

RESOLUTION NO. 25-24

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING DESIGN REVIEW 25-0007 (DR2PH25-0007) TO REMODEL THE FAÇADE OF AN EXISTING RESTAURANT (A.K.A. BURGER KING) AT 2101 WEST WHITTIER BOULEVARD (ASSESSOR'S PARCEL NUMBER 017-073-31) 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. The Applicant, Steve Bradley of S.R. Bradley & Associates, on behalf of the property owner, Sanna Shere of Aria Burger King, Inc., filed an application requesting approval of Design Review 25-0007 (DR2PH25-0007) to remodel the façade of an existing fast food restaurant (Burger King) located at 2101 West Whittier Boulevard (the "Project").
- B. On October 27, 2025, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for approval of Design Review 25-0007 (DR2PH25-0007).
- C. 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 Project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be categorically exempt from the provisions of CEQA pursuant to Section 15301, Class 1: "Existing Facilities" of the CEQA Guidelines. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The Project consists of remodeling the facade of an existing restaurant building. No expansion of building square footage is proposed. The Project involves no expansion of use.

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 similar projects 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 because the building and property where it is located are not listed on any National, California, or local registers. Staff does not anticipate 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 25-0007 (DR2PH25-0007). The Planning Commission finds and determines that the Applicant has succeeded in meeting its burden of providing evidence to support the granting of DR2PH25-0007 and approves DR2PH25-0007 based on the following findings required by Section 18.68.050 (Findings) of the La Habra Municipal Code (LHMC) and subject to the conditions attached hereto as **Exhibit A**.

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

The General Plan designates the project site for Corridor Mixed-Use 1 land use. This designation provides for the redevelopment of underutilized previously zoned commercial properties for a mix of multi-unit residential housing with supporting retail and service uses. Permitted uses and densities/intensities include commercial uses with a maximum floor area ratio (FAR) of 0.5; multi-unit residential with a maximum density of 24 dwelling units per acre; or mixed-use projects with a maximum FAR of 1.5. The proposed Project is a building facade remodel of a site that has been developed with a fast food restaurant since 1969 and a drive-thru restaurant since 1984. The subject building is 2,579 square feet and is located on a lot that is 31,746 square feet; this equates to a Project FAR of 0.08. While the FAR is less than the maximum permitted for a commercial use (0.5 FAR), the subject property is not underutilized, and the proposed facade remodel will further enhance its use as a commercial property.

The proposed Project also implements Policy LU 11.6: Enhanced Design Character, of General Plan Goal LU-11: Diverse Districts and Corridors. This policy encourages the renovation, infill, and redevelopment of existing commercial centers and corridors to improve their architectural design and quality, reduce the visual prominence of parking lots, make centers more pedestrian friendly, reduce visual clutter associated with signage, and enhance the definition and character of the street frontage and associated streetscapes. The remodeling of the facade of the existing building will visually enhance the Whittier Boulevard corridor. The proposed building enhancement will create visual cohesiveness that will revive the overall Project site by incorporating modern architectural features consistent with the current branding of Burger King stores nationwide. The proposed Project will help beautify the site and surrounding area, making this eating destination a more desirable place for the La Habra community to visit.

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 located within the C-2 (Commercial) Zone and the Mixed-Use (MX) Overlay Zone. Both implement the Corridor Mixed-Use 1 land use designation. Pursuant to LHMC Section 18.54.040.A, the regulations set forth in Chapter 18.54 (Mixed-Use Overlay Zones (MX)) of the LHMC are in addition to the regulations set forth in the base zone (C-2 Zone). In the event of a conflict between provisions of the MX Overlay Zone and the provisions of the base zone (C-2 Zone), the provisions of the MX Overlay Zone prevail. If the MX Overlay Zone is silent in relation to any development standard, the development standard identified in the base zone (C-2 Zone) prevails. There are no conflicts between the provisions of the C-2 Zone and the MX Overlay Zone for the proposed development standards applicable to the Project. In this case, the proposed Project involves facade improvements, which will not affect existing building setbacks and/or landscaping. In addition, the parking lot will be re-striped to become compliant with the requirements of the Americans With Disabilities Act (ADA) and the number of parking spaces will exceed the requirements of LHMC Chapter 18.14 (Off-Street Parking Requirements). The existing landscaping, which exceeds the size requirement under LHMC Section 18.14.070 (Parking Lot Design Standards), will be enhanced with new shrubs and bushes. The Project has been conditioned to require two new trees, for a total of three trees, to be provided in the landscaped area along West Whittier Boulevard to bring the Project into compliance with all LHMC landscaping requirements to the greatest extent possible. In addition, the existing building and site were found to be consistent with the zoning standards and design guidelines for both the C-2 Zone and the MX Overlay Zone. Moreover, both the C-2 Zone and the MX Overlay Zone identify the existing land use (drive-through restaurant) as a land use permitted with the approval of a conditional use permit (CUP). The Burger King restaurant opened in 1969 and received approval from the Planning Commission to add drive-through operations to the restaurant in 1983.

Therefore, the proposed Project is consistent with the City's 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 to ensure that all projects achieve the City's goals of promoting the public health, safety, and welfare of the community. The proposed Project is harmonious with the Zoning

Ordinance and consistent with the General Plan. Detailed building plans for the proposed facade remodel will be reviewed for conformance with all Building Code requirements and confirm that the improvements to the restaurant building will be structurally sound and meet all electrical, plumbing and mechanical requirements to ensure a safe environment. Therefore, by complying with the Zoning Ordinance and the General Plan, as well as being subject to the Building and Safety review and inspection processes, the proposed Project is in the best interests 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 uses and the design is appropriate for the proposed location and compatible with the surrounding land uses and improvements.

Pursuant to LHMC Section 18.09.030 (Applicability and review), the standards set forth in Chapter 18.09 (Objective Design Standards for Multi-Unit Residential and Mixed-Unit Development) apply to multi-unit residential and mixed-use development in the City. This Project involves the remodel of the facade of an existing drive-through restaurant. Therefore, the objective design standards set forth in Chapter 18.09 do not apply to this Project. Remodeling the facade of an existing drive-through restaurant will enhance the Whittier Boulevard corridor. The proposed facade remodel will be a significant upgrade to this existing building. The C-2 Zone and MX Overlay Zone implement the Corridor Mixed-Use 1 General Plan land use designation and permit commercial development of the Project site. Additionally, the General Plan establishes goals and policies for the development of various projects in the City based on the particular land use designation. These goals are implemented through development standards in supporting documents such as Title 18 (Zoning) of the La Habra Municipal Code. In this case, the General Plan land use designation is Corridor Mixed-Use 1, which allows commercial developments up to 0.5 FAR. The total square footage of the subject building is 2,579 square feet while the lot size is 31,746 square feet; this equates to a Project FAR of 0.08, which is lower than the maximum FAR of 0.5 permitted for commercial uses on sites designated for the Corridor Mixed-Use land use designation. Further, the Project has been reviewed against the development standards for the C-2 Zone and the MX Overlay Zone and satisfies the requirements for both zones. This restaurant provides indoor and drive-through dining options as well as children's recreational space, making the existing use compatible with the surrounding residential and commercial uses. Additionally, the City's General Plan targets the Whittier Blvd. corridor as a priority area for reinvestment and revitalization of existing and new projects. In recent years, a number of visual improvements have been made to similar businesses along the Whittier Blvd. corridor, bringing new life to existing buildings. The visual update to the facade of the building will be

consistent with the nationally recognized Burger King “Garden Grill” brand, which will help enhance the site when viewed from Whittier Boulevard. Therefore, the nature of the proposed land use and design is appropriate for the proposed location and compatible with the surrounding land 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 was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be categorically exempt from the provisions of CEQA pursuant to Section 15301, Class 1: “Existing Facilities” of the CEQA Guidelines. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use. The Project consists of remodeling the facade of an existing restaurant building. No expansion of building square footage is proposed. The Project involves no expansion of use.

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 similar projects 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 because the building and property where it is located are not listed on any National, California, or local registers. Staff does not anticipate 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. COMPLIANCE WITH CURRENT CODE STANDARDS TO THE EXTENT PHYSICALLY POSSIBLE. Pursuant to LHMC Section 18.08.070.B, any site which is nonconforming as to the development standards set forth in Title 18 (Zoning) of the LHMC that is subject to discretionary review by the Planning Commission or the City Council must be brought into compliance with all current Code standards that apply to the extent physically possible as determined by the Planning Commission. Based on the information provided in the staff report, the Planning Commission finds and determines that the Project site is in compliance with all current standards of Title 18 (Zoning) of the La Habra Municipal Code to the extent physically possible.

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 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 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 27th day of October, 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. 25- ___ was adopted at a regular meeting of the City of La Habra Planning Commission held on October 27, 2025 by the following vote:

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

Veronica Lopez, Secretary

EXHIBIT A

DESIGN REVIEW 25-0007 (DR2PH25-0007) 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 1.3 GRAFFITI ABATEMENT

The applicant/developer 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 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 approved by the City of La Habra Planning Commission at its meeting of October 27, 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 applicant/developer/successor in interest shall be grounds for rehearing and consideration by the Planning Commission for possible revocation of Design Review 25-0007 (DR2PH25-0007).

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 including the public right-of-way. Dead or damaged landscape material/vegetation shall be replaced immediately. 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 buildings in good condition at all times and shall repaint the approved buildings and accoutrements every eight (8) years at a minimum from the date of the project approval, unless otherwise approved by the Director of Community and Economic Development. 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 shall maintain signs in good condition at all times and shall repaint/remodel the freestanding signs every eight (8) years at a minimum. The Director

of Community and Economic Development may require more frequent painting if the improvements are not maintained in good condition.

Standard Condition 1.18 LITTER

The applicant/developer/successor in interest 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 1.41 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.

Standard Condition 5.17 UP LIGHTING

The property owner/business operator shall provide up lighting on all trees within the public right of way and front landscaping area prior to the issuance of a Certificate of Occupancy to the satisfaction of the Director of Community and Economic Development or designee and City Engineer.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

Standard Condition 4.1 CONDITIONS ON CONSTRUCTION PLANS

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

Standard Condition 4.24 SECURITY AND CAMERA PLANS

The applicant/developer shall submit a security camera system design plan with proposed locations to the Chief of Police for approval. All tapes shall be kept on file for a minimum of 30 days and be available to the City upon request. Additionally, signage shall be placed in the parking lot indicating that security cameras are in use.

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 final design plans for all façade improvements to the satisfaction of the Director of Community and Economic Development and Building Official.
2. The applicant/developer shall obtain an encroachment permit from the Engineering Division and pay permit fees for any construction in the City's right-of-way.
3. The applicant/developer shall repair all broken sidewalk, and grind down all lifted sidewalk on Lindauer Drive and Whittier Boulevard along the full project frontage to the satisfaction of the City Engineer.
4. Review and approval by the County of Los Angeles Fire Department, Fire Prevention Engineering Section Building Plan Check Unit may be required prior to building permit issuance. The applicant/developer shall contact the Fire Prevention Engineering Unit at (323) 890-4125 for information regarding the EPICLA submittal requirements.
5. All rooftop mounted mechanical equipment shall be fully screened from public view using a rooftop parapet or similar screening method to the satisfaction of the Director of Economic and Community Development or designee. This can be accomplished by architectural treatments of parapets equal in height to the tallest piece of roof-mounted equipment or similar architectural screen.
6. The applicant/developer shall submit a sign plan to the Building and Safety Department for all proposed signage for review and approval by the Chief Building Official and the Director of Community and Economic Development or designee prior to the issuance of building permits.

7. The applicant shall provide two new trees within the landscaped area along West Whittier Blvd. At a minimum, tree size shall be 24-inch box and shall be of a type approved by the Director of Community and Economic Development.
8. The applicant/developer shall submit landscape plans to the Building and Safety Department for any proposed landscape changes, including the two new trees required by these Conditions of Approval, for review and approval by the Chief Building Official and the Director of Community and Economic Development or designee prior to the issuance of building permits.
9. The applicant/developer shall submit plans for the ADA access path of travel connecting the existing building with the existing trash enclosure for review and approval by the Chief Building Official or a designee prior to the issuance of building permits.