



City of  
**LA HABRA**  
Planning Commission Report

Item No. 3.

**MEETING DATE: September 11, 2023**

**TO: PLANNING COMMISSION**

**FROM: SUSAN KIM, DIRECTOR OF COMMUNITY & ECONOMIC DEVELOPMENT**  
**By: Veronica Lopez, Community Development Administrative Assistant**

**SUBJECT: EXTENSION OF TIME PERIOD FOR ABATEMENT FOR PUBLIC NUISANCE AT COYOTE VILLAGE  
LOCATED AT 901-997 WEST IMPERIAL HIGHWAY**

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**CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):**

The recommended action of extending the time period for abatement was reviewed pursuant to the California Environmental Quality Act (CEQA) Guidelines and found to not be a project as defined under Section 15378(b)(5) because such extension is an administrative action only, and, therefore, is exempt from CEQA review.

**RECOMMENDATION:**

Recommendation:

That the Planning Commission adopt the following resolution:

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, GRANTING A THIRTY-DAY EXTENSION TO THE TIME PERIOD FOR ABATEMENT FOR THE PUBLIC NUISANCE LOCATED AT 901-977 W. IMPERIAL HIGHWAY

**DISCUSSION:**

The Coyote Village condominium development contains a private covered storm drain channel that runs through the common areas. This private storm drain has been the subject of at least two collapses in recent years. The first occurred on January 23, 2019 and the second on March 15, 2023. While located entirely on private property, the Coyote Village Homeowners Association ("HOA") sent City staff an email on March 16, 2023 requesting immediate assistance in clearing away debris from the collapsed channel to prevent flooding and further damage to the surrounding common areas and nearby residences. To protect the health and safety of the public, and with the written consent of the HOA, the City hired a contractor that immediately cleared the private channel so water could freely flow again and made additional repairs to prevent future collapses.

On March 27, 2023, the City sent the HOA a Notice of Public Nuisance ("Notice") stemming from the March 15, 2023 collapse because the Property was in violation of several provisions of Chapter 18.74 of the La Habra Municipal Code. On April 25, 2023, the HOA timely appealed the Notice, which triggered the requirement for a nuisance hearing before the Planning Commission.

On June 22, 2023, the Planning Commission held a duly noticed public hearing regarding the appeal. At the conclusion of the hearing, the Planning Commission adopted Resolution No. 23-07, affirming the notice of public nuisance issued to the HOA and ordering the HOA to take all necessary steps to repair the storm drain channel to prevent a future collapse within 90 days, with the option to extend with the City's consent.

Pursuant to Section 18.74.170 of the La Habra Municipal Code (LHMC), the Planning Commission is authorized to grant reasonable extensions, not to exceed 30 days, on the time period for abatement.

Since the June 22, 2023 hearing, the City and the HOA have entered into a Sub-Grant Agreement relating to the use of the funds allocated by the State of California. On August 22, 2023, proposed revisions to the agreement between the City and the Department of Water Resources were provided to the Department of Water Resources for its approval and/or revisions. Once the agreement is finalized and executed, the HOA will go through the process of obtaining bids for the contemplated work and retention of a construction contractor and manager.

As efforts to abate the nuisance conditions are still ongoing, staff recommends that the Planning Commission authorize a 30-day extension to the time period for abatement in accordance with Section 18.74.170 of the LHMC.

**FISCAL IMPACT/SOURCE OF FUNDING:**

There is no fiscal impact associated with the extension.

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES):**

Extending the period of abatement of the public nuisance is not subject to compliance with the City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit because this extension is an administrative action.

**GENERAL PLAN RELEVANCE/CITY COUNCIL GOALS & OBJECTIVES:**

Abating the nuisance conditions relates to the following General Plan policies and City Council goal and objective:

- LU 7: Livable Neighborhoods. A City composed of neighborhoods with a variety of housing types that are desirable places to live, contribute to the quality of life, and well maintained.
- LU 7.9: Housing Maintenance. Promote the maintenance of existing residential units and improvements to assure a quality and healthy living environment for residents and consistency with their neighborhood setting.
- LU 7.10: Code Enforcement. Preserve and enhance residential neighborhoods through enforcement of land use and property standards, ensuring that adjacent nonresidential uses are buffered from residences in harmonious and attractive ways.
- GOAL 5 – Development Activity and Business Assistance: Objective C: Work closely with commercial and residential property-owners to improve and maintain the appearance of their properties

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**Attachments**

1. Resolution

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## RESOLUTION NO. 23-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, GRANTING A THIRTY-DAY EXTENSION TO THE TIME PERIOD FOR ABATEMENT FOR THE PUBLIC NUISANCE LOCATED AT 901-977 W. IMPERIAL HIGHWAY

THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA HEREBY FINDS AND DECLARES AS FOLLOWS:

- A. 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.
- B. The Coyote Village Homeowners Association ("HOA") governs a condominium development located at 901-997 W. Imperial Highway ("Coyote Village" or "Property").
- C. The Property contains a covered storm drain that underwent a partial collapse on January 23, 2019 and again on March 15, 2023.
- D. On March 16, 2023, the HOA requested the City take immediate action to clear debris from the collapsed storm drain and consented to take additional preventative action to protect the Property and nearby residences from further damage.
- E. The City contracted with a construction company to make these emergency repairs and preventative measures.
- F. The City issued a Notice of Public Nuisance ("Notice") to the HOA on March 27, 2023 stemming from the collapsed storm drain.
- G. The HOA timely appealed the Notice and requested a hearing before the Planning Commission.
- H. 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.
- I. At the conclusion of the public hearing, the Planning Commission adopted Resolution No. 23-07, affirming the Notice and ordering the HOA to repair the storm drain channel to prevent a future collapse within 90 days, with the option to extend with the City's consent.

- J. Section 18.74.170 of the La Habra Municipal Code (LHMC) authorizes the Planning Commission to grant reasonable extensions, not to exceed 30 days, on the time period for abatement.
- K. Efforts to abate the nuisance conditions are still ongoing.
- L. Staff has recommended a 30-day extension to the time period for abatement.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA HEREBY RESOLVES AS FOLLOWS:

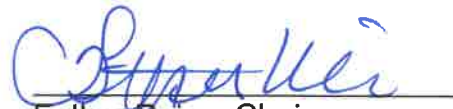
**SECTION 1. RECITALS.** The above recitals are true and correct and are a substantial part of this resolution.

**SECTION 2. GRANT OF EXTENSION.** The Planning Commission hereby grants a thirty (30) day extension to the time period for abatement for the public nuisance located at 901-977 W. Imperial Highway.

**SECTION 3. EFFECTIVE DATE.** This Resolution shall take effect immediately.

**SECTION 4. CERTIFICATION.** The Secretary shall certify the passage of this Resolution.

PASSED, APPROVED, AND ADOPTED this 11th day of September, 2023.

  
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Esther Rojas, Chair

I, Veronica Lopez, Secretary to the Planning Commission of the City of La Habra, do hereby certify that the foregoing Resolution No. 23-12 was adopted at a regular meeting of the City of La Habra Planning Commission held on September 11, 2023 by the following vote:

AYES: COMMISSIONERS: ROJAS, SURICH, MANLEY, MAHECHA  
NOES: COMMISSIONERS: NONE  
ABSTAIN: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: BERNIER

  
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Veronica Lopez, Secretary