

## RESOLUTION NO. 24-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, MAKING THE REQUIRED FINDINGS AND APPROVING DESIGN REVIEW 23-06 TO REMODEL THE BUILDING AND SITE FOR AN EXISTING DRIVE-THROUGH RESTAURANT (CHICK-FIL-A) LOCATED AT 1801 WEST IMPERIAL HIGHWAY, 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, 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. On June 24, 1991, the Planning Commission approved Conditional Use Permit 90-64 to establish a drive-through restaurant at 1801 West Imperial Highway.
- B. On December 11, 2006, the Planning Commission approved Plan Approval 06-20 to comprehensively remodel the existing building at 1801 West Imperial Highway for a Chick-Fil-A drive-through restaurant.
- C. The Applicant, 4G Development & Consulting, Inc., filed an application requesting approval of Design Review (DR) 23-06 to remodel the building and site for an existing drive-through restaurant (Chick-Fil-A) located at 1801 West Imperial Highway within the La Habra Marketplace Shopping Center (the "Project").
- D. On September 23, 2024, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for approval of Design Review 23-06.
- 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, Class 1: "Existing Facilities" of the CEQA Guidelines because the Project involves a negligible expansion of use. The project will involve

expansion of the existing building footprint from 3,357 square feet to 3,901 square feet, which is both less than 50% of the existing building footprint and less than 2,500 square feet, and is located within an established shopping center where all necessary public services and facilities are readily available.

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. DESIGN REVIEW 23-06.** The Planning Commission finds and determines that the Applicant has succeeded in meeting its burden of providing evidence to support the granting of Design Review 23-06 and approves Design Review based on the following findings required by Section 18.68.050 of the La Habra Municipal Code and subject to the conditions attached hereto as **Exhibit A**.

**A. The proposed project is consistent with the City's General Plan.**

The proposed Project is consistent with the Community Shopping Center 2 General Plan land use designation of the site, which is "characterized by a variety of commercial uses serving the larger citywide area as well as the immediate surrounding communities. These centers typically have a principal outlet or anchor that includes a variety store, supermarket, or home improvement store and a range of food, convenience goods, and specialty retail/merchandise commercial uses." The proposed Project also supports General Plan Goal LU 11: Diverse Districts and Corridors, which includes policies towards the achievement of "[v]ital, active, prosperous, and well-designed commercial districts that provide a diversity of goods, services, and entertainment and contribute to a positive experience for visitors and community residents." The Project implements this goal by comprehensively remodeling an existing building and site for the continued operation of a drive-through restaurant. The proposed building and site enhancements will help reinvigorate the overall shopping center by providing an updated, refreshed building design along with newly added landscaping to beautify the property. Therefore, the proposed Project is consistent with the City's General Plan.

**B. The proposed project is consistent with the City's Zoning Ordinance.**

The subject property is zoned C-2sH (Community Shopping Center High Density). The proposed project complies with the C-2sH standards identified in Chapter 18.32 of the Zoning Ordinance, including building setbacks, building height limits, design guidelines, on-site parking, and landscaping requirements. Therefore, the proposed Project is consistent with the Zoning Ordinance.

**C. The proposed project is in the best interests of the public health, safety, and welfare of the community.**

The Zoning Ordinance and General Plan are tools that are available to ensure that all projects achieve goals that promote the public health, safety and welfare of the community. The proposed Project is in harmony with both the Zoning Ordinance and the policies of the General Plan. The proposed comprehensive remodel and expansion to an existing building and site improvements including new canopies, relocated trash enclosure, and new pedestrian walkway will be reviewed to conform with all Building Code requirements to ensure the proposed remodel of the existing restaurant with a drive through will be structurally sound and meet all electrical, plumbing and mechanical requirements to ensure a safe environment to operate a restaurant with a drive through. As part of the Building plan review process, the Project will be reviewed by Building Safety Inspectors before the issuance of the Certificate of Occupancy issued. Therefore, by complying with the Zoning Ordinance and various policies of the General Plan, as well as being subject to the Building plan review and Inspection processes, the proposed Project is in the best interest of the public health, safety, and welfare of the community.

**D. For projects that are not subject to the objective design standards set forth in Chapter 18.09 of this title, the nature of the proposed land use and the design is appropriate for the proposed location and is compatible with the surrounding land uses and improvements.**

Chapter 18.09 of the LHMC applies to multi-unit residential and mixed-use development in the City, and, therefore, does not apply to this Project.

The proposed building and site improvements comply with the General Plan and Zoning designations. The design of the proposed Project takes into consideration the property's location, existing development, and size to accommodate the remodel and expansion of the existing restaurant with a drive through in a thought-out manner. The proposed Project provides adequate on-site access, circulation, and on-site parking to minimize impacts to the

surrounding area. In this case, the proposed Project was designed to ensure the addition will not impede the line-of-sight for vehicles exiting from the drive-through lane. Also, the proposed modifications to the existing building have been designed in compliance with the required setbacks and building height limits. New rooftop screening and an enclosed electrical equipment closet also help to ensure unsightly mechanical equipment will not detract from the overall building appearance. Therefore, the nature of the proposed land use and the design is appropriate for the existing building location and is compatible with surrounding uses and improvements.

**E. The project complies with all requirements of the California Environmental Quality Act, or has been found to be exempt.**

The Project has been found to be categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1: "Existing Facilities" of the CEQA Guidelines because the Project involves a negligible expansion of use. The Project will involve expansion of the existing building footprint from 3,351 square feet to 3,901 square feet, which is both less than 50% of the existing building footprint and less than 2,500 square feet, and is located within an established shopping center where all necessary public services and facilities are readily available.

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 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. The Applicant shall prepare and submit for the City's review and approval a final Non-Priority 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 23rd day of September, 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. \_\_\_\_\_ was adopted at a regular meeting of the City of La Habra Planning Commission held on September 23, 2024 by the following vote:

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

\_\_\_\_\_  
Veronica Lopez, Secretary

**EXHIBIT A**  
**DESIGN REVIEW 23-06 CONDITIONS OF APPROVAL**

**GENERAL CONDITIONS:**

Standard Condition 1.1                      **CODE COMPLIANCE**

The applicant/developer/business operator shall comply with the City of La Habra Municipal Code and all applicable ordinances.

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/successor in interest 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 applicant/developer/successor in interest 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 reviewed and approved by the City of La Habra Planning Commission at its meeting of September 23, 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 1.8 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. Dead or damaged landscape material/vegetation shall be replaced immediately per the approved landscape plan. 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 buildings and accoutrements every eight (8) years at a minimum. 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 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/successor in interest shall maintain the signs in good condition at all times and shall repaint the freestanding signs that are proposed to advertise the business every eight (8) years at a minimum starting from the date of a permit final for the project. The Director of Community and Economic Development may require more frequent painting if the improvements are not maintained in good condition.

Standard Condition 1.16                      OUTDOOR DISPLAY OF MERCHANDISE

The property owner/business operator shall not display any merchandise outside of the building at any time unless approved by the Director of Community and Economic Development or designee through a Special Event Permit.

Standard Condition 1.15                      OUTDOOR VENDING MACHINES

The property owner/business operator shall not operate or allow any outdoor vending machines on the site at any time.

Standard Condition 1.17                      PUBLIC PAY PHONES

The property owner/business operator shall, at all times, prohibit the installation and use of exterior public pay telephones.

Standard Condition 1.18                      LITTER

The property owner/business operator 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 1.36                      HEALTH DEPARTMENT APPROVAL  
REQUIRED

The property owner/business operator shall obtain all necessary permits from the Orange County Health Care Agency if required.

Standard Condition 1.37                      CONDUCT OF BUSINESS

The property owner/business operator shall, at all times, conduct business operations in a manner that does not create a public or private nuisance. Any such nuisance must be abated immediately upon notice by the City of La Habra.

Standard Condition 1.38                      CANOPIES AND AWNINGS

The applicant/developer shall maintain canopies and awnings in good condition at all times and shall replace them every five (5) years at a minimum. The Director of Community Development may require more frequent replacement if the canopies are not maintained in good condition or become damaged, faded, ripped, frayed, or marred by graffiti. Canopies and awnings shall not display any signage.

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 4.25

TRASH ENCLOSURE

The applicant/developer shall provide plans to install a six-foot tall decorative masonry block trash enclosure to City standards to contain a three-yard refuse bin and a ninety-six-gallon recycling cart. The enclosure shall be finished to match the main building and shall include provisions for a solid roofed cover, hose bib, and an area drain connected to the sanitary sewer system. The design and location is subject to approval by the City Engineer and Director of Community and Economic Development or designee.

Standard Condition 4.33

TRAFFIC IMPROVEMENT FEES

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

Standard Condition 4.4

NON-PRIORITY PROJECT WATER QUALITY  
MANAGEMENT PLAN

The applicant/developer shall submit a Non-Priority Project Water Quality Management Plan (WQMP) to the City for review and approval by the City Engineer or designee. This plan shall be in conformance with all current NPDES requirements.

**PRIOR TO AUTHORIZATION TO USE, OCCUPY AND/OR OPERATE:**

Standard Condition 5.3                      INSTALLATION OF TRAFFIC STRIPING AND SIGNING

The applicant/developer shall install all required traffic striping and signing to the satisfaction of the City Engineer.

Standard Condition 5.7                      LANDSCAPE INSTALLATION

The applicant/developer shall install all required landscaping and irrigation systems as per the approved plans to the satisfaction of the Director of Community and Economic Development or designee. Upon final inspection, staff will verify quantity, size, placement, and health of all plant material, at which time staff may require replacement or addition of landscaping material to ensure a high-quality planting.

Standard Condition 5.15                      BICYCLE FACILITIES

The property owner/business operator shall install and maintain bicycle facilities on-site in a convenient location prior to issuance of Certificate of Occupancy, to the satisfaction of the Director of Community Development. Examples of bicycle facilities include, but are not limited to, bicycle racks, lockers, indoor changing area with shower, bicycle storage room, etc.

Standard Condition 8.3                      SMOKING REGULATIONS

The property owner/business operator shall, at all times, require all patrons to comply with the smoking regulations set forth by the State of California.

Standard Condition 8.5                      BUILDING OCCUPANCY

The property owner/business operator shall ensure, at all times, that maximum building occupancy limits, as determined by the Chief Building Official, not be exceeded.

Standard Condition 8.6                      NUISANCE PROHIBITION

The property owner/business operator and employees of the restaurant shall not, at any time, allow circumstances to develop that will adversely interfere with adjacent uses, the community's economic welfare, nearby residential areas, or the operation of adjacent businesses, including, but not limited to, customer parking issues.

**Project Specific Conditions:**

1. The applicant/developer shall ensure that no construction material shall be stored within the public right-of-way and everything shall be stored on-site.

2. The applicant/developer shall remove the remaining portion of the walkway along the northside of the building and replace it with a landscape planter. Any plants or vegetation planted shall not exceed 24” in height to ensure that stopping sight distance is maintained. All new landscaping shall be identified on a landscape plan to the satisfaction of the Director of Community Development prior to the issuance of any building permits.
3. The applicant/developer’s final landscape plan shall demonstrate compliance with the following: (a) a minimum of seven percent of the parking lot area must be landscaped; (b) one 24-inch box tree shall be planted within the parking area for every 10 parking spaces; and (c) one 24-inch box tree shall be planted within the street setback area for every 20 linear feet of street frontage.
4. The applicant/developer shall install all required landscaping and irrigation systems as per the approved plans to the satisfaction of the Director of Community and Economic Development or designee prior to the finalization of any building permit. Upon final inspection, staff will verify quantity, size, placement, and health of all plant material, at which time staff may require replacement or addition of landscaping material to ensure a high-quality planting.
5. The applicant/developer shall be required to adhere to the approved striping plans to the satisfaction of the City Engineer. No alterations to the striping plan shall be made by the applicant/developer without prior approval from the City Engineer. Any alterations without prior approval from the City Engineer will be subject to restoration to comply with the approved striping plans at the expense of the applicant/developer.
6. The applicant/developer shall replace a broken 10’ by 10’ sidewalk panel along the project frontage on W. Imperial Highway to the satisfaction of the City Engineer.
7. The applicant/developer shall grind the edges of any raised sidewalk panels along the project frontage on W. Imperial Highway to the satisfaction of the City Engineer.