

RESOLUTION NO. 18-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING AND CONDITIONAL USE PERMIT 18-06 FOR A 20-FOOT TALL FREE-STANDING SIGN AT 701 EAST IMPERIAL HIGHWAY, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

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

Section 1. The Planning Commission does hereby find and determine that:

- a. Sunny Investments, LLC, filed an application requesting Conditional Use Permit 18-06 for a 20-foot tall free-standing sign at 701 East Imperial Highway.
- b. An Initial Study and Mitigated Negative Declaration of Environmental Impact MND 17-02 was 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. A Mitigation Monitoring and Reporting Program is attached to this resolution as Exhibit "A". It lists the mitigation measures, agencies responsible for monitoring their implementation, and when the measure is to be implemented.
- 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 of Conditional Use Permit 18-06. The Planning Commission, after considering all the written and oral evidence offered including the staff report and all attachments, approves the request.

Section 2. The Planning Commission further finds and determines that:

- a. The Applicant has succeeded in meeting their burden of providing evidence to support the granting of the Conditional Use Permit application pursuant to Chapter 18.66 of the La Habra Municipal Code.
- b. The Planning Commission hereby makes the following required findings of the Conditional Use Permit Application:

1. The granting of such Conditional Use Permit will not be detrimental to the public welfare and will not unreasonably interfere with the use, possession, and or enjoyment of surrounding and adjacent properties and will not impair the character of the zone in which it is to be located.

The proposed 20-foot tall freestanding sign will advertise four uses within an integrated center greater than 4 acres in size. The height of the freestanding sign is similar to other existing freestanding signs within a quarter mile vicinity of the subject site including 36 feet for Wal-Mart, 27 feet for CVS Pharmacy, 25 feet for Pepper Shaker, 20 feet for ALDI, 20 feet for Howard's Appliances, and 17 feet for Kaiser Permanente. Therefore, the proposed freestanding sign will not unreasonably interfere with the use, possession, and or enjoyment of surrounding and adjacent properties and will not impair the character of the zone in which it is to be located.

2. The subject site is physically suitable for the type of land use being proposed.

The proposed commercial center is located within a PC-I Planned Commercial Industrial zoned property and along a primary arterial highway which has higher traffic speeds. The proposed freestanding sign will be visible from a distance and given the speed of traffic on Imperial Highway, will enhance the customer's opportunity to make the appropriate traffic maneuver to enter the property. Thus, this site is suitable for the type of land use proposed.

3. The use is conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this title.

Section 15.40.200.A.6 of the Municipal Code allows freestanding signs to exceed the height limit of 8 feet with the approval of a Conditional Use Permit.

4. The granting of this Conditional Use Permit is consistent with the comprehensive general plan.

The Land Use Element of the City's General Plan designates this site as Commercial Industrial.

The projects implement Policies LU 3.8 (Cohesive and Integrated Development), LU 4.1 (Development Compatibility), LU 4.4 (Design Review), and LU 11.7 (Architecture and Site Design) of the General Plan 2035.

Section 3. The Planning Commission further finds and determines that:

a. 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 (modified)

The property owner/business operator shall maintain the sign in a clean and orderly condition at all times and remove any graffiti from it within forty-eight (48) hours of its discovery in matching colors to the existing improvements.

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 August 27, 2018 and are those plans reviewed and approved by the City of La Habra Planning Commission at its meeting of September 24, 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 1.7 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 Conditional Use Permit 18-06.

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 1.12 SIGN MAINTENANCE (modified)

The property owner/business operator shall maintain the approved freestanding sign in good condition at all times and shall repaint the sign structure every eight (8) years at a minimum. The Director of Community and Economic Development may require more frequent painting if the improvements are not maintained in good condition.

Prior to Issuance of Building Permits for the sign:

Standard Condition 4.30 SIGN PROGRAM

The property owner/business operator shall prepare a sign program for the property to be reviewed and approved by the Director of Community and Economic Development or designee consistent with the signage depicted on the plans reviewed and approved by the Planning Commission prior to the issuance of building permits. The property owner/business operator shall not utilize any human display signs.

Standard Condition 4.31 ACKNOWLEDGEMENT OF SIGN
CODE (modified)

The property owner/business operator shall acknowledge receipt of the Sign Code and Banner Policies/Guidelines for the property and sign an agreement to abide thereby. In addition, the property owner/business operator shall not utilize any human display signs.

Standard Condition 4.32 FREE-STANDING SIGNS (Modified)

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

Project Specific Conditions:

1. The property owner/business operator shall construct the free-standing sign utilizing the same exterior materials (i.e. stacked stone veneer, stucco, roof trim, etc.) and colors to match the store building to the satisfaction of the Director of Community and Economic Development or designee.

Section 4. Based upon the foregoing, the Planning Commission of the City of La Habra approves Conditional Use Permit 18-06. The Planning Commission Secretary shall certify to the adoption of this resolution and transmit a copy to the Applicant.

Said motion CARRIED by the following roll call vote:

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

Dated: September 24, 2018

ATTEST: _____ APPROVED: _____
Carmen G. Henderson, Secretary Chairman, Jerry Powell