

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING TENTATIVE PARCEL MAP 2024-111 (TPM1PH24-0001) TO ALLOW THE SUBDIVISION OF A 14,450 SQUARE FOOT PARCEL INTO TWO LOTS FOR FUTURE SINGLE-UNIT DEVELOPMENT ON EACH LOT ON THE PROPERTY CURRENTLY ADDRESSED AS 800 NORTH TROPICANA WAY, 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 15315, CLASS 15: "MINOR LAND DIVISIONS" OF THE CEQA GUIDELINES

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

- A. The Applicant, Hong Phuc Dinh, is requesting approval of Tentative Parcel Map 2024-111 (TPM1PH24-0001) to allow for the subdivision of a 14,450 square foot parcel into two lots for single-unit residential purposes at 800 North Tropicana Way (the "Project").
- B. The proposed subdivision is governed by the applicable goals and policies of the La Habra General Plan and the requirements of the La Habra Municipal Code together with the Housing Crisis Act of 2019.
- C. On November 12, 2024, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for approval of Tentative Parcel Map 2024-111 (TPM1PH24-0001).
- 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 15315, Class 15: "Minor Land Divisions" of the CEQA Guidelines because the Project consists of the division of property in an urbanized area zoned for residential use, the property will be divided into two parcels, and the division conforms with the General Plan and Zoning Code. All services and access to the proposed parcels to local standards are available,

the parcel has not been involved in a division of a larger parcel within the previous two years, and the parcel has an average slope of less 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 execution of the Project. Therefore, the Project is categorically exempt from CEQA.

SECTION 2. NO NET LOSS OF DWELLING UNITS. In accordance with California Government Code section 66300.6, the City cannot approve a development project that will require the demolition of occupied units unless the project will include at least as many residential dwelling units as the greatest number of residential dwelling units that existed on the project site within the last five years. The existing property was developed with one single-unit residence in 1959. The property has not added nor removed any additional units since then. The property owner intends to construct two new single-unit residences on the proposed parcels after approval and recordation of Parcel Map 2024-111. Therefore, the subdivision will include at least as many residential dwelling units as have existed on the Project site within the last five years.

SECTION 3. APPROVAL OF TENTATIVE PARCEL MAP. The Planning Commission finds and determines that none of the findings which would prohibit approval of Tentative Map 2024-111 (TPM1PH24-0001) are present and the map satisfies all the requirements of Chapter 17.12 of the La Habra Municipal Code (LHMC) and the Subdivision Map Act. The Planning Commission approves Tentative Parcel Map 2024-111, subject to the conditions of approval 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 General Plan establishes a pattern of land use designations for the City along with goals and policies for the development of properties throughout the City. The General Plan's Low Density Residential land use designation allows for the development of up to eight dwelling units per acre. The proposed subdivision will enable development at a density of six units per acre. 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 applicable general and specific plans.

For illustrative purposes, the Applicant has provided the site plans to demonstrate the potential development on each parcel, and confirm that

said development would conform with the development standards of the R-1b Zone, which implements the General Plan's Low Density Residential land use designation. Following the approval of the tentative parcel map, the Applicant would subsequently submit complete building plans for these dwelling units. Planning staff will review the building plans for compliance with the R-1b Zone development standards during plan check review. There are no Specific Plans that are applicable to the project site. Therefore, the design or improvement 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 property is 0.33 acres (14,450 square feet) in size. The proposed tentative parcel map would create two parcels that would permit the development of one single-unit dwelling on each parcel, at a density of six units per acre. This density is below the maximum of eight dwelling units per acre allowed under the Low-Density Residential land use designation. The proposed parcels are of a relatively flat grade, requiring minimal grading and allowing for buildable pads that can be developed with dwelling units that conform to the development standards of the R-1b Zone. 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 development.

The subject site is 0.33 acres (14,450 square feet) in size and the proposed development will create two new residential units for a density of six units per acre. This density is below the maximum of eight units per acre allowed under the Low-Density Residential land use designation. The proposed parcels are of a relatively flat grade, requiring minimal grading and allowing for buildable pads that can be developed with dwelling units that conform to the development standards of the R-1b Zone. Therefore, the site is physically suitable for the proposed density of development.

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 located within an urbanized area. The subject site has been developed since 1959 with a single-unit dwelling with landscaping consisting of primarily ornamental trees and turf. The subject lot is also a corner lot, situated along paved roadways (Tropicana Way and Whittier Avenue). It is completely surrounded by other lots developed with existing, single-unit homes that also include ornamental landscaping that is not

conducive to supporting wildlife and their habitat. Therefore, the design of the proposed subdivision is not likely to cause substantial environmental damage or substantially or avoidably injure wildlife and their habitat.

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

The subdivision and any future development will be subject to compliance with all applicable state and city codes and regulations that intend to protect public health. Therefore, no health or safety issues are anticipated.

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.

Access to the property is provided directly from Tropicana Way. The existing driveway will be utilized to serve one of the new parcels and a new driveway will be constructed to serve the new parcel two. The property has a drainage easement and an easement for a telephone pole towards the rear of the property. No new development will be permitted upon any easements. The proposed subdivision enables adequate area for future development that will not encroach on any existing easements. Therefore, the project's design and layout will not conflict with any easements for access or use of the property.

H. That the design of the subdivision does not provide for, to the extent feasible, future passive or natural heating and cooling opportunities.

This tentative parcel map does not include development on the site as a part of this approval. However, all future development of this site will take advantage of opportunities to promote future passive or natural heating & cooling by requiring front yard landscaping, encouraging installation of varied landscaping including canopy trees, and by future development being subject to the California Green Building Code standards to the greatest extent possible. Future dwelling units will comply with all 2022 California Building Code requirements and will enhance energy efficiency by implementing all energy efficiency features contained within the 2022 California energy efficiency Standards to the greatest extent possible. Therefore, the project's design allows for future passive or natural heating and cooling opportunities.

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 no disturbance of soil will occur, the Project is exempted by the Water Quality Ordinance from the preparation of a WQMP.

SECTION 5. APPEAL. The approval granted by this Resolution may be appealed within 10 working days form 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 12th day of November, 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. ____ was adopted at a regular meeting of the City of La Habra Planning Commission held on November 12, 2024 by the following vote:

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

Veronica Lopez, Secretary

EXHIBIT A

TENTATIVE PARCEL MAP TPM1PH24-0001 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 1.3 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 LA COUNTY FIRE DEPARTMENT

The property owner/business operator 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 tentative parcel map reviewed and approved by the City of La Habra Planning Commission at its meeting of November 12, 2024. A copy of said plan shall be maintained in the files of the City of La Habra Planning Division.

Standard of Condition 1.8 VIOLATION

In the event that the applicant/developer/successor in interest violates or fails to comply with any of these conditions of approval, 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 violation have been fully remedied.

Standard of Condition 1.23 ON-SITE DRAINAGE

The applicant/developer shall be responsible for the construction of all on-site drainage facilities as required by the City Engineer

Standard of 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.

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 attorney's fees, costs of any judgments or awards against the City (including an 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 the applicant shall indemnify City for all such costs incurred by the City.

PRIOR TO THE RECORDATION OF THE FINAL PARCEL MAP:

Standard Condition 2.1 UTILITY EASEMENTS

The applicant/developer shall ensure that all utility easements are provided to the specification of the appropriate utility companies and the City Engineer.

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 2.4 VEHICULAR ACCESS RIGHTS

The applicant/developer shall dedicate vehicle access rights to arterials and local collectors to the City of La Habra, and label the final map as such, to the satisfaction of the City Engineer.

PRIOR TO THE ISSUANCE OF A BUILDING PERMIT:

Standard Condition 4.7 RECORDATION OF FINAL MAP

The applicant/developer shall prepare and record the final Parcel Map per the requirements of the City Engineer.

Standard Condition 4.33 TRAFFIC IMPROVEMENT FEES

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

PROJECT SPECIFIC CONDITIONS:

1. The applicant/developer shall submit a parcel map for review and approval by the City Engineer. The applicant/developer shall pay parcel map checking fees.
2. The applicant/developer shall provide a drainage plan for the northernmost lot. Lot drainage to flow towards Tropicana Way. The applicant/developer shall pay drainage plan checking fees.
3. The applicant/developer shall pay Traffic Development fees.
4. The applicant/developer shall pay sewer connection fees. Provide proof that said fees have been paid.
5. The applicant/developer shall comply with all NPDES requirements.
6. The applicant/developer shall construct, or enter into an improvement agreement and provide improvement security for, the following items prior to approval of the parcel map by the City:
 - a. The applicant/developer shall construct a new drive approach for the southernmost new lot, which shall comply with ADA standards.
 - b. The applicant/developer shall remove and replace damaged sidewalk sections, or sidewalks with cross-fall over 2%, along Tropicana Way project frontage.

- c. The applicant/developer shall grind smooth raised existing sidewalks over ¼ inches in height.
- d. The applicant/developer shall remove and reconstruct one (1) existing wheelchair ramp to meet ADA standards at the northeast corner of Whittier Blvd./Tropicana Way. Sawcut for removals along edge of spandrel at curb to be removed.
- e. The applicant/developer shall remove and replace any damaged sidewalk sections to accommodate and connect to the new wheelchair ramp. Truncated domes to be dark grey (Armor-Tile FED 36118) color.
- f. The applicant/developer shall relocate wood fence encroaching by 5 feet into the public right-of-way, along the north side of Whittier Ave.
- g. The applicant/developer shall construct 5 feet wide sidewalk, adjacent to existing sidewalk along Whittier Blvd. north side.
- h. The applicant/developer shall relocate guy wire on sidewalk, at the southeast corner of the property, next to sidewalk, that currently impedes pedestrian passage.
- i. The applicant/developer shall plant and stake two (2) – 24 inch box street trees on grass parkway along Tropicana Way project frontage. Tree Species to be selected by the Public Works Department Arborist.
- j. The applicant/developer shall coordinate with Gas Company to relocate cathodic protection pull box in parkway, that will in be in the way of proposed drive approach.
- k. The applicant/developer shall install new water service line and water meter for the northernmost new lot.
- l. The applicant/developer shall relocate as necessary, existing traffic and parking signs affected by the proposed construction.
- m. The applicant/developer shall construct new 6 inch sewer lateral for northernmost new lot.
- n. The applicant/developer shall paint curb address for each new lot.
- o. The applicant/developer shall permanently remove USA markings from pavement and sidewalks. Acceptable methods to permanently remove USA markings are: pressure washing, wet sandblasting and brushing. Painting over USA markings with black paint will not be permitted.

7. The applicant/developer shall obtain Engineering encroachment permit and pay permit fees for all work in City's right-of-way.
8. The applicant/developer shall comply with California Construction Recycling Requirements for the project.
9. All work in the public right-of-way to be in accordance with the Green Book of APWA Standards.
10. The applicant/developer shall water and maintain street trees for a period of one year, until street trees get established.
11. The applicant/developer shall demolish the existing single-unit dwelling prior to the recordation of the Final Parcel Map. Demolition permits shall be obtained from the City's Building and Safety Division prior to any work being conducted.
12. The applicant/developer/successor in interest shall permit the existing occupants to occupy their units until six months before the start of construction activities. The applicant/developer/successor in interest shall provide the existing occupants with written notice of the planned demolition, the date they must vacate, and their rights under California Government Code section 66300.6. The applicant/developer/successor in interest shall provide notice shall at least six months in advance of the date that existing occupants must vacate. The applicant/developer/successor in interest shall provide copies of all notices provided to existing occupants to the Planning Division.
13. If the demolition does not proceed and the property is returned to the rental market, the applicant/developer/successor in interest shall allow the existing occupants that are required to leave their units to return at their prior rental rate.