

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA, CALIFORNIA, APPROVING PLANNED COMMERCIAL-INDUSTRIAL PRECISE PLAN 22-01 FOR A NEW COMMERCIAL BUILDING AT 731 EAST IMPERIAL HIGHWAY, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS, AND SUBJECT TO CONDITIONS.

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

Section 1. The City Council does hereby find and determine that:

- a. Sunny Investments, LLC, filed an application requesting approval of Planned Commercial-Industrial Precise Plan 22-01 for the property at 731 East Imperial Highway.
- b. On December 3, 2018, the City Council of the City of La Habra certified Mitigated Negative Declaration of Environmental Impacts 17-02 (SCH2018071057) for a commercial center at 701 through 751 East Imperial Highway, subject to the Mitigation Monitoring and Reporting Program and the Statement of Findings of Facts. The proposed project is in substantial conformance with the approved Mitigated Negative Declaration.
- 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 will constitute the disturbance of more than 5,000 square feet of soil, a Priority WQMP is required. A Priority WQMP has been prepared and all work undertaken will be required to incorporate Best Management Practices (BMPs) as required by the WQMP. Also, since more than one acre will be disturbed, a Stormwater Pollution Prevention Plan (SWPPP) was prepared.
- d. The Planning Commission held a duly noticed public hearing on April 25, 2022, to consider the Applicant's request for Planned Commercial-Industrial Precise Plan 22-01. The Planning Commission, after considering all the written and oral evidence offered, including the staff report and all attachments, recommended that the City Council approve the request.
- e. The City Council held a duly noticed public hearing on May 16, 2022, to consider the Applicant's request for Planned Commercial-Industrial Precise Plan 22-01. The City Council, after considering all the written and oral evidence offered, including the staff report and all attachments, approves the request.

Section 2. The City Council further finds and determines that:

- a. The Applicant has succeeded in meeting their burden of providing evidence to support the granting of the Planned Commercial-Industrial Precise Plan application under Chapter 18.36 of the La Habra Municipal Code.
- b. The City Council hereby makes the following required findings of the Precise Plan application.
 1. That the location, design and proposed uses are compatible with the character of existing development in the vicinity.

The subject site is located within a commercial district. The properties located to the east and west are developed with offices, retail commercial buildings, and restaurants. The proposed development of the commercial building is compatible to the center in which it will be located as well as the adjoining uses to the east (Howard's Electronics) and west (Kaiser Permanente). Additionally, the proposed exterior materials and colors of the proposed project will be similar to the development within the commercial center and are also similar to those found on the Kaiser Permanente building and the colors on the Howard's building. Therefore, the proposed commercial building is compatible with the surrounding commercial and industrial district.

Staff evaluated the impacts of the proposed retail and service uses, such as the physical aspects between the subject site and adjacent residential uses. The closest residential properties are situated south across the 6-lane Imperial Highway, which is surrounded by 14-foot tall masonry sound walls and are over 130 feet away. Therefore, the use is not expected to create any impacts to any adjacent residential properties.

2. The plan for development will produce internally an environment of stable and desirable character, and not tend to cause any traffic congestion on surrounding or access streets.

A traffic impact analysis was prepared as part of the Initial Study for the related Master Plan. It analyzed both the internal circulation and impacts to the surrounding public streets system. The study concluded that there would be no adverse

impacts with the construction of project-specific improvements. Additionally, the Code-required amount of parking is being provided therefore the plan for development will produce internally an environment of stable and desirable character.

3. The standards of development applicable to the planned commercial-industrial development project as shown on the precise plan are subject to one of the following or any combination thereof:
 - a. All of the development standards of the appropriate zone which would permit the requested land use,
 - b. Such standards of development which are clearly designated in the approved master plan.

The proposed project complies with all the applicable development standards of the PC-I Planned Commercial Industrial zone contained within Chapter 18.38 and with the approved Master Plan.

4. That the proposed development will be well integrated into its setting.

As noted above (#1), the subject site is located within a commercial district and the proposed exterior materials and colors of the project are similar to those found in the vicinity. Two driveways are provided on the site, including a signalized driveway onto Imperial Highway. An access easement exists at the rear of the property that allow for cross access from the subject parcel to the west. Therefore, motorists are able to access the signal in front of the project in addition to having access to Leslie Street. Therefore, the proposed project will be well integrated into its setting.

5. Provision is made for both public and private open spaces, at least equivalent to that required by the underlying preceding zoning regulations.

The provision for open space is not applicable to this use and zone; however, the proposed project provides landscaping on 19 percent of the site.

Additionally, the Applicant has contributed to public open space by paying an in-lie fee of \$130,000.00 for the construction of a public bicycle path, a minimum of 10 feet wide along the east property line, to be used as a segment of

a path connecting the La Habra Union Pacific Bikeway Path to the Juanita Cook Greenbelt path in the City of Fullerton as required by the Master Plan.

6. Suitable provision is made, where appropriate, for the protection and maintenance of private areas reserved for common use.

Private areas reserved for common use are not required for a commercial development, as per the Municipal Code. The Master Plan and Precise Plan, however, preserve the common open spaces. Additionally, the commercial building is built to the maximum Floor Area Ratio, which also serves to preserve the common spaces.

7. The proposed development does not negatively impact the city's ability to provide services over the short and long term to city residents because the projected cost of providing city services to the property outweighs the economic benefits of the project to the city.

In approving the preceding Master Plan, several documents were prepared in analyzing the impacts as well as the benefits of the four projects (i.e. hotel, restaurants, and retail business). For instance, the Public Works Department determined that the existing water and sewer service were adequate to serve the site and a "will-serve" letter was provided to the Applicant. Also, a traffic impact study was prepared that determined that the surrounding streets were adequate to support the uses, to include the proposed commercial building being considered via the subject Precise Plan.

The Environmental Impact Report (EIR) for the City of La Habra's General Plan 2035 that was adopted by the City Council on January 21, 2014, evaluated potentially significant impacts associated with implementation of the General Plan. The General Plan EIR analyzed the impacts on City Wide Public Services and determined that overall; impacts resulting from buildout of the General Plan would be less than significant. The site is being developed in accordance with the land use that was anticipated in the General Plan.

The project implements Policies LU 1.1 (Redirect Growth), LU 2.2 (Places to Shop), LU 3.8 (Cohesive and Integrated Development), LU 4.1 (Development Compatibility), LU 4.4 (Design Review), LU 5.5 (Revitalization of Obsolete and Underutilized Properties), LU 11.1 (Diversity of Uses), LU

11.6 (Enhanced Design Character), LU 11.7 (Architecture and Site Design), and ED 2.1 (Business Attraction) of the General Plan 2035.

Therefore, it is not anticipated that approval of the subject Precise Plan would negatively impact the City's ability to provide services to City residents.

8. There is substantial compliance with the spirit and intent of this code.

The proposed project complies with all the applicable development standards of the PC-I Planned Commercial Industrial zone contained within Chapter 18.38 as well as the approved Master Plan.

9. That the phasing of development under the master plan as provided for by the proposed precise plan, if any, is appropriate.

There is no phasing plan for this development as per the approved Master Plan. However, all of the necessary in-ground infrastructure has been installed including all necessary utilities, roads and traffic signals, therefore the project site is ready for immediate construction of the proposed building as per this Precise Plan. The Applicant has indicated that they will begin construction of the project immediately upon completion of the entitlement and permitting process.

10. The proposed project complies with all appropriate requirements of the California Environmental Quality Act.

On December 3, 2018, the City Council of the City of La Habra certified Mitigated Negative Declaration of Environmental Impacts 17-02 (SCH2018071057) for a commercial center as per the Master Plan for the property at 701 through 751 East Imperial Highway, subject to the Mitigation Monitoring and Reporting Program and the Statement of Findings of Facts. The proposed project per the subject Precise Plan, is a component of the Master Plan and is in substantial conformance with the approved Mitigated Negative Declaration.

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

General conditions:

Standard Condition 1.1 **CODE COMPLIANCE**

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

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 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 and/or City Council is maintained.

Standard Condition 1.6 **PLANS**

This approval is for those plans date stamped April 4, 2018 and which are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of April 25, 2022. 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. 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 approved buildings 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.

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. The Director of Community and Economic Development or designee may require more frequent slurry and re-stripping if the parking area is not maintained in good condition.

Standard Condition 1.17 PUBLIC PAY PHONES

The property owner/business operator shall, at all times, prohibit the installation and use of exterior public pay telephones.

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 1.24 MASTER PLAN OF DRAINAGE

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

Prior to the issuance of grading permits:

Standard Condition 3.1 EROSION CONTROL PLAN

The Applicant/developer shall submit Erosion Control Plans to be reviewed and approved by the Chief Building Official.

Standard Condition 3.2 SLOPE EASEMENT/RIGHT-OF-ENTRY

The Applicant/developer shall obtain either slope easements or right-of-entry letters from the adjacent property owners for any grading outside of the project boundaries.

Standard Condition 3.3 HYDROLOGY/HYDRAULIC STUDY

The Applicant/developer shall provide a complete hydrology and hydraulic study prepared by a qualified engineer to the satisfaction of the City Engineer.

Standard Condition 3.4 SOILS REPORT

The Applicant/developer shall provide a geotechnical investigation report prepared by a qualified engineer to the satisfaction of the Chief Building Official.

Standard Condition 3.5 DESIGN OF DRAINAGE FACILITIES

The Applicant/developer shall design all drainage facilities in such a manner as to imitate the manner in which storm water is presently crossing said property line or a drainage acceptance letter shall be obtained from the downstream property owner to the satisfaction of the Chief Building Official and City Engineer.

Standard Condition 3.8 PLANS SUBMITTAL

The Applicant/developer shall provide street improvement plans prepared on standard size sheets by a licensed Civil Engineer and be submitted for approval to the City Engineer. Standard plan check and inspection fees shall be paid by the Applicant.

Standard Condition 3.9 UTILITY PLANS

The Applicant/developer shall provide all utility plans to be reviewed and approved by the Director of Community and Economic Development or designee and the City Engineer.

Standard Condition 3.11 GRADING

The Applicant/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 Applicant/developer for review and approval. Grading shall be in substantial conformance to the Tentative Tract Map and the proposed grading that is approved by the Planning Commission. 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 4.3 FINAL WATER QUALITY
MANAGEMENT PLAN

The Applicant/developer shall submit a Final Priority WQMP to the City for review and approval. This plan shall be in conformance with all current NPDES requirements.

Standard Condition 4.8 WATER SUPPLY AND SEWER
FACILITIES (Modified)

The developer/property owner shall ensure that the water supply facilities and sewer facilities be designed and constructed to the specifications of the City of La Habra and the Public Works Director with all incidental fees and costs paid by the developer. All storm drains, sewers, waterlines and roadways on private property will be maintained by the Applicant/developer.

Standard Condition 4.27 PRE-CONSTRUCTION MEETING

The Applicant/developer shall have a pre-construction meeting with City staff prior to any grading activity occurring, to the satisfaction of the Director of Community and Economic Development or designee and the Chief Building Official.

Standard Condition 5.9 FINAL WATER QUALITY
MANAGEMENT PLAN

The Applicant/developer shall submit to the City Engineer for review and approval a Final Priority Water Quality Management Plan (WQMP). The WQMP for priority development projects must implement Low Impact Development (LID) principles such that projects infiltrate, harvest, re-use, evapotranspire, or biotreat stormwater runoff.

Prior to the issuance of building permits:

Standard 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 Condition 1.26 GAS MAIN

The Applicant/developer shall install all proposed gas mains and services prior to paving within the tract boundaries, to the satisfaction of the City Engineer.

Standard Condition 4.1 CONDITIONS ON CONSTRUCTION PLANS

The Applicant/developer shall include the conditions of approval of this resolution on the construction plans.

Standard Condition 4.10 SITE LIGHTING PLAN (Modified)

The Applicant/developer 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. Light pole bases shall be of a decorative type and not plain sono-tubes, the design to be approved by Planning staff prior to installation. Additionally, the exterior lighting fixtures shall be architecturally consistent with the design of the building, as reviewed and approved by the Director of Community and Economic Development or designee.

Standard Condition 4.17 UNDERGROUND UTILITIES

The Applicant/developer shall provide an approved utility company plan to the City Engineer showing that all on-site utilities within the project be installed underground in accordance with current utility practices prior to the issuance of building permits. Should aboveground equipment boxes be utilized, they shall be aesthetically enhanced to match the surrounding development as approved by the Director of Community and Economic Development in accordance with the requirements of the utility company. All on-site utilities shall be installed prior to Certificate of Occupancy and before final on-site paving and parkway improvements. All existing aerial utilities shall be removed and/or placed underground including street light wires and other overhead wires. The City Engineer shall have the right to comment, modify, approve or disapprove the utility plan for each utility.

Standard Condition 4.22 LANDSCAPE PLANS (Modified)

The Applicant/developer 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 that is consistent with the City's Water Efficient Landscape Ordinance and Landscaping Guidelines document for the whole site. 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. Plant materials selected (trees, shrubs, and groundcover) should flower during one of the four seasons. Spacing of ground cover plants shall be spaced at 12-18 inches on center and shrubs shall be spaced at 18-24 inches on center. Metal cages, painted

and performance of BMP operations, maintenance, repair, and/or replacement.

Standard Condition 5.13 CATCH BASIN MARKING

The Applicant/developer shall mark all catch basins and public access points that cross or abut an open channel with a water quality message in accordance with City Standards as required by the City Engineer.

Project specific conditions:

1. The Applicant/developer shall comply with all mitigation measures of Mitigated Negative Declaration 17-02.
2. The Applicant/developer shall design and install artwork in a public place on or in the vicinity of the project site, as approved by the Community Services Commission prior to issuance of a Certificate of Occupancy. The cost or value of such work shall equal or exceed one percent (1%) of the project cost, as determined by the Chief Building Official. In-lieu of acquiring and installing artwork, the project Applicant may contribute an amount equal to one percent (1%) of the project cost to the Public Arts Fund prior to the issuance of building permits.
3. The Applicant/developer shall submit designs, process all paperwork and ensure that all on-site and adjacent utility boxes, transformers and/or traffic control cabinets located along Imperial Highway, within the public right of way, be aesthetically enhanced (i.e. painted by an artist or wrapping 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 Community and Economic Development prior to a Certificate of Occupancy.
4. The Applicant/developer owner shall include an energy efficient landscape design plan that reduces exterior heat gains and heat island effects through the installation of trees, reflective paving materials, and cool roofs to reduce energy demand within the project. The plan shall be submitted for review and approval by the Director of Community and Economic Development prior to the issuance of Building Permits.
5. The Applicant/developer shall use and maintain a common design theme for the subject property for all structures to include similar colors, exterior building finish materials, and on-site amenities to include parking lot lights, trash receptacles, and benches, to the satisfaction of the Director of Community and Economic Development or designee.

6. The Applicant/developer shall file a reciprocal access agreement for all private driveways due to the creation of multiple lots. Documentation shall be provided the County of Los Angeles Fire Department for review prior to Final Map Clearance.
7. The Applicant/developer shall label all on-site Fire Apparatus Access Roads as "Private Driveway and Fire Lane" on the site plan along with the widths clearly depicted on the plan to the satisfaction of the County of Los Angeles Fire Department. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.
8. The Applicant/developer shall provide a road with a minimum unobstructed width of 28 feet, exclusive of shoulders and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building when the height of the building above the lowest level of the Fire Apparatus Access Road is more than 30 feet high, or the building is more than three stories. The access roadway shall be located a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official. Fire Code 503.1.1 & 503.2.2
9. The Applicant/developer shall provide approved signs or other approved notices or markings that include the words "NO PARKING – FIRE LANE". Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector (Fire Code 503.3).
10. The Applicant/developer shall provide for firefighting and rescue purposes a minimum 5-foot wide firefighter access walkway leading from the fire department access road to all required openings in the building's exterior walls as approved by the County of Los Angeles Fire Department (Fire Code 504.1).
11. The Applicant/developer shall provide and maintain serviceable vehicular access throughout the construction areas to all required fire hydrants.

12. The Applicant/developer shall install ultra-low flow water fixtures to reduce the volume of sewage to the system as required by the Chief Building Official prior to the issuance of a Certificate of Occupancy. The proposed project must also comply with the City's Green Building Code (MM No. 30).
13. The Applicant/developer shall review the California Department of Water Resources recommendations for water conservation and incorporate the recommendations into the structural improvement plans prior to the issuance of Building Permits (MM No. 31).
14. The Applicant/developer shall comply with all programs adopted by the City for the reduction of solid waste as required by the Director of Public Works (MM No. 32).
15. The Applicant/developer shall require the contractors to recycle materials during construction. A recycling report shall be submitted to the Director of Public Works regarding on-site demolition and construction operations prior to the issuance of building permits. A final demolition and construction recycling report is to be submitted to the Director of Public Works prior to the issuance of a Certificate of Occupancy (MM No. 33).

Section 4. Based upon the foregoing, the City Council of the City of La Habra does approve an Ordinance approving Planned Commercial-Industrial Precise Plan 22-01.

PASSED, APPROVED AND ADOPTED this 16th day of May, 2022.

Jose Medrano
Mayor

ATTEST:

Rhonda J. Barone, CMC
Assistant City Clerk

APPROVED AS TO FORM:

Richard D. Jones
City Attorney

STATE OF CALIFORNIA }
COUNTY OF ORANGE } SS.
CITY OF LA HABRA }

I, Rhonda J. Barone, CMC, Assistant City Clerk of the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. ____ introduced at a regular meeting of the City Council of the City of La Habra held on the 16th day of May, 2022, and duly adopted at a regular meeting held on the 6th day of June, 2022, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

Witness my hand and the official seal of the City of La Habra this 6th day of June, 2022.

Rhonda J. Barone, CMC
Assistant City Clerk