



City of  
**LA HABRA**

**Planning Commission Report**

Item No. 3.

**MEETING DATE: April 22, 2024**

**TO: PLANNING COMMISSION**

**FROM: SUSAN KIM, DIRECTOR OF COMMUNITY & ECONOMIC DEVELOPMENT**  
**By: Sonya Lui, Planning Manager**

**SUBJECT: DULY NOTICED PUBLIC HEARING TO CONSIDER REQUESTS FOR 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 UNITS FOR-SALE UNITS TO MODERATE-INCOME LEVEL HOUSEHOLDS ON THE PROPERTIES CURRENTLY ADDRESSED AS AT 310-330 EAST WHITTIER BOULEVARD**

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

This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorical Exempt 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; located 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.

**RECOMMENDATION:**

That the Planning Commission approve:

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 UNITS FOR SALE 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 (CEQA) PURSUANT TO SECTION 15332, CLASS 32: "INFILL DEVELOPMENT PROJECTS" OF THE CEQA GUIDELINES

**DISCUSSION:**

The Applicant, Kim Prijatel from City Ventures, is requesting approval of Tentative Tract Map 23-02 (TTM 19280) to allow a residential subdivision for condominium purposes and Design Review 23-04 to develop a total of 22 townhome units with three units (10%) designated as units for sale to moderate income level households. The 38,511 square foot (0.88 acres) project site is located at the southeast corner of East Whittier Boulevard and Orange Street, on the properties that are currently occupied by Magnolia Vintage Home & Gift and the Chicken Box Broasted Chicken (See Vicinity Map, Exhibit 1). The General Plan designates this site for Corridor Mixed Use 1 land use, which allows for residential development, commercial development or a mixed-use development. The project site is within the C-2 (Commercial) Zone and the MX (Mixed-Use) Overlay Zone, which implements the project site's General Plan land use designation. The General Plan Corridor Mixed Use 1 land use designation allows development of up to 24 dwelling units per acre. Based on the size of the project site, a maximum of 22 units could be developed pursuant to the subject property's General Plan land use designation; as noted above, 22 units are proposed.

To the north of the project site, across East Whittier Boulevard, are the Hyland Motel and Hector's Furniture store. Marie Callender's restaurant and La Habra Bowling Lanes are located to the east of the project site and an existing automotive repair and upholstery shop to the west, across North Orange Street. All of these properties share the same General Plan land use designation of Corridor Mixed Use 1. To the south of the property are existing single family residences on properties designated by the General Plan for Low Density Residential land use.

#### EXHIBIT 1



#### **Housing Crisis Act of 2019 - SB 330 - Vested Ordinances, Policies and Standards**

To facilitate more housing development, in 2019, the State enacted Senate Bill 330 (SB 330), which created a preliminary application process to help increase transparency and certainty for housing developers. A preliminary application vests ordinances, policies and standards, including fees, in effect at the time of filing. A preliminary application is "deemed complete" at the time of submittal if it contains all information required by Government Code section 65941.1. The City is not required to provide an affirmative determination regarding the completeness of the preliminary application. Following the submission of a preliminary application containing all information required by statute, an applicant has 180 days to submit the full development application. The Applicant submitted an SB 330 preliminary application on June 15, 2023 which was determined to contain all necessary information. As a result, new requirements such as the City's Objective Design Standards that were adopted on December 18, 2023, do not apply to this project. As noted above, SB 330 also guarantees the developer that no new city fees other than what were in place when the SB 330 application was submitted, will apply to this project. To date, there have been no changes in City fees that affect the Applicant. Finally, SB 330 requires that the review of this housing development not be subjected to more than five hearings. A "hearing" is broadly defined to include any public hearing, workshop or similar meeting conducted by a city with respect to a housing development project. On April 22, 2024, the Planning Commission will be conducting the first hearing on this project.

#### **State Density Bonus Law**

In addition, the State has adopted certain incentives and concessions for affordable housing that are implemented by Government Code Sections 65915-65918 (State Density Bonus Law). The number of incentives that a developer is entitled to are based on the number of affordable units proposed. These incentives include density bonuses that allow developers to construct more units than permitted by the City's General Plan and Zoning, as well as regulatory relief from certain development standards, and minimum parking requirements that are lower than the City's requirements. The Applicant is proposing to make three of the 22 units affordable to moderate-income households (see Exhibit 2 below for applicable income limits). Although the Applicant is not seeking a density bonus above the maximum density allowed pursuant to the City's General Plan and Zoning, the project provides at least 10% affordable units to moderate-

income level households that will be built on-site. By providing 10% of the units as affordable to moderate-income households, the project is entitled to one concession under State Density Bonus Law. A concession must result in an identifiable and actual cost reduction. The Applicant is requesting to use its concession to waive the requirement that the Applicant underground the existing power lines located along the project frontage on East Whittier Boulevard. It is estimated that the Applicant will save approximately \$1.2 million. A concession may only be denied if it would have a specific, adverse impact on the public health or safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the impact without the development being unaffordable to low-income and moderate-income households. Under the State Density Bonus Law, the Applicant is also entitled to unlimited waivers/reductions in development standards if the development standard would have the effect of physically precluding the construction of a development at the permitted density and with the granted concessions/waivers. A waiver may only be denied if it would have a specific, adverse impact on the public health or safety. The Applicant is requesting to use this part of State Density Bonus Law to request reductions in the required front and rear setbacks.

**Affordability Requirements - State Laws/Local Inclusionary Housing Ordinance**

In 2021, the City adopted an Inclusionary Housing Ordinance, set forth in Chapter 18.82 of the La Habra Municipal Code (LHMC). The stated purpose of the Inclusionary Housing Ordinance is to establish a citywide inclusionary housing program that provides requirements and procedures to develop housing that would be affordable to households of very low, low, or moderate incomes, meet the City’s regional share of housing needs, and implement the goals and objectives of the General Plan and the Housing Element. The provisions of the Inclusionary Housing Ordinance apply to all residential development projects in the City that construct 10 or more units. Pursuant to LHMC Section 18.82.050(A) (1), if an applicant chooses to provide for-sale Inclusionary Housing Units, a minimum of 15 percent of the total number of for-sale dwelling units is required to be sold to moderate-income level households. Pursuant to LHMC Section 18.82.080, applicants have options for complying with the Inclusionary Housing requirements, including (1) constructing the required Inclusionary Housing Units on-site within the residential project; (2) constructing the required Inclusionary Housing Units off-site, provided that the applicant acquires and manages the off-site property; (3) paying in-lieu fees, charged at \$6.50 per square foot of building space for the project’s total floor area; (4) acquiring and reconstructing existing units; or (5) any combination of the foregoing options. To comply with the Inclusionary Housing Ordinance, the Applicant is required to provide at least four inclusionary units. The Applicant is proposing to provide three units restricted to moderate income level households on-site and pay in-lieu fees for one additional unit. Pursuant to LHMC Section 18.82.080(C), the in-lieu fee will be \$6.50 per square foot of the project's total floor area. This fee is then set aside to assist with future affordable housing.

The various income limits applicable to the Orange County area, established for affordable housing are as follows:

**EXHIBIT 2**

**NUMBER OF PERSONS IN HOUSEHOLD**

	1	2	3	4	5	6	7	8
<b>Acutely Low</b>	\$13,400	\$15,300	\$17,250	\$19,150	\$20,700	\$22,200	\$23,750	\$25,300
<b>Extremely Low</b>	\$30,150	\$34,450	\$38,750	\$43,050	\$46,500	\$49,950	\$53,400	\$56,850
<b>Very Low Income</b>	\$50,250	\$57,400	\$64,600	\$71,750	\$77,500	\$83,250	\$89,000	\$94,750
<b>Low Income</b>	\$80,400	\$91,850	\$103,350	\$114,800	\$124,000	\$133,200	\$142,400	\$151,550
<b>Median Income</b>	\$89,450	\$102,250	\$115,000	\$127,800	\$138,000	\$148,250	\$158,450	\$168,700
<b>Moderate Income</b>	\$107,350	\$122,700	\$138,000	\$153,300	\$165,600	\$177,900	\$190,150	\$202,400

To ensure that the proposed project is developed with the affordability requirements proposed and the in-lieu fee is paid, Project Specific Condition No. 1 requires the Property Owner to enter into an Affordable Housing Agreement with the City, prior to the issuance of a Certificate of Occupancy or permit final, with the components below.

- 1) Affordable Housing Plan. These plans shall show the location of the inclusionary housing units within the overall residential project site.
- 2) Inclusionary Housing Plan. These plans shall describe the inclusionary housing units that will be provided, as follows:
  - a. Will the inclusionary housing units be for-sale or rental.

- b. How will the inclusionary housing requirements be satisfied pursuant to Chapter 18.82 (Inclusionary Housing Units).
- c. The number of inclusionary housing units that are required and will be provided, unit types, number of bedrooms and baths, unit size, design features and amenities, etc.
- d. Anticipated construction activities, phasing, and completion schedule.
- e. How will the inclusionary housing units be marketed.
- f. How will the affordability of the inclusionary housing units be maintained.
- g. Any other information that is necessary to evaluate the compliance of the affordability of the inclusionary housing units with the provisions of this chapter and the city's affordable housing agreement requirements.

3) Affordable Housing Covenants. These covenants shall ensure the continued affordability of inclusionary housing units in the overall residential development.

- a. Affordable housing covenants shall include the following, as applicable: inclusionary housing and regulatory terms, promissory notes, deeds of trust, resale restrictions, rights of first refusal, options to purchase, and/or other relevant financial and administration documents.
- b. Affordable housing covenants shall require that all inclusionary housing units remain affordable to the targeted income group for no less than the time periods set forth in California Health and Safety Code Sections 33413(c)(1) and (2). A longer term of affordability may be required if the residential development receives a subsidy of any type, including, but not limited to, loan, grant, mortgage financing, mortgage insurance, or rental subsidy, and whether the subsidy program requires a longer term of affordability.

For-sale residential projects, such as the subject project, are typically required by State law to be affordable to the first buyer, subject to an equity sharing agreement with the City, where the City receives a portion of any appreciation of the home at the time the original homeowner sells the home. The City places the funds from the equity sharing agreement into an affordable housing fund, which the City uses to facilitate future affordable housing.

The Affordable Housing Agreement is subject to review and approval by the City Council. The Affordable Housing Agreement is not under the purview of the Planning Commission.

#### **Subdivision Map Act Requirements for Tentative Map**

As required by the Subdivision Map Act (Government Code Section 66410 and Title 17 of the LHMC), the Applicant submitted a request for approval of Tentative Tract Map 23-02 (TTM 19280) for condominium purposes in order to enable the division and sale of land involving a total of 22 townhome units. The Applicant's Engineer, C&V Consulting, Inc., prepared TTM 19280, which includes a preliminary site plan of the project site, including the metes and bounds of the property lines of the new lots and associated easements and rights-of-way. Since this is a tentative map, TTM 19280 also shows the proposed building and land alterations and also the topography of the project site. TTM 19280 includes a preliminary grading and drainage plan, a preliminary utility plan, and a preliminary fire access and hydrant location plan. TTM 19281 is provided as part of the project plans provided as Attachment 3 to this staff report.

#### **Site Plan Layout**

As shown in Exhibit 3 below, the project site is a rectangular lot. The area east of the subject property, identified on the exhibit as "Future Parcel," is currently occupied by Marie Callender's restaurant. According to the Applicant, Marie Callenders has a long-term lease which allows the restaurant to continue its operations until the year 2029. While this property is not a part of this project now, the Applicant has identified it as a future parcel should City Ventures be able to acquire this property upon this lease ending.

Access to the project site will be provided via a driveway on North Orange Street that branches out to terminate before reaching East Whittier Boulevard and the east property line. The townhomes will be constructed as one six-plex building and two eight-plex buildings, with garages that face the drive aisles. All 22 townhome units will have access to a private deck, 16 of the units (Buildings 2B and 3B) will have private patios, and a common open space will be provided adjacent to the south property line. In order to provide additional area in the drive aisle for a fire truck to maneuver and turnaround, Building 1B, a six-plex building, will not have private patios.

#### **EXHIBIT 3**



**Development Standards**

The property is being developed in compliance with the development standards of the MX (Mixed-Use) Overlay Zone. For certain development standards, the MX Overlay Zone refers to the development standards of the underlying zone, in this case the C-2 (Commercial) Zone. Staff has confirmed that the project complies with the required development standards of the C-2 Zone and special development standards of the MX Overlay Zone, as summarized in Exhibit 4, except front and rear yard setbacks. The applicant has requested a waiver of these setback requirements under State Density Bonus Law.

**EXHIBIT 4**

C-2/MX Overlay Zone Development Standards	Required	Proposed
Maximum Building Height	50'-0"	35'6"
Minimum Front Yard Setback (Orange Street)	20'-0"	7'-10"*
Minimum Side Yard Setback (Whittier Boulevard)	10'-0"	10'-0"
Minimum Side Yard Setback (South Property Line)	5'-0"	5'-0"
Minimum Rear Yard Setback (East Property Line)	20'-0"	5'-0"*

\*Waiver allowed under State Density Bonus Law

**Building Design**

Since the Applicant filed a preliminary application under Senate Bill 330, the project is subject to complying with the standards in place at the time the preliminary application was submitted. As a result, the project will not be subject to complying with the City's Objective Design Standards which were adopted by City Council on December 18, 2023.

The Applicant has opted to construct the new townhomes using the Spanish architectural style. Character defining features include:

- Spanish 'S' tile roof;
- Stucco cladding with a light sand finish;
- Stucco finials/faux chimneys;
- Stucco decorative foam eaves;
- Exposed decorative truss tails;
- Stucco recess/reveal at windows and doors;

- Sloped stucco sills;
- Bay windows;
- Simulated wood corbels;
- Stucco decorative foam corbels;
- Fiber cement panels along select decks;
- Stucco grill recess/screen;
- Metal handrails with decorative knot design;
- Decorative Spanish entry doors; and,
- Decorative light fixtures.

Building 1B was designed as a six-plex building, while Buildings 2B and 3B were each designed as eight-plex buildings as depicted in Exhibit 5 below. While Building 3B will face the existing neighboring properties to the south, there is a 20 foot landscaped area that will provide a buffer from the proposed project. It is anticipated that the landscaping will help obscure the view of the existing residences, enabling more privacy to these residents. In addition, although Building 3B will face these residences, the proposed decks and windows will face the front yard areas of these existing homes and will not provide views into the residences or their backyards, where residents typically assume a certain level of privacy.

**EXHIBIT 5**

**SIX-PLEX DESIGN**

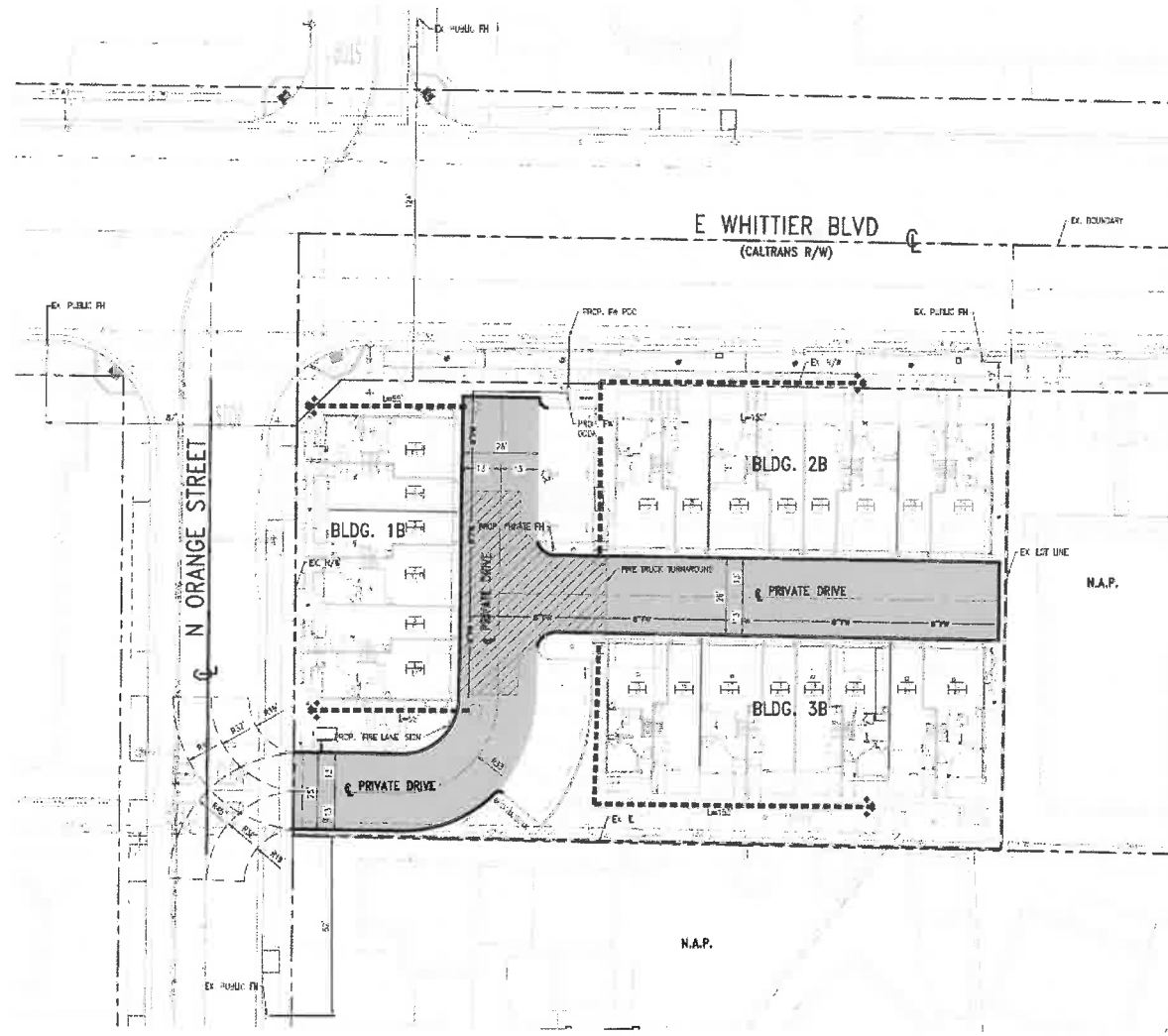


**EIGHT-PLEX DESIGN**



The Los Angeles County Fire Department (LACFD) serves the City of La Habra, including the subject property. As mentioned earlier in this report, the Applicant is requesting to use its one concession, as allowed by State Density Bonus Law, to remove the requirement to underground existing powerlines along their project frontage on East Whittier Boulevard. As a result, the proposed buildings (Buildings 1B and 2B) will be located as close as 14'-9" to the existing powerlines. In order to reduce potential fire damage from the powerlines, the LACFD has required that Buildings 1B and 2B include 2-hour, fire-rated wall construction. In addition, the private drive aisles, which are highlighted in gray in Exhibit 6 below, will help ensure sufficient fire access will be provided to the site. The project plans also note the location of existing fire hydrants. The Applicant has received confirmation from LACFD that the existing fire hydrants will meet the required fire flow requirements for the project. As a condition of approval, the Applicant is required to comply with all requirements set forth by the Los Angeles County Fire Department prior to the issuance of any building permits.

## EXHIBIT 6



### Roof Equipment Screening

The proposed project will have roof-mounted equipment on each of the buildings. Consistent with the requirements of LHMC Section 18.32.050(D)(5), staff has advised the Applicant that all roof mounted equipment must be screened by a parapet wall and cannot be visible from grade level or adjacent higher street elevations. The project plans include a line-of-sight detail showing the roof mounted equipment will not be visible from East Whittier Boulevard if you are standing on the sidewalk immediately adjacent to the project site or within the private drive aisle. The project plans do not show the line-of-sight for the roof mounted equipment if you are standing on the sidewalk located along the other side of Whittier Boulevard, the sidewalk located furthest west along North Orange Street and from Burch Street where existing single-family residences will be able to see the proposed new buildings. It also does not reflect the line-of-sight if you are traveling further west and/or east of the project site along Whittier Boulevard. As a condition of approval, the applicant shall be required to submit final building plans that include the line-of-sight details from all of these locations to the satisfaction of the Director of Community and Economic Development prior to the issuance of any building permits.

### Floor Plans

As shown in Exhibit 7, the project proposes two types of floor plans. Plan 2 will consist of three bedrooms and three bathrooms. Each Plan 2 unit will be 1,362 square feet in size. Plan 4 will consist of four bedrooms and three bathrooms. Each Plan 4 unit will be 1,588 square feet in size.

**EXHIBIT 7**  
**Plan 2**



**Plan 4**



**Parking**

As previously described, State Density Bonus Law determines the minimum number of parking spaces required for projects that meet certain affordability requirements. State Density Bonus Law does not require any additional parking space for guest parking. The proposed project is subject to the following State Density Bonus Law parking

requirements:

**EXHIBIT 8**

Number of Bedrooms	Number of Parking Spaces Required per Unit	Number of Units in Proposed Project	Number of Parking Spaces Required for Proposed Project
1	1	0	0
2	1.5	0	0
3	1.5	11	16.5
4	2.5	11	27.5
Required			44
Proposed			53

The Applicant is proposing to exceed the State Density Bonus Law parking requirement of 44 parking spaces by providing a total of 53 parking spaces. The Applicant is proposing to provide 44 of these parking spaces within garages. Each of the 22 units will have a garage that accommodates two parking spaces. Eleven of the garages will have 20' x 20' interior dimensions that allow vehicles to park side-by-side. Eleven of the garages (Units 2, 3, 5, 48, 10, 11, 13, 16, 18, 19 and 21) will have 10' x 40' interior dimensions that require tandem parking. Although the LHMC does not include regulations for tandem parking, this type of parking is permitted under State Density Bonus Law. Additionally, the Applicant proposes to provide nine guest parking spaces, which include two ADA designated parking spaces.

**Traffic**

Based on the project size of 22 townhome units, the City's Traffic Manager expects that the proposed number of vehicle trips generated by the proposed project will be negligible. A Traffic Study would be required if the project generated 40 or more pm peak hour trips. The proposed project, even after including the potential build out of up to 10 additional units on the neighboring site to the east, is anticipated to generate less than 40 trips during the pm peak hour. To ensure the project will not result in adverse traffic impacts, the Applicant will be required to provide a trip generation study as a condition of approval.

**Open Space/Common Area Amenities**

The proposed project includes the total amount of open space described in the table below:

**EXHIBIT 9**

<b>Private Usable Open Space (Patios)</b>	2,482 square feet
<b>Private Usable Open Space (Decks)</b>	1,914 square feet
<b>Common Usable Open Space</b>	2,629 square feet
<b>TOTAL</b>	7,025 square feet

All 22 townhome units will have access to a private deck and the majority of the townhome units (16 units) will have access to private patios. The six units within Building 1B will not have access to patios, but instead will have steps along with landscaping leading to each front entrance.

As indicated in Exhibit 9 below, common usable open space is proposed to be provided along the south side of Building 3B. As proposed, this area will provide a pedestrian walkway to two seating areas and enhanced landscaping. The common open space area will include lighting to enhance trees within the landscape or illumination along pedestrian walkways.

**EXHIBIT 10**



Pursuant to LHMC 18.54.050, non-mixed use projects in the Mixed-Use (MX) Overlay Zone are required to comply with the open space requirements of the base zone, which for the project site is the C-2 (Commercial) Zone. The only open space requirements applicable to the C-2 Zone, are the previously-described front, side and rear yard setback requirements; as noted previously the proposed project complies with the setback requirements, except for the front and rear yard setbacks, for which they have requested a development waiver permitted by State Density Bonus Law. Therefore, they are in compliance with the required open space requirements for the C-2 Zone.

Please note that the Zone Change that was adopted on December 18, 2023, now provides the following more detailed open space requirements for all residential projects regardless of base zone: *"Each dwelling unit shall have a minimum of two hundred fifty square feet of usable open space. This can be provided through private or common open space area. Mixed-use and residential projects shall provide private open space area such as patios or balconies adjacent to at least fifty percent of the units. Roof top decks may also be used to meet this requirement."* However, pursuant to SB 330, these requirements are not applicable to the proposed project.

The MX Overlay Zone does provide the following requirements for Community Amenities: *"Community amenities, both indoor and outdoor shall be provided for active and passive recreation. The amenities shall enhance the overall quality of development and contribute to the character of the area. The size of the amenities shall be proportional to number of dwelling units provided."* The proposed project provides amenities for both active (pedestrian walkway) and passive (seating areas) recreation, which are generally proportional to the number of units provided (approximately 120 square feet of common open space per unit). However, staff notes that the "proportional" requirement is subjective and is another development standard that can be waived pursuant to State Density Bonus Law. The Zone Change that was adopted on December 18, 2023, removed the "proportional" requirement in an effort to provide an objective design standard.

**REQUIRED FINDINGS**

**Tentative Tract Map 23-02 (TTM 19280)**

Pursuant to LHMC Title 17, Section 17.08.110 (Public Hearing) of Chapter 17.08 (Subdivision Maps), the Planning Commission must hold a public hearing for review of all Tentative Tract Maps. When considering Tentative Tract Maps, the Commission reviews the proposal for consistency with the La Habra General Plan, the requirements of the La Habra Subdivision Ordinance, and the Subdivision Map Act. Additionally, the Planning Commission makes a determination that the project is physically suitable for the site and designed in a manner that will not cause any detriment to the public welfare. While no specific findings are called out in the LHMC, the below findings support the approval of the Tentative Tract Map under state law. **The Subdivision Map Act includes a list of grounds for denial; if any one of the findings is made, the map must be denied.** The list below outlines the grounds for denial pursuant to the Subdivision Map Act and staff's recommended justification that there are no applicable grounds for denial.

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

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. There are no Specific Plans that are applicable to the project site. Therefore, the proposed map is consistent with the General Plan and TTM 19280 should not be denied.

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 property is within the C-2 Zone and the MX Overlay Zone. The MX Overlay Zone implements the General Plan Corridor Mixed Use 1 land use designation. There are not Specific Plans that are applicable to the project site.

The Applicant is proposing to utilize the MX Overlay Zone to develop 22 townhome units; three of which will be restricted to moderate-income level households. As described in this staff report, the proposed Tentative Tract Map is consistent with the requirements of the MX Overlay Zone, whereby multi-unit residential development is identified as being permitted by right. The project has been designed to comply with the development standards of the MX Overlay Zone, with the exception of the development standard waivers that are permitted under State Density Bonus Law. Therefore, since the design of the proposed subdivision meets the requirements of the MX Overlay Zone, which implements the Corridor Mixed-Use 1 designation, the proposed subdivision is consistent with the General Plan and TTM 19280 should not be denied.

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

The subject property is within the C-2 (Commercial) Zone and the MX (Mixed-Use) Overlay Zone, 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 and the MX (Mixed-Use) Overlay Zone, 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. Therefore, the site is physically suitable for the proposed type of development and TTM 19280 should not be denied.

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 and TTM 19280 should not be denied.

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 has been fully developed as it is currently occupied by Magnolia Vintage Home & Gift and the Chicken Box Broasted Chicken restaurant. The site was previously 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 and TTM 19280 should not be denied.

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 and TTM 19280 should not be denied.

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. Therefore, TTM 19280 should not be denied.

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. Therefore, TTM 19280 should not be denied.

As noted above, there are no grounds upon which to deny TTM19280. Therefore, with the conditions of approval, the subdivision and teh subdivision design will be consistent with the General Plan and Subdivision Map Act as supplemented by Title 17 of the La Habra Municipal Code.

#### **Design Review 23-04**

To approve Design Review 23-04, the Planning Commission must be able to make the findings below pursuant to LHMC Section 18.68.050 (Findings). Each finding is followed by Staff's recommended justification to make the subject finding.

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

The property is designated by the General Plan for Corridor Mixed-Use 1 land use. The designation provides for the development of multi-unit housing at a density of up to 24 dwelling units per acre. 38,511 square feet (0.88) acres in size and the proposed development will create 22 townhome units, three of which will be restricted to moderate income households, at a density of 24 units to the acre. The MX Overlay Zone implements the General Plan Corridor Mixed-Use 1 land use designation. As described in this staff report, the proposed project has been designed to comply with the development standards MX Overlay Zone, with the exception of the development standard waivers that are permitted under State Density Bonus Law.

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. Therefore, the proposed project is consistent with the City's General Plan.

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

The subject property is within the C-2 (Commercial) Zone and the MX (Mixed-Use) Overlay Zone. As described in this staff report, the proposed project has been designed to comply with the development standards MX Overlay Zone, with the exception of the development standard waivers that are permitted under State Density Bonus Law. Given this project was designed to include three for-sale units to moderate-income level households to be built on-site, the proposed project is found to still be consistent with the Zoning Ordinance despite any waivers granted. Therefore, the proposed project is consistent with the City's Zoning Ordinance.

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, traffic circulation, and parking to minimize impacts on the surrounding area. In addition, 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.

**FISCAL IMPACT/SOURCE OF FUNDING:**

The Applicant has paid for the processing costs associated with the Tentative Tract Map and Design Review, which total \$21,852.00.

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

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 Preliminary Priority WQMP has been prepared and approved.

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

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.

The Project implements the following objectives related to City Council 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 Objective Q: Facilitate the development of high-quality housing, at a variety of income levels, to help meet projected demand, as set forth in the Regional Housing Needs Assessment (RHNA).

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### **Attachments**

Attachment 1 - Vicinity Map

Attachment 2 - Resolution with conditions of approval

Attachment 3 - Project Plans

Attachment 4 - Legal Notice



**310-330 E Whittier Boulevard**

## 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 22<sup>nd</sup> 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:

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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.

## LEGAL NOTICE

Notice is hereby given that the City of La Habra Planning Commission will hold a public hearing on the following items:

1. DULY NOTICED PUBLIC HEARING TO CONSIDER REQUESTS FOR TENTATIVE TRACT MAP 23-01 (TTM19281) TO ALLOW A RESIDENTIAL SUBDIVISION FOR CONDOMINIUM PURPOSES AND DESIGN REVIEW 23-03 TO CONSTRUCT A TOTAL OF 18 TOWNHOME UNITS (INCLUDING 15 UNITS FOR SALE AT A MARKET RATE LEVEL AND THREE TOWN HOME UNITS FOR SALE AT MODERATE INCOME LEVEL) AT 120 EAST WHITTIER BOULEVARD (APN 022-501-27).

This 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 less than five acres within an urbanized area, does not pose any further biological or other environmental impacts as such, can be adequately served by all utilities and public services, and is consistent with the City's General Plan and Zoning regulations.

2. DULY NOTICED PUBLIC HEARING TO CONSIDER REQUESTS FOR TENTATIVE TRACT MAP 23-02 (TTM19280) TO ALLOW A RESIDENTIAL SUBDIVISION FOR CONDOMINIUM PURPOSES AND DESIGN REVIEW 23-04 TO CONSTRUCT A TOTAL OF 22 TOWNHOME UNITS (INCLUDING 19 UNITS FOR SALE AT A MARKET RATE LEVEL AND THREE TOWN HOME UNITS FOR SALE AT MODERATE INCOME LEVEL) AT 310-330 EAST WHITTIER BOULEVARD (APN 022-501-21).

This 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 less than five acres within an urbanized area, does not pose any further biological or other environmental impacts as such, can be adequately served by all utilities and public services, and is consistent with the City's General Plan and Zoning regulations.

3. DULY NOTICED PUBLIC HEARING TO CONSIDER REQUESTS FOR DESIGN REVIEW 23-05 AND CONDITIONAL USE PERMIT 23-03 TO CONSTRUCT AND OPERATE A 1,200 SQUARE FOOT DRIVE THROUGH RESTAURANT (STARBUCKS COFFEE) WITH OUTDOOR MENU BOARDS AT 541 EAST WHITTIER BOULEVARD.

The request was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and it was determined the request is Categorically Exempt from CEQA under Section 15303, Class 3 "New Construction or Conversion of Small Structures" and that the project does not meet any of the exceptions described in Section 15300.2, pursuant to the provision under Section 15061(B)(2) of the CEQA Guidelines.

The public hearings will be held on Monday, April 22, 2024 at 6:30 p.m. in the City Council Chamber located at 100 East La Habra Boulevard, La Habra, California 90631. For more information about the projects, please call the Planning Division at (562) 383-4100.

LA HABRA PLANNING COMMISSION