

ORDINANCE NO. 1779

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING PLANNED UNIT DEVELOPMENT PRECISE PLAN 16-02 TO UPGRADE AN EXISTING RESIDENTIAL UNIT AND CONSTRUCT A SECOND RESIDENTIAL UNIT AND DETACHED GARAGE AT 306 WEST ELECTRIC AVENUE, 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. The Applicants, Francisco Vasquez and Elizabeth Lopez de Vasquez, filed an application requesting approval of Planned Unit Development Precise Plan 16-02 to upgrade an existing residential unit and to construct a second residential unit and detached garage at 306 West Electric Avenue.
- b. This project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorically Exempt pursuant to Section 15303(b), Class 3: "New Construction or Conversion of Small Structures" of the CEQA Guidelines. Section 15303(b) specifically exempts duplexes.
- 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 entails a new single-family detached residence of 3,900 square foot footprint or less, this project is exempted by the Water Quality Ordinance from preparation of a Non-Priority Plan. However, all work will incorporate Best Management Practices (BMPs) for the management of water during construction.
- d. The Planning Commission held a duly noticed public hearing on March 13, 2017, to consider the Applicant's request for Planned Unit Development Precise Plan 16-02. The Planning Commission, after considering all written and oral evidence offered including the staff report and all attachments, recommended that the City Council approve the request.
- e. The City Council held a duly noticed public hearing on April 17, 2017 to consider the Applicant's request for Planned Unit Development Precise Plan 16-02. 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 the request.

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 multiple family district of the City. The properties located to the east, south and west of the site are all developed with multiple family uses. The proposed exterior materials and colors of the new residential structure are similar to those found in the area. Therefore, the proposed project's design, site layout and mass are compatible with the surrounding residential buildings in the vicinity.

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.

The project, as designed, complies with the parking requirements found in the Zoning Code. Sufficient off-street parking is provided.

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 this proposed project.

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.

The proposed project complies with all the applicable development standards of the underlining R-4 (Multiple Family Dwelling) Zone with the exception of the lot frontage requirement and an existing side yard setback.

The existing parcel width is 47 feet while Section 18.26.050.D of the Zoning Code requires that every dwelling shall be on a lot having a minimum of 60 feet frontage upon a dedicated street. Pursuant to Section 18.52.070.A Special Development Standards,

the PUD overlay zone allows modifications of the underlying zoning standards, as may be approved by the planning commission and city council. The adjacent properties located to the west and east of the subject site are fully developed rendering this site incapable of expanding to comply with the strict code standard.

Additionally, the existing front unit is developed with a 4-foot side yard whereas a minimum of 5 feet is required for new development. Pursuant to Section 18.26.050.D Special Development Standard, the Director of Community and Economic Development or designee may approve variations in areas deemed to be target areas for city sponsored housing rehabilitation programs and only for existing conditions. The property is located in a target area, specifically Census Tract 13.04/2 which has 82% low/moderate income level residents. In this case, demolition of portions of the building to comply with the side yard setback is not feasible.

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

As noted above (#1), the subject site is located within a multiple family district. The proposed exterior materials and colors of the project are similar to those found in the vicinity. The scale of the project also blends in with the adjacent multiple family structures. 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 proposed project complies with the open space and landscape requirements of the R-4 "Multiple Family Dwelling Zone."

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

The project provides sufficient private and common open space areas. Precise landscape and irrigation plans will be required that will include a maintenance plan for the regular maintenance and upkeep of the onsite landscaping.

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 project was reviewed through the Development Review Committee and no significant impacts were identified. The local roadway, water, sewer, trash service, and emergency response services are able to adequately serve the site as determined by the City Engineer, Public Works Department, Police Department, and Los Angeles County Fire Department.

As part of the General Plan update in 2014, the Environmental Impact Report analyzed land use designation and densities throughout the city. It was determined that infrastructure and services were adequate for maximum build out per density standards.

Lastly, the property was assessed by the Orange County Assessor in 2016 of having a value of \$335,000, thereby generating \$3,989 of property tax annually. After the construction of the project and a reassessment, the property is estimated to increase to a total valuation of \$486,000 which would in turn generate approximately \$4,900 in property tax annually. The property owner will also provide a dedication for street widening and off-site improvements within the public right-of-way totaling approximately \$8,000.

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

The project was reviewed pursuant to the guidelines of the California Environmental Quality Act (CEQA) and determined to be Categorically Exempt pursuant to Section 15303(b), Class 3: "New Construction or Conversion of Small Structures" of the CEQA Guidelines.

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 Applicants have 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 complies with the applicable standards of the underlying R-4 (Multiple Family Dwelling) Zone and Planned Unit Development Overlay Zone.

Section 3. This action is subject to the following 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 applicable sections of the Los Angeles County/La Habra Fire Code and Fire Department requirements.

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 date stamped December 19, 2016 and which are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of March 13, 2017 and by the City of La Habra City Council at its meeting of April 17, 2017. A copy of said plans shall be maintained in the files of the City of La Habra Planning Division. The project shall be developed and maintained in substantial conformance with said plans, except as otherwise specified in these conditions of approval.

Standard Condition 1.7 COMPLIANCE

The failure to comply with any of these conditions of approval by the property owner/business operator shall be grounds for rehearing and consideration by the Planning Commission for possible revocation of Planned Unit Development 16-02.

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 LANDSCAPING 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-striping if the parking area is not maintained in good condition.

Prior to the issuance of grading permits:

Standard Condition 3.1 EROSION CONTROL PLAN

The Applicant/developer shall submit Erosion Control Plans to be reviewed and approved by the Chief Building Official.

Standard Condition 3.4 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.

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 by the City Engineer. Standard plan check and inspection fees shall be paid by the Applicant.

Standard Condition 3.9 UTILITY PLANS

The Applicant/developer shall provide all utility plans to be reviewed and approved by the Director of Community and Economic Development or designee and the City Engineer.

Prior to the issuance of building permits:

Standard Condition 4.1 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

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 and dedicated to the City of La Habra with all incidental fees and costs paid by the Applicant.

Standard Condition 4.16 STREET IMPROVEMENTS

The Applicant/developer shall be responsible for rehabilitating the roadway pavement and parkway improvements between the street centerline to the right-of-way line which includes, but is not limited to, sidewalk, curb and gutter and street paving.

Standard Condition 4.17 UNDERGROUND UTILITIES

The Applicant/developer shall provide a plan to the City Engineer showing that all on-site utilities within the project be installed underground in accordance with current utility practices. All on-site utilities shall be installed prior to building permit issuance and before any on-site paving. 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 of the property to the Public Works Department so that the District can establish the Terms and Conditions for Water and/or Sewer Service.

Standard Condition 4.19 ENHANCED CONCRETE DRIVEWAY

The Applicant/developer shall install decorative enhanced concrete, such as stamped and colored, in the entrances within the street front and street side setbacks to the satisfaction of the Director of Community and Economic Development or designee.

Standard Condition 4.22 LANDSCAPING PLANS

The Applicant/developer shall submit for review and approval a detailed landscape and irrigation plan prepared by a licensed landscape architect to the Director of Community and Economic Development or designee and 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 5 gallon size.

Standard Condition 4.23 PERIMETER WALL PLANS

The Applicant/developer shall submit for review and approval a plan to enclose the property with a decorative masonry walls with decorative cap, the design to be approved by the Director of Community and Economic Development or designee.

Standard Condition 4.27 PRE-CONSTRUCTION MEETING

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

Standard Condition 4.29 RECYCLING PLAN

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

Prior to the issuance of Certificates of Occupancy:

Standard Condition 1.21 SIDEWALK INSTALLATION (modified)

The Applicant/developer shall provide for sidewalks five (5) feet in width on the south side of Electric within the property frontage prior to issuance of Certificate of Occupancy, to the satisfaction of the City Engineer.

Standard Condition 3.13 DEDICATE AND CONSTRUCT PUBLIC RIGHT OF WAY (modified)

The Applicant/developer shall dedicate ten (10) feet of public street right-of-way and construct street widths in conformance with the street cross sections as shown on the plan and as approved by the City Engineer.

Standard Condition 4.36 EXTERIOR STREET IMPROVEMENTS

The Applicant/developer shall construct all exterior street improvements to the satisfaction of the City Engineer prior to issuance of Certificate of Occupancy.

Standard Condition 5.7 LANDSCAPING 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 irrigation to each street tree to the satisfaction of the Public Works Director.

Project Specific Conditions:

1. The Applicant/developer shall construct a new opening in the drainage channel adjacent to the property. A permit shall be secured from Orange County Public Works prior to construction of the drainage pipe and opening. All work associated with this condition shall be completed prior to Certificate of Occupancy and to the satisfaction of the City Engineer.

Section 4. Based upon the foregoing, the City Council of the City of La Habra adopts an ordinance approving Planned Unit Development Precise Plan 16-02.

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, APPROVED AND ADOPTED this 1st day of May, 2017.

Rose Espinoza, Mayor

Attest:

Tamara D. Mason, MMC, City Clerk

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

I, Tamara D. Mason, City Clerk of the City of La Habra, do hereby certify that the above and foregoing is a true and correct copy of Ordinance No. 1779 introduced at a regular meeting of the City Council of the City of La Habra held on the 17th day of April 2017, and was thereafter adopted at a regular meeting held on the 1st of May, 2017, by the following vote:

AYES: COUNCILMEMBERS: Beamish, Shaw, Gomez, Blazey, 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 1st day of May, 2017.

Tamara D. Mason, MMC, City Clerk