

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING PLANNED UNIT DEVELOPMENT PRECISE PLAN 22-02 FOR THE CONSTRUCTION OF A 3,875 SQUARE FOOT, DUAL TENANT BUILDING AT 711 EAST IMPERIAL HIGHWAY, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS, AND RECOMMENDING THAT THE CITY COUNCIL MAKE A DETERMINATION THAT THE REQUEST IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15303, CLASS 3: "NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES" AND SECTION 15061(B)(2) OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES

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

- A. On November 9, 2022, the Applicant, Paraj Patel, filed an application requesting approval of Planned Unit Development Precise Plan 22-02 to construct of a 3,875 square foot, dual tenant commercial building at 711 East Imperial Highway (the "Project") on Parcel 2 of four parcels approved under Planned Unit Development Master Plan 17-01. Concurrently, the Applicant submitted Conditional Use Permit 22-31 to operate a drive-through restaurant (Dunkin' Donuts) within one of the tenant spaces.
- B. On September 24, 2018, the Planning Commission approved resolutions recommending City Council approval of Mitigated Negative Declaration 17-02 (the "MND"), Planned Unit Development Master Plan No. 17-01 (the "Master Plan") and a Development Agreement between the City of La Habra and Greg S. Jones Revocable Trust and Sunny Investments, LLC (the "Development Agreement") for the development of the properties at 701-751 E. Imperial Highway. The Planning Commission also approved Tentative Parcel Map No. 2017-154 to divide the property into four parcels; Conditional Use Permits (CUPs) to allow the operation of a hotel with alcohol sales on Parcel 1 and drive-through restaurants on Parcels 2 and 3 with Parcel 4 vacant, but to be developed in the future with a permitted use.
- C. On December 3, 2018, the City Council approved the MND; and subsequently on December 18, 2018 adopted ordinances approving the Master Plan and Development Agreement.
- D. Popeye's Louisiana Kitchen chose not to move forward with development of a drive-through restaurant on Subject Site (Parcel 2). Subsequent recitals indicate that a CUP is thus required for a new restaurant on the site.

- E. Pursuant to Section 18.52.110 (Conformance) of Chapter 18.52 (PUD Planned Unit Development Overlay Zone), after the adoption of a planned unit development ordinance, and prior to the issuance of any building permit, a final development plan is required to be prepared and final subdivision map or parcel map recorded, if either is involved. The final development plan shall conform to the ordinance adopting the planned unit development and shall show to scale all buildings, off-street parking facilities, landscaping, finished grades and such other details as will suffice to indicate conformance with all the features, conditions and characteristics upon which the approval was predicated. Development of the hotel (La Quinta Inn and Suites) on Parcel 1 is underway and a drive-through restaurant (dba: Taco Bell) has been constructed and is in operation on Parcel 3. The plans that were approved by Planning Commission in conjunction with the CUP for the hotel and the Taco Bell met the requirements for a final development plan, as required by Section 18.52.110.
- F. The Final Map for the Tentative Parcel Map was approved by City Council on April 6, 2020 and recorded on May 14, 2020. All on-site utilities have been installed, the required drive aisles have been constructed, and the required intersection improvements were completed as per the Master Plan.
- G. On April 25, 2022, the Planning Commission recommended approval of a Precise Plan on Parcel 4 for the development of 6,250 square foot commercial building (dba: Hallmark), which was subsequently approved by City Council by adoption of Ordinance No. 1842 on June 6, 2022.
- H. It has been determined that the Development Agreement and PUD Master Plan that apply to the subject site and the other parcels on the property do not need to be amended to accommodate the proposed Project in that the proposed use is in substantial conformance with the uses contemplated by the Master Plan pursuant to LHMC Section 18.52.130 (Re-approval required) and Recital D and Standard Condition No. 1.6 of the Development Agreement.
- I. The Applicant is now requesting to develop the subject site with a new two-tenant commercial building and allow the operation of a new drive-through restaurant (dba: Dunkin' Donuts) within one of the tenant spaces. As a result, the proposed Project requires approval of a new Precise Plan and CUP.
- J. The Project was originally noticed and advertised as being consistent with certified Mitigated Negative Declaration 17-02, approved in conjunction with Planned Unit Development Master Plan 17-01, for the purposes of environmental review, pursuant to the California Environmental Quality Act

(CEQA). Upon further review, staff has determined that the proposed Project is Categorically Exempt from CEQA pursuant to CEQA Guidelines Section 15303, Class 3 “New Construction or Conversion of Small Structures.” This exemption class consists of the construction and location of limited numbers of new, small facilities or structures, including commercial uses not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not sensitive. As further described in the staff report, the proposed two-unit commercial building would be 3,875 square feet. In addition, the Project is proposed on a parcel that was part of Planned Unit Development Master Plan 17-01. The infrastructure required for the implementation of this Master Plan has been constructed. The proposed Project does not meet any of the exceptions described in 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 impacts that may otherwise occur in a sensitive environmental area. 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. Staff does not expect any significant impacts or unusual circumstances related to the approval and construction of this Project. Therefore, pursuant to the provision under Section 15061(B)(2) of the California Environmental Quality Act Guidelines, the Project is categorically exempt from CEQA; and

- K. On August 28, 2023, the Planning Commission held a duly noticed public hearing to consider and provide a recommendation on the Applicant’s request for Planned Unit Development Precise Plan 22-02, at which time it considered all material and evidence, whether written or oral.
- L. At the August 28, 2023, the Planning Commission meeting, the Planning Commission also considered and approved Conditional Use Permit 22-31 to allow the operation of a drive-through restaurant (Dunkin’ Donuts) within one of the tenant spaces at 711 East Imperial Highway under a separate action and contingent upon the approval of Planned Unit Development Precise Plan 22-02 by the City Council.
- M. In making the various findings set forth in the Draft Ordinance (Exhibit A) of this Resolution for Planned Unit Development Precise Plan 22-02, 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 recommends that the City Council find that the Project is Categorically Exempt from CEQA pursuant to CEQA Guidelines Section 15303, Class 3 “New Construction or Conversion of Small Structures.” This exemption class consists of the construction and location of limited numbers of new, small facilities or structures, including commercial uses not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not sensitive. As further described in the staff report, the proposed two-unit commercial building would be 3,875 square feet. In addition, the project is proposed on a parcel that was part of Planned Unit Development Master Plan 17-01. The infrastructure required for the implementation of this Master Plan has been constructed. The proposed Project does not meet any of the exceptions described in 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 impacts that may otherwise occur in a sensitive environmental area. 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. Staff does not expect any significant impacts or unusual circumstances related to the approval and construction of this Project. Therefore, pursuant to the provision under Section 15061(B)(2) of the California Environmental Quality Act Guidelines, the Project is categorically exempt from CEQA.

SECTION 2. PLANNED UNIT DEVELOPMENT PRECISE PLAN 22-02. The Planning Commission finds and determines that the Applicant has succeeded in meeting its burden of providing evidence to support recommending approval of Planned Unit Development Precise Plan 22-02 to the City Council, based on the findings required by Section 18.36.100 of the La Habra Municipal Code, as detailed in the staff report. The Planning Commission recommends that the City Council adopt the ordinance attached hereto as Exhibit A to approve Planned Unit Development Precise Plan 22-02.

SECTION 3. 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 4. EFFECTIVE DATE. This Resolution shall take effect immediately.

SECTION 5. CERTIFICATION. The Secretary shall certify the passage of this Resolution.

PASSED, APPROVED, AND ADOPTED this 28th day of August, 2023.

Esther Rojas, 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 August 28, 2023 by the following vote:

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

Veronica Lopez, Secretary

EXHIBIT A

DRAFT ORDINANCE