

THE MINUTES OF THE MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA HABRA
February 14, 2022

CALL TO ORDER: Chair Manley called the Regular Meeting of the Planning Commission of the City of La Habra to order at 6:31 p.m. in the Council Chamber.

PLEDGE OF ALLEGIANCE: LED BY CHAIR MANLEY

PRESENT: COMMISSIONERS: MANLEY
MUNOZ
ROJAS

ABSENT: (EXCUSED) COMMISSIONERS: BERNIER

OTHERS PRESENT: DIRECTOR: KIM
DEPUTY DIRECTOR: RAMSLAND
SENIOR PLANNER: SCHAEFER
ASSOCIATE PLANNER: D. LOPEZ
SECRETARY: V. LOPEZ

PUBLIC COMMENT

Chair Manley asked if there was anyone in the audience that wished to speak on any item not on the agenda.

Daren Nigsarian, newly appointed Council Member, addressed the Commission. He thanked the Commissioners and staff for their work and said he looked forward to continuing to work with staff.

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. There were none.

Moved by Commissioner Rojas seconded by Vice Chair Munoz to approve the Consent Calendar. Motion passed.

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 January 10, 2022.

PUBLIC HEARINGS

1. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR TENTATIVE TRACT MAP 19155 AND DESIGN REVIEW 21-05 FOR THE CONSTRUCTION OF A 16 UNIT RESIDENTIAL CONDOMINIUM PROJECT AT 331, 341, 351 SOUTH CYPRESS STREET AND 316 SOUTH ALDRICH STREET.

Chair Manley asked if any correspondence had been received in regards to the item. Secretary Lopez said no correspondence had been received.

Associate Planner David Lopez presented the staff report.

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

Vice Chair Munoz asked if the dedication of land off of Cypress was for sidewalk and the parkway. Associate Planner Lopez said yes. The current owner owns the land all the way to the curb face.

Chair Manley asked if this was normal and who would maintain the parkway. Associate Planner Lopez said that this was rare but since the subject property had not been improved the owner owned the land all the way to the curb face. He said that the CC & R's would make the HOA responsible for maintaining the parkway. Deputy Director Roy Ramsland clarified that per the Municipal Code the property owner has to maintain the parkway.

Commissioner Rojas asked if the Brio project, located to the south, was at the same grade as this proposed project. She was concerned about the distance between the two projects as they will both be improved with three-story units. Associate Planner Lopez said that the project was designed so that the third level on these proposed units are cantilevered inward so it doesn't loom over the homes on the Brio project side.

Chair Manley asked for clarification on the location of the seven-foot wall. Associate Planner Lopez said that the seven-foot wall was constructed with the Brio project and it is located south of the proposed project. As required by code, a six-foot wall will be constructed on the north side of the proposed project. Chair Manley asked about access into the project. Associate Planner Lopez said that they would have access off of Cypress Street and Aldrich Street. This will not be a gated community. Chair Manley asked about the uncovered parking spots. Associate Planner Lopez used the elevation drawings to show that these were more like carports. Chair Manley then asked if the other uncovered parking spots would be assigned to the units. Associate Planner Lopez said that as part of the CC & Rs the City will require a parking plan to show which parking spaces will be designated to the units and which will be designated to the guests. The parking plan has yet to be submitted for review. The CC & Rs do say that the HOA has to verify that the garages are being used for parking only and they also state that future tenants will not be allowed to receive overnight parking permits to park on Cypress Street or Aldrich Street.

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

Mr. Rick Yeh, project architect, addressed the Commission. He thanked staff for their work and said that the staff report was complete and he had nothing to add but would be happy to answer any questions.

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

Mr. David Nielsen, owner of 330 S. Cypress addressed the Commission. Said he had many concerns. Mr. Nielsen said that one of the properties that was purchased used to have vehicles delivered daily to their property to be worked on. Since the property was

sold, they now own a property on Second Avenue and they use Cypress to park their vehicles during the day. Mr. Nielsen said he has talked to the Police department and they have not addressed his concerns. He also said that within two weeks of the people moving out of the two homes that were purchased for this project, local scavengers broke in and stole water heaters and doors. He said that he is happy to see that this property will be improved which will bring up his property's value. He asked for communication on what is going on and for a copy of the drawings that were shown during the staff report. He talked about being disrespected by a previous contractor who was working on the sidewalks near his home.

Chair Manley thanked Mr. Nielsen for coming out and expressing his concerns and said staff would make sure his concerns were sent to the appropriate departments. Chair Manley said that if the project comes to fruition he can contact staff with any questions or concerns on the project.

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

Moved by Vice Chair Munoz and seconded by Commissioner Rojas, APPROVING RESOLUTION NO. 22-05 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING TENTATIVE TRACT MAP 19155 FOR THE CONSTRUCTION OF A 16 UNIT RESIDENTIAL CONDOMINIUM PROJECT AT 331-351 SOUTH CYPRESS STREET AND 316 SOUTH ALDRICH STREET, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

Moved by Vice Chair Munoz and seconded by Commissioner Rojas, APPROVING RESOLUTION NO. 22-06 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING DESIGN REVIEW 21-05 FOR THE CONSTRUCTION OF A 16 UNIT RESIDENTIAL CONDOMINIUM PROJECT AT 331-351 SOUTH CYPRESS STREET AND 316 SOUTH ALDRICH STREET, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS, AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

2. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR TENTATIVE TRACT MAP 19156 AND DESIGN REVIEW 21-06 FOR THE CONSTRUCTION OF A 10-UNIT RESIDENTIAL CONDOMINIUM PROJECT AT 318 SOUTH CYPRESS STREET.

Chair Manley asked if any correspondence had been received in regards to the item. Secretary Lopez said no correspondence had been received.

Associate Planner David Lopez presented the staff report.

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

Vice Chair Munoz asked if this was designed by the same architect as the project across the street and if it was intentionally designed to match. Associate Planner Lopez said yes, there is no architectural district for this part of the City, since it is the same architect and same developer for both projects they would be designed to have matching architecture.

Commissioner Rojas asked if both projects would be on the same time line. Associate Planner Lopez said that was the goal. Commissioner Rojas then asked for clarification on the height of the wall located on the south side of the project. Associate Planner Lopez explained that the wall across the street was built for the Brio project at seven feet to screen the residential homes from the industrial properties. For this project across Cypress Street, the code only requires a six-foot high wall. Commissioner Rojas asked about the parcel to the south of this project. Associate Planner Lopez said that it is a parcel that is also zoned R-6 and it does have a possibility of being developed with multi-family units.

Chair Manley asked why this wall was only six feet and not seven feet like the one next to Brio. Deputy Director Ramsland said that as part of the Specific Plan requirements the Brio project was required to build a seven-foot-tall wall to serve as a buffer between the residential project and the industrial properties. Chair Manley wondered why there wasn't a consistency on the height of the walls between the two properties. Deputy Director Ramsland said that the code requirement is six feet. Commissioner Rojas asked if they could request a seven-foot-high wall to match the one across the street. Deputy Director Ramsland said a zone variance would be required since the code requirement is six feet. The seven-foot wall was part of the Specific Plan and it already exists, no new wall will be constructed across the street.

Vice Chair Munoz said he understood that the wall height was due to the change in zone for the Brio project but he understood Commissioner Rojas' concern about consistency. Due to the fact that the property south of the Cypress property was similarly zoned, they would not have a legal requirement for a seven-foot wall.

Director Kim asked for clarification from staff as to whether the maximum allowed height for a wall is six feet. Staff concurred and Deputy Director Ramsland said anything above that requires a zone variance.

Vice Chair Munoz asked if the driveways line up for both projects. Associate Planner Lopez said no. The project off of Cypress has their driveway towards the northern part of Cypress Street and the one across the street has their driveway towards the southern part of Cypress Street.

The Chair opened the public hearing and asked if there was anyone in the audience to speak in favor of the proposed project. There were none.

The Chair then asked if there was anyone wishing to speak in opposition of the project. There were none.

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

Moved by Commissioner Rojas and seconded by Chair Manley, APPROVING RESOLUTION NO. 22-07 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING TENTATIVE TRACT MAP 19156 FOR THE CONSTRUCTION OF A 10-UNIT RESIDENTIAL CONDOMINIUM PROJECT AT 318 SOUTH CYPRESS STREET, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

Moved by Chair Manley and seconded by Vice Chair Munoz, APPROVING RESOLUTION NO. 22-08 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING DESIGN REVIEW 21-06 FOR THE CONSTRUCTION OF A 10-UNIT RESIDENTIAL CONDOMINIUM PROJECT AT 318 SOUTH CYPRESS STREET, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS, AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

3. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE PERMIT 21-05 TO ESTABLISH A COMMERCIAL SCHOOL (MUSIC LEARNING CENTER) AT 501 NORTH HARBOR BOULEVARD.

Chair Manley asked if any correspondence had been received in regards to the item. Secretary Lopez said yes and read an email in support of the project that was received from Mr. Henry Lee owner of 605 N. Harbor Blvd. The Chair asked if that address was zoned commercial. Associate Planner Lopez said the entire block of North Harbor was zoned CP- commercial professional.

Associate Planner David Lopez presented the staff report.

Chair Manley asked if the final condition that David mentioned (that if the City receives any noise complaints, the applicant would be required to submit a noise study and implement any mitigation measures as mentioned in the study) would be indefinite. Associate Planner Lopez said that as long as that CUP is in use, that condition will remain. Chair Manley asked if any of the Commissioners had any questions.

Vice Chair Munoz asked about the age range of the students. Associate Planner Lopez said the facility will be for all age groups. Vice Chair Munoz asked if any recitals were planned at this location. Associate Planner Lopez said it was not identified in the application but that the applicant and the operator of the business were present and they could answer that question.

Commissioner Rojas asked if the immediate neighbor to the north was a business or a single-family residence. Associate Planner Lopez said it was a residence. Commissioner Rojas asked if the property south of the location was also a residence. Associate Planner Lopez said that at the hard corner is the Cyclery and adjacent to that is a residence.

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

Alex Woo, from Genesis Consulting Inc., addressed the Commission. Mr. Woo thanked Mr. Lopez for his work on this project. He said that they would comply with all the conditions stipulated on the project. He did however ask if the Commission would approve extended hours from those mentioned in the staff report. The original hours requested were submitted back in August, since then the owner of the business, Mr. Park, feels that there may be potential for growth and therefore a request is being made to amend the hours of operation to Monday through Friday, 1:00 p.m. -7:45 p.m. and Saturday 9:00 a.m.- 5:45 p.m. They will address any potential noise complaints or parking issues from the residents and will comply with the other conditions of approval. Mr. Woo said that as an answer to Vice Chair Munoz' question, they will be limiting their classes to K-12 students. Thus, they will be dropped off and then picked up which is why they will need minimal parking on site. Mr. Woo also said there will be no recitals. Vice Chair Munoz asked if the recording room they are proposing to have will be available to others who may want to rent it to record music. Mr. Woo said it is strictly for the students.

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

Ms. Carol Spencer, owner of 505 North Harbor Blvd., addressed the commission. Ms. Spencer said she was not necessarily opposed to the project, but did have concerns. She said that in the past eight months there has been a lot of accidents where vehicles have either ended up on her property or the property in question, or in the bicycle shop. She expressed her concerns for the kids. She also said that because of the accidents, they have asked for a signal at Francis. She is concerned for those trying to make a left on to Harbor from Francis. She said that she never makes a left out of Francis to go north on Harbor. She mentioned that she has contacted the police about people smoking weed in the parking lot of this business or in front of this business and the police do not respond. She was also concerned about people parking using the alley to drop off their kids and finally her bedroom being 25 feet away from the business.

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

Chair Manley asked for clarification on the location of the entrance to the music school. Associate Planner Lopez said the main entry will be located on the north east corner of the building. There are two other entry ways, one off of Francis and one near the parking lot area. Chair Manley asked the applicant to clarify as to which entrance the students

would use. Deputy Director Ramsland said that the path of travel shown on the site plan is the path of travel required by ADA standards. Vice Chair Munoz said that based on the floor plan, if they use the entry near the parking lot, they would end up in the kitchen. Mr. Woo addressed the Commission and said that the entry near the parking lot will be used mainly by staff. Students and guests will follow the ADA path of travel to come in through the reception area. The third entrance off of Francis will be used on a limited basis.

Commissioner Rojas asked if there was an opening or a door in the fence along Francis Avenue. Associate Planner Lopez said in order to gain access to the parking lot, they have to go through the alley.

Chair Manley mentioned that this location has been vacant for a while. He asked the Commission to weigh in on the modification of the hours. Associate Planner Lopez repeated the hours being requested of Monday through Friday, 1:00 p.m. -7:45 p.m. and Saturday 9:00 a.m.- 5:45 p.m. If the Commission agrees to approve the modification to the hours, condition number four of the attached resolution would have to be modified. Also, condition number five would be included to prohibit recitals at the location. Chair Manley asked if there was language about spectators being allowed, since that may be the case in the future when COVID restrictions are lifted, which may cause parking concerns. Associate Planner Lopez said that condition number four does set a maximum number of students per group session but not the number of spectators. Vice Chair Munoz asked how many parking stalls are they required to have. Associate Planner Lopez said seven. The ratio of parking spots is based on the number of students and not spectators. Vice Chair Munoz said his main concern was having recitals because of the limited parking. Commissioner Rojas raised concerns about possible traffic jams in the alley and asked about possible signage. Deputy Director Ramsland asked the Commission if they wanted to add a condition about adding signage in the alley prohibiting drop offs. Commissioner Munoz said signs would help to reinforce the no parking in the alley. Chair Manley said he would be in favor of the signage and in favor of the modified hours since there is language in the conditions of approval that if noise complaints are received the applicant will have to submit a noise study.

Deputy Director Ramsland said that when making the motion they have to add the following language: modifying condition number four to the hours read in to the record, adding condition number five about no recitals and adding condition number six about signage saying no drop offs or parking in the alley.

Moved by Commissioner Rojas and seconded by Vice Chair Munoz, APPROVING RESOLUTION NO. 22-09 ENTITLED: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 21-05 TO ESTABLISH A COMMERCIAL SCHOOL AT 501 NORTH HARBOR BOULEVARD, MAKING THE APPROPRIATE FINDINGS AND SUBJECT TO CONDITIONS AS PER THE APPROVED PLANS. Including condition number four with adjusted hours as read into the record; condition number five regarding no recitals allowed; and condition number six regarding no drop off signage (in the alley).

The roll call vote was as follows:

AYES: COMMISSIONERS: ROJAS, MUNOZ, MANLEY
NOES: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: BERNIER

CONSIDERATION ITEMS

There were no consideration items.

COMMENTS FROM STAFF

Deputy Director Ramsland said that at the next meeting staff will be presenting a staff report on modifications to Ruby Reds who is expanding into an adjacent storefront and a report on the circus that is coming back in town.

Director Kim said that Housing and Economic Development Manager, Miranda Cole-Corona was present to answer questions on affordability sales.

Commissioner Rojas said that her main goal is that the City of La Habra residents get priority on affordable housing units. She mentioned that our neighboring cities have specific requirements to get people on waiting lists. She asked if La Habra has something similar and if not, how do we get it started. Ms. Cole-Corona said that it is difficult to prequalify people since circumstances and incomes change. She explained that in La Habra, the developer is the one that starts the wait list and the City reviews the applications to make sure that the tenants are qualified. She said that we would have to check with the City attorney to see if legally we can restrict first to the residents of La Habra. That is something that can be looked into as the City works on the covenants with the developers. If allowed the language would say that La Habra residents will be first and then if they don't qualify they can open it to other residents.

Chair Manley said it would be interesting to see what the City attorney says. Ms. Cole-Corona said that the City of Brea did not restrict the sale of units to Brea residents, as she personally knows someone who does not live in Brea and was able to get a unit. She said she is not aware of what Whittier is doing, but if they do have restrictions she can look at how those are worded for the City's consideration.

Commissioner Rojas said she understands that not all La Habra residents may qualify, but she would like them to get priority on affordable units.

Chair Manley asked if the Commission could get a follow up report on this. Ms. Cole-Corona said yes and that it could be done when the City starts the agreement process with the developers. If a project has receiving funding, more restrictions could be placed on the project. She mentioned that for the project in question, the developer was just now working on a draft agreement.

Vice Chair Munoz agreed with Commissioner Rojas and said that if legally, La Habra residents can be given priority, we should look into that since we will be getting more and more projects with affordable units.

COMMENTS FROM COMMISSIONERS

Commissioner Rojas thanked everyone for their feedback and wished everyone a happy Valentine's day.

Chair Manley asked about the two projects approved that night and wondered how many more units could have been built on those lots. Associate Planner Lopez said that the one with 10 units could have gone to 22 and the one with 16 units could have gone to 33 units.

Deputy Director Ramsland said that the code sets the number of units but the developer is the one that sets the size of the units which limits the number of units they build.

ADJOURNMENT: 8:17 p.m.

Respectfully submitted,

Veronica Lopez,
Secretary