

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING TENTATIVE PARCEL MAP 24-0002 (TPM NO. 2024-131) TO ALLOW THE SUBDIVISION OF AN 87,685 SQUARE FOOT PARCEL INTO TWO LOTS ON THE PROPERTY CURRENTLY ADDRESSED AS 777 SOUTH BEACH BOULEVARD AND 2060 WEST LAMBERT ROAD (ASSESSOR'S PARCEL NUMBER: 018-431-39), 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, Brenda Wright of Walden & Associates, on behalf of the Property Owner, MW Shenouda of Imperial Retail Investment LLC, is requesting approval of Tentative Parcel Map 24-0002 (TPM No. 2024-131) to subdivide an existing 87,685 square foot parcel into two separate lots that would be 30,426 square feet (Parcel 1) and 57,259 square feet (Parcel 2) (the "Project") on the property currently addressed as 777 South Beach Boulevard and 2060 West Lambert Road (Assessor's Parcel Number: 018-431-39) (the "Project Site").
- 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 and the Subdivision Map Act.
- C. On June 9, 2025, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for approval of Tentative Parcel Map 24-0002 (TPM No. 2024-131).
- 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 urbanized area zoned for commercial use into two parcels, and the division conforms with the General Plan and Zoning Code. 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 greater 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. The Project will not cause a substantial adverse change in the significance of any historical resource. 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. APPROVAL OF TENTATIVE PARCEL MAP. The Planning Commission finds and determines that none of the findings which would prohibit approval of Tentative Map 24-0002 (TPM No. 2024-131) 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 24-0002 (TPM No. 2024-131), subject to the conditions of approval attached hereto as Exhibit A.

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

The proposed subdivision is consistent with La Habra General Plan Policy LU 4.1, which requires “development to be located and designed to assure compatibility among land uses, addressing such elements as building orientation and setbacks, buffering, visibility and privacy, automobile and truck access, impacts of noise and lighting, landscape quality, and aesthetics.” The proposed subdivision allows two separate parcels that can each manage development onsite independently and at the same time cohesively allowing for compatibility among the land uses. With a reciprocal access agreement, each parcel will have access via a public street and there will be sufficient onsite parking for all the land uses. There are no applicable specific plans. 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.

The City Engineer has reviewed the proposed map in relation to the provisions of the La Habra Subdivision Ordinance and the Subdivision Map Act as codified in LHMC Section 17.12.030 and found the map to be in conformance with these regulations. There are no applicable specific plans.

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 proposed Tentative Parcel Map 24-0002 (TPM No. 2024-131) to subdivide the Project Site will result in both of the proposed parcels continuing to comply with the development standards of the C-2 Zone, as detailed in the staff report. Therefore, the site is physically suitable for the type of development.

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

On January 23, 2023, the Planning Commission approved Tentative Parcel Map No. 2022-131 to subdivide a 3.5-acre property, located at the southwest corner of Lambert Road and Beach Boulevard, into three separate legal parcels, including the Project Site. In addition to the Tentative Parcel Map, the Planning Commission also approved Design Review 22-04 and Conditional Use Permits 22-14 and 22-15, for the construction and operation of an automobile service/repair facility (America's Tire) and drive-through restaurant (Dutch Bros Coffee). The Planning Commission made a finding confirming that the buildings and site improvements associated with Dutch Bros Coffee and America's Tire fully comply with development standards for the C-2 Zone, including minimum setbacks, maximum building height and parking. As noted above, the proposed map to subdivide the Project Site will continue to comply with the development standards of the C-2 Zone, including parking. As a condition of approval, prior to the Applicant recording the final map, the Applicant is required to execute and record a reciprocal access agreement. Therefore, the site is 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 subject site was previously evaluated and recognized as an infill development in an urbanized area. The subject site lacks natural trees and vegetation that could be used by wildlife; rather, the site has been used over the years for the operation of seasonal special events including pumpkin patches, strawberry stands and Christmas tree sales on a regular basis since the year 2001. Therefore, the proposed subdivision is not likely to cause substantial environmental damage or substantially or avoidably injure fish or wildlife or their habitat.

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

The Project's design provides sufficient access for public safety services, such as Fire and Police, along two street frontages and between the parcels, which will be further guaranteed with the application of a reciprocal access agreement. Further, Section 5.6 of the CC&Rs provides for reasonable use of easements in a manner that does not obstruct or delay the conduct of operations of the other businesses. Therefore, the design of the proposed 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.

The Project has been designed around the existing easements including drainage and utility easements. The proposed subdivision of a single "L" shaped parcel into two separate parcels of 30,426 square feet (Parcel 1) and 57,529 square feet (Parcel 2) does not propose development that conflicts with any existing easements on or over the proposed subdivision. Therefore, the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, 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 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 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 9th day of June, 2025.

Maria Mahecha, 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 June 9, 2025 by the following vote:

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

Veronica Lopez, Secretary

EXHIBIT A

TENTATIVE PARCEL MAP 24-0002 (TPM NO. 2024-131) 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 federal, state and local laws, ordinances, policies and regulations.

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/MAP

This approval is for the tentative parcel map reviewed and approved by the City of La Habra Planning Commission at its meeting of June 9, 2025. A copy of said map 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.

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.

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.

Project Specific Conditions:

1. The applicant/developer shall submit plans to the satisfaction of the Director of Public Works, showing temporary Best Management Practices (BMPs) for stormwater run-off from the Dutch Bros site (Parcel 1) since the permanent structural BMPs, as shown on the approved Water Quality Management Plan (WQMP), have not yet been installed.
2. The applicant/developer shall first install the structural BMPs on the America's Tire site (Parcel 2), once a grading permit is issued. Said structural BMPs on the America's Tire site (Parcel 2) shall be built within six (6) months after permit issuance, to the satisfaction of the Director of Public Works.
3. The applicant/developer shall post a grading bond in the amount of \$100,000 to guarantee the installation of the structural BMPs within the time specified herein, to the satisfaction of the Director of Public Works, prior to the issuance of permits.
4. The applicant/developer shall submit a parcel map for review and approval by the City Engineer. The applicant/developer shall pay any parcel map checking fees.
5. The applicant/developer shall prepare a drainage agreement between Parcel 1 and Parcel 2 to allow for cross-lot drainage.
6. The applicant/property owner shall prepare and record a reciprocal access agreement to the satisfaction of the City Attorney and the Director of Community and Economic Development.