

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING DESIGN REVIEW 24-0003 TO CONSTRUCT A TWO-STORY DWELLING UNIT COMPRISED OF A SINGLE-UNIT RESIDENCE AND ATTACHED ACCESSORY DWELLING UNIT (ADU) AT 114 SOUTH COLLEGE STREET, 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 15303, CLASS 3: "NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES" OF THE CEQA GUIDELINES

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

- A. The Applicant, SLP Design & Associates, filed an application requesting approval of Design Review (DR) 24-0003 to construct a two-story dwelling unit comprised of a single-unit residence and one attached accessory dwelling unit (ADU) on the property located at 114 South College Street (the "Project").
- B. On September 9, 2024, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for Design Review 24-0003.
- C. 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 15303, Class 3: "New Construction or Conversion of Small Structures" of the CEQA Guidelines. Section 15303(a) provides an exemption for one single-family residence, or a second dwelling unit in a residential zone. This Project involves the construction of one single-unit dwelling with an attached accessory dwelling unit (ADU).

The Project is not subject to any of the exceptions for exemption under Section 15300.2 of the CEQA Guidelines. The location of the Project is predominantly urban and not considered a sensitive environment; therefore, the Project will not result in any significant impacts that may otherwise occur in a sensitive environmental area. 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. 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 24-0003 and approves Design Review 24-0003 based on the following findings required by Section 18.68.050 of the La Habra Municipal Code and subject to the conditions attached hereto as **Exhibit A**.

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

The property's General Plan land use designation permits up to eight dwelling units per acre (du/ac) on the subject property. Based on this density, the 0.7-acre (3,440 square-feet) site is permitted to be developed with at least one dwelling unit.

This Project applies the following General Plan policies: 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 rental 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 promoting an equitable distribution of housing types for all income groups throughout the City, LU 7.2 (New Residential Development) by establishing new residential development that is well-conceived, constructed, and maintained in a variety of types and densities, housing types at scales, and locations and cost, LU 7.3 (Housing Character and Design) by promoting the renovation of the existing housing stock in single- and multi-family neighborhoods, H 1.3 (Support Private Sector Housing Production) by facilitating efforts of the private sector in the production of new housing, H 1.5 (Market and Non-Market Housing Production Needs) by facilitating to the maximum extent feasible, the production of new housing in sufficient quantity to meet both market-rate and non-market rate housing needs of the community, and H 2.5 (Adequate Housing Sites through Land Use and Zoning of the La Habra General Plan 2035) by providing adequate

housing sites through appropriate General Plan land use designations, zoning, and specific plan land use designation to accommodate the City's fair share of regional housing needs.

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 zoned La Habra Boulevard Specific Plan (SP-1). The proposed Project complies with the SP-1 standards identified in Chapter 18.44 of the Zoning Ordinance including building setbacks, building height limits, design guidelines, on-site parking, landscaping and open space/usable yard area requirements. The proposed Project also complies with the requirements of Section 18.12.150 of the Zoning Ordinance regarding accessory dwelling units. Therefore, the proposed Project is consistent with the Zoning Ordinance.

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

The La Habra Municipal Code and General Plan are tools to ensure that all projects achieve goals that promote the public health, safety and welfare of the community. The proposed Project is located within the La Habra Boulevard Specific Plan (SP-1) Zone and consistent with the anticipated land use. It is also consistent with the policies of the General Plan. Staff has 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. Therefore, the proposed Project is in the best interests of the public health, safety, and welfare of the community.

D. For projects that are not subject to the objective design standards set forth in Chapter 18.09 of this title, 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.

Pursuant to LHMC Section 18.09.030.A, the objective design standards do not apply if the property is within a specific plan, overlay, and/or planned unit development that already implements design standards, in which case those standards shall prevail. Because the subject property is located within the La Habra Boulevard Specific Plan Zone, the objective design standards set forth in Chapter 18.09 of the LHMC do not apply.

The subject property is designated by the General Plan for Low Density Residential Land Use (up to eight dwelling units per acre) and is located

within the La Habra Boulevard Specific Plan Zone. The proposed Project does not exceed the permitted density for the subject property. Further, the surrounding properties to the west and south also feature single-unit dwellings and the property to the north and west is being developed with a 9-unit apartment complex. The design of the Project takes into consideration the property's location and provides adequate onsite access and onsite circulation. The building setbacks, ADA requirements, onsite amenities, and parking are all consistent with the development standards for multi-unit developments. Therefore, 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.

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 under Section 15303, Class 3: "New Construction or Conversion of Small Structures" of the CEQA Guidelines, which consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Pursuant to Section 15303(a), the exemption includes: one single-family residence, or a second dwelling unit in a residential zone. The Project involves the construction of a single-unit dwelling with an attached ADU.

The Project is also not subject to any of the exceptions for exemption under Section 15300.2 of the CEQA Guidelines. The location of the Project is predominantly urban and not considered a sensitive environment; therefore, the Project will not result in 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 the Project. Therefore, the Project is exempt from the requirements of CEQA.

SECTION 3. 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. Construction of a new or redeveloped (one) single-family detached residence of 3,900 square feet footprint or less is exempt from submittal of a WQMP. Therefore, the Project is exempted from the preparation of a WQMP.

SECTION 4. 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 5. 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 6. EFFECTIVE DATE. This Resolution shall take effect immediately.

SECTION 7. CERTIFICATION. The Secretary shall certify the passage of this Resolution.

PASSED, APPROVED, AND ADOPTED this 9th day of September, 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 September 9, 2024 by the following vote:

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

Veronica Lopez, Secretary

EXHIBIT A

DESIGN REVIEW 24-0003 – CONDITIONS OF APPROVAL

GENERAL CONDITIONS

Standard Condition 1.1 CODE COMPLIANCE

The property owner/developer shall comply with the City of La Habra Municipal Code and all applicable ordinances.

Standard Condition 1.2 BUILDING PERMITS

The property owner/developer shall comply with all the applicable California/La Habra Building Code requirements and obtain all required permits from the Chief Building Official. Construction shall comply with the California/La Habra Building Code (or Residential Code), California/La Habra Plumbing Code, California/La Habra Mechanical Code, California/La Habra Electrical Code, California/La Habra Energy Code, and California/La Habra Green Building Standards Code, as applicable.

Standard Condition 1.3 GRAFFITI ABATEMENT

The property owner/developer shall maintain the property in a clean and orderly condition at all times and remove any graffiti from the site within forty-eight (48) hours of its discovery in matching colors to the existing improvements.

Standard Condition 1.4 LA COUNTY FIRE DEPARTMENT

The property owner/developer 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 September 9, 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 property owner/developer shall be grounds for rehearing and consideration by the Planning Commission for possible revocation of Design Review 24-0003.

Standard Condition 1.8 VIOLATION

In the event that the property owner/developer violates or fails to comply with any of the conditions of approval of this permit, the City may take measures to cure such violations, including but not limited to, administrative citation and full reimbursement of the City for its costs and expenses, including but not limited to, attorney's fees, in undertaking such corrective action. Reimbursement of enforcement costs shall constitute a civil debt and may be collected by any means permitted by law. In the event that violations of this permit occur, the City shall refrain from issuing further permits, licenses or other approvals until such violations have been fully remedied.

Standard Condition 1.9 LANDSCAPE MAINTENANCE

The property owner/developer shall maintain landscaping in a healthy and well-kept manner at all times. Dead or damaged landscape material/vegetation shall be replaced immediately per the approved landscape plan. The irrigation system shall be maintained at all times. Trees shall be permitted to grow to their maximum height.

Standard Condition 1.10 BUILDING REPAINTING

The property owner/developer shall maintain the building in good condition at all times and shall repaint the approved buildings and accoutrements every eight (8) years at a minimum. The Director of Community and Economic Development or designee may require more frequent painting if the improvements are not maintained in good condition.

Standard Condition 1.23 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 1.39 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 3.3 HYDROLOGY/HYDRAULIC STUDY

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

Standard Condition 3.4 SOILS REPORT

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

Standard Condition 3.5 DESIGN OF DRAINAGE FACILITIES

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

Standard Condition 3.8

PLANS SUBMITTAL

The applicant/developer shall 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.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS

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 4.22

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.

Standard Condition 4.29 **RECYCLING PLAN**

The property owner/business operator shall prepare construction and demolition waste recycling plans for review and approval by the Director of Public Works.

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 4.23 **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.

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

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.

PROJECT SPECIFIC CONDITIONS

1. Prior to issuance of building permits, the applicant/developer shall revise plans to show driveway ingress/egress from the public right-of-way widen sufficient for the proposed two car garage. Applicant/developer shall submit revised plans for review and approval of the City Engineer.
2. Prior to issuance of building permits, the applicant/developer shall revise plans to show parkway landscape and tree(s) public right-of-way removed and replaced to accommodate the widen ingress/egress in Project Specific Condition #1 for the proposed two car garage. Plans should be prepared by a licensed architect. Applicant/developer shall submit revised plans for review and approval of the City Engineer.
3. 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.

4. 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.
5. 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.
6. Entrance and exit to the property shall be constructed and maintained so that any vehicle entering or leaving the property shall be clearly visible at a distance of not less than ten feet to a person approaching such entrance or exit on any pedestrian walk or foot path to the satisfaction of the City's Traffic Manager.
7. The applicant/developer shall obtain all necessary permits for the proposed driveway work. The plans for such work shall show that the existing driveway along S. College Street is to be closed and restored to the satisfaction of the City Engineer.
8. The applicant/developer shall repair the street, curb, gutter, sidewalk, and parkway along S. College Street along the S. College Street property line to the satisfaction of the City Engineer prior to issuance of a Certificate of Occupancy.
9. The applicant/developer shall not store construction materials within the public right-of-way. The applicant/developer shall store all equipment and materials on-site at the property.
10. The applicant/developer shall inform the future tenants of the project of the citywide prohibition against parking on public streets overnight.
11. Prior to the issuance of building permits, the applicant/developer shall submit a complete set of revised plans, prepared by a licensed architect, incorporating all standard and special conditions of approval for the review and approval of the Director of Community and Economic Development or designee.
12. 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.
13. The applicant/developer shall provide to the City of La Habra an irrevocable offer of dedication of five (5) feet the entire length of the western property line easements for

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the purpose of future improvements along South College Avenue , to the satisfaction of the City Engineer.

14. Prior to the issuance of building permits, the applicant/developer shall complete an Accessory Dwelling Unit (ADU) Survey. The ADU Survey shall be submitted to the Director of Community and Economic Development or designee for review and approval.