

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, APPROVING MODIFICATION 24-0005 TO AMEND PLANNED COMMERCIAL-INDUSTRIAL PRECISE PLAN 10-01 TO ALLOW FOR DIRECT TRUCK ACCESS AT 1111 SOUTH HARBOR 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 (CEQA) PURSUANT TO SECTION 15301, CLASS 1: "EXISTING FACILITIES" OF THE CEQA GUIDELINES

THE PLANNING COMMISSION OF THE CITY OF LA HABRA DOES HEREBY RESOLVE AS FOLLOWS:

- A. On December 13, 2010, the Planning Commission adopted Resolution No. 10-35, recommending that the City Council approve Planned Commercial-Industrial Precise Plan 10-01 to construct a 213,200 square foot warehouse building at 1111 South Harbor Boulevard.
- B. On March 21, 2011, the City Council adopted Resolution No. 5455, approving Planned Commercial-Industrial Precise Plan 10-01.
- C. General Condition No. 8 to the City Council's approval of Planned Commercial-Industrial Plan 10-01 requires the property owner to utilize the CVS facility internal circulation pattern for all truck traffic which entails all trucks enter and exit the complex via the adjacent property at 777 to 1105 South Harbor Boulevard at the controlled location at the signalized intersection of Edwards Drive/Beckman Drive and Harbor Boulevard and prohibits trucks from using the driveways at 1111-1121 South Harbor Boulevard. General Condition No. 8 further provides that at such time as any of the CVS properties are sold which will result in a change in the truck internal circulation pattern, an application to modify the Precise Plan shall be submitted to the Planning Commission for consideration.
- D. The Applicant, CVS Pharmacy, Inc., represented by Brandon Wolfe of EPD Solutions, filed an application requesting approval of Modification 24-0005 to amend Planned Commercial-Industrial Precise Plan 10-01 by widening an existing driveway along Harbor Boulevard, which will allow trucks to directly enter the property from Harbor Boulevard (the "Project").
- E. On January 13, 2025, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for approval of Modification 24-0005.

- F. 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 as it consists of minor alterations to a site that is developed with an industrial use that will not be expanded. Proposed changes include widening an existing driveway to allow for truck ingress and egress and reconfiguring the on-site parking spaces and landscaping.

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 the Project. Therefore, the Project is categorically exempt from CEQA.

SECTION 2. MODIFICATION 24-0005. The Planning Commission finds and determines that the Applicant has succeeded in meeting its burden of providing evidence to support the granting of Modification 24-0005 to widen an existing driveway along 1111 South Harbor Boulevard, which will allow trucks to directly enter the property from Harbor Boulevard, based on the following findings required by Section 18.66.070.C of the La Habra Municipal Code (LHMC) and subject to the conditions attached hereto as **Exhibit A**, which shall be in addition to the conditions of approval for Planned Commercial-Industrial Precise Plan 10-01. General Condition No. 8 to Planned Commercial-Industrial Precise Plan 10-01 shall be deleted in its entirety.

- A. The location, design and proposed uses are compatible with the character of existing development in the vicinity.**

The subject site is an existing warehouse owned and operated by CVS Caremark since the Precise Plan approval in 2010. Modification 24-0005 involves modification of the site entrance, reconfiguration of the landscaping, and parking. There are no proposed changes to the design of the existing warehouse building or to the use of the subject site. Therefore, the location, design and proposed uses are compatible with the character of existing development in the vicinity.

- B. The plan for development will produce internally an environment of stable and desirable character, and not tend to cause any traffic congestion on surrounding or access streets.**

The proposed modification involves reconfiguration of landscaping, truck and vehicle parking, site ingress and egress at South Harbor Boulevard. Specifically, the northern entrance to the site is proposed to be expanded by 45 feet in width and 45 feet in depth. The expanded driveway and approach allow for onsite queuing of three trucks. Additionally, the Project has been conditioned to allow for better circulation by requiring the access gate to remain open or actively managed during all operational hours. Therefore, the Project will produce, internally, an environment of stable and desirable character, and not tend to cause any traffic congestion on surrounding or access streets.

- C. The standards of development applicable to the planned commercial-industrial development project as shown on the precise plan are subject to one of the following or any combination thereof: 1. All of the development standards of the appropriate zone which would permit the requested land use, 2. Such standards of development which are clearly designated in the approved master plan.**

Planned Commercial-Industrial Precise Plan 10-01 implements all of the development standards of the Light Industrial (M-1) Zone as required by LHMC Sections 18.36.040 and 18.36.050. The proposed changes allow direct truck access from South Harbor Boulevard to the subject site. This modification allows for truck queuing and stacking and more organized flow of truck traffic through the site. This enhancement to truck ingress / egress meets or exceeds the requirements of the Light Industrial (M-1) Zone and the development standards of Planned Commercial-Industrial Precise Plan 10-01. Therefore, the Project complies with the applicable development standards.

- D. The proposed development will be well integrated into its setting.**

The site was previously developed as part of an integrated complex of warehouse facilities compatible in terms of architecture, design and integrated frontages facing South Harbor Boulevard. No changes to the existing building are proposed under Modification 24-0005. The proposed Modification 24-0005 is intended to improve on-site circulation and to allow for future truck traffic to enter the site from South Harbor Boulevard upon sale of the property. It will create independent truck access with a design that allows for queuing and stacking and improved truck traffic flow

throughout the site. Therefore, the Project will be well integrated into its setting.

- E. Provision is made for both public and private open spaces, at least equivalent to that required by the underlying preceding zoning regulations.**

There are no public or private open space requirements in the PCI- Planned Commercial-Industrial zone. However, per LHMC Section 18.14.070.D.3.a, the parking lot must contain a minimum of seven percent landscaping and the Applicant proposes 13.6 percent landscaping. Therefore, adequate provision is made for open spaces to the extent required.

- F. Suitable provision is made, where appropriate, for the protection and maintenance of private areas reserved for common use.**

There is no requirement for private areas reserved for common use applicable to this Project. Therefore, no provisions need to be made for the protection and maintenance of private areas reserved for common use.

- G. The proposed development does not negatively impact the City's ability to provide services over the short and long term to City residents because the projected cost of providing City services to the property outweighs the economic benefits of the project to the City.**

Modification 24-0005 will not place an undue burden or additional impact on City services. The facility will continue to function as it has since the approval of Planned Commercial-Industrial Precise Plan 10-01. The proposed modification creates a direct access point from South Harbor Boulevard and is designed in a manner consistent with the original approval. Each public safety division of the City has reviewed the Project and provided any necessary conditions of approval. All Project-related public utilities, infrastructure, and services are already in place. There is no indication that the Project will be detrimental to the public health, safety or welfare, or have any anticipated change in economic impact to the City. Therefore, the Project does not negatively impact the City's ability to provide services over the short and long term to City residents.

- H. There is substantial compliance with the spirit and intent of this code.**

The proposed Project is in substantial compliance with all of the applicable standards and implements all of the development standards of the underlying Light Industrial (M-1) Zone and Planned Commercial-Industrial Precise Plan 10-01. The proposed modification enhances and updates this compliance specific to direct truck access to the subject property.

Therefore, the Project is in substantial compliance with the spirit and intent of the Zoning Ordinance.

I. That the phasing of development under the master plan as provided for by the proposed precise plan, if any, is appropriate.

The proposed modification to Planned Commercial-Industrial Precise Plan 10-01 is for a modification of the driveway access and affected fencing, landscape and parking areas, which will be replaced or relocated. The Project is anticipated to be completed as a single phase.

J. The proposed project complies with all appropriate requirements of the California Environmental Quality Act.

The Project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be categorically exempt pursuant to Section 15301(a), Class 1: "Existing Facilities" of the CEQA Guidelines as it consists of minor alterations to a site that is developed with an industrial use that will not be expanded. Proposed changes include widening an existing driveway to allow for truck ingress and egress and reconfiguring the on-site parking spaces and landscaping.

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

SECTION 4. 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 5. EFFECTIVE DATE. This Resolution shall take effect immediately.

SECTION 6. CERTIFICATION. The Secretary shall certify the passage of this Resolution.

PASSED, APPROVED, AND ADOPTED this 13th day of January, 2025.

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 January 13, 2025 by the following vote:

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

Veronica Lopez, Secretary

EXHIBIT A

MODIFICATION 24-0005 – CONDITIONS OF APPROVAL

GENERAL CONDITIONS:

Standard Condition 1.1 CODE COMPLIANCE

The property owner/business operator shall comply with the City of La Habra Municipal Code and all applicable federal, state and local laws, ordinances, policies and regulations.

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 1.4 LOS ANGELES COUNTY FIRE DEPARTMENT

The property owner/business operator 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 January 13, 2025. 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 1.7 COMPLIANCE

The failure to comply with any of these conditions of approval by the property owner/business operator shall be grounds for rehearing and consideration by the Planning Commission for possible revocation of Modification 24-0005.

Standard Condition 1.8 VIOLATION

In the event that the property owner/business operator 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 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 1.13 SECURITY GATE – EMERGENCY ACCESS

The applicant/developer shall utilize an exterior security gate with an 800 MHz gate system or equivalent technology such as the Click2Enter system, to the satisfaction of the Chief of Police. In addition, a Knox box shall be installed to facilitate emergency access, to the satisfaction of the Los Angeles County Fire Department.

Standard Condition 1.14 RESOLUTION ON HAND

The property owner/business operator shall at all times maintain a copy of the approved resolution containing all the conditions of approval on site. Said resolution shall be provided for review upon request by any law enforcement officer or community preservation inspector.

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 1.39 TRAFFIC CONTROL MEASURES

The applicant/developer shall provide a traffic control measure plan or documentation prior to any demolition, grading, or construction activities to ensure that traffic impacts are minimized on any adjacent public street, to the satisfaction of the Director of Public Works. Failure by the developer to maintain adequate traffic control measures whereby

the City of La Habra has to provide traffic control shall result in all costs being borne by the developer as determined by the Chief of Police and the Director of Public Works.

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.

Condition 4.1 CONDITIONS ON CONSTRUCTION PLANS

The applicant/developer shall include the conditions of approval on the construction plans.

Standard Condition 4.11 STREET LIGHT INSTALLATION

The applicant/developer shall be responsible for re-installing street lights and power poles including footings with electrical wiring conduits placed underground, to the satisfaction of the City Engineer, Southern California Edison Company and other applicable utilities and the advance energy charges paid. Proof of installation order of the actual street lights and power poles shall be provided to the satisfaction of the City Engineer prior to building permit issuance.

Standard Condition 4.19 ENHANCED CONCRETE DRIVEWAYS

The applicant/developer shall install decorative enhanced concrete, such as stamped and colored, at the entrances into the project within the street landscape setback to the satisfaction of the Director of Community and Economic Development or designee.

Standard Condition 4.21 SECURITY GATES

The applicant/developer shall indicate on the site plan all gates and indicate their method of operation.

Standard Condition 4.22 LANDSCAPE PLANS

The applicant/developer shall submit for review and approval a detailed landscape and irrigation plan prepared by a licensed landscape architect to the Director of Community and Economic Development or designee and the Director of Public Works. The plan shall include the use of a separate connection, backflow preventer and connection for future reclaimed water service. The irrigation system shall also provide water to any street trees along the property street frontage within the public right-of-way. At a minimum, tree size shall be 24-inch box and shrubs shall be 5 gallon size.

Standard Condition 5.1 POLICE DEPARTMENT ACCESS (CLICK 2 ENTER)

The applicant/developer shall ensure that all required vehicular gates are installed with the Click2Enter or comparable system for emergency ingress and said gates shall be maintained operational, to the satisfaction of the Chief of Police or designee.

Standard Condition 5.2 POLICE AND FIRE DEPARTMENT ACCESS (KNOX BOX)

The applicant/developer shall ensure that all security gates are installed with an approved means of emergency operation and said gates shall be maintained operational, to the satisfaction of the Los Angeles County Fire Department and the La Habra Police Department.

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.

Project Specific Conditions:

1. The owner/operator shall ensure ingress and egress left turns are prohibited for trucks Monday through Friday from 6:30 AM to 9:00 AM and 4:00 PM to 7:00 PM along Harbor Boulevard.
2. The owner/operator shall ensure trucks are limited to right turn ingress and egress during restricted hours (Monday through Friday from 6:30 AM to 9:00 AM and 4:00 PM to 7:00 PM).
3. The owner/operator shall ensure Lambert Road is used for all in-bound truck traffic during restricted hours (Monday through Friday from 6:30 AM to 9:00 AM and 4:00 PM to 7:00 PM).
4. The applicant/developer shall install restricted turn signs (for trucks) on the median (northbound) and at the site driveway (southbound) reflecting the restricted turning hours (Monday through Friday from 6:30 AM to 9:00 AM and 4:00 PM to 7:00 PM) along Harbor Boulevard to the satisfaction of the Traffic Engineers of the City of La Habra and the City of Fullerton prior to final building permit issuance.
5. The applicant/developer shall post on-site signage in conspicuous locations detailing protocols for dealing with gate closures or failures or other issues where on-site queuing capacity is exceeded to the satisfaction of the Traffic Engineers of the City of La Habra and the City of Fullerton prior to final building permit issuance.
6. The owner/operator shall maintain on-site current protocols for managing truck queues should they exceed site capacity due to issues including, but not limited to, off-hours deliveries, access gate or other issues that prevent access to the site and impact ingress/egress and queue capacity.
7. The owner/operator shall ensure there is queuing of no more than one truck in the northbound left turn pocket along Harbor Boulevard. The owner/operator shall inform truck drivers that parking, standing, and idling which prohibit traffic from moving along the number one northbound travel lane along Harbor Boulevard are prohibited.

8. The owner/operator shall ensure the gates at the entrance remain open or actively managed during all operational hours.
9. The City of La Habra and the City of Fullerton have the right to further restrict the northbound left turn pocket along Harbor Boulevard if there are multiple instances of more than one truck queuing in the northbound left turn pocket and/or trucks making or attempting to make northbound left turns during restricted hours.
10. The owner/operator shall provide all drivers and City of La Habra's and City of Fullerton's police, fire and other safety personnel, as directed by the Director of Community and Economic Development or designee, copies of the protocols for dealing with gate closures or failures or other issues where on-site queuing capacity is exceeded.
11. The owner/operator shall post a dedicated 24-hour phone number at the gate and shall direct drivers arriving outside of regular operating hours to call this number to obtain access to the facility.
12. The owner/operator shall have a gate repair crew available on-call at all times. If a gate failure cannot be resolved prior to the scheduled arrival of additional truck deliveries, the owner/operator shall deploy a flag crew to direct trucks out of the driveway.
13. If there is a gate failure and all three designated queuing spaces are occupied, the owner/operator shall cone off the driveway until the gate issue is resolved. The owner/operator shall ensure trucks in the queue remain in place until the gate is functioning again.