

**RESOLUTION NO. 24 – \_\_\_\_\_**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING TENTATIVE TRACT MAP NO. 19262 (TTM 24-0003) TO ALLOW A RESIDENTIAL SUBDIVISION FOR CONDOMINIUM PURPOSES AND DESIGN REVIEW 24-0012 TO CONSTRUCT EIGHT DWELLING UNITS (INCLUDING ONE AFFORDABLE UNIT) AT 525 EAST LA HABRA BOULEVARD (ASSESSOR'S PARCEL NUMBER 303-125-18), INCLUDING CERTAIN DEVELOPMENT STANDARD REDUCTIONS PURSUANT TO THE STATE DENSITY BONUS LAW, 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

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

- A. On August 12, 2021, the Applicant, Tony Zheng, submitted an application for Design Review 21-0007 for the construction of an eight-unit, for-rent apartment complex located at 525 East La Habra Boulevard.
- B. On June 12, 2024, after multiple resubmittals incorporating staff's comments and direction, the Applicant met with staff to discuss the construction of a revised, eight-unit, for-sale townhome complex.
- C. On September 13, 2024, the Applicant submitted applications for Tentative Tract Map No. 19262 (TTM 24-0003) and Design Review 24-0012 to construct an eight-unit, for-sale townhome complex (including one unit for sale to moderate income households) located at 525 East La Habra Boulevard (the "Project").
- D. 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 and State Density Bonus Law.
- E. Because the Applicant has committed to selling one of the units of the proposed development to a moderate-income household, which totals at least 10 percent of the total units of the proposed development, under State Density Bonus Law, the Applicant is entitled to unlimited waivers/reductions in development standards if the development standard would have the effect of physically precluding the construction of the development.

- F. On October 28, 2024, the Planning Commission held a duly noticed public hearing to consider the Applicant's request for Tentative Tract Map No. 19262 (TTM 24-0003) and Design Review 24-0012.
- G. 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) under Section 15332, Class 32: "In-fill Development Projects" of the CEQA Guidelines in that the Project is consistent with the General Plan designation and all applicable General Plan policies, the Project site is less than five acres and surrounded by urban uses. The site is currently developed with a legal, nonconforming single-unit residence constructed in 1911. As a result, the Project site has no value as a habitat for rare or endangered fish or wildlife. Further, approval of the Project would not result in significant impacts to noise, air quality or water quality, and the site can be adequately served by all utilities and public services. The Project was screened through the North Orange County Collaborative VMT (Vehicle Miles Traveled) Traffic Study Screening Tool. VMT measures the per capita number of car trips generated by a Project and distance vehicles will travel to and from a project. The use of VMT for analyzing transportation impacts emphasizes the reduction in the number of vehicle trips and vehicle miles traveled to encourage the development of jobs, housing and commercial uses in proximity to each other and near public transportation. According to the screening tool, the Project is located within a Transit Priority Area and within a Low VMT Generating Zone. Per the Office of Planning and Research (OPR), a small project can be screened from VMT analysis if it is determined that the daily net trips will be less than 110 trips. Based on the Project size, the net daily trips are expected to be 45 trips (54 trips anticipated – 9 trips existing). Therefore, the Project is not subject to a VMT analysis.

The Project is also 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 the Project. Therefore, the Project is categorically exempt from CEQA.

**SECTION 2. STATE DENSITY BONUS LAW.** The Applicant has committed to selling one of the units of the proposed development to a moderate-income household and has requested two waivers/reductions in development standards. The City cannot

make any of the findings which would justify the denial of the waivers/reductions. Accordingly, the Applicant is entitled to the following waivers/reductions in development standards pursuant to the State Density Bonus Law, as the Project cannot be physically built without them:

- A. Reduction in the minimum private usable yard area from 96 square feet to 45 square feet on the ground floor of the development and from 70 square feet to 30 square feet on the second and third floors of the development.
- B. Reduction in the side yard setback on the second and third floors of the development from 15-feet to 10-feet.

**SECTION 3. TENTATIVE TRACT MAP.** The Planning Commission approves Tentative Tract Map No. 19262 (TTM 24-0003) based on the fact that none of the findings which would prohibit the approval of the 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.**

The General Plan designates the subject property for Corridor Mixed-Use 2 land use. The General Plan envisions that the Corridor Mixed-Use 2 land use designation will be implemented through a mix of multi-unit residential housing with supporting retail and service uses. The Corridor Mixed-Use 2 land use designation allows for the development of up to 36 dwelling units per acre (du/ac). The proposed eight-unit Project is designed with a density of 26 du/ac, which does not exceed the property's maximum allowable count of 10 units. The proposed development is consistent with the General Plan's vision for this site. Additionally, 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 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 7.3 (Housing Character and Design) by establishing Spanish influenced design guidelines such as clay tile roofs, wrought iron accents and trims, and arched entryways and balconies to be incorporated into the design of the proposed 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, and H 1.5 (Market and Non-Market Housing Production Needs) by allowing the establishment of for-sale townhomes for the community. Therefore, the proposed map is consistent with the General Plan.

The Project site is located within the La Habra Boulevard Specific Plan (SP-1 Zone) and the Mixed-Use (MX) Overlay Zone. The MX Overlay Zone implements Corridor Mixed-Use 2 land use designation and permits residential development of the Project site at the density permitted by the General Plan. Therefore, the proposed map is consistent with the La Habra Boulevard Specific Plan.

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

The General Plan designates the subject property for Corridor Mixed-Use 2 land use, and it is located within the La Habra Boulevard Specific Plan (SP-1 Zone) and the Mixed-Use (MX) Overlay Zone. The MX Overlay Zone implements Corridor Mixed-Use 2 land use designation and permits residential development of the Project site at the density permitted by the General Plan. The regulations set forth in the MX Overlay Zone are in addition to the regulations set forth in the base zone, which in this case is the SP-1 Zone. In the event of a conflict between the provisions of the MX Overlay Zone and the provisions of the base zone, the provisions of the MX Overlay Zone prevail. If the MX Overlay Zone is silent in relation to any development standard, the development standard identified in the base zone prevails. Additionally, 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 development standards in supporting documents such as Title 18 (Zoning) of the La Habra Municipal Code. In this case, the General Plan land use designation is Corridor Mixed-Use 2, which allows for the development of up to 36 dwelling units per acre (du/ac). The proposed eight-unit Project is designed with a density of 26 du/ac, which does not exceed the property's maximum allowable count of 10 units. Because the Applicant has committed to selling one of the units to a moderate-income household, the Applicant is entitled to waivers/reductions in development standards under the State Density Bonus Law. The Project has been reviewed against the Design Guidelines of the La Habra Boulevard Specific Plan, the SP-1 Zone, the MX Overlay Zone and the LHMC Chapter 18.09 Objective Design Standards for Multi-Unit Development and found to be consistent, except for those development standards that are permitted to be reduced/waived by State Density Bonus Law.

Therefore, the design or improvement of the proposed subdivision is consistent with the applicable general and specific plans.

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

The General Plan designates the subject property for Corridor Mixed-Use 2 land use, and it is located within the La Habra Boulevard Specific Plan (SP-1 Zone) and the Mixed-Use (MX) Overlay Zone. The MX Overlay Zone implements Corridor Mixed-Use 2 land use designation and permits residential development of the Project site at the density permitted by the General Plan. The Project involves the development of an eight-unit residential complex on a 0.3-acre site lot. This Project satisfies all applicable development standards for multi-unit housing projects, aside from the reductions in required private usable yard space area per unit and the reduction in side yard setbacks on the second and third floors. In addition, the Project will exceed the reduced parking requirements under the State Density Bonus Law. Under the State Density Bonus Law, the City can require up to 1.5 parking spaces per unit, for a total of 12 spaces for the Project. However, the Applicant has included a two-car garage per unit and three additional guest parking spaces at the rear of the site, resulting in 19 spaces for the Project. Therefore, the site is physically suitable for the proposed type of development.

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

The Corridor Mixed-Use 2 land use designation allows for the development of up to 36 dwelling units per acre (du/ac). The proposed eight-unit Project is designed with a density of 26 du/ac, which does not exceed the property's maximum allowable count of 10 units. Therefore, the site is physically suitable for the proposed density of 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 is an infill development within the SP-1 Zone and the MX Overlay Zone, and the site is currently developed with a legal, nonconforming single-unit residence constructed in 1911. Further, the Project site is located along a primary corridor within the City and is surrounded by multi-unit developments of similar density. As a result, it is anticipated that the site does not house any endangered plant or animal species and the design of the proposed subdivision will not cause substantial environmental damage or substantial or avoidable injury to fish or wildlife or their habitat. In addition, the Conservation/Natural Resources chapter of the General Plan does not identify the Project site as an area of

biological sensitivity. Therefore, the design of the subdivision is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or 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. Therefore, the design of the subdivision is not likely to cause serious health problems.

**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.**

While there is an alley located to the north of the site, because the property was used as a single-unit residence, there are no public access easements on the subject site itself. The Applicant will relocate the existing driveway from La Habra Boulevard, which will be the only access to the townhome complex, per the approved site plan. Covenants, Conditions, and Restrictions (CC&Rs) will be created as part of this map to provide each property owner with rights to access the site through the driveway. The Project has been conditioned to ensure proper sewer and utility easements will be available. Therefore, the design of the subdivision will not conflict with easements for access through or use of the property within the proposed subdivision.

**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 to provide 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, the design of the subdivision provides, to the extent feasible, future passive or natural heating and cooling opportunities.

**SECTION 3. APPROVAL OF DESIGN REVIEW.** The Planning Commission finds and determines that the Applicant has succeeded in meeting its burden of providing evidence to support the approval of proposed Design Review 24-0012 to construct an eight-unit residential complex at 525 East La Habra Boulevard and approves Design Review 24-0012 based on the following findings required by Section 18.68.050 of the La

Habra Municipal Code, subject to the conditions of approval attached hereto as **Exhibit B.**

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

Per the General Plan, the property has a land use designation of Corridor Mixed-Use 2. This designation provides for a mix of multi-unit residential housing with supporting retail and service uses. The proposed development is consistent with the General Plan's vision for this site. The Corridor Mixed-Use 2 land use designation also allows for the development of up to 36 dwelling units per acre (du/ac). The proposed eight-unit Project is designed with a density of 26 du/ac, which does not exceed the property's maximum allowable count of 10 units.

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 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 7.3 (Housing Character and Design) by establishing Spanish influenced design guidelines such as clay tile roofs, wrought iron accents and trims, and arched entryways and balconies to be incorporated into the design of the proposed 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, and 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 Project is located within the La Habra Boulevard Specific Plan (SP-1 Zone) and the Mixed-Use (MX) Overlay Zone. The MX Overlay Zone implements Corridor Mixed-Use 2 General Plan land use designation and permits residential development of the Project site at the density permitted by the General Plan. The regulations set forth in the MX Overlay Zone are in addition to the regulations set forth in the base zone, which in this case

is the SP-1 Zone. In the event of a conflict between the provisions of the MX Overlay Zone and the provisions of the base zone, the provisions of the MX Overlay Zone prevail. If the MX Overlay Zone is silent in relation to any development standard, the development standard identified in the base zone prevails. Additionally, 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 development standards in supporting documents such as Title 18 (Zoning) of the La Habra Municipal Code. In this case, the General Plan land use designation is Corridor Mixed-Use 2, which allows for the development of up to 36 dwelling units per acre (du/ac). The proposed eight-unit project is designed with a density of 26 du/ac, which does not exceed the property's maximum allowable count of 10 units. Because the Applicant has committed to selling one of the units to a moderate-income household, the Applicant is entitled to waivers/reductions in development standards under the State Density Bonus Law. The Project has been reviewed against the Design Guidelines of the La Habra Boulevard Specific Plan, the SP-1 Zone, the MX Overlay Zone and the LHMC Chapter 18.09 Objective Design Standards for Multi-Unit Development and found to be consistent, except for those development standards that are permitted to be waived by State Density Bonus Law. Therefore, the 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 to ensure that all projects achieve goals that promote the public health, safety, and welfare of the community. The proposed multi-unit development is located within the SP-1 Zone and MX Overlay Zone, and is consistent with the anticipated land use identified by the General Plan and permitted within the MX Overlay Zone. Staff has determined that the Project's design provides sufficient access for public safety personnel such as Fire and Police. The Project was also screened through the North Orange County Collaborative VMT (Vehicle Miles Traveled) Traffic Study Screening Tool. According to the screening tool, the Project is located within a Transit Priority Area and within a Low VMT Generating Zone. Per the Office of Planning and Research (OPR), small projects can be screened from VMT analysis if it is determined that the daily net trips will be less than 110 trips. Based on the project size, the net daily trips are expected to be 45 trips (54 trips anticipated -- 9 trips existing) and not subject to a VMT analysis. Therefore, the Project is in the best interest 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 uses and the design is appropriate for the proposed location and compatible with the surrounding land uses and improvements.**

The Project is located within the La Habra Boulevard Specific Plan (SP-1 Zone) and the Mixed-Use (MX) Overlay Zone. Pursuant to La Habra Municipal Code 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 prevail. Because the subject property is located within the La Habra Boulevard Specific Plan (SP-1) Zone, the objective design standards set forth in Chapter 18.09 of the La Habra Municipal Code do not apply. The MX Overlay Zone implements Corridor Mixed-Use 2 General Plan land use designation and permits residential development of the Project site at the density permitted by the General Plan. Additionally, 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 development standards in supporting documents such as Title 18 (Zoning) of the La Habra Municipal Code. In this case, the General Plan land use designation is Corridor Mixed-Use 2, which allows for the development of up to 36 dwelling units per acre (du/ac). The proposed eight-unit Project is designed with a density of 26 du/ac, which does not exceed the property's maximum allowable count of 10 units. Because the Applicant has committed to selling one of the units to a moderate-income household, the Applicant is entitled to waivers/reductions in development standards under the State Density Bonus Law. The Project has been reviewed against the Design Guidelines of the La Habra Boulevard Specific Plan, the SP-1 Zone and the MX Overlay Zone and found to be consistent, except for those development standards that are permitted to be waived/reduced by State Density Bonus Law. Therefore, the nature of the proposed land use and the design is appropriate for the proposed location and compatible with the surrounding land uses and improvements.

- E. The project complies with all requirements of the California Environmental Quality Act.**

This Project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be categorically exempt under Section 15332, Class 32: "In-fill Development Projects" of the CEQA Guidelines in that the Project is consistent with the General Plan designation and all applicable General Plan policies, the Project site is less than five acres and surrounded by urban uses. The site is currently developed with a legal, nonconforming single-unit residence constructed in 1911. As a result, the Project site has no value as a habitat for rare or

endangered fish or wildlife. Further, approval of the Project would not result in significant impacts to noise, air quality or water quality, and the site can be adequately served by all utilities and public services. The Project was screened through the North Orange County Collaborative VMT (Vehicle Miles Traveled) Traffic Study Screening Tool. VMT measures the per capita number of car trips generated by a project and distance vehicles will travel to and from a Project. The use of VMT for analyzing transportation impacts emphasizes the reduction in the number of vehicle trips and vehicle miles traveled to encourage the development of jobs, housing and commercial uses in proximity to each other and near public transportation. According to the screening tool, the Project is located within a Transit Priority Area and within a Low VMT Generating Zone. Per the Office of Planning and Research (OPR), a small project can be screened from VMT analysis if it is determined that the daily net trips will be less than 110 trips. Based on the Project size, the net daily trips are expected to be 45 trips (54 trips anticipated – 9 trips existing). Therefore, the Project is not subject to a VMT analysis.

The Project is also 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 the Project. Therefore, the Project is categorically exempt from CEQA.

#### **SECTION 4. 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 proposal will constitute the disturbance of more than 5,000 square feet of soil, a conceptual Water Quality Management Plan (WQMP), which addresses the topography, stormwater collection basins, and proposed water drainage paths for the site, has been reviewed and approved by the City's Public Works Department. Project-specific conditions pertaining to stormwater discharge and infiltration have been included as part of the conditions of approval.

**SECTION 5. 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 6. 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 7. EFFECTIVE DATE.** This Resolution shall take effect immediately.

**SECTION 8. CERTIFICATION.** The Secretary shall certify the passage of this Resolution.

PASSED, APPROVED, and ADOPTED this 28th day of October, 2024.

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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. 24 – \_\_\_\_\_ was adopted at a regular meeting of the City of La Habra Planning Commission held on October 28, 2024 by the following vote:

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

\_\_\_\_\_  
Veronica Lopez, Secretary

## EXHIBIT A

### TENTATIVE TRACT MAP NO. 19262 (24-0003) – CONDITIONS OF APPROVAL

#### **General Conditions:**

##### Standard Condition 1.1 CODE COMPLIANCE

The Applicant/Developer/any 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 October 28, 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.

#### 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 Recordation of the 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 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. Grading security 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 (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 the provisions listed below. The Applicant/Developer shall submit a matrix chart with the draft CC&Rs indicating where the provisions below can be found.

- a. The CC&Rs shall hold the City and its franchisee 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, unless otherwise approved by the Director of Community and Economic Development. 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 re-slurrying or re-striping if the parking areas 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 the City or its designees access to the property for annual inspections to ensure compliance with the approved WQMP and the National Pollutant Discharge Elimination System (NDPES) Permit.
- j. The CC&Rs shall include a provision informing homeowners and residents of the citywide prohibition against parking overnight on public streets.
- k. The CC&Rs shall include a provision restricting residents from parking vehicles or recreational equipment 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 requires 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 that affect any provision required by the conditions of approval require approval from the City of La Habra Community and Economic Development Director prior to consideration by the Association membership.
- n. The CC&Rs shall include a provision which indicates that the HOA is responsible for maintenance of common areas including activity areas, parking areas, and access areas including roads.

- o. The CC&Rs shall include a provision indicating that the HOA shall maintain the common areas of the property in a clean and orderly condition at all times and remove any graffiti from the property within forty-eight (48) hours of its discovery in matching colors to the existing improvements.
- p. The CC&Rs shall include a provision that the property owners and/or HOA shall maintain the public right of way along La Habra Boulevard from the face of curb to the front property line.
- q. 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.
- r. The CC&Rs shall include a provision prohibiting short-term rentals.
- s. The CC&Rs shall include a provision indicating that the HOA is responsible for maintaining the water and sewer facilities.
- t. 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.
- u. 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.
- v. The CC&Rs shall include a provision indicating that all landscaping shall be maintained in a healthy and well-kept manner at all times; that dead or damaged landscape material/vegetation shall be replaced immediately per the approved landscape plan; that the irrigation system shall be maintained at all times; and that the up lighting on all trees within the public right of way and front landscape area shall be maintained.
- w. The CC&Rs shall define the conditions of approval for the project, with reference to the conditions of approval of 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.
- x. 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.

- y. The CC&Rs shall include a provision allowing homeowners and residents of the complex the right to access the site through the common driveway 24 hours a day, 7 days a week.
- z. The CC&Rs shall require that the property owners and/or Homeowner's Association comply with the conditions of approval of Design Review 24-0012.

**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 in interest shall comply with all conditions of approval as per Design Review 24-0012.
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 24-0012 – CONDITIONS OF APPROVAL**

#### **General Conditions:**

##### **Standard Condition 1.1 CODE COMPLIANCE**

The Applicant/Developer shall comply with all the City of La Habra Municipal Code and all applicable ordinances.

##### **Standard Condition 1.2 BUILDING PERMITS**

The Applicant/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 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 October 28, 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 24-0012.

#### 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 (Modified)

The Applicant/Developer/successor in interest shall maintain landscaping in a healthy and well-kept manner at all times including the public right-of-way. 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 (Modified)

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 from the date of project approval, unless otherwise approved by the Director of Community and Economic Development. 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 (Modified)

The Applicant/Developer/successor in interest shall re-slurry and re-stripe the driveways and parking areas every five (5) years at a minimum from the date of approval of this resolution. 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 1.41 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 judgements or awards against the City (including any 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 such costs incurred by the City.

**Prior to the issuance of grading permits:**

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 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 3.2 SLOPE EASEMENT/RIGHT-OF-ENTRY

The Applicant/Developer shall obtain either slope easements or right-of-entry letters from the adjacent property owner(s) for any grading outside of the project boundaries.

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 provide street improvement plans prepared on standard size sheets by a licensed Civil Engineer and be submitted 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 grading that is 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.

#### Standard Condition 4.8 WATER SUPPLY AND SEWER FACILITIES

The Applicant/Developer shall ensure that the water supply facilities and sewer facilities be designed and constructed to the specifications of the City of La Habra and the Public Works Director with all incidental fees and costs paid by the Applicant. The sewer and water facilities will be maintained by the Applicant/Developer/successor in interest.

#### Standard Condition 4.9     PARK DEVELOPMENT FEES

The Applicant/Developer shall pay any 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 4.18     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.

#### 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 Public Works Director.

#### **Prior to the issuance of building permits:**

#### Standard Condition 4.1     CONDITIONS ON CONSTRUCTION PLANS

The Applicant/Developer shall include the conditions of approval on the construction plans.

#### Standard Condition 4.3     FINAL WATER QUALITY MANAGEMENT PLAN

The Applicant/Developer shall submit a Final Priority WQMP to the City for review and approval. This plan shall address the following:

1. Site Design Best Management Practices (BMPs) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or zero discharge areas, and conserving natural areas.
2. Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan (DAMP).
3. Incorporates Treatment Control BMPs as defined in the DAMP.
4. Generally, describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
5. Identifies the entity that will be responsible for the long-term operations and maintenance of the Treatment Control BMPs.

6. Describes the mechanism for funding the long-term operation and maintenance of Treatment Control BMPs.

#### Standard Condition 4.7 RECORDATION OF FINAL MAP

The Applicant/Developer shall prepare and record a Final Parcel 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.

#### Standard Condition 4.10 SITE PHOTOMETRIC PLAN

The Applicant/Developer shall submit a site photometric 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 4.12 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 4.14 PARKING LOT STRUCTURAL SECTIONS

The Applicant/Developer shall provide parking lot structural sections, which shall be based on recommendations of a soils engineer, for review and approval by 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 4.17 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 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 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 contact the utility providers early in the project to determine undergrounding procedures.

#### Standard Condition 4.19 ENHANCED CONCRETE DRIVEWAYS

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.

#### 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 plan shall include the use of a separate connection, backflow preventer and connection for future reclaimed water service. At a minimum, tree size shall be 24-inch box and shrubs shall be five (5) gallon size.

#### Standard Condition 4.23 PERIMETER WALL PLANS (Modified)

The Applicant/Developer shall submit for review and approval a plan to remove the wood fence at the north property line and construct a 6-foot tall CMU block wall with decorative cap, the design to be approved by the Director of Community and Economic Development or designee. An acceptable type of masonry block shall be split face, slump stone, or stucco-coated block.

#### Standard Condition 4.25 TRASH ENCLOSURE (Modified)

The Applicant/Developer shall provide plans for review by the City Engineer to install six-foot tall decorative masonry block trash enclosure with enough area to contain a four-yard refuse bin and a four-yard recycling bin and one 90-gallon organics cart. The trash enclosure shall be finished to match the townhome buildings. The trash enclosure shall include provisions for a solid roofed cover, hose bib, and an area drain connected to the sanitary sewer system. The design and location are subject to approval by the City Engineer and Director of Community and Economic Development or designee.

#### Standard Condition 4.29 RECYCLING PLAN

The Applicant/Developer shall prepare construction and demolition waste recycling plans for review and approval by the Director of Public Works.

#### Standard Condition 4.33 TRAFFIC IMPROVEMENT FEES

The Applicant/Developer shall pay the Citywide Traffic Improvement Fee, determined to be \$2,360.94, prior to the issuance of a building permit.

**Prior to authorization to use, occupy, and/or permit final:**

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 1.26 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 4.6 NPDES - COVERAGE

The Applicant/Developer shall demonstrate that coverage under California's General Permit for Stormwater Discharges has been obtained for industrial facilities as defined by Standard Industrial Classification (SIC) code, prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy. A copy of the Notice of Intent (NOI), submitted to the State Water Resources Control Board notification through the issuance of a Waste Discharge identification (WDID) Number, shall be provided to the City Engineer or other proof of filing.

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.

Standard Condition 5.7 LANDSCAPE INSTALLATION

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. 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.

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 Public Works Director.

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:

1. 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.
2. The Applicant/Developer is prepared to implement all non-structural BMPs described in the WQMP.
3. An adequate number of copies of the approved WQMP are available on-site and for the future occupiers.
4. 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 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:**

1. The Applicant/Developer shall remove the existing drive approaches and install full height curb along La Habra Boulevard. New drive approaches with parkway landscaping shall be installed per the approved the site plan. The Applicant/Developer shall perform all of this work prior to the issuance of a Certificate of Occupancy.
2. The Applicant/Developer shall pay the Traffic Administration Fee of \$373.00 to the Traffic Manager, prior to the issuance of a building permit.
3. 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.

4. The Applicant/Developer shall place all mailboxes in accordance with U.S. Postal Regulations, as 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.
5. Review and approval by the County of Los Angeles Fire Department, Fire Prevention Engineering Section Building Plan Check Unit may be required prior to building permit issuance. The Applicant/Developer shall contact the Fire Prevention Engineering Unit at (323) 890-4125 for information regarding the EPICLA submittal requirements.
6. The Applicant/Developer shall install and maintain in a serviceable manner all onsite Fire Department vehicular access roads prior to and during the time of construction in accordance with California Fire Code section 501.4.
7. The Applicant/Developer shall maintain all fire lanes clear of all encroachments at all times in accordance with Title 32 of the County of Los Angeles Fire Code.
8. The Applicant/Developer shall provide a road with a minimum unobstructed width of 20 feet, exclusive of shoulders and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured by an approved route around the exterior of the building in accordance with California Fire Code sections 503.1.1 and 503.2.2.
9. The Applicant/Developer shall provide for firefighting and rescue purposes a minimum 5-foot-wide firefighter access walkway leading from the Fire Department access road to all required openings in the buildings' exterior walls as approved by the County of Los Angeles Fire Department in accordance with California Fire Code section 504.1.
10. The Applicant/Developer shall provide all proposed structures with automatic fire sprinkler systems that are designed and maintained in accordance with NFPA 13. Approved automatic sprinkler systems in new buildings and structures shall be provided in locations described in Sections 903.2.1 through 903.2.12 of the County of Los Angeles Fire Code.
11. Landscape planters shall be surrounded by masonry or concrete curbs and so arranged as to prevent motor vehicles from driving onto or over them.
  - (a) Trees planted adjacent to existing overhead utility wires shall be subject to the height and clearance restrictions established by the applicable utility providers.

- (b) Tree species requiring hard pruning to maintain utility clearance once trees are mature shall be avoided.
  - (c) Applicant/Developer shall ensure that right-of-way trees are spaced in a manner where they do not obstruct clear sight lines.
  - (d) Planters between parking lot and storefronts shall be protected from foot traffic by a perimeter curb, or potentially, raised planters at seat wall height.
12. All non-lawn landscape areas shall be supplemented with a three-inch (3") layer of wood mulch or decorative gravel/cobble material, so that no bare soil is left exposed on site.
  13. All rooftop mounted mechanical equipment shall be screened from public view. This can be accomplished by Architectural Treatments of parapets equal in height to the tallest piece of roof-mounted equipment.
  14. All trees in planter islands, or within six feet (6') of hardscape, shall be planted with root barriers.
  15. Each of the two (2) Common Open Space areas shall include at least two (2) benches, one (1) dog waste bag dispenser, and one (1) dog waste bin.
  16. The Applicant/Developer shall submit the security system/camera plan to the City for review by the City's Police Department for adequacy.
  17. Should the property remain undeveloped for longer than 18 months after initial grading has been completed, the Applicant/Developer shall submit an interim landscape plan, consisting of temporary measures for screening, hydro-seeding, and dust control. Such plan shall include the timing of installation of necessary measures, and shall be subject to review and approval by the Director of Economic and Community Development.
  18. All ground mounted, as well as wall mounted mechanical, electrical, or gas equipment shall be screened from public view by the use of landscaping and/or architectural treatments compatible with the adjoining building's architectural design.
  19. The Applicant/Developer shall inform the future tenants of the project of the citywide prohibition against parking on public streets overnight.
  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 enter into an affordable housing agreement with the City in accordance with the State Density Bonus Law and La Habra Municipal Code Chapter 18.80 in form and substance acceptable to the City, as approved by the City Attorney. In the event of any conflict between the State Density Bonus Law and any provision of the La Habra Municipal Code, the State Density Bonus Law shall prevail. City Council approval and recordation of the affordable housing agreement is required prior to the issuance of building permits. The agreement shall provide that the unit shown on the plans reviewed and approved by the Planning Commission on October 28, 2024 shall be affordable for households of moderate income. The Applicant/Developer shall submit a copy of the recorded affordable housing agreement prior to the issuance of building permits.
22. The Applicant/Developer shall comply with any housing guidelines developed to accompany the affordable housing agreement.
23. The Applicant/Developer shall be required to pay for all of City's costs relating to the affordable housing, including drafting any agreements and housing guidelines and City's costs relating to verification of purchasers.