



*City of*  
**LA HABRA**  
AGENDA

**LA HABRA  
PLANNING COMMISSION AGENDA**

**REGULAR MEETING  
MONDAY, JANUARY 10, 2022  
6:30 P.M.**

**COUNCIL CHAMBER  
100 EAST LA HABRA BOULEVARD  
LA HABRA, CALIFORNIA 90631**

Please note that should all business not be concluded by 10:00 p.m., the Chair shall either authorize an extension of time to said meeting or continue all unfinished items to a future meeting, date certain, or date uncertain.

**CALL TO ORDER:** Council Chamber

**PLEDGE OF ALLEGIANCE:**

**ROLL CALL:** Chair Manley  
Vice Chair Munoz  
Commissioner Bernier  
Commissioner Nigsarian  
Commissioner Rojas

**PUBLIC COMMENTS:** When addressing the Commission, please complete a Speaker's Card before leaving the Council Chamber.

Public Comments shall be received at the beginning of the governing body meeting and limited to three (3) minutes per individual, with a total time limit of 30 minutes for all public comments, unless otherwise modified by the Chair. Speaking time may not be granted and/or loaned to another individual for purposes of extending available speaking time, and comments must be kept brief, non-repetitive, and professional in nature.

The general Public Comment portion of the meeting allows the public to address any item of City business not appearing on the scheduled agenda. Per Government Code Section 54954.3(a), such comments shall not be responded to by the governing body during the meeting.

**CONSENT CALENDAR:**

All matters on Consent Calendar are considered to be routine and will be enacted by one motion unless a Commissioner, City staff member, or member of the audience requests separate action or removal of an item. Removed items will be considered following the Consent Calendar portion of this agenda. Public comment shall be limited to three (3) minutes per individual, with a total time limit of 30 minutes per item that has been removed for separate discussion, unless otherwise modified by the Chair. Speaking time may not be granted and/or loaned to another individual for purposes of extending available speaking time, and comments must be kept brief, non-repetitive, and professional in nature.

1. **PROCEDURAL WAIVER:** Waive reading in full of resolutions and ordinances and approval and adoption of same by reading title only.

2. PLANNING COMMISSION MEETING MINUTES OF DECEMBER 13, 2021  
That the Planning Commission approve the meeting minutes of December 13, 2021.

**CONSENT CALENDAR ITEMS REMOVED FOR SEPARATE DISCUSSION:**

**PUBLIC HEARINGS:**

Public comments shall be limited to five (5) minutes per individual, with a total time limit of 60 minutes for all public comments, for each individual Public Hearing item on the agenda, unless otherwise modified by the Chair. Comments must be kept brief, non-repetitive, and professional in nature.

1. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS 21-01 (SCH # 2021110209), DESIGN REVIEW 21-01, CONDITIONAL USE PERMIT 21-01 AND TENTATIVE TRACT MAP 19143 FOR A 117-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT INCLUDING 12 AFFORDABLE UNITS AT 251-351 WEST IMPERIAL HIGHWAY  
Mitigated Negative Declaration

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA CERTIFYING MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS 21-01 (SCH # 2021110209) FOR A 117-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT AT 251-351 WEST IMPERIAL HIGHWAY SUBJECT TO THE MITIGATION MONITORING AND REPORTING PROGRAM AND THE STATEMENT OF FINDINGS OF FACT HERETO ATTACHED AS EXHIBITS "A" & "B."

Design Review

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING DESIGN REVIEW 21-01 FOR A 117-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT AT 251-351 WEST IMPERIAL HIGHWAY, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

Conditional Use Permit

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 21-01 TO PERMIT AFFORDABLE HOUSING INCENTIVES IN ASSOCIATION WITH A 117-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT AT 251-351 WEST IMPERIAL HIGHWAY, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

Tentative Tract Map

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING TENTATIVE TRACT MAP 19143 FOR A 117-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT AT 251-351 WEST IMPERIAL HIGHWAY, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

MITIGATED NEGATIVE DECLARATION (SCH NO. 2021110209)

The City prepared an Initial Study for the proposed project pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines and in accordance with the City's Guidelines for implementing CEQA. The Initial Study prepared for the project assessed the potential environmental impacts of the proposal to construct and operate a residential community consisting of 117 single-family residential units (for sale). The Initial Study was undertaken for the purpose of deciding whether the project may have a significant effect on the environment.

The Initial Study identified the following potential impacts: Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology/Water Quality, Noise, Tribal Cultural Resources, and Mandatory Findings of Significance. Each of the aforementioned items identified in the Initial Study that would result from the proposed development plan are further described, as follows, with appropriate mitigation measures designed to bring each impact to a level of Less than Significant:

Air Quality

The project may expose sensitive receptors to air pollution during the construction phase of the project. Sensitive receptors include children, the elderly, the acutely and chronically ill, and those with cardio-respiratory disease. Mitigation measures have been added to reduce the impacts to less than significant. This includes reducing air pollution by controlling fugitive dust and requiring adequate pollution controls on construction equipment.

#### Biological Resources

The proposed project will not result in the loss of any protected wildlife habitat. However, existing trees may be used by migratory birds for nesting purposes. The applicant will be required to employ a biologist to clear the property to ensure that any active nesting sites are not disturbed, prior to commencement of demolition activities.

#### Cultural Resources & Tribal Cultural Resources

The subject property has no known cultural sites or artifacts, however, during demolition and grading activities, these may be uncovered. The applicant will be required to employ an archeologist and Native American specialist to monitor the site to ensure that any items uncovered are identified and protected, as necessary.

#### Geology and Soils

The subject site is not within a known active seismic zone or liquefaction area. However, the site abuts a slope whereby slides are possible. A mitigation measure requires that a geotechnical investigation be conducted prior to the issuance of grading permits.

#### Greenhouse Gas Emissions

Greenhouse gases (GHG) refer to a group of compounds that are linked to change in global climate conditions. These compounds are produced by human activity, such as fossil fuel combustion and burning natural gas, or other natural sources such as the decay of plant materials. GHGs trap the heat from sunlight and reduce the amount of heat that escapes into the atmosphere. Mitigation measures will be imposed to limit the amount of GHGs that are produced by making the units more energy efficient and taking advantage of green energy technology.

#### Hazards and Hazardous Materials

The site had been used for manufacturing since the late 1950s and various chemicals and fuel were regularly used as part of normal operations. The site will be required to be cleaned prior to construction, to the satisfaction of the Department of Toxic Substances Control.

#### Hydrology/Water Quality

A Preliminary Water Quality Management Plan has been prepared and approved by the City's consultants. A Final Water Quality Management Plan will be required prior to commencement of grading and construction activities.

#### Noise

The project site abuts Imperial Highway, which is a six-lane highway with traffic counts exceeding 42,900 vehicle trips per day. Noise created from this traffic has been identified as a major impact on the residential development that will require mitigation. Mitigation measures include the construction of a masonry sound wall along the project frontage, use of dual pane windows, installation of solid front doors, and use of R90 or higher rated insulation.

#### Mandatory Findings of Significance

The Mandatory Findings of Significance are a list of three items that are summarized as follows: 1) Does the project potentially have the ability to affect the environment, plants and animals?; 2) Does the project potentially have cumulative (i.e. multiple) affects?; and, 3) Does the project have affects that could potentially affect humans? These items are covered comprehensively in the Initial Study in support of the Mitigated Negative Declaration and the Mitigation and Monitoring Reporting Program; and as a result, mitigation measures are a condition of approval of the proposed project to reduce project impacts.

In order to minimize project impacts to less than significant, the Initial Study identified mitigation measures, included in the Mitigation and Monitoring Reporting Program. On the basis of the analysis within the Initial Study, the City Staff concluded that the project will not have a significant effect on the environment with the incorporation of mitigation measures, and has therefore prepared a Draft Mitigated Negative Declaration (MND 21-01). The Initial Study reflected the independent judgment of the City.

The City circulated a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration of Environmental Impacts for public review and comment on November 12, 2021, for a 30-day review period ending on December 13, 2021, pursuant to Section 15072 of the CEQA Guidelines. Copies of the Initial Study and supporting exhibits were distributed through the State Clearinghouse and sent for review to state and local agencies, tribal authorities, various interest groups, and the public. Copies were also made available at the Community Development public counter at City Hall, on the City's website, and at the La Habra Branch of the Orange County Library system.

The City received three comment letters on the IS/MND during the review period. The agencies that sent response letters included the California Department of Transportation (Caltrans), Southern California Gas, and Orange County Transit Authority. Upon review of these letters, it was determined that the comments were either already addressed in the MND or were not related to environmental concerns. However, a typo was discovered by staff within the IS/MND which called out the export of soil totaling 10 cubic yards instead of 100 cubic yards. A response to comment letter was prepared that included the correction of the error (i.e. Errata #1) and these were sent to each of the respondents and included in the agenda package. An additional Errata sheet (i.e. Errata #2) was provided to staff on January 6, 2022 which provided updated groundwater test results which were determined to be in compliance with California Department of Toxic Substance Control protocols. As a result, no changes were required for the Mitigation Monitoring and Reporting Program (MMRP).

In summary, the Initial Study found that with the imposition of mitigation measures related to Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas, Hazards and Hazardous Materials, Hydrology, Noise, Transportation, Tribal Cultural Resources and Mandatory Findings of Significance, all potentially significant impacts associated with the Project would be reduced to less than levels of Less than Significant. Staff recommends that the Planning Commission pass a resolution and certify the MND 21-01.

#### **CONSIDERATION ITEMS:**

Any member of the audience may request to address the Commission on any Consideration Item, prior to the Commission taking a final vote on the item. Public comment shall be limited to three (3) minutes per individual, with a total time limit of 30 minutes per Consideration Item, unless otherwise modified by the Chair. Speaking time may not be granted and/or loaned to another individual for purposes of extending available speaking time, and comments must be kept brief, non-repetitive, and professional in nature.

#### **COMMENTS FROM STAFF:**

#### **COMMENTS FROM COMMISSIONERS:**

**ADJOURNMENT:** Adjourned to Monday, January 24, 2022, at 6:30 p.m. in the City Council Chamber, 100 East La Habra Boulevard.

Except as otherwise provided by law, no action shall be taken on any item not appearing in the foregoing agenda. A copy of the full agenda packet is available for public review at the Office of the City Clerk during regular business hours, and on the City's webpage at <http://www.lahabracalifornia.gov/>.

Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at the Community and Economic Development Department at 110 East La Habra Boulevard, La Habra, during normal business hours.

In accordance with the Federal Americans with Disabilities Act of 1990, should you require a disability-related modification or accommodation, including auxiliary aids or services to participate in the meeting due to a disability, please contact the Community and Economic Development Department at least ninety-six (96) hours in advance of the meeting at (562) 383-4100.

**DECLARATION:** This agenda was posted on the bulletin boards outside the south entrance of City Hall and the Council Chamber, where completely accessible to the public, at least 72 hours in advance of the Commission Meeting.

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Veronica Lopez, Secretary