

RESOLUTION NO. _____

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, AFFIRMING THE NOTICE OF PUBLIC NUISANCE ISSUED TO THE COYOTE VILLAGE HOMEOWNERS ASSOCIATION

WHEREAS, Chapter 18.74 of the La Habra Municipal Code contains the City of La Habra’s nuisance ordinance whereby the City Council has declared the conditions that constitute a public nuisance and the procedures for abatement thereof; and

WHEREAS, the Coyote Village Homeowners Association (“HOA”) governs a condominium development located at 901-997 W. Imperial Highway (“Coyote Village” or “Property”); and

WHEREAS, the Property contains a covered storm drain that underwent a partial collapse on January 23, 2019 and again on March 15, 2023; and

WHEREAS, on March 16, 2023 the HOA requested the City take immediate action to clear debris from the collapsed storm drain and consented to additional preventative action to protect the Property and nearby residences from further damage; and

WHEREAS, the City contracted with a construction company to make these emergency repairs and preventative measures; and

WHEREAS, the City issued a Notice of Public Nuisance (“Notice”) to the HOA on March 27, 2023 stemming from the collapsed storm drain; and

WHEREAS, the HOA timely appealed the Notice and requested a hearing before the Planning Commission; and

WHEREAS, the Planning Commission held a properly noticed public hearing on June 22, 2023 whereby it heard and considered evidence from the City and the HOA on whether the Property constitutes a public nuisance; and

NOW THEREFORE, BE IT RESOLVED, BY THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct and are a substantial part of this resolution.

SECTION 2. Findings of Fact. The Planning Commission hereby makes the following findings of fact:

1. The Property has at all times relevant to these proceedings been maintained by the HOA as private property.
2. The HOA has at all times relevant to these proceedings been responsible for the proper care and maintenance of the Property.
3. On March 15, 2023 the roof of the storm drain channel at the Property partially collapsed into the storm drain and created a blockage that prevented free water flow.

4. The HOA requested the City's assistance in taking immediate action to clear the storm drain and to take additional measures to prevent further damage.
5. With the HOA's consent, the City took emergency and preventative action at the Property to address the threat to the public health, safety and welfare.

SECTION 3: Conclusions of Law. The Planning Commission hereby makes the following conclusions of law:

1. The collapsed storm drain created an immediate threat to the public health, safety and welfare.
2. The collapsed storm drain constitutes a public nuisance under Civil Code 3479-3480 because it is injurious to health and an obstruction to the free use of the property for all residents and visitors of the Coyote Village.
3. The collapsed storm drain constitutes a public nuisance under LHMC 18.74.040(A)(2) because it constitutes erosion, subsidence or surface water runoff problems of such magnitude as to be injurious to the public health, safety and general welfare.
4. The collapsed storm drain constitutes a public nuisance under LHMC 18.74.040(B)(1) & (B)(2) because it is a damaged, dilapidated, and inadequately maintained improvement which is structurally unsafe and that interferes with egress and is otherwise dangerous to human life and constitutes a serious threat to the public's health, safety and general welfare.
5. The collapsed storm drain constitutes a public nuisance under LHMC 18.74.040(C)(1) because it is a condition that seriously endangers the public health and safety and which poses a threat of collapse to nearby residences, fences and landscaping and requires immediate correction and was the result of dilapidation, decay, damage or faulty construction or arrangement and is injurious to the public health and safety.

SECTION 4: The Notice of Public Nuisance is hereby upheld and the Property is hereby declared to be a public nuisance.

SECTION 5: The HOA is hereby ordered to take all necessary steps to repair the storm drain channel to prevent a future collapse within 30 days, or longer with the City's consent.

PASSED, APPROVED AND ADOPTED THIS 22nd day of June, 2023.

Esther Rojas, Chair

ATTEST:

Veronica Lopez, Secretary

APPROVED AS TO FORM:

Richard Jones, City Attorney

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

I, Veronica Lopez, secretary for the Planning Commission of the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. ____ introduced and adopted at a Regular Meeting of the Planning Commission of the City of La Habra held _____ on _____ the 22nd day of June, 2023 by the following roll call vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Witness my hand and the official seal of the City of La Habra this 22nd day of June, 2023.

Veronica Lopez, Secretary