

## RESOLUTION NO. 24-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING VESTING TENTATIVE PARCEL MAP 2023-149 TO ALLOW A 1.29 ACRE SITE TO BE SUBDIVIDED INTO TWO PARCELS ON THE PROPERTY CURRENTLY ADDRESSED AS 310-330 EAST WHITTIER 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 PURSUANT TO SECTION 15315, CLASS 15: "MINOR LAND USE DIVISIONS" 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 April 22, 2024, the Planning Commission approved Tentative Tract Map 23-02 to allow a residential subdivision for condominium purposes and Design Review 23-04 for construction of 22 townhome units on the property currently addressed as 310-330 East Whittier Blvd.
- B. The Applicant, City Ventures, filed an application requesting approval of Vesting Tentative Parcel Map 2023-149 to subdivide a 1.29-acre lot into two parcels on the property currently addressed as 310-330 East Whittier Boulevard (the "Project").
- C. The proposed subdivision is governed by the applicable goals and policies of the City of La Habra General Plan and the requirements of the La Habra Municipal Code.
- D. On June 24, 2024, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for Vesting Tentative Parcel Map 2023-149.
- 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 15315, Class 15: "Minor Land Use Divisions" of the CEQA Guidelines. The Project consists of

the division of property in an urbanized area zoned for commercial use into two parcels. The division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous two years, and the parcel does not have an average slope great than 20 percent.

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. Staff does not expect 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. VESTING TENTATIVE PARCEL MAP.** The Planning Commission approves Vesting Tentative Parcel Map 2023-149 based on the fact that none of the findings which would prohibit the approval of a map are present and the map satisfies all of the requirements of Chapter 17.08 of the La Habra Municipal Code and the Subdivision Map Act, subject to the conditions attached hereto as **Exhibit A**.

**A. That the proposed map is not consistent with the applicable general plan and specific plans as specified in Section 65451.**

The proposed map is for finance and conveyance purposes only, which will enable the future sale and purchase of the property identified as Parcel 1 on Vesting Tentative Parcel Map 2023-149. The approval of Vesting Tentative Parcel Map 2023-149 does not include any new physical development. However, if the site is proposed for development, it will be subject to all applicable State and local requirements. Pursuant to the City of La Habra's General Plan 2035, the project site is designated as Corridor Mixed-Use 1, which allows for multi-unit housing, retail and service uses, and mixed uses. There are no Specific Plans that are applicable to the project site. Therefore, the proposed map is consistent with the General Plan.

**B. That the design or improvement of the proposed subdivision is not consistent with the applicable general and specific plans.**

The Planning Commission approved the construction of 22 townhomes on the property identified as Parcel 2 on Vesting Tentative Parcel Map 2023-149 on April 22, 2024. There is no physical development being proposed on Parcel 1 at this time. However, as a vesting tentative parcel map, future development will be subject to complying with the standards for the C-2

(Commercial) Zone and the MX (Mixed Use) Overlay Zone. The MX Overlay Zone implements the General Plan Corridor Mixed-Use 1 land use designation. There are no Specific Plans that are applicable to the project site. Vesting Tentative Parcel Map 2023-149 poses no conflicts with the General Plan. Therefore, the design of the proposed subdivision is consistent with the General Plan.

**C. That the site is not physically suitable for the type of development.**

The subject lot is proposed to be subdivided into two parcels. Parcel 1 is currently developed with a restaurant. Parcel 2 is slated to be developed with 22 new townhomes, which were approved by the Planning Commission on April 22, 2024. It is anticipated that Parcel 1 may be developed into townhomes in the future. The property owner/applicant is aware that Parcel 1 will be subject to complying with the C-2 Zone and the MX Overlay Zone development standards, which enables the development of multi-unit housing. Therefore, the site is physically suitable for the anticipated type of development.

**D. That the site is not physically suitable for the proposed density of the development.**

No development is proposed at this time. Vesting Tentative Parcel Map 2023-149 is necessary for finance and conveyance purposes only.

**E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The project site is an infill development in an urbanized area and the portion of the site identified as Parcel 1 has been fully developed as it is currently occupied by a Marie Callendar's restaurant. The portion of the site identified as Parcel 2 has been developed with the Chicken Box Broasted Chicken restaurant and Magnolia Vintage Home & Gift store, but is slated to be developed with 22 townhomes consistent with the development standards for the C-2 Zone and MX Overlay Zone. The entire site was previously developed, resulting in the site having no endangered plant or animal species. Therefore, the design of the proposed subdivision will not cause substantial damage or avoidable injury to wildlife and their habitat.

**F. That the design of the subdivision or the type of improvements is likely to cause serious health problems.**

The subject property currently provides sufficient access for public safety services, such as Fire and Police. Additionally, the subject property as developed is already serviced by sanitary sewers and storm drains. Since permits and inspections are required for the construction of all future infrastructure improvements, no health or safety issues are anticipated if new development occurs on Parcels 1 and/or 2. Therefore, the design of the subdivision is not likely to cause serious health problems.

- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.**

Vesting Tentative Parcel Map 2023-149 is for finance and conveyance purposes only and will not result in changes to existing easements for access at this time. Therefore, the design of the subdivision will not conflict with easements for access through or use of property within the proposed subdivision.

**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 the proposed project does not include any physical development, the aforementioned requirements will not apply.

**SECTION 5. 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 6. 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 7. EFFECTIVE DATE.** This Resolution shall take effect immediately.

**SECTION 8. CERTIFICATION.** The Secretary shall certify the passage of this Resolution.

PASSED, APPROVED, AND ADOPTED this 24th day of June, 2024.

  
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Jason Manley, Chair

I, Veronica Lopez, Secretary to the Planning Commission of the City of La Habra, do hereby certify that the foregoing Resolution No. 24-16 was adopted at a regular meeting of the City of La Habra Planning Commission held on June 24, 2024 by the following vote:

AYES: COMMISSIONERS: ROJAS, CARDENAS, MANLEY, MAHECHA  
NOES: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: GOMEZ

  
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Veronica Lopez, Secretary

**EXHIBIT A**

**VESTING TENTATIVE PARCEL MAP 2023-149 – CONDITIONS OF APPROVAL**

**GENERAL CONDITIONS:**

Standard Condition 1.1                      **CODE COMPLIANCE**

The applicant/developer/successor in interest shall comply with the City of La Habra Municipal Code and all applicable ordinances.

Standard Condition 1.4                      **LA COUNTY FIRE DEPARTMENT**

The applicant/developer shall comply with the Los Angeles County/La Habra Fire Code and Fire Department requirements, as applicable.

Standard Condition 1.6                      **PLANS/MAP**

This approval is for the vesting tentative parcel map reviewed and approved by the City of La Habra Planning Commission at its meeting of June 24, 2024. A copy of said map shall be maintained in the files of the City of La Habra Planning Division. The project involves a vesting tentative map for finance and conveyance purposes only.

Standard Condition 1.27                      **DIVISION OF LAND**

The applicant/developer shall meet all provisions of Title 17 (Subdivisions) of the La Habra Municipal Code as they relate to the division of land.

**PRIOR TO THE RECORDATION OF THE VESTING PARCEL MAP:**

Standard Condition 2.2                      **HORIZONTAL CONTROL SYSTEM**

The applicant/developer shall have the project surveyor/engineer tie the boundary of the map into the Horizontal Control System established by the County Surveyor in a manner described in Sections 7-9-330 and 7-9-337 of the Orange County Subdivision Code and Orange County Subdivision Manual, Sub-article 18, and shall submit to the County Surveyor a digital graphics file of said map.

Standard Condition 4.7                      **RECORDATION OF FINAL MAP**

The applicant/developer shall prepare and record the Final Vesting Parcel Map per the requirements of the City Engineer, as per the Subdivision Map Act and the La Habra Municipal Code.

**PROJECT SPECIFIC CONDITIONS:**

1. The applicant shall prepare a Final Parcel Map based on a field survey to the satisfaction of the City Engineer.
2. The applicant shall submit Vesting Parcel Map 2023-149 for recordation prior to or at the same time as Tract Map No. 19280 to the satisfaction of the City Engineer.

