

RESOLUTION NO. 24 – _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING LOT LINE ADJUSTMENT 24-0001 TO REPOSITION A COMMON LOT LINE BETWEEN TWO CONTIGUOUS PROPERTIES LOCATED AT 641 AND 651 WARD STREET, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS, AND MAKING THE DETERMINATION THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15305(A), CLASS 5: "MINOR ALTERATIONS IN LAND USE LIMITATIONS" OF THE CEQA GUIDELINES

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

- A. On April 24, 2024, the Applicant, Nader J Qoborsi, representing the Property Owner, Ward Habra Properties, LLC., submitted an application requesting Lot Line Adjustment 24-0001 to reposition the common lot line for the contiguous properties addressed as 641 and 651 Ward Street (the "Project").
- B. On May 16, 2024, after receiving corrections from staff on the submitted plans, the Applicant submitted revised plans.
- C. On June 27, 2024, after receiving further corrections from staff on the revised plans, the Applicant submitted a second set of revised plans.
- D. On August 12, 2024, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for Lot Line Adjustment 24-0001.
- 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 15305(a), Class 5: "Minor Alterations in Land Use Limitations" of the CEQA Guidelines. No development has been proposed as part of this Lot Line Adjustment. The existing lot line between the two adjacent properties is being relocated to bring the four-plex structure on the 641 Ward Street property into conformance with Multi-Unit (R-4) development

standards. While the Lot Line Adjustment will result in subsequent changes to the square footage of each lot, which will in turn change the density of each lot, these changes are minor. This Project is not subject to any of the exceptions for exemption under Section 15300.2 of the CEQA Guidelines. The location of the Lot Line Adjustment is not considered a sensitive environment; therefore, the action will not result in any significant environmental impact. The subject parcels are also not located along any state-designated scenic highways or within any designated hazardous waste sites. Staff does not expect any impacts or unusual circumstances related to the approval of this Lot Line Adjustment. Therefore, the Project is categorically exempt from CEQA.

SECTION 2. APPROVAL OF LOT LINE ADJUSTMENT. The Planning Commission finds that the proposed Lot Line Adjustment 24-0001 to reposition the common lot line for the contiguous properties addressed as 641 and 651 Ward Street conforms to the requirements set forth in Section 17.20.030 of the La Habra Municipal Code (LHMC) as detailed below and approves Lot Line Adjustment 24-0001, subject to the conditions of approval attached hereto as **Exhibit A**.

A. Does not create an additional lot.

The proposed Lot Line Adjustment 24-0001 modifies the size of two existing lots and does not create an additional lot.

B. Does not reduce the area or width of any lot in any zone below the minimum area or width required in such zone.

The subject lots (Parcels 1 and 2) were legally established and developed with four-plexes in 1963 and are assumed to have been in compliance with the minimum lot area and width standards that were required at that time. The subject properties are both located in the R-4 Zone, which requires a minimum area of 2,800 square feet per dwelling unit for lots under 10,000 square feet and 2,100 square feet per dwelling unit for lots over 10,000 square feet. Hence, each four-plex is subject to a lot size of 8,400 square feet. Table 1 shows the existing, required and proposed lot areas for each parcel. The R-4 Zone also requires a 60-foot wide lot frontage. Table 2 shows the existing, required and proposed lot frontage for each parcel; however, it should be noted that both parcels increase in width from the street frontage to the rear of each parcel. As shown below, Lot Line Adjustment 24-0001 does not substantially exacerbate the existing legal non-conforming status of either parcel.

Table 1: Lot Area

Lot Area (Square Feet)	Existing	Required	Proposed
Parcel 1	5,593	8,400	6,861
Parcel 2	11,278	8,400	10,010

Table 2: Lot Frontage

Lot Area (Square Feet)	Existing	Required	Proposed
Parcel 1	49	60	54
Parcel 2	53	60	48

- C. Does not cut off any lot from any lot from any frontage on a public street or alley access to a public utility easement, or create a need for utility easements.**

Lot Line Adjustment 24-0001 will not impact the existing driveways for either parcel and both parcels will continue to have access to a public street. In addition, the proposed Lot Line Adjustment will not affect any access to any public utilities. Further, the City's Public Works Department evaluated the proposal and verified that there will be sufficient access to any existing public utility easement and no additional utility easement will be created.

- D. Does not cut off any lot from any utility service available immediately prior to the lot line adjustment.**

Lot Line Adjustment 24-0001 will not affect the existing utilities servicing the site.

- E. Does not cause an existing building to be in violation of the zoning regulations of Title 18 of this code, the building code or state housing law by reason of its proximity to or encroachment on a proposed new lot line.**

Lot Line Adjustment 24-0001 will address an existing building that is currently in violation of the setback standards for the R-4 Zone. Currently, the subject four-plex approved for Parcel 1 was constructed over the common property line between Parcels 1 and 2. This Lot Line Adjustment will reposition the property line so that a 5-foot interior side setback is established between the existing four-plex on Parcel 1 and the new property line. The existing four-plex currently maintains legal, non-conforming front setback of 10 feet; however, the proposed Lot Line Adjustment will not involve new development that further impacts the front yard. The side (west) and rear yard (north) setbacks for Parcel 1 as well as all setbacks for Parcel 2 remain in compliance with the minimum requirements per Title 18 of the Municipal Code.

F. Does not create a new key lot in any zone.

Section 18.04.030 of the LHMC defines a key lot as the first interior lot to the rear of a reversed corner lot. Lot Line Adjustment 24-0001 involves the repositioning of a shared side lot line; therefore, no new key lot will be created.

G. That no new public street or easement or extension of any public street or easement will be required, nor will any public improvements.

Lot Line Adjustment 24-0001 will retain the existing driveway approaches from the Ward Street cul-de-sac; it will not affect any public streets or require any modification to public streets or easements.

SECTION 3. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

The Project was reviewed pursuant to the requirements of the National Discharge Elimination System (NPDES) and the Local Implementation Plan (LIP). The requested action is to adjust a lot line between two parcels. The specific action does not result in the disturbance of any soil. Thus, the Project is exempt from the requirements of NPDES.

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 12th day of August, 2024.

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 – _____ was adopted at a regular meeting of the City of La Habra Planning Commission held on August 12, 2024 by the following vote:

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

Veronica Lopez, Secretary

EXHIBIT A

CONDITIONS OF APPROVAL

General Conditions:

Standard Condition 1.1 CODE COMPLIANCE

The property owner shall comply with the City of La Habra Municipal Code and all applicable ordinances.

Standard Condition 1.4 LA COUNTY FIRE DEPARTMENT

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

Standard Condition 1.6 PLANS

This approval is for the plans date reviewed and approved by the City of La Habra Planning Commission at its meeting on August 12, 2024. 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 1.27 DIVISION OF LAND

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

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