

DRAFT RESOLUTION

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA DENYING CONDITIONAL USE PERMIT 22-19, BY THE PROPERTY OWNER, MR. RICARDO GONZALEZ, TO LEGALIZE A RESIDENTIAL MURAL ON A DETACHED GARAGE LOCATED AT 211 WEST SANDLEWOOD AVENUE.

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. The property owner, Mr. Ricardo Gonzalez, filed an application requesting Conditional Use Permit 22-19, for public art (a mural) that was painted on the rear elevation of a detached garage of a one-family dwelling at 211 West Sandlewood Avenue.
- b. This project was reviewed under the guidelines of the California Environmental Quality Act and found to be Categorically Exempt, under Section 15303, Class 3: "New Construction or Conversion of Small Structures Existing" of the CEQA Guidelines because the project involves a mural on an existing garage where only minor modifications have been made to the exterior of said garage. No construction and/or modifications are being proposed which would result in any new square footage being added.
- c. The proposed project has been reviewed under the requirements of the National Pollutant Discharge Elimination System (NPDES) and the Local Implementation Plan (LIP). Since the proposal does not involve the disturbance of more than 5,000 square feet of soil, a Non-Priority WQMP is required.
- e. The Planning Commission held a duly noticed public hearing on July 25, 2022, to consider the applicant's request of Conditional Use Permit 22-19. The Planning Commission, after considering all the written and oral evidence offered, including the staff report, and all attachments, denies the request for public art (a mural) that was painted on the rear elevation of a detached garage of a one-family dwelling at 211 West Sandlewood Avenue.

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

- a. The applicant has not succeeded in meeting their burden of providing evidence to support the granting of the Conditional Use Permit application under Chapter 18.58 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 be detrimental to the public welfare and will unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties and will impair the character of the zone in which it is located.

The subject property is located on the north side of Sandlewood Avenue, east of Euclid Avenue. The General Plan land use designation for the site is Low Density Residential, which is described in the General Plan as “characterized by single-family residential development in a semi-rural setting and conventional single-family residential developments constructed in subdivisions.” The property is within the R-1c (One Family Dwelling) Zone, which implements the Low Density land use designation. Surrounding properties to the north, east, west and south are also designated by the General Plan for low density residential land use, have similar zoning, and are within conventional single-family residential development subdivisions. To the northeast of the property, across Euclid Street, are apartments, a church, and Montwood Park.

Nearby residents have expressed concern regarding the mural design and have questioned whether it enhances the neighborhood. The mural is highly visible to the homes located to the north of the subject property, which includes several homes on Valwood Street, Gwynwood Avenue and West Patwood Drive. The mural was painted using predominantly dark colors that appear to conflict with the surrounding conventional single-family residential development subdivisions. Given the sharp contrast with surrounding homes, the mural appears to overshadow the overall aesthetic character of these residential streets.

While LHMC Section 18.26.040.C2c permits public art within the City’s multiple-family dwelling zones and the Planning Commission has previously approved CUPs to allow murals on buildings located within commercial zones; staff believes that the subject mural is not consistent with the surrounding “conventional single-family residential developments constructed in subdivisions.” Therefore, the granting of the subject CUP would be detrimental to the public welfare and would unreasonably interfere with the use, possession and enjoyment of surrounding and adjacent properties and will impair the character of the zone in which it is located.

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

The subject mural is painted on the rear elevation of an existing detached garage of a one-family dwelling, located at a higher level grade than properties located to the north of the subject property. The mural does not complement design of the homes in the surrounding conventional single-family residential development subdivision. Instead, its non-compatible, dark composition creates an unexpected backdrop to the homes located below Sandewood Avenue that disrupts the aesthetic character of the streets that sit below Sandewood Avenue. Therefore, the site is not physically suitable for the subject mural.

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

LHMC Section 18.06.040(A), states that uses which area not specifically listed in Table 18.06.040.A – Land Use Matrix, are prohibited unless, pursuant to a review by the Planning Commission, the Commission makes a determination that the proposed use is substantially similar to another permitted or conditionally permitted use. While there is precedent for permitting public art within the City of La Habra, in that LHMC Section 18.26.040C2c permits public art within the City’s multiple-family dwelling zones; and, on March 14, 2022, the Planning Commission approved CUPs to allow murals on buildings located within commercial zones; staff believes that the subject mural is not consistent with the subject property’s location in the R-1c (One Family Dwelling) Zone.

In addition, LHMC Section 18.66.010 states that uses may be permitted by the Planning Commission in zones from which they are prohibited where such uses are deemed essential or desirable to the public convenience or welfare, residential mural design is incompatible with the surrounding single-family neighborhood home designs for the reasons state above in Findings No. 4 below, the subject mural is not in harmony with the various elements or objects of the City’s comprehensive General Plan. Therefore, there is insufficient justification for the Planning Commission to make this finding.

4. The granting of the Conditional Use Permit is consistent with the General Plan.

The General Plan contains the following three references to public art; there are no references to murals:

- Policy LU 11.9 states that the City should “maintain, and where deficient, improve street trees, plantings, furniture (such as benches, trash receptacles, newsracks, and drinking fountains), signage, public art, and other amenities that promote pedestrian activity in retail commercial districts and corridors.”
- The Community Identity (CI) section of the General Plan states that “signage, landscape, public art, and other improvements at the City’s boundaries along arterial highways provide a sense of ‘entry’ from adjoining communities.”
- The Implementation Plan references public art in relation to Public Street Improvement Plans. “The content of streetscape master plans, whether a part of a specific plan or separate document, should be developed to address the unique conditions and objectives for each area. They should specify such items as sidewalk connectivity within the planning area and to external destinations (adjoining uses, parks, schools, and so on), street crossings, paving/hardscape materials, design treatments, trees and planted landscapes, irrigation, wayfinding signage, lighting, pedestrian amenities (benches, trash receptacles, and other street furniture), public art, and drainage.”

The General Plan does not include any reference to encouraging public art, such as the subject mural, in residential neighborhoods.

Furthermore, Goals LU 4 “A Quality Community” and CI 2 “Community Places” include the following policies to ensure design compatibility.

- LU 4.1: Development Comparability. Require that development is located and designed to assure compatibility among land uses, addressing such elements as building orientation and setbacks, buffering, visibility and privacy, automobile and truck access, impacts of noise and lighting, landscape quality, and aesthetics.
- LU 4.4: Design Review. Require design review that focuses on achieving appropriate form and function for new and redeveloped projects to assure compatibility with community character, while promoting creativity, innovation, and design quality.
- CI 2.3: Require building design that respects the local context in scale, massing, and materials; is responsive to La Habra’s climate; and, considers the historic and cultural context of its neighborhood.

As previously noted, the mural design is not compatible with the aesthetics of the surrounding conventional single-family residential

development subdivision. For these reasons, staff does not believe the Commission can make the finding that the subject mural is consistent with the General Plan.

Section 3. Based upon the foregoing, the Planning Commission of the City of La Habra denies Conditional Use Permit 22-19. The Planning Commission Secretary shall certify to the adoption of this resolution and forward a copy to the City Council for their consideration per Zoning Code Section 18.50.020.

Said motion CARRIED by the following roll call vote:

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

Dated: July 25, 2022

ATTEST: _____ APPROVED: _____
Veronica Lopez, Secretary Chairman, Manuel Munoz