

## **RESOLUTION NO.**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING DESIGN REVIEW 21-03 FOR FAÇADE AND ONSITE IMPROVEMENTS AT 1236 WEST IMPERIAL HIGHWAY, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS, AND SUBJECT TO CONDITIONS.

The Planning Commission of the City of La Habra does hereby resolve as follows:

Section 1. The Planning Commission does hereby find and determine that:

- a. Palm Court La Habra Shopping Center LP, filed an application requesting Design Review 21-03 for façade and onsite improvements at 1236 West Imperial Highway.
- b. This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorical Exempt pursuant to Section 15301, Class 1: "Existing Facilities" of the California Environmental Quality Act Guidelines.
- c. 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 redevelopment is proposed, this project is exempted by the Water Quality Ordinance from the preparation of a WQMP.
- d. The Planning Commission held a duly noticed public hearing on October 11 2021 to consider the Applicant's request of Design Review 21-03. The Planning Commission, after considering all the written and oral evidence offered including the staff report and all attachments, approves the request.

Section 2. The Planning Commission further finds and determines that:

- a. The Applicant has succeeded in meeting their burden of providing evidence to support the granting of the Design Review application.
- b. The Planning Commission hereby makes the following required findings of the Design Review application pursuant to Chapter 18.68.050 of the La Habra Municipal Code:

1. The proposed plan is consistent with the City's General Plan.

The property is designated Community Shopping Center 2 by the General Plan. This designation is characterized by a variety of commercial uses serving the larger citywide area as well as the immediate surrounding communities. These centers typically have a

principal outlet or anchor that includes a variety store, supermarket, or home improvement store and a range of food, convenience goods, and specialty retail/merchandise commercial uses.

The existing restaurant is part of a larger shopping center that contains a variety of uses. The proposed improvements involve exterior façade improvements and the reuse of an outdoor play area into an outdoor seating area to enhance the dining experience. The continued operation of a restaurant compliments the other uses found within the shopping center.

This project implements Policies LU 3.2 Uses to Meet Daily Needs, LU 4.4 Design Review, LU 11.1 Diversity of Uses, LU 11.6 Enhanced Design Character, and LU 11.7 Architecture and Site Design of the General Plan 2035.

2. The proposed plan is consistent with the City's Zoning Ordinance.

The subject property is zoned C-2sh Community Shopping Center High Density. The appropriate permits and entitlements for the operation of a restaurant with a drive-thru have been obtained. The proposed façade improvements comply with the required development standards identified in the Zoning Ordinance.

3. The proposed plan is in the best interest of the public health, safety, and welfare of the community.

The Zoning Code and General Plan are tools that are available to ensure that all projects achieve goals that promote the public health, safety and welfare of the community. The project is in harmony with both the Zoning Code and policies of the General Plan.

4. The nature of the proposed land uses and the design is appropriate for the proposed location and is compatible to the surrounding land uses and improvements.

A restaurant has been in operation since 1983 to 2020. The proposed tenant will continue to utilize the restaurant and drive-thru feature and will also improve upon the aesthetics of the building. The standalone pad buildings found within the center have been allowed to deviate slightly from the center architectural design and color scheme that has permitted the buildings to stand out and attract attention of passing motorist along Imperial Highway. This trend has been consistent with pad buildings within Palm Court and the La Habra Marketplace.

The nature and design of the requested improvements will continue to be appropriate for the area and compatible with the surrounding uses.

5. The project complies with all requirements of the California Environmental Quality Act.

This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorically Exempt pursuant to Section 15301, Class 1: "Existing Facilities" of the California Environmental Quality Act Guidelines.

Section 3. This action is subject to the following conditions:

General conditions:

Standard Condition 1.1           CODE COMPLIANCE

The property owner/business operator shall comply with all applicable City of La Habra Municipal Codes and Ordinances.

Standard Condition 1.2           BUILDING PERMITS

The property owner/business operator 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 property owner/business operator 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 1.5           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 date stamped August 25, 2021 and which are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of October 11, 2021. 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 1.8 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 property owner/business operator 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 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 1.10 BUILDING REPAINTING

The property owner/business operator shall maintain the building in good condition at all times and shall repaint the building and accoutrements every eight (8) years at a minimum from the date of approval of this resolution. 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 property owner/business operator shall re-slurry and re-stripe the driveway and parking areas every five (5) years at a minimum from the date of approval of this resolution. 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 property owner/business operator shall maintain signs in good condition at all times and shall repaint the freestanding sign 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 property owner/business operator 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 1.37      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 1.38      CANOPIES AND AWNINGS

The property owner/business operator shall maintain canopies and awnings in good condition at all times and shall replace them every five (5) years at a minimum. The Director of Community and Economic Development may require more frequent replacement if the canopies or awnings are not maintained in good condition or become damaged, faded, ripped, frayed, or marred by graffiti.

Standard Condition 8.1      GREASE INTERCEPTORS

The property owner/business operator shall provide a grease interceptor at a location where it shall be easily accessible for inspection, cleaning and removal of accumulated grease. The sizing and installation shall conform to the current California/La Habra Plumbing Code. The grease interceptor shall be constructed in accordance with plans approved by the Director of Public Works and the Chief Building Official. The property owner/business operator shall contract with a maintenance company for maintenance and cleaning of the grease interceptor based on a maintenance schedule to be submitted and approved by the Director of Public Works.

Standard Condition 8.2      SANITARY SEWER SYSTEM PROTECTION

The property owner/business operator shall not, at any time, allow grease to run into public sanitary sewer systems.

Standard Condition 8.3            SMOKING REGULATIONS

The property owner/business operator shall, at all times, require all patrons to comply with the smoking regulations set forth by the State of California. Smoking onsite is prohibited. Signage shall be clearly posted at the entrance and throughout the property.

Prior to the issuance of building permits:

Standard Condition 4.1            CONDITIONS ON CONSTRUCTION PLANS

The property owner/business operator shall include the conditions of approval of this resolution on the construction plans.

Standard Condition 4.10        SITE LIGHTING PLAN

The property owner/business operator shall submit a site lighting plan in conformance with city standards 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. The plan shall ensure that all exterior lighting (i.e., parking areas, building areas, and entries) shall employ illumination in a manner that meets the approval of the Chief Building Official and the Director of Community and Economic Development or designee before building permits are issued. All light fixtures shall be designed and located in a manner that does not allow spill-over onto adjacent properties.

Standard Condition 4.12        TRAFFIC STRIPING AND SIGNING PLAN

The property owner/business operator shall provide an on-site and off-site traffic striping and traffic signing plan to the satisfaction of the City Engineer.

Standard Condition 4.22        LANDSCAPE PLANS

The property owner/business operator shall submit for review and approval detailed landscape and irrigation plans 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. At a minimum, tree size shall be 24 inch box and shrubs shall be five (5) gallon size.

Standard Condition 4.25        TRASH ENCLOSURE

The property owner/business operator shall provide plans for review by the City Engineer to install six-foot tall decorative masonry block trash enclosure with enough area to contain a three-yard refuse bin and a ninety-six gallon recycling cart. The trash enclosure is to be finished to match the main building. Said

trash enclosure shall include provisions for a solid roofed cover, hose bib, and an area drain connected to the sanitary sewer system. The design and location is subject to approval by the City Engineer and Director of Community and Economic Development or designee.

Standard Condition 5.11      SPILL CONTAINMENT

The property owner/business operator shall ensure that all employees have been trained in the containment and removal of liquid and food spills. Proof of training shall be submitted to the Director of Public Works.

Standard Condition 5.12      SPILL KIT

The property owner/business operator shall, at all times, ensure that the business has a spill kit on site which is placed in a conspicuous and marked area to the satisfaction of the City Engineer.

Prior to authorization to use, occupy, and/or operate:

Standard Condition 5.3      INSTALLATION OF TRAFFIC STRIPING AND SIGNING

The property owner/business operator shall install all required traffic striping and signing to the satisfaction of the City Engineer.

Standard Condition 5.7      LANDSCAPE INSTALLATION

The property owner/business operator 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 (Modified)

The property owner/business operator shall install and maintain artistic bicycle facilities on-site in a convenient location prior to issuance of Certificate of Occupancy, to the satisfaction of the Director of Community and Economic Development.

Project specific conditions:

1. The property owner/business operator shall submit designs, process all paperwork and ensure that all on-site utility boxes and/or transformers be aesthetically enhanced (i.e. painted by an artist or wrapped with image consistent with the landscaping) as permitted by and abiding to the required standards of the utility company to the satisfaction of the Director of

