

RESOLUTION NO. 20-35

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING TENTATIVE PARCEL MAP 2019-178 FOR CONDOMINIUM PURPOSES FOR A THREE-UNIT RESIDENTIAL CONDOMINIUM PROJECT AT 508 SOUTH WALNUT STREET, AS PER THE APPROVED MAP, MAKING THE APPROPRIATE FINDINGS 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. Ajit Soma filed an application requesting approval of Tentative Parcel Map 2019-178 for the development of a three-unit residential condominium project at 508 South Walnut Street.
- b. This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorically Exempt pursuant to Section 15303(b), Class 3: "New Construction or Conversion of Small Structures" of the CEQA Guidelines. The project consists of the construction of three residential units thereby not exceeding the maximum of six units permitted under the categorical exemption.
- 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 the proposal constituted the disturbance of more than 1,000 square feet of soil, a Non-Priority WQMP was required. A Preliminary Non-Priority WQMP has been reviewed and approved. All work undertaken will be required to incorporate Best Management Practices (BMPs) as required by the WQMP.
- d. The Planning Commission held a duly noticed public hearing on October 26, 2020 to consider the Applicant's request for Tentative Tract Map 2019-178. 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 been successful in meeting their burden of providing evidence in order to support the granting of the Tentative Tract Map application pursuant to Chapter 17.08 of the La Habra Municipal Code (LHMC).
- b. The Planning Commission hereby makes the following findings regarding the Tentative Parcel Map application:

1. The proposed subdivision and the provisions for its design and improvements are consistent with the provisions of the La Habra General Plan.

The General Plan establishes a pattern of land use designations for the City along with goals and policies for the development of properties throughout the City. The designation of "Residential Multi-Family 1" allows for the development of residential dwellings at a density of 15-24 units to the acre. The development of the project is proposed at a density of 14.3 units to the acre.

The "R-4 Multiple Family Dwelling" zone was established to provide standards for the implementation of the General Plan. The project has been designed to comply with the R-4 standards contained within Chapter 18.26 of the LHMC, and the provisions within Chapter 18.52 "Planned Unit Development". Therefore, the development of the property with three multiple-family residences is determined to be consistent with the La Habra General Plan 2035.

2. The Tentative Tract Map meets the requirements of the La Habra Subdivision Ordinance and Subdivision Map Act.

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 Section 17.08.020 of the La Habra Municipal Code, and found the map to be in conformance with these regulations.

3. The site is physically suitable for the proposed density.

The subject site is 0.21 acre in size and the proposed development will create three residential units for a density of 14.3 units to the acre (including driveway, common area, and parking area). This density is below the maximum of 24 units to the acre allowed under the Residential Multiple Family 1 land use designation.

The project site lay-out provides adequate circulation, landscaping, and open space. The clustering of the units accomplishes the efficient development of the site. Additionally, the placement of a parking area along the northern portion of the lot provides a buffer for the residences should there be any future development on the adjacent site to the north.

Lastly, the project fits in contextually with the neighboring development which consists of two-story and three-story multiple family residential developments to the south and west and single-family residential development to the north. Therefore, the site is physically suitable for the proposed density.

4. The design of the proposed subdivision is not likely to cause substantial damage or avoidable injury to wildlife and their habitat.

The project is an infill development in an urbanized area. The subject site was graded and used as a back yard for a single-family residence for a number of years. Therefore, the design of the proposed subdivision will not cause substantial damage or avoidable injury to wildlife and their habitat.

5. The design is not likely to cause substantial health problems.

The design of the project provides sufficient access for public safety services, such as Fire and Police. The development will be serviced by sanitary sewers and storm drains to adequately handle waste and stormwater. Compliance with all the applicable building and safety codes has been conditioned for this project. Permits and inspections are required for the construction of all the proposed infrastructure improvements to ensure all structures are safe for human habitation. In summary, no health or safety issues are anticipated.

6. The design will not conflict with any easements for access through or use of the property within the proposed subdivision.

Access to the project is provided directly from Walnut Street. The property abuts an Orange County flood control channel, however, will not block access to this channel as a 15-foot wide access easement exists between the property's south property line and the actual concrete-lined channel. Covenants, Conditions, and Restrictions (CC&Rs) will be created as part of this map that will ensure each property owner with rights to access the site through the use of the private driveway.

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

General conditions:

Standard Condition 1.1 CODE COMPLIANCE

The developer/Homeowner's Association (HOA) shall comply with all applicable City of La Habra Municipal Codes and Ordinances.

Standard Condition 1.4 LA COUNTY FIRE DEPARTMENT

The developer shall comply with the Los Angeles County/La Habra Fire Code and Fire Department requirements, as applicable.

Standard Condition 1.6 PLANS (Modified)

This approval is for the map date stamped June 16, 2020 and which is the map reviewed and approved by the City of La Habra Planning Commission at its meeting of October 26, 2020. A copy of said map 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 map, except as otherwise specified in these conditions of approval.

Standard Condition 1.23 ON-SITE DRAINAGE

The developer shall be responsible for the construction of all on-site drainage facilities as required by the City Engineer.

Standard Condition 1.24 MASTER PLAN OF DRAINAGE

The developer shall provide drainage facilities and easements in accordance with the Master Plan of Drainage and to the specifications of the City Engineer.

Standard Condition 1.26 GAS MAINS

The developer shall install all proposed gas mains and services prior to final paving within tract boundaries as required by the City Engineer.

Standard Condition 1.27 DIVISION OF LAND

The 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 1.28 COMMON OWNERSHIP

The developer shall identify and label by a separate lot number/letter on the final map those portions of the subject property proposed to be held under common ownership.

Standard Condition 1.29 OPEN SPACE

The developer shall dedicate open space lots of the tentative map to the Homeowner's Association.

Prior to the recordation of the final tract map:

Standard Condition 2.1 UTILITY EASEMENTS

The developer shall ensure that all utility easements are provided to the specifications of the appropriate utility companies and the City Engineer.

Standard Condition 2.2 HORIZONTAL CONTROL SYSTEM

The 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 graphic file of said map.

Standard Condition 2.3 RECIPROCAL EASEMENTS

The developer shall provide reciprocal easements ensuring access to all parcels over private roads to the satisfaction of the City Engineer.

Standard Condition 2.4 VEHICULAR ACCESS RIGHTS

The applicant/developer shall dedicate vehicular 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.

Standard Condition 3.11 GRADING

The developer shall grade the subject property in accordance with the Grading Ordinance and to the satisfaction of the Chief Building Official. A grading plan shall be submitted by the developer/applicant for review and approval. Grading shall be in substantial conformance to the Tentative Tract Map. Surety shall be posted to the satisfaction of the Chief Building Official and the City Attorney guaranteeing completion of grading within the project.

**Standard Condition 4.2 COVENANTS, CONDITIONS, AND
RESTRICTION AND ASSOCIATION BY-
LAWS (modified)**

The developer shall submit draft Covenants, Conditions, and Restrictions (CC&Rs) and By-Laws of the Homeowner's Association to the Director of Community and Economic Development and the City Attorney for review and approval prior to recordation of the final map. The CC&Rs shall include, but not limited to the following provisions:

- a. The CC&Rs and By-Laws shall hold the City harmless from any damage to any private roadways caused by the normal operation of trash trucks.
- b. The CC&Rs and By-Laws shall include a restriction that requires designated car spaces within the garages to be open and available for the parking of residents' motor vehicles at all times. All residents shall be required to park their private vehicles in the two enclosed garage spaces.
- c. The CC&Rs and By-Laws shall include a restriction that prohibits the parking or storage of any type of recreational vehicle anywhere on the property including within the garage, except for loading or unloading.

- d. The CC&Rs and By-Laws shall require that all roads designated as Fire Lanes be monitored and enforced by the Homeowner's Association at all times.
- e. The CC&Rs and By-Laws shall require that the property owners and/or Homeowner's Association maintain all fences/walls in good condition at all times.
- f. The CC&Rs and By-Laws shall require the property owners and/or Homeowner's Association to maintain the building(s) in good condition at all times and shall repaint the approved building(s) and accoutrements every eight (8) years at a minimum. The Director of Community and Economic Development or designee may require more frequent painting if the improvements are not maintained in good condition.
- g. The CC&Rs and By-Laws shall require that the property owners and/or Homeowner's Association re-slurry and re-stripe the private roadway areas every five (5) years at a minimum. The Director of Community and Economic Development or designee may require more frequent actions if the improvements are not maintained in good condition.
- h. The CC&Rs and By-Laws shall require that the property owners and/or Homeowner's Association be responsible for the long-term operations and maintenance of the Treatment Control Best Management Practices (BMPs) and for funding the long-term operation and maintenance of Treatment Control BMPs, contained within the Water Quality Management Plan (WQMP). A copy of said approved WQMP shall be made an attachment or exhibit to the CC&Rs.
- i. The CC&Rs and By-Laws shall include a provision which indicates that the Homeowner's Association will allow governmental personnel access to the property for inspections to ensure compliance with the approved WQMP and the National Pollutant Discharge Elimination System Permit.
- j. The CC&Rs and By-Laws shall require that the property owners and/or Homeowner's Association comply with the conditions of approval of PUD 20-01.
- k. The CC&Rs and By-Laws shall include a provision noting that no public street parking permits shall be issued to the residents of this community.
- l. The CC&Rs and By-Laws shall include a provision restricting residents from parking vehicles in designated guest parking spaces.
- m. The CC&Rs and By-Laws shall include a provision requiring the residents to comply with an approved trash collection plan included in the document. In addition, language shall be included that require that the HOA contract for trash collection services.
- n. The CC&Rs and By-Laws shall include a provision that indicates that any amendments to the CC&Rs and By-Laws require approval from the City of La Habra Community and Economic Development Director.
- o. The CC&Rs and By-Laws shall include a provision that the property owners and/or HOA shall maintain the public right of way along Walnut Street from the face of curb to the front property line.
- p. The CC&Rs and By-Laws shall include a provision that the property owners and/or HOA shall maintain all on-site lighting for private roadways and common walkways.

