

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING TENTATIVE TRACT MAP 23-02 TO ALLOW A RESIDENTIAL SUBDIVISION FOR CONDOMINIUM PURPOSES AND DESIGN REVIEW 23-04 TO CONSTRUCT 22 TOWNHOME UNITS (INCLUDING THREE FOR-SALE UNITS TO MODERATE INCOME LEVEL HOUSEHOLDS) ON THE PROPERTY CURRENTLY ADDRESSED AS 310-330 EAST WHITTIER BOULEVARD, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS, AND MAKING THE DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15332, CLASS 32: "INFILL DEVELOPMENT PROJECTS" OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES

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

- A. The Applicant, City Ventures, filed applications requesting approval of Tentative Tract Map 23-02 (TTM 19280) and Design Review (DR) 23-04 to construct 22 townhome units (including three, for-sale units to moderate income level households) on the property currently addressed as 310-330 East Whittier Boulevard (the "Project").
- B. The proposed development is governed by the applicable goals and policies of the City of La Habra General Plan and the requirements of the La Habra Municipal Code together with the Housing Accountability Act, Housing Crisis Act of 2019, and State Density Bonus Law.
- C. Because the Applicant has agreed to sell at least 10 percent of the total units of the proposed development to moderate income households, the Applicant is entitled to one concession under the State Density Bonus Law and to unlimited waivers/reductions in development standards if the development standard would have the effect of physically precluding the construction of the development.
- D. On April 22, 2024, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for Tentative Tract Map 23-02 (TTM 19280) and Design Review 23-04, at which time it considered all material and evidence, whether written or oral.
- E. In making the various findings set forth in this Resolution, the Planning Commission has considered all of the evidence presented by staff, the Applicant, and the public, whether written or oral, and has considered the procedures and standards required by the La Habra Municipal Code.

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

SECTION 1. CALIFORNIA ENVIRONMENTAL QUALITY ACT. The Planning Commission finds and determines that the Project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332, Class 32: "Infill Development Projects" of the CEQA Guidelines because the Project is consistent with the General Plan designation and all applicable General Plan policies and with applicable zoning designation and regulations; is less than five acres within an urbanized area; the Project site has no value as habitat for endangered, rare or threatened species; approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all utilities and public services.

The Project is not subject to any of the exceptions for exemption under Section 15300.2 of the CEQA Guidelines. The cumulative impact of this Project, and the approval of other projects like it in the vicinity, is not expected to have any significant environmental impact. The Project is not located along any state designated scenic highway nor within any designated hazardous waste site. Staff does not expect any significant impacts or unusual circumstances related to the approval and construction of this Project. Therefore, the Project is categorically exempt from CEQA.

SECTION 2. STATE DENSITY BONUS LAW. The Applicant has agreed to provide three units for sale to moderate income households and has requested one concession and two waivers/reductions in development standards. The City cannot make any of the findings which would justify the denial of the concession or waivers/reductions. Accordingly, the Applicant is entitled to the following pursuant to the State Density Bonus Law:

- A. The Project is entitled to a concession of not being required to underground the existing powerlines located along the Project frontage on East Whittier Boulevard as this will provide cost reductions.
- B. The Project is entitled to waivers/reductions of the following development standards as the Project cannot be physically built without them:
 - 1. Reduced front yard setback from 20'-0" to 7'-10".
 - 2. Reduced rear yard setback from 20'-0" to 5'-0".

SECTION 3. TENTATIVE TRACT MAP. The Planning Commission approves Tentative Tract Map 23-02 (TTM 19280) based on the fact that none of the findings which would prohibit the approval of a map are present and the map satisfies all of the

requirements of Chapter 17.08 of the La Habra Municipal Code and the Subdivision Map Act, subject to the conditions attached hereto as **Exhibit A**.

A. That the proposed map is not consistent with the applicable general plan and specific plans as specified in Section 65451.

Pursuant to the City of La Habra's General Plan 2035, the project site is designated as Corridor Mixed-Use 1. This land use provides for the development of multi-family housing and contemplates residential development of up to 24 dwelling units per acre. The proposed project will provide 22 dwelling units per acre, which includes three, for-sale units for moderate-income level households to be built on-site that will enable the City to meet its Housing Element goals and policies intended to facilitate the development of housing at all levels of affordability. Furthermore, the project implements LU 1.2 (Development Capacity) by accommodating the type and density of land use depicted in the Land Use Diagram, LU 2.1 (Places to Live) by adding for-sale housing in La Habra, LU 4.1 (Development Compatibility) by requiring that development is located and designed to assure compatibility among land uses, addressing such elements as building orientation and setbacks, buffering, visibility and privacy, access, and impacts of noise and lighting, LU 4.4 (Design Review) by requiring design review that focuses on achieving appropriate form and function to assure compatibility with community character, while promoting creativity, innovation, and design quality, LU 5.5 (Revitalization of Obsolete and Underused Properties) by facilitating the revitalization of underused properties, LU 6.4 (Housing Type Distribution) by allowing the establishment of market-rate and affordable townhomes, LU 7.2 (New Residential Development) by establishing new residential development, LU 9.2 (Amenities) by the Applicant providing a communal landscaped area with sitting areas, H 1.3 (Support Private Sector Housing Production) by facilitating the production of new housing for the community, H 1.5 (Market and Non-Market Housing Production Needs) by allowing the establishment of for-sale townhomes for the community.

B. That the design or improvement of the proposed subdivision is not consistent with the applicable general and specific plans.

The General Plan establishes goals and policies for the development of various projects in the City based on the particular land use designation. These goals are implemented through the creation of development standards in supporting documents such as Title 18 (Zoning) of the LHMC. In this case, the General Plan land use designation is Corridor Mixed-Use

1, which allows for residential development of up to 24 dwelling units per acre.

The Applicant has proposed to develop 22 townhome units; three of which will be restricted to moderate income level households. The proposed Tentative Tract Map is consistent with the subject's zoning as C-2 Commercial because it has a Mixed-Use Overlay, whereby multi-unit residential development is identified as being permitted by right. The project has been designed to comply with the C-2 Commercial Zone development standards and the Mixed-Use special development standards or else has been afforded development standard waivers under State Density Bonus Law.

There are no applicable Specific Plans.

Therefore, the design of the proposed subdivision is consistent with the General Plan.

C. That the site is not physically suitable for the type of development.

The subject property is within the C-2 Commercial Zone with a Mixed-Use Overlay, which enables the development of multi-unit housing. The project involves the development of 22 units on a 38,511 square foot (0.88 acre) lot, which provides sufficient area suitable for the development of the proposed townhomes. The project meets all applicable development standards of the C-2 Commercial Zone with a Mixed-Use Overlay, except for the requested concession, which is to underground existing powerlines along the project frontage on East Whittier Boulevard and the requested development waiver, to allow reduced front and rear yard setbacks. In addition, the project will exceed the minimum parking requirements under State Density Bonus Law. A total of 44 parking spaces is required, but the project will provide a total of 53 parking spaces.

D. That the site is not physically suitable for the proposed density of the development.

The subject site is 38,511 square feet (0.88) acres in size and the proposed development will create 22 townhome units for a density of 24 units to the acre. The density will not exceed the maximum of 24 units to the acre allowed under the Corridor Mixed-Use 1 land use designation. Therefore, the site is physically suitable for the proposed density of the development.

- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The project site is an infill development in an urbanized area and the site was has been fully developed as it is currently occupied by Magnolia Vintage Home & Gift and the Chicken Box Broasted Chicken restaurant. The site was already developed, resulting in the site having no endangered plant or animal species. Therefore, the design of the proposed subdivision will not cause substantial damage or avoidable injury to wildlife and their habitat.

- F. That the design of the subdivision or the type of improvements is likely to cause serious health problems.**

The project provides sufficient access for public safety services, such as Fire and Police. Additionally, the development will be serviced by sanitary sewers and storm drains. Since permits and inspections are required for the construction of all the proposed infrastructure improvements, no health or safety issues are anticipated.

- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.**

The Applicant will provide adjustments to the driveway on Orange Street to ensure safe access to the lot. No driveway access will be available on East Whittier Boulevard for this project. Covenants, Conditions, and Restrictions (CC&Rs) will be created as part of this map that will assure each property owner with rights to access the site through the use of private driveways. The project has been conditioned to ensure proper sewer and utility easements will be available.

- H. The design of the subdivision does not provide for, to the extent feasible, future passive or natural heating and cooling opportunities.**

As conditioned, the Applicant is required to provide 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.

SECTION 4. DESIGN REVIEW. The Planning Commission finds and determines that the Applicant has succeeded in meeting its burden of providing evidence to support the granting of Design Review 23-04 and approves Design Review 23-04 based on the

following findings required by Section 18.68.050 of the La Habra Municipal Code, subject to the conditions attached hereto as **Exhibit B**.

A. The proposed project is consistent with the City's General Plan.

The property is designated Corridor Mixed-Use 1. The designation provides for the development of multi-unit housing up to 24 dwelling units per acre. The Applicant is proposing a medium density residential project involving 22 new townhomes.

This Project implements the following policies of the La Habra General Plan 2035 LU 1.2 (Development Capacity) by accommodating the type and density of land use depicted in the Land Use Diagram, LU 2.1 (Places to Live) by adding for-sale housing in La Habra, LU 4.1 (Development Compatibility) by requiring that development is located and designed to assure compatibility among land uses, addressing such elements as building orientation and setbacks, buffering, visibility and privacy, access, and impacts of noise and lighting, LU 4.4 (Design Review) by requiring design review that focuses on achieving appropriate form and function to assure compatibility with community character, while promoting creativity, innovation, and design quality, LU 5.5 (Revitalization of Obsolete and Underused Properties) by facilitating the revitalization of underused properties, LU 6.4 (Housing Type Distribution) by allowing the establishment of market-rate and affordable townhomes, LU 7.2 (New Residential Development) by establishing new residential development, LU 9.2 (Amenities) by the Applicant providing a communal landscaped area with sitting areas, H 1.3 (Support Private Sector Housing Production) by facilitating the production of new housing for the community, H 1.5 (Market and Non-Market Housing Production Needs) by allowing the establishment of for-sale townhomes for the community.

B. The proposed project is consistent with the City's Zoning Ordinance.

The subject property is zoned C-2 Commercial with a Mixed-Use Overlay. The proposed Project complies with the majority of the C-2 Commercial standards identified in Chapters 18.32 and 18.54 of the Zoning Ordinance including building setbacks, building height limits, design guidelines, on-site parking, landscaping and open space/usable yard area requirements. In instances where a development standard is not met, the Applicant has shown the requirement precludes them from providing affordable housing and therefore, has been granted a waiver in accordance with State Density Bonus Law. Given this Project was designed to include three, for-sale units to moderate income level households, the proposed Project is found to still be consistent with the Zoning Ordinance despite any waivers granted.

C. The proposed project is in the best interests of the public health, safety, and welfare of the community.

The Zoning Ordinance 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 Ordinance and policies of the General Plan. In addition, an Environmental Assessment was prepared for the Project and it was determined that the Project's design provides sufficient access for public safety personnel such as Fire and Police and will be serviced by sanitary sewers and storm drains. By complying with the Zoning Ordinance and various policies of the General Plan, the Project is in the best interests of the public health, safety, and welfare of the community.

D. The nature of the proposed land use and the design is appropriate for the proposed location and is compatible with the surrounding land uses and improvements.

The design of the Project takes into consideration the property's location and size to accommodate the 22 units in a thought-out manner. The Project provides adequate on-site access, circulation and on-site parking to minimize impacts to the surrounding area. Also, the proposed buildings have been designed in compliance with the building height limit. Therefore, the nature of the proposed land use and the design is appropriate for the proposed location and is compatible with surrounding uses and improvements.

E. The project complies with all requirements of the California Environmental Quality Act, or has been found to be exempt.

The Project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorically Exempt pursuant to Section 15332, Class 32: "Infill Development Projects" of the California Environmental Quality Act Guidelines because the Project is consistent with the General Plan designation and all applicable General Plan policies and with applicable zoning designation and regulations; is less than five acres within an urbanized area; the Project site has no value as habitat for endangered, rare or threatened species; approval of the Project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all utilities and public services.

The Project is not subject to any of the exceptions for exemption under Section 15300.2 of the CEQA Guidelines. The cumulative impact of this Project, and the approval of other projects like it in the vicinity, is not expected to have any significant environmental impact. The Project is not located along any state designated scenic highway nor within any designated hazardous waste site. Staff does not expect any significant impacts or unusual circumstances related to the approval and construction of this Project. Therefore, the Project is categorically exempt from CEQA.

SECTION 5. NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM.

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 proposed Project will constitute the disturbance of more than 5,000 square feet of soil, a Priority WQMP is required. A Preliminary Priority WQMP has been reviewed and approved. The Final WQMP will be required prior to the issuance of a building permit final.

SECTION 6. APPEAL. The approvals granted by this Resolution may be appealed within 10 working days from adoption of this Resolution. All appeals must be in writing and filed with the City Clerk within this time period with the appropriate fee. Failure to file a timely written appeal will constitute a waiver of any right of appeal.

SECTION 7. RECORD. Each and every one of the findings and determinations in this Resolution are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project. All summaries of information in the findings which precede this section are based on the entire record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

SECTION 8. EFFECTIVE DATE. This Resolution shall take effect immediately.

SECTION 9. CERTIFICATION. The Secretary shall certify the passage of this Resolution.

PASSED, APPROVED, AND ADOPTED this 22nd day of April, 2024.

Jason Manley, Chair

I, Veronica Lopez, Secretary to the Planning Commission of the City of La Habra, do hereby certify that the foregoing Resolution No. _____ was adopted at a regular meeting of the City of La Habra Planning Commission held on April 22, 2024 by the following vote:

AYES: COMMISSIONERS:
NOES: COMMISSIONERS:
ABSTAIN: COMMISSIONERS:
ABSENT: COMMISSIONERS:

Veronica Lopez, Secretary

EXHIBIT A

TENTATIVE TRACT MAP 23-02 (TTM 19280) – CONDITIONS OF APPROVAL

GENERAL CONDITIONS:

Standard Condition 1.1 CODE COMPLIANCE

The applicant/developer/successor in interest shall comply with the City of La Habra Municipal Code and all applicable ordinances.

Standard Condition 1.4 LA COUNTY FIRE DEPARTMENT

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

Standard Condition 1.6 PLANS

This approval is for those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of April 22, 2024. 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 1.23 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 1.24 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.

Standard Condition 1.26 GAS MAINS

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

PRIOR TO THE RECORDATION OF A PARCEL MAP/FINAL MAP:

Standard Condition 2.1 UTILITY EASEMENTS

The applicant/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 applicant/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 graphics file of said map.

Standard Condition 2.3 RECIPROCAL EASEMENTS

The applicant/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 vehicle 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 RESTRICTIONS
AND ASSOCIATION BY-LAWS (modified)

The applicant/developer shall submit draft Covenants, Conditions, and Restrictions (CC&Rs) of the Homeowner's Association (HOA) 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 shall hold the City harmless from any damage to any private roadways caused by the normal operation of trash trucks.
- b. The CC&Rs 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 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 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 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 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 to the color scheme approved by the Planning Commission. 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 shall require that the property owners and/or Homeowner's Association 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 actions if the improvements are not maintained in good condition.
- h. The CC&Rs 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 shall include a provision which indicates that the Homeowner's Association will allow governmental personnel access to the property for annual inspections to ensure compliance with the approved WQMP and the National Pollutant Discharge Elimination System Permit.
- j. The CC&Rs shall include a provision informing homeowners and residents of the project of the citywide prohibition against parking overnight on public streets.
- k. The CC&Rs shall include a provision restricting residents from parking vehicles in designated guest parking spaces.
- l. The CC&Rs shall include a provision requiring the residents to comply with the approved trash collection plan included in the document. In addition, language shall be included that require that the HOA contract for trash collection services.
- m. The CC&Rs shall include a provision that indicates that any amendments to the CC&Rs require approval from the City of La Habra Community and Economic Development Director.
- n. The CC&Rs shall include a provision that the property owners and/or HOA shall maintain the public right of way along Whittier Boulevard and Orange Street from the face of curb to the front property line.
- o. The CC&Rs shall include a provision that the property owners and/or HOA shall maintain all on-site lighting for private roadways and common walkways.
- p. The CC&Rs shall include a provision that clearly identifies which units will be restricted to moderate income families, as defined in Section 50093 of the Health and Safety Code, and that those particular units remain income restricted for a period of 55 years or longer, providing a start and end date.
- q. The CC&Rs shall include a provision prohibiting short-term rentals.
- r. The CC&Rs shall include a provision that the HOA shall at all times maintain the dimensions of the approved Fire Apparatus Access Roads as originally approved by the Fire Code Official Pursuant to Fire Code 503.2.2.1.
- s. The CC&Rs shall require all trees planted within the development and public right-of-way be maintained and allowed to mature to their full height. Trees shall only

be permitted to be removed due to disease or an immediate threat to public safety as determined by the Director of Community and Economic Development and the Director of Public Works.

- t. The CC&Rs shall define the conditions of approval for the project, with reference to the conditions of approval to the Tentative Tract Map and to the conditions of approval of the Design Review. The conditions of approval shall be considered and defined as one of the governing documents for the CC&Rs.
- u. The CC&Rs shall provide that in the event of any inconsistencies between the conditions of approval and the CC&Rs, the articles of incorporation, the bylaws, or the HOA's rules and regulations, the conditions of approval shall prevail.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

Standard Condition 4.7

RECORDATION OF FINAL MAP

The applicant/developer shall prepare and record a final Tract Map per the requirements of the City Engineer, prior to the issuance of building permits for the first unit, as per the Subdivision Map Act and the La Habra Municipal Code.

PROJECT SPECIFIC CONDITIONS:

1. The applicant/developer/successor in interest shall comply with all conditions of approval as per Design Review 23-04.
2. Access shall comply with Title 21 (County of Los Angeles Subdivision Code) and Section 503 of the Title 32 (County of Los Angeles Fire Code, which requires an all-weather access surface to be clear to sky.
3. All Private Driveways proposed as private streets for access through the development shall be labeled as "Private Driveways" on the Final Map. The portion of the private driveway intended for fire apparatus shall be identified as "Fire Lane" on the Final Map. All widths and dimensions shall be clearly delineated with a reciprocal access agreement required for all private driveways. Compliance required prior to Final Map clearance.

EXHIBIT B

DESIGN REVIEW 23-04 – CONDITIONS OF APPROVAL

GENERAL CONDITIONS:

Standard Condition 1.1 CODE COMPLIANCE

The applicant/developer/successor in interest shall comply with the City of La Habra Municipal Code and all applicable ordinances.

Standard Condition 1.2 BUILDING PERMITS

The applicant/developer/successor in interest 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 applicant/developer/successor in interest 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 applicant/developer/successor in interest 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 reviewed and approved by the City of La Habra Planning Commission at its meeting of April 22, 2024. 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 1.7 COMPLIANCE

The failure to comply with any of these conditions of approval by the applicant/developer/successor in interest shall be grounds for rehearing and consideration by the Planning Commission for possible revocation of Design Review 23-04.

Standard Condition 1.8 VIOLATION

In the event that the applicant/developer/successor in interest 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 applicant/developer/successor in interest 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 applicant/developer/successor in interest shall maintain the buildings 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 applicant/developer/successor in interest 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-striping 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 1.23 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 Conditions 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.

Standard Condition 1.33 DRIVEWAY LENGTH

The applicant/developer shall provide "hammerhead" turnaround spaces near the garage for driveways in excess of 75 feet in length, or excessively sloped and/or those curved more than 45 degrees, to the satisfaction of the City Engineer.

Standard Condition 1.39 TRAFFIC CONTROL MEASURES

The applicant/developer shall provide a traffic control measure plan or documentation prior to any demolition, grading, or construction activities to ensure that traffic impacts are minimized on any adjacent public street, to the satisfaction of the Director of Public Works. Failure by the applicant/developer to maintain adequate traffic control measures whereby the City of La Habra has to provide traffic control shall result in all costs being borne by the applicant/developer as determined by the Chief of Police and the Director of Public Works.

Standard Condition 1.41

INDEMNIFICATION

To the maximum extent permitted by law, the applicant and any successor in interest shall defend, indemnify and hold harmless the City of La Habra and its elected and appointed officials, officers, agents and employees from and against any and all actions, claims, damages, liabilities and/or proceedings (collectively referred to as "action") arising out of or in any way relating to the applicant's project or any approvals granted by the City related to the applicant's project, including, but not limited to, any action to attack, challenge, set aside, void, or otherwise modify or annul the approval of any entitlement or permit relating to the project or the environmental review of any entitlement relating to the project. The indemnification and hold harmless shall include, but not be limited to, any and all costs incurred by the City in defense of any action arising out of or relating to the applicant's project or any approvals granted by the City related to the applicant's project, including, but not limited to, payment of all court costs and attorneys' fees, costs of any judgments or awards against the City (including an award of attorneys' fees), damages, and/or settlement costs. The City shall have the right to choose its own legal counsel to represent the City's interests, and applicant shall indemnify City for all such costs incurred by the City.

PRIOR TO THE ISSUANCE OF PRELIMINARY OR PRECISE 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 3.3

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 3.6 STORM WATER POLLUTION PREVENTION PLAN

The applicant/developer shall demonstrate that coverage has been obtained under the Construction General Permit (CGP) by providing a copy of the Notice of Intent (NOI) submitted to the State Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number or other proof of filing shall be provided to the Chief Building Official and the City Engineer or designee. Projects subject to this requirement shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). A copy of the current SWPPP shall be kept at the project site and be available for review on request. Best Management Practices shall be used during construction to prevent construction materials and soil from entering the storm drain.

Standard Condition 3.8 PLANS SUBMITTAL

The applicant/developer shall submit street improvement plans prepared on standard size sheets by a licensed Civil Engineer 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 project plans approved by the Planning Commission. Grading security shall be posted to the satisfaction of the Chief Building Official and the City Attorney guaranteeing completion of grading within the project.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

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 4.2 COVENANTS, CONDITIONS, AND
RESTRICTIONS

The applicant/developer shall submit draft Covenants, Conditions, and Restrictions (CC&Rs) of the Homeowner's Association (HOA) to the Director of Community and Economic Development and the City Attorney for review. The CC&Rs shall include, but not be limited to, the following provisions:

- a. The CC&Rs shall hold the City harmless from any damage to any private roadways caused by the normal operation of trash trucks.
- b. The CC&Rs shall include a restriction that requires designed car spaces within the garages be open and available for the parking of vehicles at all times. All residents shall be required to park their private vehicles in the two enclosed garage spaces.
- c. The CC&Rs shall include a restriction that prohibits the parking or storage of any type of recreational vehicle within the driveway or anywhere on the property except for loading or unloading.
- d. The CC&Rs shall require that the security gates (if provided) at the entrance into the project be maintained by the Homeowner's Association and remain closed when not in use.
- e. The CC&Rs shall require that all roads designated as Fire Lanes be monitored and enforced by the Homeowner's Association at all times.
- f. The CC&Rs shall require that the property owners and/or Homeowner's Association maintain all fences/walls in good condition at all times.
- g. The CC&Rs shall require that 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.
- h. The CC&Rs shall require that the property owners and/or Homeowner's Association 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 painting if the improvements are not maintained in good condition.
- i. The CC&Rs and shall require that the property owners and/or Homeowner's Association be responsible for the long-term operations and maintenance of Best Management Practices (BMPs) contained within the

Water Quality Management Plan (WQMP). A copy of the approved WQMP shall be made an attachment or exhibit to the CC&Rs.

- j. The CC&Rs shall include a provision which indicates that the Homeowner's Association will allow for access to the property for inspections to ensure compliance with the approved WQMP and the National Pollutant Discharge Elimination System (NPDES) Permit.
- k. The CC&Rs shall require that the property owners and/or Homeowner's Association comply with the conditions of approval of Design Review 23-04.
- l. The CC&Rs shall include a provision which indicates that the Homeowner's Association is responsible for maintenance of common areas including activity areas, parking areas, and access areas including roads.
- m. The CC&Rs shall include a provision which indicates that the Homeowner's Association shall submit any proposed changes to the CC&Rs to the City for review and approval prior to consideration by the Association membership.

Standard Condition 4.3

FINAL PRIORITY PROJECT WATER QUALITY
MANAGEMENT PLAN

The applicant/developer shall submit a Final Priority Project WQMP to the City for review and approval by the City Engineer or designee. This plan shall be in conformance with all current NPDES requirements.

Standard Condition 4.9

PARK DEVELOPMENT FEES

The applicant/developer shall pay all applicable City of La Habra Park Development Fees to mitigate the potential impacts on local recreational facilities and recreation services as required by Chapter 15.48 (Residential Building Fees) of the La Habra Municipal Code.

Standard Condition 4.10

SITE LIGHTING PLAN

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. All outdoor fixtures shall be compatible with the architectural theme of the project.

Standard Condition 4.11 STREET LIGHT INSTALLATION

The applicant/developer shall be responsible for installing new street lights to include footings with electrical wiring conduits placed underground, to the satisfaction of the City Engineer and Southern California Edison Company. Advance energy charges shall be paid by the applicant/developer. Proof of installation order of the actual street lights shall be provided prior to building permit issuance.

Standard Condition 4.12 TRAFFIC STRIPING AND SIGNING PLAN

The applicant/developer shall provide an on-site and off-site traffic striping and traffic signing plan to the satisfaction of the City Engineer.

Standard Condition 4.15 SERVICE TRUCK ACCESS

The applicant/developer shall provide access for service trucks across prepared surfaces suitable for continuous heavy truck usage, as determined by the City Engineer.

Standard Condition 4.16 STREET IMPROVEMENTS

The applicant/developer shall be responsible for rehabilitating the roadway pavement and parkway improvements between the street centerline to the right-of-way line which includes, but is not limited to, sidewalk, curb and gutter and street paving, to the satisfaction of the City Engineer. Plans shall be submitted before issuance of building permits and all work shall be completed prior to issuance of Certificate of Occupancy.

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 will 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. The applicant/developer shall be responsible for contacting the utility providers to determine undergrounding procedures.

Standard Condition 4.18 WATER AND/OR SEWER SERVICE

The applicant/developer shall submit development plans for the property to the Public Works Department so that the Utility Authority can establish the Terms and Conditions for Water and/or Sewer Service. The sewer and water facilities shall be maintained by the applicant/developer.

Standard Condition 4.19 ENHANCED CONCRETE DRIVEWAYS

The applicant/developer shall install decorative enhanced concrete, such as stamped and colored, in the entrances within the street front setback to the satisfaction of the Director of Community and Economic Development or designee.

Standard Condition 4.22 LANDSCAPE PLANS

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. The plans shall include the use of a separate connection, backflow preventer and connection for future reclaimed water service. The irrigation system shall also provide water to any street trees along the property street frontage within the public right-of-way. At a minimum, tree size shall be 24-inch box and shrubs shall be 5-gallon size.

Standard Condition 4.23 PERIMETER WALL PLANS

The applicant/developer shall submit for review and approval a plan to enclose the property with a decorative masonry wall with decorative cap, the design to be approved by the Director of Community and Economic Development or designee.

Standard Condition 4.25 TRASH ENCLOSURE

The applicant/developer shall provide plans to install a trash enclosure to City standards with enough area to contain a three-yard refuse bin and a ninety-six-gallon recycling cart. The enclosure shall be finished to match the main building and 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 4.26 SEPARATE FIRE LINE CONNECTION

The applicant/developer shall provide plans for review by the City Engineer to install a separate fire-line connection with backflow assembly to service the on-site fire protection sprinkler system and submit a fire flow test from an independent company to ensure proper size of the fire line, to the satisfaction of the Director of Public Works.

Standard Condition 4.27 PRE-CONSTRUCTION MEETING

The applicant/developer shall have a pre-construction meeting with City staff prior to any construction activity occurring, to the satisfaction of the Director of Community and Economic Development.

Standard Condition 4.29 RECYCLING PLAN

The applicant/developer/successor in interest shall prepare construction and demolition waste recycling plans for review and approval by the Director of Public Works.

Standard Condition 4.31 ACKNOWLEDGEMENT OF SIGN CODE

The applicant/developer/successor in interest shall acknowledge receipt of the Sign Code, Banner Policies/Guidelines and approved sign program for the property and sign an agreement to abide thereby. In addition, the applicant/developer/successor in interest shall not utilize any human display signs.

Standard Condition 4.32 MONUMENT SIGNS

The applicant/developer shall provide the precise location of new or relocated monument signs for review and approval by the City Engineer, prior to issuance of the building permits.

Standard Condition 4.33 TRAFFIC IMPROVEMENT FEES

The applicant/developer shall pay all fees related to the requirements of the Citywide Traffic Improvement Fee.

Standard Condition 4.34 FAIR SHARE TRAFFIC IMPACT FEES

The applicant/developer shall pay for all fees related to the requirements of the Fair Share Traffic Impact Fee.

PRIOR TO AUTHORIZATION TO USE, OCCUPY, AND/OR OPERATE:

Standard Condition 4.28 EXTERIOR STREET IMPROVEMENTS

The applicant/developer shall construct all exterior street improvements to the satisfaction of the City Engineer prior to issuance of Certificate of Occupancy.

Standard Condition 5.3 INSTALLATION OF TRAFFIC STRIPING AND SIGNING

The applicant/developer shall install all required traffic striping and signing to the satisfaction of the City Engineer. All paint shall be installed in two coats with seven days between coats.

Standard Condition 5.4 STREET LIGHT INSTALLATION

The applicant/developer shall install all required street lights to the satisfaction of the City Engineer and Southern California Edison.

Standard Condition 5.8 STREET TREE INSTALLATION

The applicant/developer shall plant street trees per the City of La Habra Master Street Tree Planting Plan and provide metal tree grates and irrigation to each street tree to the satisfaction of the Director of Public Works.

Standard Condition 5.10 FINAL WATER QUALITY MANAGEMENT PLAN BEST MANAGEMENT PRACTICES

The applicant/developer shall demonstrate the following related to the WQMP to the satisfaction of the City Engineer or designee:

- a. All structural BMPs described in the Priority Project WQMP/Non-Priority Project Water Quality Plan (WQP) have been constructed and installed in conformance with approved plans and specifications.
- b. The applicant is prepared to implement all non-structural BMPs described in the WQMP.
- c. An adequate number of copies of the approved WQMP are available on-site and for the future occupiers.
- d. A mechanism or agreement acceptable to the City has been executed for the long-term funding 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 to the satisfaction of the City Engineer.

Standard Condition 5.17 UP LIGHTING

The applicant/developer/successor in interest shall provide up lighting on all trees within the public right of way and front landscape area prior to the issuance of a Certificate of Occupancy to the satisfaction of the Director of Community and Economic Development and City Engineer.

PROJECT SPECIFIC CONDITIONS:

Planning:

1. The applicant/developer shall enter into an affordable housing agreement with the City in accordance with LHMC Chapters 18.80 and 18.82 in form and substance acceptable to the City, as approved by the City Attorney. City Council approval of the affordable housing agreement is required prior to the issuance of building permits. A copy of the recorded affordable housing agreement is required prior to the issuance of a Certificate of Occupancy or permit final.
2. Prior to the issuance of building permits, the applicant/developer shall submit an acoustical study showing compliance with Section 1206.4 of the California Building Code, which provides that interior noise levels shall not exceed 45 dB in any habitable room.
3. The applicant/developer shall submit a sight line diagram showing all rooftop equipment will be screened from public view to the satisfaction of the Director of Community and Economic Development and the Building Official, prior to the issuance of building permits.
4. The applicant/developer, prior to the issuance of a Certificate of Occupancy, shall have all adjacent utility boxes, transformers and/or traffic control cabinets located within the public right-of-way or on-site aesthetically enhanced as permitted by the utility company and as required by the Director of Community and Economic Development.
5. The applicant/developer 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 prior to issuance of a Certificate of Occupancy. 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.
6. The applicant/developer 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 or designee prior to the issuance of building permits.

Engineering:

7. The applicant/developer shall obtain an encroachment permit from the Engineering Division and shall pay all permit fees for any construction activity within the City's public right-of-way.
8. The applicant/developer shall obtain a Caltrans permit for any construction activity within the State's public right-of-way.
9. The applicant/developer shall install one (1) marbelite 150 feet north of existing marbelite on west side of N. Orange Street.
10. The applicant/developer shall plant one (1) street tree 20 feet south of property line and one (1) street tree 50 feet south of Whittier Blvd. on east side of N. Orange Street. The applicant/developer shall plant three (3) street trees along Whittier Blvd.
11. The applicant/developer shall construct a new driveway approach at the southwest corner of the property on N. Orange Street.
12. The applicant/developer shall remove existing driveway approach at the north west corner of the property on N. Orange Street.
13. The applicant/developer shall repair damaged sidewalk along N. Orange Street and Whittier Blvd.
14. The applicant/developer shall construct a new ADA curb access ramp at the southeast corner of Whittier Blvd. and N. Orange Street; the applicant/developer shall reconstruct existing ADA curb access ramp at the southwest corner of Whittier Blvd. and N. Orange Street to align with new ADA curb access ramp at southeast corner; and the applicant/developer shall reconstruct existing ADA curb access ramp crossing Whittier Blvd.
15. The applicant/developer shall redo striping as necessary to accommodate new ADA curb access ramps.
16. The applicant/developer shall remove two (2) existing driveway approaches on Whittier Blvd.

17. The applicant/developer shall install breakaway flanges at one (1) fire hydrant on Whittier Blvd. and at one (1) fire hydrant at 740 N. Orange Street.
18. The applicant/developer shall provide a sewer capacity study to determine if the existing main on N. Orange Street is capable of receiving the proposed development. The water facilities shall be maintained by the applicant/developer.
19. The applicant/developer shall place all mailboxes in accordance with U.S. Postal Regulations. Such placement shall be reviewed and approved by the Director of Community and Economic Development and the La Habra Postmaster prior to the issuance of a Certificate of Occupancy.
20. The applicant/developer shall provide a final trash pick-up plan to the Director of Community and Economic Development and City Engineer for review and approval prior to the issuance of any building permits.
21. The applicant/developer shall install decorative enhanced concrete, such as stamped and colored, at the entrances into the project within the street landscape setback to the satisfaction of the Director of Community and Economic Development or designee prior to the issuance of a Certificate of Occupancy.
22. The applicant/developer shall inform the future residents of the project of the citywide parking prohibition on public streets overnight. This shall be stated within the CC&Rs for the project to the satisfaction of the Director of Community and Economic Development prior to the issuance of any building permits.
23. The applicant/developer shall provide VMT analysis memorandum to be reviewed and approved by the City's Traffic Manager.
24. The applicant/developer shall provide a trip generation table showing project related trips with a net difference from existing site utilization to the satisfaction of the City's Traffic Manager prior to the issuance of a building permit.
25. The applicant/developer shall coordinate with the Utility Authority to determine requirements for connecting to the 16-inch water main to the north on Whittier Blvd. The water facilities shall be maintained by the applicant/developer.

Fire:

26. The proposed development will require review and approval by the County of Los Angeles Fire Department, Fire Prevention Engineering Section Building Plan Check Unit prior to building permit issuance. Applicant/developer may contact the Fire Prevention Engineering Section at (323) 890-4125 for additional information and EPICLA submittals.