

THE MINUTES OF THE MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA HABRA
July 25, 2022

CALL TO ORDER: Chair Munoz called the Regular Meeting of the Planning Commission of the City of La Habra to order at 6:30 p.m. in the Council Chamber.

PLEDGE OF ALLEGIANCE: LED BY COMMISSIONER MANLEY

PRESENT: COMMISSIONERS: MUNOZ
MANLEY
ROJAS
SURICH

ABSENT: COMMISSIONERS: BERNIER (Excused)

OTHERS PRESENT: DIRECTOR: KIM
DEPUTY DIRECTOR: RAMSLAND
PLANNING MANAGER: LUI
ASSOCIATE PLANNER: D. LOPEZ

PUBLIC COMMENT

Chair Munoz asked if there was anyone in the audience that wished to speak on any item not on the agenda. There were none.

CONSENT CALENDAR

The Chair explained the Consent Calendar procedures. He asked if there were any members of the public or any Commissioners that wished to have any item removed. Commissioner Manley moved the approval of the Consent Calendar and Vice Chair Rojas seconded the motion. The motion passed 3-0-1, with Chair Munoz abstaining and Commissioner Bernier absent.

1. PROCEDURAL WAIVER: Waive reading in full of resolutions and ordinances and approval and adoption of same by reading title only.
2. Approval of the Planning Commission Minutes of June 27, 2022.

PUBLIC HEARINGS

The Chair explained the Public Hearing process to the audience and announced the first item.

1. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE PERMIT 22-19, FOR PUBLIC ART (MURAL) AT 211 WEST SANDLEWOOD AVENUE.

The Chair asked staff if any correspondence had been received on this item. Deputy Director Ramsland replied that we had received a letter from Mr. Joe Foust in opposition to the

request and noted that copies had been placed before the Commissioners on the dais. Chair Munoz asked for a staff report.

Planning Manager, Sonya Lui, introduced herself and presented the staff report for this item.

Chair Munoz asked if any of the Commissioners had any questions.

Commissioner Manley asked what would be the remedy for the property owner if the CUP was not approved. Would he have to paint it over or keep it screened as it currently is. Planning Manager Lui responded that a CUP would not be required if the property owner continued to fully screen the mural from public view. If the mural was no longer visible to the public, it would not be considered as causing a violation.

Commissioner Manley asked if the applicant had covered it on his own or if it had been required by the City. Planning Manager Lui replied that the screening has been required by Code Enforcement, while the CUP request was being processed. Chair Manley also asked if we knew how long the mural had been there. Planning Manager Lui replied that it was brought to the City's attention in January, but that we did not know how long it had been in place. Planning Manager Lui also suggested that the Commission may wish to defer this question to the applicant. Commissioner Manley asked if Code Enforcement had first visited the property in March. Planning Manager Lui noted that Code Enforcement had been out to the site on multiple occasions, but that the Notice of Violation was first issued in March 2022.

Chair Munoz asked for clarification on public arts requirements in the La Habra Municipal Code. Planning Manager Lui responded that public arts requirements have not yet been codified in the La Habra Municipal Code, but staff noted the General Plan includes goals and policies related to public art for commercial developments and streetscapes as well as newly constructed multi-family projects.

Chair Munoz opened the public hearing and asked if there was anyone in the audience to speak in favor of the proposed project.

Victoria Maraga, 150 Gwynwood Avenue, addressed the Commission. She expressed her support for retaining the mural. She expressed her belief that it was a beautiful renovation to the house along with other renovations made by the property owner. Ms. Maraga stated that she thinks the mural speaks to the culture of the many Hispanic members of the community.

The Chair then asked if there was anyone wishing to speak in opposition of the project.

Jen Jauregui, 140 Gwynwood Avenue, addressed the Commission on the impact that the mural has had on her property and family. Ms. Jauregui stated that the artistic quality of the art is not in question and complimented the artist, but agrees with the conclusion of the staff report that it does not match the character of the neighborhood and is not in line with the City's expected aesthetic for a single-family neighborhood.

Ms. Jauregui explained that since the mural was installed, she has experienced trespassing by people trying to get a closer look and take pictures and relayed that her family is constantly subjected to the stream of questions and comments about the mural. Ms.

Jauregui further commented that she believes the mural to be unsettling, especially at night when it is lit up. Ms. Jauregui stated that she believes the mural unreasonably interferes with the adjacent properties.

Ms. Jauregui reiterated the comments about lack of the aesthetics which are expected in a single-family neighborhood and further stated that many people are confusing it with a sign for a business or billboard which makes the neighborhood take on a commercial feel. Ms. Jauregui requested that the Commission deny the CUP request and provided the Commission with pictures showing how the mural impacted her property.

Trinh Grant, 1260 E. Stearns Ave, addressed the Commission. Ms. Grant noted that she was actually at the meeting for a different matter, but wished to speak to this issue since she owned residential properties in the City. Ms. Grant stated that art may be pleasing to some people, but may also be a distraction to other people. Ms. Grant added that she has mural/art inside her house, but it does not impose on her neighbors like the requested mural. Ms. Grant conveyed that she does not believe the mural should be approved. Ms. Grant noted that if the subject CUP was approved, it may set a precedent and other people throughout the City would start applying for their own art which may be subject to what could be perceived as discriminatory analysis.

The Chair closed the public hearing and asked for discussion or a motion.

Commissioner Manley stated he agreed with some of the speakers' comments about how it was odd that you cannot view the mural by visiting the property where the mural is located. Commissioner Manley noted that two of the public speakers, which appear to be neighbors of the applicant, have two different perspectives. Commissioner Manley agreed that the subject property where the mural is located was developed with a beautiful house, but did not think the mural was appropriate for the neighborhood. Commissioner Manley found it difficult to support this mural request given the fact that City does not have a Public Arts Ordinance.

Commissioner Surich noted that she visited the property but thought she was at the wrong address, since the mural is not readily visible on Sandlewood Avenue. Commissioner Surich agreed that the mural reflected a high quality, but she did not think that the single-family neighborhood was the appropriate setting for displaying this mural.

Vice Chair Rojas agreed that the mural was beautiful, but stated it would be more appropriate if it were displayed in a public park and noted that an approval of a mural at this location could set a bad precedent. Vice Chair Rojas concurred with staff's recommendation.

Chair Munoz agreed with the other commissioners and expressed his support for public art, but reiterated it should be in a more appropriate setting.

Moved by Commissioner Manley and seconded by Commissioner Surich, approving Resolution No. 22-32, entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, DENYING CONDITIONAL USE PERMIT 22-19, FOR PUBLIC ART (MURAL) AT 211 WEST SANDLEWOOD AVENUE

The roll call vote was as follows:

AYES: COMMISSIONERS: MANLEY, SURICH, ROJAS
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: BERNIER

2. DULY NOTICED PUBLIC HEARING FOR CONSIDERATION OF CONDITIONAL USE PERMIT 22-18 FOR THE OPERATION OF A SOIL VAPOR REMEDIATION SYSTEM AT 302 TO 440 NORTH HARBOR BOULEVARD.

The Chair asked staff if any correspondence had been received on this item. Deputy Director Ramsland replied that none had been received.

He asked for a staff report.

Associate Planner Lopez presented the staff report.

Commissioner Surich asked for clarification about the City's Noise Ordinance requirements; more specifically regarding the maximum decibel levels during the day (55 db) and the evening (50db) and the decibel level expected to be produced by the proposed vapor remediation unit. Associate Planner Lopez responded that a basic vapor remediation unit without an enclosure or silencer can reach up to 74 decibels. Associate Planner Lopez added that the proposed remediation system will be able to comply with the City's noise standards because it will be enclosed and include a silencer. To ensure compliance, staff added a condition of approval that requires the applicant to conduct a post installation noise study, which may result in additional mitigation measures for the applicant to follow if necessary.

Vice Chair Rojas asked if any waste would be produced. Associate Planner Lopez explained that the two byproducts created by the remediation system. This includes water vapor that will dissipate in the air and then contaminants which would be collected in containers. Commissioner Rojas then asked if there are any kind of filters or screens to ensure that what is being evaporated is not harmful to the air quality. Mr. Lopez noted that air emissions will be covered under the permit and managed by the South Coast Air Quality Management District.

Chair Munoz asked if there were going to be any bollards around the vapor remediation unit because he was concerned about potential damage to the vapor remediation equipment due to collisions from vehicles that drive up to access the existing trash enclosure. Mr. Lopez responded that bollards were not shown on the project plans, but that the applicant could be required to install bollards as a condition of approval.

Chair Munoz opened the public hearing and asked if there was anyone in the audience to speak in favor of the proposed project.

Kent Tucker, 2817-A Lafayette Ave, Newport Beach, of Frey Environmental, introduced himself as a geotechnical consultant representing the applicant. Mr. Tucker noted that they would have liked to have a sound study completed before this public meeting, but this vapor remediation unit is specifically being fabricated for this site. Therefore, no study has been conducted yet. Mr. Tucker believes the proposed vapor remediation unit will be quieter than other units since in addition to the noise mitigation measure previously noted, a variable

frequency drive will be installed so that they can control the motor speed to make it quieter, if necessary. Mr. Tucker noted that the preference would be to keep the motor running at a faster rate to expedite cleanup efforts, but understood the importance of mitigating noise levels for nearby residents. Mr. Tucker provided more information on how the vapor system operated and the South Coast Air Quality Management District (SCAQMD) requirements.

Mr. Tucker added that there would be no problem adding bollards, if required by the Commission. Mr. Tucker asked if the Commission had any additional questions. Commissioner Manley, noted that he was going to ask about the possibility of adding a bollard but found Mr. Tucker's response satisfactorily addressed his concern.

Mr. Tucker also described how it was once customary to require the vapor remediation units to be enclosed, using fencing, but they had had to change that practice due to people attempting to "live" within the enclosures and vandalize the equipment. To avoid these problems, vapor remediation units are designed with as fully enclosed boxed units without any fencing surrounding it.

Vice Chair Rojas asked how often the carbon filter would be replaced. Mr. Tucker replied that it depends on the quantity of PCEs collected from the site. He noted that this is not as contaminated as gasoline sites and that sometimes they can clean up the entire site without a need for replacement, but that the earliest would be 6 months.

Commissioner Surich asked where the contaminates go once they are removed from the site. Mr. Tucker replied that it depends on the vendor, but typically out in the desert areas.

Chair Munoz asked about the setback areas between the system and the property line and asked if they were planning on putting up any kind of fencing. Mr. Tucker replied that it was not part of the plan. They like to leave them open to provide visibility for the Police Department when they are patrolling. There was further discussion between the applicant and the Commission regarding the size and location of the equipment and potential enclosure options.

Chair Munoz asked if there was anyone in the audience to speak in opposition of the proposed project. There were none. The chair asked for a motion.

Commissioner Manley asked staff if a condition needed to be added to address the bollards. Associate Planner Lopez suggested that condition number 6 be added and suggested the following wording:

"The Applicant shall, prior to the issuance of building permits, provide a plan for the installation of bollards near the equipment, to be reviewed and approved by the Director of Community and Economic Development or designee"

Commissioner Manley asked if staff had any additional input on the issue of the enclosure. Deputy Director Ramsland replied that generally City staff has found that it is better to limit the amount of screening and enclosures for the remediation equipment because it makes it easier for everyone to see what is going on, but that there is no hard and fast rule regarding this issue. Commissioner Manley noted that he felt the same way on this issue.

Moved by Commissioner Manley and seconded by Vice Chair Rojas, Approving Resolution No. 22-33 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, APPROVING CONDITIONAL USE PERMIT 22-18, FOR THE OPERATION OF SOIL VAPOR REMEDIATION SYSTEM A7 302-440 NORTH HARBOR BOULEVARD, AS PER THE APPROVED PLN, MAKING THE APPROPRIATE FINDING AND SUBJECT TO CONDITIONS, INCLUDING THE ADDITION OF CONDITION #6.

6. The Applicant shall, prior to the issuance of building permits, provide a plan for the installation of bollards near the equipment, to be reviewed and approved by the Director of Community and Economic Development or designee.

The roll call vote was as follows:

AYES: COMMISSIONERS: MANLEY, ROJAS, SURICH, MUNOZ
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: BERNIER

COMMENTS FROM STAFF

Deputy Director Ramsland reminded Commissioners to check their email inboxes on a regular basis so that the system would not lock them out. He noted that he was double checking because he had sent everyone an email regarding the City policy on complimentary ticket and had not heard back from everyone.

COMMENTS FROM COMMISSIONERS

Commissioner Surich reminded everyone about the upcoming concert in the park scheduled for July 28th.

Vice Chair Rojas stated that vandalism is a huge issue with public infrastructure that is costing millions of dollars throughout the region. And she hopes that it won't be a problem for the remediation system. She also noted that with regards to her City email that she did have issues getting in but that she contacted IT and they fixed it for her.

Chair Munoz thanked all the members of the audience for participation in the meeting this evening.

ADJOURNMENT: 7:22 p.m.

Respectfully submitted,

Roy Ramsland
Deputy Director of Community Development