

ORDINANCE NO. 1774

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA ADOPTING PLANNED UNIT DEVELOPMENT PRECISE PLAN 16-01 FOR A GROCERY STORE AT 951-1001 EAST IMPERIAL HIGHWAY, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS, AND SUBJECT TO CONDITIONS.

The City Council of the City of La Habra does hereby resolve as follows:

Section 1. The City Council does hereby find and determine that:

- a. Lake Union Investors, on behalf of ALDI, Inc., filed an application requesting approval of Planned Unit Development Precise Plan 16-01 for the construction of a grocery store at 951-1001 East Imperial Highway.
- b. An Initial Study and Mitigated Negative Declaration of Environmental Impacts MND 16-01 has been prepared for this project pursuant to Sections 15170 and 15071 of the California Environmental Quality Act (CEQA) Guidelines. A Notice of Intent to Adopt a Mitigated Negative Declaration was circulated for public review and comment pursuant to Section 15072 of CEQA Guidelines. The Initial Study identified environmental impacts resulting from the project and proposed mitigation measures to reduce those impacts to a level of insignificance.
- c. The proposal has been reviewed pursuant to the requirements of the City's National Pollutant Discharge Elimination System (NPDES) Municipal Permit, the Local Implementation Plan (LIP), and the Model Water Quality Management Plan (WQMP), Section 7.2. Since the proposal will constitute the disturbance of more than 5,000 square feet of soil, a Priority Water Quality Management Plan (WQMP) is required. A Preliminary Priority WQMP has been reviewed and approved (Appendix B of the Initial Study). Also, since more than one acre will be disturbed, a Stormwater Pollution Prevention Plan (SWPPP) will also be prepared.
- d. The Planning Commission held a duly noticed public hearing on November 14, 2016, to consider the Applicant's request for Planned Unit Development Precise Plan 16-01. The Planning Commission, after considering all written and oral evidence offered including the staff report and all attachments, has recommended that the City Council approve Planned Unit Development Precise Plan 16-01.
- e. The City Council held a duly noticed public hearing on December 5, 2016 to consider the Applicant's request for Planned Unit Development Precise Plan 16-01. The City Council, after considering all the written and oral evidence offered including the staff report, all attachments, and the

Planning Commission's recommendation, approves Planned Unit Development Precise Plan 16-01.

Section 2. The City Council further finds and determines that:

- a. The Applicant has been successful in meeting their burden of providing evidence in order to support the granting of the Planned Unit Development Precise Plan application under Chapter 18.52 of the La Habra Municipal Code.
- b. The City Council hereby makes the following required findings of the Planned Unit Development application.
  1. That the location, design and proposed uses are compatible with the character of existing development in the vicinity.

The subject site is located within a commercial district. The properties located to the east, west and south are developed with retail commercial buildings and restaurants. In particular, the proposed ALDI store is similar in size and scale to the adjacent Howard's Appliances store to the west and the CVS Pharmacy to the east. Additionally, the proposed exterior materials and colors of the proposed project are similar to those found for the Wal-Mart building to the south and the CVS Pharmacy building to the east. Therefore, the proposed retail building design and site layout are compatible with the surrounding commercial district. Therefore, the proposed grocery store and site layout are compatible with the surrounding commercial and industrial district.

2. That the plan will produce, internally, an environment of stable and desirable character, and will not tend to cause any traffic congestion on surrounding or access streets.

A traffic impact analysis was prepared as part of the Initial Study for this project. It analyzed both the internal circulation and impacts to the surrounding public streets system. The study concluded that there would be no adverse impacts provided that the mitigation measures included in the Mitigated Monitoring Program are implemented. Project Specific conditions of approval have been included in the ordinance as identified in the traffic impact analysis that address and mitigate potential on and off-site circulation issues. These include widening the main driveway, adding striping and signage, and requiring truck deliveries to occur from the driveway at Harbor Boulevard.

3. That all required applications for the proposed use have been processed, including any Conditional Use Permit applications.

The Applicant has filed all the required applications for the proposed project. The additional requests included a Conditional Use Permit for off-sale beer and wine and a Conditional Use Permit to exceed the sign height limit for a freestanding sign along Imperial Highway. The Conditional Use Permits were approved by the Planning Commission and became final at that level.

4. That the standards of development applicable to the Planned Unit Development are clearly designated in the proposed Planned Unit Development ordinance or plans approved there under and/or supplementary text material.

Pursuant to Section 18.52 of the La Habra Municipal Code (LHMC), the objective of the Planned Unit Development Overlay Zone is to secure a fuller realization of the General Plan in conjunction with the present zoning by allowing variations from the strict interpretation of the Zoning Code to achieve a project that will be in harmony, both within the development and the surrounding neighborhood.

The proposed project complies with all the applicable development standards of the underlining C-2 Commercial zone contained within Chapter 18.32 but requires a deviation to allow for a portion of the front landscape area to be reduced due to intersection improvements made by the City at Harbor Boulevard and Imperial Highway.

5. That the proposed development will be well integrated into its setting.

As noted above (#1), the subject site is located within a commercial district and the proposed exterior materials and colors of the project are similar to those found in the vicinity. Two (2) driveways are provided on the site, including a signalized driveway onto Imperial Highway. Two (2) access easements exist at the front and rear of the property that allow for cross access between properties to the east and west. Therefore motorists are able to access the signal in front of the project in addition to having access to Harbor Boulevard. Therefore, the proposed project will be well integrated into its setting.

6. That provision is made for both public and private open space, at least equivalent to that required in the primary zone.

The provision for open space is not applicable to this use and zone; however, the proposed project provides landscaping on 19 percent of the site.

7. That suitable provision is made, where appropriate, for the protection and maintenance of private areas reserved for common use.

The project will maintain their portion of access easements located at the front and rear of the property. Conditions of approval have been placed on the project to rebuild these easements with continuous maintenance requirements.

8. That the proposed development does not negatively impact the city's ability to provide services over the short and long term to city residents because the projected cost of providing city services to the property outweighs the economic benefits of the project to the city.

The Environmental Impact Report (EIR) for the City of La Habra's General Plan 2035 that was adopted by the City Council on January 21, 2014, evaluated potentially significant impacts associated with implementation of the General Plan. The General Plan EIR analyzed the impacts on City Wide Public Services and determined that overall; impacts resulting from buildout of the General Plan would be less than significant. The site is being developed in accordance with the land use that was anticipated in the General Plan.

The projects also implement Policies LU 1.1 (Redirect Growth), LU 2.2 (Places to Shop), LU 3.8 (Cohesive and Integrated Development), LU 4.1 (Development Compatibility), LU 4.4 (Design Review), LU 5.5 (Revitalization of Obsolete and Underutilized Properties), LU 11.1 (Diversity of Uses), LU 11.6 (Enhanced Design Character), LU 11.7 (Architecture and Site Design), and ED 2.1 (Business Attraction) of the General Plan 2035.

Therefore, it is not anticipated that the project would negatively impact the City's ability to provide services to City residents.

9. That the proposed project complies with all requirements of the California Environmental Quality Act.

An Initial Study and Mitigated Negative Declaration of Environmental Impacts MND 16-01 has been prepared for this project pursuant to Sections 15170 and 15071 of the California Environmental Quality Act (CEQA) Guidelines. A Notice of Intent to Adopt a Mitigated Negative Declaration was circulated for public review and comment pursuant to Section 15072 of CEQA

Guidelines. The Initial Study identified environmental impacts resulting from the project and proposed mitigation measures to reduce those impacts to a level of insignificance.

10. That there is reasonable assurance that the applicant intends to and will be able to proceed with the execution of the project without undue delay.

The Applicant has indicated that they will begin construction of the project immediately upon completion of the entitlement and permitting process.

11. That there is substantial compliance with the spirit and intent of this title.

As noted above, the proposed project is in substantial compliance with all of the applicable standards of the underlying C-2 "Commercial" Zone and Planned Unit Development Overlay Zone.

Section 3. This action is subject to the following conditions:

General conditions:

Standard Condition 1.1                      CODE COMPLIANCE

The property owner/business operator shall comply with all applicable City of La Habra Municipal Codes and 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 property owner/business operator 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/business operator 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 and/or City Council is maintained.

Standard Condition 1.6 PLANS (Modified)

This approval is for those plans date stamped May 31, 2016 and which are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of November 14, 2016 and by the City Council at its meeting on December 5, 2016. 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 1.8 VIOLATION

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

Standard Condition 1.9 LANDSCAPE MAINTENANCE

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

Standard Condition 1.10 BUILDING REPAINTING

The Applicant/developer 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 1.11            PAVEMENT RESURFACING

The Applicant/developer shall re-slurry and re-stripe the driveway and parking areas every five (5) years at a minimum. The Director of Community and Economic Development or designee may require more frequent slurry and re-stripping if the parking area is not maintained in good condition.

Standard Condition 1.15            OUTDOOR VENDING MACHINES

The property owner/business operator shall not operate or allow any outdoor vending machines on the site at any time.

Standard Condition 1.16            OUTDOOR DISPLAY OF MERCHANDISE

The property owner/business operator shall not display any merchandise outside of the building at any time unless approved by the Director of Community and Economic Development or designee through a Special Event Permit.

Standard Condition 1.17            PUBLIC PAY PHONES

The property owner/business operator shall, at all times, prohibit the installation and use of exterior public pay telephones.

Standard Condition 1.18            LITTER

The property owner/business operator shall maintain the property in a clean and orderly condition at all times and remove all litter from the exterior areas around the premises, including adjacent public sidewalk areas and parking areas, no less frequently than once each day prior to the close of business.

Standard Condition 1.23            ON-SITE DRAINAGE

The Applicant/developer shall be responsible for the construction of all on-site drainage facilities as required by the City Engineer.

Standard 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 8.2                    SANITARY SEWER SYSTEM  
PROTECTION

The property owner/business operator shall not, at any time, allow grease to run into public sanitary sewer systems.

Prior to the issuance of grading permits:

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 coverages has been obtained under California's General Permit for Stormwater Discharges Associated with Construction Activity 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. Projects subject to this requirement shall prepare and implement a Storm Water Pollution Prevention Plan (SWPPP). A copy of the 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 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:

- a. 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.
- b. Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan (DAMP).
- c. Incorporates Treatment Control BMPs as defined in the DAMP.
- d. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
- e. Identifies the entity that will be responsible for the long-term operations and maintenance of the Treatment Control BMPs.
- f. Describes the mechanism for funding the long-term operation and maintenance of Treatment Control BMPs.

Prior to the issuance of building permits:

Standard Condition 4.1                      CONDITIONS ON CONSTRUCTION  
PLANS

The Applicant/developer shall include the conditions of approval of this resolution on the construction plans.

Standard Condition 4.8                      WATER SUPPLY AND SEWER  
FACILITIES (Modified)

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. These systems will be owned and maintained by the Applicant/developer.

Standard Condition 4.10                      SITE LIGHTING PLAN (Modified)

The Applicant/developer shall submit a site lighting plan in conformance with city standards for review and approval by the Chief Building Official and the Director of Community and Economic Development or designee prior to the issuance of building permits. The plan shall ensure that all exterior lighting (i.e., parking areas, building areas, and entries) shall employ illumination in a manner that meets the approval of the Chief Building Official and the Director of Community and Economic Development or designee before building permits

are issued. All light fixtures shall be designed and located in a manner that does not allow spill-over onto adjacent properties. Additionally, the exterior lighting fixtures shall be architecturally consistent with the design of the building, as reviewed and approved by the Director of Community and Economic Development or designee.

Standard Condition 4.11            STREET LIGHT INSTALLATION  
(Modified)

The Applicant/developer shall be responsible for installing one (1) new street light on Imperial Highway pursuant to LHMC Section 15.60.380 to include footings with electrical wiring conduits placed underground, to the satisfaction of the City Engineer and Southern California Edison Company and the advance energy charges paid. Proof of installation order of the actual street lights shall be provided prior to building permit issuance.

Standard Condition 4.12            TRAFFIC STRIPING AND SIGNING  
PLAN

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

Standard Condition 4.14            PARKING LOT STRUCTURAL  
SECTIONS

The Applicant/developer shall provide parking lot structural sections, which shall be based on recommendations of a soils engineer, to be approved 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 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.

**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 facility will be maintained by the applicant/developer.

**Standard Condition 4.22 LANDSCAPE PLANS (Modified)**

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 that is consistent with the City's Water Efficient Landscape Ordinance. 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. Plant materials selected (trees, shrubs, and groundcover) should flower during one of the four seasons.

**Standard Condition 4.24 SECURITY AND CAMERA PLANS**

The Applicant/developer shall submit a security camera system design plan with proposed locations to the Chief of Police for approval. All recordings shall be kept on file for a minimum of 30 days and be available to the City upon request. Additionally, signage shall be placed in the parking lot indicating that security cameras are in use.

**Standard Condition 4.25 TRASH ENCLOSURE**

The Applicant/developer shall provide plans to install a six-foot tall decorative masonry block trash enclosure to City standards to contain a three-yard refuse bin and a ninety-six gallon recycling cart, finished to match the main building. Said 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 is subject to approval by the City Engineer and Director of Community and Economic Development or designee.

**Standard Condition 4.26 SEPARATE FIRE LINE CONNECTION**

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

Standard Condition 4.27            PRE-CONSTRUCTION MEETING

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

Standard Condition 4.28            EXTERIOR STREET IMPROVEMENTS  
(Modified)

The Applicant/developer shall construct all exterior street improvements to the satisfaction of the City Engineer. The unused drive approaches along Imperial Highway need to be removed and replaced with new curb and gutter and sidewalk. A new Caltrans Standard access ramp and driveway needs to be installed at the northeast and northwest corner of the signalized intersection. The westerly drive approach and the signalized drive approach need to be removed and replaced with a new Caltrans Standard drive approach. Additionally, new traffic loops shall be installed. Plans shall be submitted prior to issuance of building permits and all work completed prior to issuance of building Certificate of Occupancy.

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 4.33            TRAFFIC IMPROVEMENT FEES  
(Modified)

The City has determined that the project Applicant is subject to pay a Traffic Improvement Fee of \$15,914 prior to the issuance of a building permit. This fee is to be determined after the project trip generation is finalized.

Prior to authorization to use, occupy, and/or operate:

Standard Condition 1.21            SIDEWALK INSTALLATION (Modified)

The Applicant/developer shall reconstruct the sidewalk on the north side of Imperial Highway where necessary prior to issuance of Certificate of Occupancy to the satisfaction of the City Engineer. No additional dedication of right-of-way will be required.

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 5.6           CONFORMANCE TO DRAINAGE  
AREA PLAN

The Applicant/developer shall demonstrate conformance with the general conditions as stated in the current Drainage Area Management Plan (DAMP) and with the WQMP, 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  
(Modified)

The Applicant/developer shall plant street trees along Imperial Highway with irrigation 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 as required by the La Habra Municipal Code Section 12.20.030. The Applicant shall ensure that accessibility around the tree be provided including the establishment and improvement of a public access easement along the front of the property if necessary.

Standard Condition 5.10          FINAL WATER QUALITY MANAGEMENT  
PLAN – BEST MANAGEMENT PRACTICES

The Applicant/developer shall demonstrate the following issues related to the WQMP to the satisfaction of the City Engineer:

- a. Demonstrate that all structural BMPs described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
- b. Demonstrate that the applicant is prepared to implement all non-structural BMPs described in the Project WQMP.

- c. Demonstrate that an adequate number of copies of the approved Project WQMP are available on-site and for the future occupiers.
- d. Demonstrate that 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 as required by the City Engineer.

Standard Condition 5.15            BICYCLE FACILITIES (Modified)

The property owner/business operator shall install and maintain a decorative bicycle rack with space for three (3) bicycles on-site in a convenient location prior to issuance of Certificate of Occupancy, to the satisfaction of the Director of Community and Economic Development.

Standard Condition 5.17            UP LIGHTING (Modified)

Deleted.

Project specific conditions:

1. The property owner/developer shall comply with all mitigation measures of Mitigated Negative Declaration 16-01.
2. The property owner/developer shall submit deed restrictions and covenants to tie the two (2) parcels (i.e. APNs 019-111-60 and 019-111-80) as one lot, prior to issuance of building permits as required by the Director of Community and Economic Development, City Engineer and the City Attorney. Once approved, said documents shall be recorded with the Orange County Recorder's Office.
3. The Applicant/developer shall remove and reconstruct the east/west access road along the northerly property line prior to the issuance of a Certificate of Occupancy and to the satisfaction of the City Engineer.
4. Deleted.
5. The Applicant/developer shall, prior to the issuance of a Certificate of Occupancy, install a "Stop" sign, stop bar, and "No Left Turn" (R3-2) sign facing southbound at the project driveway "B" on Imperial

Highway as identified in the Traffic Study to the satisfaction of the City Engineer.

6. The Applicant/developer shall at all times maintain adequate sight distance for the project driveways by minimizing obstructions (i.e. landscaping and/or hardscape) within the “limited use area” on either side of the proposed project driveways with the exception of trees. Landscaping and/or hardscapes should be designed such that a driver’s clear line of sight is not obstructed and does not threaten vehicular or pedestrian safety, as determined by the City Engineer.
7. Deleted.
8. The Applicant/developer shall design and install artwork in a public place on or in the vicinity of the project site, as approved by the Community Services Commission prior to issuance of a Certificate of Occupancy or make landscaping upgrades on the property, to the satisfaction of the Director of Community and Economic Development or designee. The cost or value of such work shall equal or exceed \$5,000 as indicated on the appropriate documentation (cost sheets, receipts, etc...). Plans for this work shall be submitted and approved prior to the issuance of building permits.
9. The Applicant/developer shall submit designs, process all paperwork and ensure that all adjacent utility boxes, transformers and/or traffic control cabinets located along Imperial Highway, within the public right of way, be aesthetically enhanced (i.e. painted by an artist or wrapping with image) as permitted by and abiding to the required standards of the utility company to the satisfaction of the Director of Community and Economic Development prior to a Certificate of Occupancy. If on-site above ground utility equipment is necessary, it shall also be covered consistent with the requirement for those facilities in the public right-of-way.
10. The Applicant/developer shall label all on-site Fire Apparatus Access Roads as “Private Driveway and Fire Lane” on the site plan along with the widths clearly depicted on the plan to the satisfaction of the County of Los Angeles Fire Department. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.
11. The Applicant/developer shall install and maintain all Fire Apparatus Access Roads in a serviceable manner prior to and during the time of construction to the satisfaction of the County of Los Angeles Fire Department (Fire Code 501.4). All fire lanes shall be clear of all encroachments and shall be maintained in accordance with Title 32,

County of Los Angeles Fire Code. The edge of the fire access roadway shall be located a minimum of five (5) feet from the building or any projections there from. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line. The fire apparatus Access Roads shall be designed and maintained to support the imposed load of fire-apparatus weighing 37 ½ tons and shall be surfaced so as to provide all-weather driving capabilities. Fire apparatus access roads having a grade of ten (10) percent or greater shall have a paved or concrete surface.

12. The Applicant/developer shall provide a minimum unobstructed width of 26 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 (Fire Code 503.1.1 & 503.2.2). The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the Fire Code Official (Fire Code 503.2.2.1). Fire Apparatus Access Roads shall be provided with a 32-foot centerline turning radius (Fire Code 503.2.4).
13. The Applicant/developer shall provide approved signs or other approved notices or markings that include the words “NO PARKING – FIRE LANE”. Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector (Fire Code 503.3).
14. 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 building’s exterior walls as approved by the County of Los Angeles Fire Department (Fire Code 504.1).
15. The Applicant/developer shall require all Fire Apparatus Access Roads to remain open and unobstructed in any manner at all times, including by the parking of vehicles, or the use of traffic calming devices, including but not limited to, speed bumps or speed humps. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times (Fire Code 503.4).
16. The Applicant/developer shall not install on the roof of any building, security barriers, visual screen barriers or other obstructions in such a manner as to obstruct firefighter access or egress in the event of fire or other emergency. Parapets shall not exceed 48 inches from

the top of the parapet to the roof surface on more than two sides (Fire Code 504.5).

17. The Applicant/developer shall provide and maintain building address numbers or building identification so as to be plainly visible and legible from the street fronting the property as approved by the County of Los Angeles Fire Department. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of four (4) inches high with a minimum stroke width of 0.5 inches (Fire Code 505.1).
18. The Applicant/developer shall install a minimum of one (1) public fire hydrant and test all required fire hydrants to the satisfaction of the County of Los Angeles Fire Department prior to the beginning of construction (Fire Code 501.4).
19. All fire hydrants shall measure 6" x 4" x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8.
20. The required fire flow for the public fire hydrants for this project is 3000 gpm at 20 psi residual pressure for two (2) hours. Two (2) public fire hydrants flowing simultaneously may be used to achieve the required fire flow (Fire Code 507.3 & Appendix B105.1).
21. An approved automatic fire sprinkler system is required for the proposed building as determined by the County of Los Angeles Fire Department. The applicant/developer shall submit design plans to the Fire Department Sprinkler Plan Check Unit for review and approval prior to installation.
22. The Applicant/developer may be permitted to utilize the coin cart return system for this project. The business operator shall be responsible for paying the cost of shopping carts collected and returned to store operator by the Public Works Department as established in the La Habra Municipal Code. Should the business operator wish to utilize a different system in the future, a shopping cart wheel locking system or comparable system, as deemed acceptable by the Director of Public Works is permitted.
23. Deleted.
24. The Applicant/operator is permitted public operating hours of 9:00 a.m. to 9:00 p.m. for consistency with Mitigation Monitoring Program condition MM 16-8. Should the public operating hours wish to be extended, the request shall be submitted to the Planning Commission

for consideration. In addition, Mitigation Monitoring Program condition MM 16-8 shall also be reevaluated and modified to avoid truck traffic conflicts with customer traffic.

Section 4. Based upon the foregoing, the City Council of the City of La Habra adopts an ordinance approving Planned Unit Development Precise Plan 16-01.

Section 5. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in the manner required by law. This Ordinance shall become effective thirty (30) days from and after its passage.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of La Habra held on 19th day of December, 2016.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Tamara D. Mason, MMC, City Clerk

STATE OF CALIFORNIA )  
CITY OF LA HABRA ) ss  
COUNTY OF ORANGE )

I, Tamara D. Mason, City Clerk for the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1774 introduced and adopted at a regular meeting of the City Council of the City of La Habra held on the 5th day of December, 2016, and was thereafter adopted at a regular meeting held on the 19th day of December, 2016, by the following vote.

AYES: COUNCILMEMBERS: BLAZEY, BEAMISH, GOMEZ, SHAW, ESPINOZA,  
NOES: COUNCILMEMBERS: NONE  
ABSENT: COUNCILMEMBERS: NONE  
ABSTAIN: COUNCILMEMBERS: NONE

Said ordinance has been published or posted pursuant to law.

Witness my hand and the official seal of the City of La Habra this 19th day of December, 2016.

\_\_\_\_\_  
Tamara D. Mason, MMC, City Clerk