

ORDINANCE NO. 1797

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA HABRA APPROVING PLANNED UNIT DEVELOPMENT MASTER PLAN 17-01 FOR THE PROPERTY AT 701 THROUGH 751 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. Sunny Investments, LLC, filed an application requesting approval of Planned Unit Development Master Plan 17-01 for the property at 701 through 751 East Imperial Highway .
- b. An Initial Study and Mitigated Negative Declaration of Environmental Impacts MND 17-02 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 September 24, 2018, to consider the Applicant's request for Planned Unit Development Master Plan 17-01. The Planning Commission, after considering all written and oral evidence offered including the staff report and all attachments, recommends that the City Council approve the request.
- e. The City Council held a duly noticed public hearing on October 15, 2018 and December 3, 2018 to consider the Applicant's request for Planned Unit Development Master Plan 17-01. 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 the request.

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

- a. The Applicant has succeeded in meeting their burden of providing evidence to support the granting of the Planned Unit Development 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 and west are developed with offices, retail commercial buildings, and restaurants. The proposed development is similar in size and scale to the adjacent Kaiser Permanente to the west and the Howard's to the east. Additionally, the proposed exterior materials and colors of the proposed project are similar to those found on the Kaiser Permanente building and the colors on the Howard's building. Therefore, the proposed retail center and site layout are compatible with the surrounding commercial and industrial district.

Staff evaluated the impacts of the proposed retail and service uses, such as the physical aspects between the restaurant site and adjacent residential uses. The closest residential properties are situated south across the 6-lane Imperial Highway, which is surrounded by 14-foot tall masonry sound walls and are over 130 feet away. Therefore, the use is not expected to create any impacts to any adjacent residential properties.

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 with the construction of project-specific improvements that include alignment of the driveway with Village Drive, modification of the existing signal, modification of medians, and striping within Imperial Highway.

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. The additional requests include a Conditional Use Permits for a hotel, an On-Sale General – Restrictive Service (ABC Type 70) license, two restaurants, and for a 20-foot tall freestanding sign along Imperial Highway. Actions for this project are being processed concurrently with this Planned Unit Development Master Plan.

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 PC-I Planned Commercial Industrial zone contained within Chapter 18.38 but requires a deviation to allow a wall sign on the west elevation of the hotel building.

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 driveways are provided on the site, including a signalized driveway onto Imperial Highway. An access easement exists at the 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 Leslie Street. Therefore, the proposed project will be well integrated into its setting.

Staff evaluated the impacts of the proposed retail and service uses, such as the physical aspects between the restaurant site and adjacent residential uses. The closest residential properties are situated south across the 6-lane Imperial Highway, which is surrounded by 14-foot tall masonry sound walls and are over 130 feet away. Therefore, the use is not expected to create any impacts to any adjacent residential properties.

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.

Additionally, the Applicant will contribute to public open space by providing a \$130,000 in-lieu of fee for a future public bicycle path,

connecting the La Habra Union Pacific Bikeway Path to the Juanita Cook Greenbelt path in the City of Fullerton.

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

The project has been conditioned to provide a \$130,000 in-lieu of fee for the future construction of a public bicycle trail along adjacent to the project's eastern property line. The payment to be made prior to issuance of Certificate of Occupancy.

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.

Several documents were prepared in analyzing the impacts of the project as well as the benefits. For instance, the Public Works Department determined that the existing water and sewer service were adequate to serve the site and a "will-serve" letter was provided to the Applicant. Also, a traffic impact study was prepared that determined that the surrounding streets were adequate to support the uses, however, that improvements within the public right-of-way were required to include the modification of the traffic signals and medians were required.

An economic analysis and market study for the hotel was prepared that determined that the project would provide economic benefits to the City and its residents. The project is expected to generate approximately \$54,064 in new annual sales tax and fees and approximately \$26,970 annually in new property taxes to the City, in addition to providing 83 new jobs. This same analysis estimated that it may cost the City \$285,874 to provide services to this development consisting of such things as public safety, public works, engineering, and other related municipal services. A Development Agreement has been made a part of this project to ensure that a deferred compensation totaling \$285,874, plus an annual inflationary adjustment, is paid to the City to offset costs incurred by 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 project implements 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 17-02 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 PC-I "Planned Commercial Industrial" 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 operators 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

This approval is for those plans date stamped August 27, 2018 and which are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of September 24, 2018 and City Council at its meeting of December 3, 2018. 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 property owner/business operator shall maintain landscaping in a healthy and well-kept manner at all times. Dead or damaged landscape material/vegetation shall be replaced immediately per the approved landscape plan. The irrigation system shall be maintained at all times. Trees shall be permitted to grow to their maximum height.

Standard Condition 1.10 BUILDING REPAINTING

The property owner/business operator 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 property owner/business operator 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 1.17 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 1.24 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.

Prior to the recordation of a parcel map/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 Subdivisions 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 2.5 BIKE PATH EASEMENT (Modified)

DELETED.

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 3.2 SLOPE EASEMENT/RIGHT-OF-ENTRY

The Applicant/developer shall obtain either slope easements or right-of-entry letters from the adjacent property owners 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 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 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. Surety shall be posted to the satisfaction of the Chief Building Official and the City Attorney guaranteeing completion of grading within the project.

Standard Condition 3.12 MEDIAN INSTALLATION (Modified)

The Applicant/developer shall submit a design to Caltrans and the City Engineer to construct new raised medians in Imperial Highway from the Union Pacific railroad spur to the boundary of the Kaiser Permanente property prior to the issuance of grading permits. The Applicant/developer shall construct said new median islands prior to issuance of Certificate of Occupancy for the first project to the satisfaction of Caltrans 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 be in conformance with all current NPDES requirements.

Standard Condition 4.7 RECORDATION OF FINAL MAP (Modified)

The Applicant/developer shall prepare and record a Final Parcel Map per the requirements of the City Engineer.

Standard Condition 4.8 WATER SUPPLY AND SEWER FACILITIES (Modified)

The developer/property owner 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 developer. All storm drains, sewers, waterlines and roadways on private property will be maintained by the Applicant/developer.

Standard Condition 4.27 PRE-CONSTRUCTION MEETING

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

Standard Condition 5.5 TRAFFIC SIGNAL INSTALLATION
(Modified)

The Applicant/developer shall install or modify the traffic signal at Imperial Highway and Village Drive to the satisfaction of Caltrans, the City Engineer, and the Traffic Manager. The developer/property owner shall provide a traffic signal modification plan for the intersection of Imperial Highway and Village Drive to the satisfaction of the City Engineer and Caltrans prior to the issuance of Grading Permits. All work shall be completed prior to issuance of the first Certificate of Occupancy.

Standard Condition 5.9 FINAL WATER QUALITY
MANAGEMENT PLAN

The Applicant/developer shall submit to the City Engineer for review and approval a Final Priority Water Quality Management Plan (WQMP). The WQMP for priority development projects must implement Low Impact Development (LID) principles such that projects infiltrate, harvest, re-use, evapotranspire, or biotreat stormwater runoff.

Prior to the issuance of building permits:

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 MAIN

The Applicant/developer shall install all proposed gas mains and services prior to paving within the tract boundaries, to the satisfaction of 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 are related to the division of land.

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 4.3 FINAL PRIORITY PROJECT WATER
QUALITY MANAGEMENT PLAN

The Applicant/developer shall submit a Final Priority Project WQMP to the City

for review and approval by the City Engineer or designee. This plan shall be in conformance with all current NPDES requirements.

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. Light pole bases shall be of a decorative type and not plain sono-tubes, the design to be approved by Planning staff prior to installation. 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 new street lights 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 4.13 STREET STRUCTURAL SECTIONS

The Applicant/developer shall submit all street structural sections for new and reconstructed streets to the City Engineer for review and approval.

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 4.16 STREET IMPROVEMENTS (Modified)

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 as required by the City Engineer and Caltrans, prior to the

issuance of the first Certificate of Occupancy.

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 4.19 ENHANCED CONCRETE DRIVEWAYS

The Applicant/developer shall install decorative enhanced concrete, such as stamped and colored, at the entrances into the development within the street front and street side setbacks to the satisfaction of the Director of Community and Economic Development or designee, prior to the issuance of the first Certificate of Occupancy. A durable clear sealer shall be applied to this area to preserve the color and resist marking.

Standard Condition 4.20 FIRE HYDRANTS

The Applicant/developer shall install new public fire hydrant(s) to the satisfaction of the Los Angeles County Fire Department and City Engineer.

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 and Landscaping Guidelines document for the whole site. 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. The plan shall include Canary Island Palms, a total of three or more trees at the main entrance, and shall have a minimum of 20 feet of brown trunk height. Plant materials selected (trees, shrubs, and groundcover) should flower during one of the four seasons. Spacing of ground cover plants shall be spaced at 12-18 inches on center and shrubs shall be spaced at 18-24 inches on center. Metal cages, painted green, shall be used to protect irrigation check valves and controllers. All above ground piping, such as double detector check valves, shall not be placed in front setbacks and shall be screened with landscaping and painted green. Protective bollards shall be of a decorative type and/or painted green where appropriate.

The City project manager shall inspect and approve all plants and trees prior to planting.

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 4.28 EXTERIOR STREET IMPROVEMENTS
(Modified)

The Applicant/developer shall construct all exterior street improvements to the satisfaction of the City Engineer. Any unused drive approaches along Imperial Highway shall be removed and replaced with new curb and gutter and sidewalk. Caltrans Standard access ramp and driveways shall be installed at the signalized intersection. Plans shall be submitted prior to issuance of building permits and all work completed prior to issuance of building Certificate of Occupancy for the first project.

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 4.32 MONUMENT SIGNS (Modified)

The Applicant/developer shall provide the precise location of the new free-standing sign and be subject to the final review and approval by the City Engineer, prior to issuance of the building permits.

Standard Condition 4.34 FAIR SHARE TRAFFIC IMPACT FEES
(Modified)

The Applicant/developer shall pay for all fees related to the requirements of the Fair Share Traffic Impact Fee of \$39,300 prior to the issuance of a grading or building permit, to the satisfaction of the City Engineer.

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 and Caltrans.

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 5.4 STREET LIGHT INSTALLATION

The required street lights shall be installed to the satisfaction of the City Engineer and Southern California Edison.

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 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.

Project specific conditions:

1. The Applicant/developer shall comply with all mitigation measures of Mitigated Negative Declaration 17-02.

2. The Applicant/developer shall remove the existing concrete wall and chain link fence on the back side (north side) of the public sidewalk along Imperial Highway after the new storm drain has been installed and backfilled prior to the issuance of a Certificate of Occupancy and to the satisfaction of the City Engineer.
3. The Applicant/developer shall pay the City an amount equal to \$130,000.00 as a payment in lieu of a bike path dedication prior to issuance of Certificate of Occupancy for the first structure on the site.
4. The Applicant/developer shall construct all roadways and landscaping medians throughout the site prior to issuance of Certificate of Occupancy for the first structure on site, to the satisfaction of the Director of Community and Economic Development or designee and the City Engineer. The building pad on Lot 4 shall be provided with a weed barrier and covered with four inches of mulch or chipped bark and kept in a clean and tidy manner at all times.
5. The Applicant/developer shall remove the existing railroad spur on the property to the main line and quitclaim any easement related to the railroad track prior to the issuance of grading permits and to the satisfaction of the City Engineer.
6. 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. The cost or value of such work shall equal or exceed one percent (1%) of the project cost, as determined by the Chief Building Official. In-lieu of acquiring and installing artwork, the project Applicant may contribute an amount equal to one percent (1%) of the project cost to the Public Arts Fund prior to the issuance of building permits.
7. The Applicant/developer shall submit designs, process all paperwork and ensure that all on-site and 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 consistent with the landscaping) 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.
8. The Applicant/developer owner 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 prior to the issuance of Building Permits.

9. The Applicant/developer shall use and maintain a common design theme for the subject property for all structures to include similar colors, exterior building finish materials, and on-site amenities to include parking lot lights, trash receptacles, and benches, to the satisfaction of the Director of Community and Economic Development or designee.
10. The Applicant/developer shall file a reciprocal access agreement for all private driveways due to the creation of multiple lots. Documentation shall be provided the County of Los Angeles Fire Department for review prior to Final Map Clearance.
11. 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.
12. The Applicant/developer shall provide a road with a minimum unobstructed width of 28 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 when the height of the building above the lowest level of the Fire Apparatus Access Road is more than 30 feet high, or the building is more than three stories. The access roadway shall be located a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official. Fire Code 503.1.1 & 503.2.2
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 install public and private fire hydrant(s) and test all required fire hydrants to the satisfaction of the County of Los Angeles Fire Department prior to the beginning of construction. Vehicle access must be provided and maintained serviceable throughout construction to all required fire hydrants. Parking shall be restricted 30 feet adjacent to any required public or private fire hydrant, 15 feet on each side measured from the center of the fire hydrant.
16. 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.
17. The required fire flow for the public fire hydrants for this project is 4000 gpm at 20 psi residual pressure for a duration of four (4) hours.
18. The Applicant/developer shall provide and maintain serviceable vehicular access throughout the construction areas to all required fire hydrants.
19. The Applicant/developer shall install ultra-low flow water fixtures to reduce the volume of sewage to the system as required by the Chief Building Official prior to the issuance of a Certificate of Occupancy. The proposed project must also comply with the City's Green Building Code (MM No. 30).
20. The Applicant/developer shall review the California Department of Water Resources recommendations for water conservation and incorporate the recommendations into the structural improvement plans prior to the issuance of Building Permits (MM No. 31).
21. The Applicant/developer shall comply with all programs adopted by the City for the reduction of solid waste as required by the Director of Public Works (MM No. 32).
22. The Applicant/developer shall require the contractors to recycle materials during construction. A recycling report shall be submitted to the Director of Public Works regarding on-site demolition and construction operations prior to the issuance of building permits. A final demolition and construction recycling report is to be submitted to the Director of Public Works prior to the issuance of a Certificate of Occupancy (MM No. 33).

Section 4. Based upon the foregoing, the City Council of the City of La Habra adopts an ordinance approving Planned Unit Development Master Plan 17-01.

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 17th day of December, 2018.

Jim Gomez, 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. 1797 introduced and adopted at a regular meeting of the City Council of the City of La Habra held on the 3rd day of December 2018, and was thereafter adopted at a regular meeting held on the 17th day of December, 2018, by the following vote.

AYES: COUNCILMEMBERS: Beamish, Espinoza, Shaw, Medrano, Gomez
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 17th day of December, 2018.

Tamara D. Mason, MMC, City Clerk