

ORDINANCE NO. 1493

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING THE VOTAW PLANNED UNIT DEVELOPMENT PRECISE PLAN #95-02 REQUEST TO CONSTRUCT A NEW COMMERCIAL DRIVE-THROUGH BUILDING ON A VACANT SITE LOCATED AT 101 WEST IMPERIAL HIGHWAY, MAKING THE APPROPRIATE LEGAL FINDINGS AND SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, it appears that due and legal notice of hearings required by law have been given for the establishment of a specified Planned Unit Development Precise Plan #95-02 and;

WHEREAS, it appears that all notices and hearings required by law for the establishment of Planned Unit Development Precise Plan #95-02 for the construction of a new commercial drive-through building on a vacant site located at 101 West Imperial Highway, have been complied with, including the giving of notice and the conducting of hearings before the Planning Commission and City Council.

IT IS FURTHER ORDAINED THAT the City Council of the City of La Habra hereby finds, determines and ordains that the Votaw Planned Unit Development Precise Plan #95-02 request to construct a new commercial drive-through building on a vacant site located at 101 West Imperial Highway is hereby approved and subject to the following findings:

1. That the location, design and proposed uses are compatible with the character or existing developments in the vicinity.
2. That the plan will produce internally an environment of stable and desirable character and not tend to cause any traffic congestion on surrounding access streets.
3. That the standards of development applicable to the Planned Unit Development are subject to all of the standards of the appropriate zone which would permit the requested land use.
4. That the proposed development will be well integrated into its setting.
5. That the provision is made for both public and private open spaces, at least equivalent to that required for open space within the development.

6. That suitable provision is made, where appropriate, for the protection and maintenance of private areas reserved for common use.
7. That there is reasonable assurance that the applicant intends and will be able to proceed with the execution of the project without undue delay.
8. That there is substantial compliance with the spirit and intent of this Code.

This action is subject to the following conditions:

1. The applicant shall obtain all necessary building permits from the Senior Plan Examiner.
2. The applicant shall dedicate rights-of-way which conform to the proposed improvements at the intersection of Imperial Highway and Euclid Street. The right-of-way has been determined to be 16 feet along the frontage of Imperial Highway and 7 feet along the frontage of Euclid Street. The exact description will be determined by the City Engineer.
3. The applicant shall submit a precise landscape plan to the Chief Planner for approval before Building Permits are issued.
4. The applicant shall pay a Traffic Improvement Fee of \$1,962.00 to the Traffic Manager prior to the issuance of Building Permits.
5. The applicant shall submit to the Building Department engineering calculations and complete plans and footing details for the development. All calculations shall be based on Table C Wind Loads 70 mph.
6. The applicant shall submit and receive approval from the Planning Commission of a Lot Line Adjustment for the subject lot in accordance with this Planned Unit Development Precise Plan. The lot line adjustment shall be recorded before a certificate of occupancy will be issued.
7. The applicant shall record a covenant or agreement to run with the land that provides that the conditions of this zone shall remain in perpetuity. The applicant shall indicate that all future development or redevelopment on his PC1 zoned parcels shall be integrated architecturally with this proposed development. In addition shared ingress and egress approaches, as well as shared parking should be developed and utilized as it is possible. The applicant shall also

integrate landscaping to comply with the City's Municipal Code and compliment the site. This condition shall pertain to the applicant's parcels legally described as Assessor's Parcels: 019-042-21, 019-042-24, 019-042-25, 019-042-28, 019-042-29.

8. The applicant shall increase the parking back-up area to 20 feet by reducing the parking stalls to 19 feet by 9 feet, utilizing a 1 foot of possible vehicle overhang into the landscape setback area. The final parking plan shall be approved by the Chief Planner prior to the issuance of Building Permits.
9. The applicant shall install house numbers at a minimum of 6 inches high with a 1 inch brush stroke of a contrasting color to the background.
10. The applicant shall submit a yearly recycling report to the Public Services Department. The applicant shall work with the City's Recycling Coordinator to establish a recycling program for the pharmacy.
11. The applicant shall submit a construction recycling plan to the City's Recycling Coordinator for approval before building permits are issued.
12. The applicant shall remove any graffiti on site within 48 hours.
13. The applicant shall file with the County Clerk of Orange a Notice of Exemption within 10 days of the date of approval.
14. The applicant shall meet all of the City of La Habra's codes and ordinances.
15. The applicant shall relocate the freestanding pole sign beyond the dedication area. Final sign location shall be approved by the Chief Planner and Traffic Manager.
16. The applicant shall submit final site plan to the Chief Planner and Traffic Manager for approval for all signage and striping of the drive-thru area at the rear of the property. The applicant shall designate this area as one-way only per the submitted site plan.
17. The applicant shall not permit the sale of alcohol through the drive-through service window.

18. The applicant shall develop and implement a trash litter control plan and parking lot sweeping plan to be approved by the Chief Planner prior to issuance of Building Permits.
19. The applicant shall obtain a permit from the Engineering Department for all work within the public right-of-way of Euclid Street.
20. The applicant shall obtain a permit from CAI TRANS for all work within the public right-of-way of Imperial Highway.
21. The applicant shall submit a sign program for the development following the guidelines outlined in the proposed Sign Code for Integrated Centers/Multiple Tenant Building to be approved by the Chief Planner prior to the issuance of any sign permits.
22. The applicant shall not exceed the maximum height of 20 feet for the freestanding sign and maintain an 8 foot clearance from grade to the bottom of the freestanding sign.

WHEREAS, the Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published or posted in the manner prescribed by law. This Ordinance shall become effective after 30 days from its adoption.

PASSED, APPROVED AND ADOPTED this 21st day of December, 1995.

Steve Anderson
Steve Anderson, Mayor

ATTEST:

Sharie L. Apodaca
Sharie L. Apodaca,
City Clerk

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

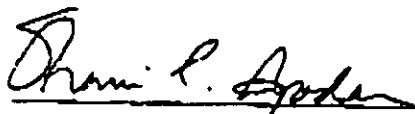
I, Sharie L. Apodaca, City Clerk of the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1493, introduced at a regular meeting of the City Council of the City of La Habra held on the 7th day of December, 1995, and was thereafter adopted at a regular meeting held on the 21 day of December, 1995, by the following vote:

AYES: COUNCILMEMBERS: Flora, Cheverton, Garcia, Rush, Anderson
NOES: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None



Sharie L. Apodaca, City Clerk

This Ordinance has been published or posted in accordance with law.
Witness my hand and official seal this 22nd day of December, 1995.



Sharie L. Apodaca, City Clerk