vote:

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

Veronica Lopez, Secretary

EXHIBIT A

CONDITIONAL USE PERMIT 25-0015 (CUP25-0015) 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 applicant/developer 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 January 26, 2026. 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 25-0015 (CUP25-0015).

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. 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 building and accoutrements every eight (8) years at a minimum from the date of the 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/property owner shall re-slurry and re-stripe the driveway and parking areas every five (5) years at a minimum. 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 signs 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 4.24 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 4.33

TRAFFIC IMPROVEMENT FEES

The applicant/developer shall pay all fees related to the requirements of the Citywide Traffic Improvement Fee.

PROJECT SPECIFIC CONDITIONS:

1. The hours of operation shall be limited to Monday through Friday from 11:00 a.m. to 8:00 p.m. and Saturday and Sunday from 10:00 a.m. to 10:00 p.m., unless a modification to such hours is approved by the Director of Community and Economic Development.
2. The applicant/operator shall comply with the La Habra Noise Control Ordinance (Chapter 9.32 of the La Habra Municipal Code) at all times.
3. The applicant/developer shall submit commercial tenant improvement plans to the Building and Safety Division. Such plans require review and approval by the Chief Building Official and Director of Community and Economic Development or designee prior to the issuance of building permits.
4. 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.
5. All rooftop mounted mechanical equipment shall be fully screened from public view using a rooftop parapet or similar screening method 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.
6. The applicant/developer shall ensure that the project complies with Americans with Disabilities Act (ADA) requirements to the satisfaction of the Chief Building Official.
7. The applicant/developer shall construct a trash enclosure to the satisfaction of the City Engineer and Director of Community and Economic Development prior to the issuance of a Certificate of Occupancy.
8. 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 prior to the issuance of Certificate of Occupancy. All work within the public right-of-way shall be in accordance with the Green Book of APWA Standards.

9. The applicant/developer shall remove and reconstruct all broken and lifted sidewalk on North Harbor Boulevard along the full project frontage to the satisfaction of the City Engineer prior to the issuance of Certificate of Occupancy.
10. The applicant/developer shall remove and reconstruct the drive approach on North Harbor Boulevard along the project frontage to meet ADA standards to the satisfaction of the City Engineer prior to the issuance of Certificate of Occupancy.
11. The applicant/developer shall submit plans to remove the existing non-conforming pylon sign located along North Harbor Boulevard. Such plans require review and approval by the Chief Building Official and Director of Economic and Community Development or a Designee. The non-conforming pylon sign shall be removed in accordance with the approved plans prior to the issuance of Certificate of Occupancy.
12. The applicant/developer shall submit plans for all proposed new signs to the Building and Safety Division for all proposed signage 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.