

RESOLUTION NO.

A RESOLUTION OF THE PLANING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING MODIFICATION 23-02 TO AMEND CONDITIONAL USE PERMIT 98-71 FOR THE OPERATION OF A WATER DISPENSING KIOSK (OUTDOOR VENDING MACHINE) LOCATED AT 1581 WEST WHITTIER BOULEVARD, #1A, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS, AND MAKING THE DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15302(B), CLASS 2: "REPLACEMENT OR RECONSTRUCTION" 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 July 26, 1998, the Planning Commission approved Conditional Use Permit 98-71 to establish a water dispensing kiosk at 1581 West Whittier Boulevard.
- B. The Applicant, Lakeside Resources, LLC, filed an application requesting approval of Modification (MOD) 23-02 to amend Conditional Use Permit (CUP) 98-71 for the operation of a new water dispensing kiosk (outdoor vending machine) located at 1581 West Whittier Boulevard, #1A (the "Project").
- C. On September 25, 2023, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for Modification 23-02 to amend Conditional Use Permit 98-71, at which time it considered all material and evidence, whether written or oral.
- 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 15302(b), Class 2: "Replacement or Reconstruction" of the CEQA Guidelines in that the Project involves the replacement of an existing water dispensing kiosk with a new water dispensing kiosk.

SECTION 2. MODIFICATION 23-02 TO AMEND CONDITIONAL USE PERMIT 98-71. The Planning Commission finds and determines that the Applicant has succeeded in meeting its burden of providing evidence to support the granting of Modification 23-02 to amend Conditional Use Permit 98-71 for operation of a water dispensing kiosk (outdoor vending machine) and approves Modification 23-02 to amend Conditional Use Permit 98-71 based on the following findings required by Section 18.66.070.C of the La Habra Municipal Code and subject to the conditions attached hereto as Exhibit A, which shall replace the original conditions of approval.

- 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/or enjoyment of surrounding and adjacent properties and will not impair the character of the zone in which it is to be located.**

The attached conditions of approval for Modification 23-02 ensure that the proposed water kiosk will not be detrimental to the public welfare and will not unreasonably interfere with the use, possession and enjoyment of the surrounding and adjacent properties. The new kiosk will be subject to review under current Building Code requirements to ensure that it is in full compliance. Through compliance with these conditions of approval, the new water dispensing kiosk will not impair the character of the C-2 zone. The new kiosk will not alter the existing function of the business.

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

The proposed 120 square foot water dispensing kiosk is replacing an existing kiosk which has been a part of the existing commercial shopping center for 25 years. The day-to-day operation and use of the existing kiosk, without issue, demonstrates that the current site, and its associated parking, is adequate in shape, size, and topography to accommodate the existing use. The proposal will not result in substantial changes to the existing operation. Therefore, the subject site is physically suitable to accommodate the proposed new Watermill Express kiosk.

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

Outdoor vending machines are allowed in the C-2 zone, subject to a Conditional Use Permit, pursuant to La Habra Municipal Code Section 18.06.040.A. The operation of the water dispensing kiosk has been permitted since the original 1998 Planning Commission approval. Since the request is only to replace the kiosk and expand its current offerings, the operational characteristics of the store will remain unaffected. The business

operators have proven to properly manage and monitor the kiosk for the past 25 years. Therefore, the minor modification to the existing Conditional Use Permit for the operation of a new water dispensing kiosk will continue to be compatible with the La Habra Gateway shopping center, and continue to comply with the intent and applicable provisions of the La Habra Municipal Code.

D. The granting of this Conditional Use Permit is consistent with the comprehensive General Plan.

Granting Modification 23-02 to allow for the operation of water dispensing kiosk will be consistent with the La Habra General Plan, specifically Policy LU 11.1, which 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.” Watermill Express is situated within the La Habra Gateway commercial center, which presently features a variety of food, and retail offerings. By replacing its current kiosk and adding an ice dispenser, the Watermill Express can continue to meet customer needs and further serve residents in the La Habra area. Granting Modification 23-02 is also consistent with General Plan Policy LU 5.6, to “encourage the rehabilitation of existing commercial buildings and signage that are deteriorated or inconsistent with the intended character and quality of the City.” The proposed water dispensing kiosk replaces the existing kiosk with a kiosk that will also complement the shopping center.

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 25th day of September, 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 September 25, 2023 by the following vote:

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

Veronica Lopez, Secretary