

THE MINUTES OF THE MEETING OF THE PLANNING  
COMMISSION  
OF THE CITY OF LA HABRA  
November 14, 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: ROJAS  
MUNOZ  
BERNIER  
MANLEY

**ABSENT: (EXCUSED)** COMMISSIONERS: SURICH

**OTHERS PRESENT:** DIRECTOR: KIM  
PLANNING MANAGER: LUI  
ASSOCIATE PLANNER: LOPEZ  
ASSISTANT PLANNER: O'TOOLE  
SECRETARY: V. LOPEZ  
CITY ATTORNEY: ROBERTO

**PUBLIC COMMENT**

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

The approval of the Consent Calendar was moved by Vice Chair Rojas and seconded by Commissioner Manley. The motion passed 3-0-1, with Chair Munoz abstaining from item number two.

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 October 24, 2022.

**PUBLIC HEARINGS**

1. DULY NOTICED PUBLIC HEARING TO CONSIDER REQUESTS FOR TENTATIVE PARCEL MAP 2022-131 TO SUBDIVIDE A LOT TO CREATE THREE PARCELS, DESIGN REVIEW 22-04 FOR THE CONSTRUCTION OF TWO COMMERCIAL BUILDINGS IN ADDITION TO ASSOCIATED PARKING LOT IMPROVEMENTS AND

ACCESSORY STRUCTURES, CONDITIONAL USE PERMIT 22-14 TO OPERATE AN AUTOMOBILE SERVICE FACILITY AND CONDITIONAL USE PERMIT 22-15 TO OPERATE A DRIVE-THROUGH RESTAURANT. THE PROJECT IS LOCATED AT 701 TO 777 SOUTH BEACH BOULEVARD AND 2060 WEST LAMBERT ROAD.

Chair Munoz asked if any correspondence had been received in regards to the item. Secretary Lopez said none had been received.

Associate Planner Lopez presented the staff report.

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

Commissioner Bernier asked if there was one resolution for both projects. Associate Planner Lopez said there are two resolutions. One resolution is to approve the Tentative Parcel Map and the second resolution is for the construction and operation of Dutch Bros. and America's Tires.

Commissioner Manley asked if all three parcels would be interconnected or whether block walls would be built to separate them. Associate Planner Lopez said the proposed project does not include new walls between the lots. Commissioner Manley asked if the landscaping east of the proposed Dutch Bros. is existing. Associate Planner Lopez explained that there is a landscape buffer shown on the plans measuring 5-feet, 10-inches wide. This area is part of the irrigation and landscape plan prepared for the project. Commissioner Manley asked if people could walk across from the Carl's Jr. site to the Dutch Bros. site. Associate Planner Lopez responded that people could technically walk through the landscaping on the Carl's Jr. site to get to the Dutch Bros. site. Commissioner Manley asked if there were barriers between the Del Taco parcel and the top of the proposed parcel. Associate Planner Lopez said there are no physical barriers as it has to remain open for vehicle ingress and egress. Commissioner Manley asked if there would be any grading on the western side of Parcel No.1. Associate Planner Lopez said that the plans show that an existing wall will be pushed further west and a new retaining wall will be built, resulting in the regrading of the property. Commissioner Manley wondered if that would affect the residents that are west of the proposed project. Associate Planner Lopez stated that the wall is entirely on Parcel No. 1 and should not affect the residents. Commissioner Manley asked about the additional vehicle queuing area for Dutch Bros. Associate Planner Lopez said that additional vehicle queuing area is available north of America's Tires and on the west side of the parcel. At the request of Chair Munoz, Associate Planner Lopez displayed the PowerPoint slide showing the site plan for the Commission to review. Commissioner Manley then asked staff for clarification regarding on-site vehicle circulation anticipated for America's Tires because the plans included a note stating "do not enter" on one of the drive aisles. Associate Planner Lopez explained that signage on the building and on the asphalt will direct traffic in to the service bays instead of around the building to the east. Commissioner Manley wondered if the vehicles are driven in to the sales bay by the customer or by an employee. Associate Planner Lopez deferred this question to the applicant. Commissioner Manley then asked whether the tire air pumps could be accessed throughout the day. Associate Planner Lopez responded that the tire air pumps could only be accessed during regular business hours; 8:00 a.m. – 6:00 p.m. Monday-Friday and 8:00 a.m. to 5:00 p.m. on Saturday. Commissioner Manley then asked about the bay doors being closed while the vehicles are being serviced. Associate Planner Lopez said that there is a condition of approval that the service bay doors must remain closed while they work on the vehicles. Commissioner Manley expressed concerns with queuing on the north west side of the lot near Dutch Bros. for cars exiting America's Tires who then want to exit on to Lambert Road.

Vice Chair Rojas asked if there would be a wall between the canopy at America's Tires and the residents to the south. Associate Planner Lopez said there will be trees planted to screen the canopy from the properties to the south and there is a condition of approval that requires a six-foot high masonry wall between commercial and residential properties. If the existing wall is not six feet high, a new wall may be built. Vice Chair Rojas asked if too much noise would be generated from the bay doors opening and closing all day long. Associate Planner Lopez said if the City receives noise complaints, there is a condition of approval requiring that the applicant submit a noise analysis and incorporate design features into the project to comply with the City's noise ordinance. Vice Chair Rojas asked what was the difference between the sales lanes and service lanes. Associate Planner Lopez deferred this question to the applicant. Lastly, Vice Chair Rojas expressed concerns about on-site vehicles trying to exit on to Lambert Road during peak hours.

Chair Munoz questioned whether automobile service employees would be checking the air pressure and filling tires or only checking air pressure. Associate Planner Lopez said he believed they would be doing both. Chair Munoz asked if the air compressor would be outside near the air check area. Associate Planner Lopez deferred to the applicant. Chair Munoz then asked about circulation for the overflow on the queuing for Dutch Bros.; more specifically, what measures would be taken to ensure that there will not be any vehicle conflicts with the existing Del Taco and Carl's Jr. Associate Planner Lopez said that the Traffic Management Plan includes a signage plan to direct traffic. Chair Munoz then asked if America's Tires would be a permitted recycling center for tires. Associate Planner Lopez deferred to the applicant.

Commissioner Manley asked if staff knew of any other tire store in town who has similar requirements to keep their bay doors closed while they work on vehicles. He noted that Salinas Tires has their bay doors wide open while they work on vehicles. Associate Planner Lopez said that Firestone Tires is more similar to this proposed use than Salinas Tires. Salinas Tires offers customization, lifts, suspension, wheels and tires. However, Associate Planner Lopez did not know if Firestone had a condition that requires them to keep their bay doors closed while they work on vehicles but said he could look into that.

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

The applicant, Mark Shenouda, of Pacific Retail Partners, addressed the Commission. Mr. Shenouda thanked staff for their time in helping to bring this project to the Commission. He explained how this is an infill project with many challenges and how the lot has been vacant for many years due to the limited viable type of businesses that can adhere to the lot's restrictions. He said that after scaling back on their original site plan, they have brought two, first class, retailers that will be great for the City of La Habra. Both companies excel in philanthropy, benefiting the community where their customers and employees reside. Mr. Shenouda said that over the past few weeks they have knocked on doors and met with neighbors who live on Mariposa Street and Elmcroft Circle and most people conveyed to him their support for the proposed project. Mr. Shenouda went over some items that make Dutch Bros. and America's Tires different from other retailers of the same category.

Chair Munoz asked Mr. Shenouda if each business have their own operators and whether each business was owned by a franchisee or a corporation. Mr. Shenouda said that both America's

Tires and Dutch Bros. are corporate stores but was not sure if Dutch Bros. would be run by a franchisee.

Mr. Shenouda stated that the compressor for the air filling station is located inside the building minimizing the noise level out by the canopy. When Chair Munoz asked if America's Tires would be a tire recycling center, Mr. Shenouda said he didn't know. Commissioner Rojas asked if it was standard practice for America's Tires to have bay doors opening and closing. Mr. Shenouda said this store is a brand-new prototype. La Habra would be the first city to have one in California. Commissioner Rojas asked what is the difference between the sales and the service bays. Mr. Shenouda explained that the first three bays on the east are the sales bays where customers drive in to receive an estimate and determine if they would like to purchase tires. From there, an employee drives the vehicle into one of the three service bays on the west and the customer can either wait in the waiting area or leave and come back once their vehicle is ready.

Adam Spero, resident at 750 Mariposa, said he was cautiously optimistic about the proposed project but had concerns about noise and traffic. He is in support of new jobs for La Habra.

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

Mehdi Mirfattah, resident at 2021 Elmcroft Circle, addressed the Commission. Mr. Mirfattah explained that he uses Zoom to teach online at Long Beach City College. His home is directly behind the proposed parcel and he is very concerned with the noise pollution. He already has to close all his windows while recording his lectures due to the noises.

Chris Madalamenti, resident at 2041 Elmcroft Circle, addressed the Commission. Ms. Madalamenti said she was not opposed to the business (America's Tires) but the canopy will be directly behind their wall. She has an elderly mother and feels she should not be subjected to drill noises all day long while they work on vehicles. Ms. Madalamenti said that she is concerned with the anticipated increase in traffic and noise from both the coffee shop and the tire store. She listed a number of tire stores in La Habra and wondered why there would be a need for an additional one.

Michael Brown, resident at 2031 Elmcroft Circle, addressed the Commission. Mr. Brown said he was totally opposed to the project and could not think of another business that would have a larger negative impact on the quality of life than a tire installation shop. This business would unleash an unacceptable amount of noise pollution on the neighborhood. He explained how they already get a lot of noise pollution from Beach Boulevard. Mr. Brown believes that the site plan was not well thought; noting that the existing homes to the west would be better insulated from the noise than his neighborhood. Mr. Brown also said the proposed two-story, automobile service building right behind his home would obstruct his views of The Heights.

Anna Abraham, resident at 2041 Elmcroft Circle, addressed the Commission. Ms. Abraham said she was opposed to the noise pollution from the tire shop. She expressed concerns for home values saying homes would not sell once that tire shop goes in. Ms. Abraham said they have the right to be opposed to noise pollution and listed the noises that they would be subjected to if the tire shop is approved.

Margaret Muniz, resident at 2001 Elmcroft Circle, addressed the Commission. Ms. Muniz has lived in La Habra for 23 years and has seen the increase in traffic over the years. She expressed

concerns for the lack of discussion regarding the design of a block wall to block their neighborhood from this project. She thanked the Commission for their time and said she hoped they would support the community. She mentioned that she was not opposed to the noises caused by the pumpkin patch as that is an event for the whole community. She also mentioned that a tire store would add to the noise pollution and questioned the need of another coffee shop. The tire business would interfere with her enjoyment of her backyard.

James Cho, resident at 2051 Elmcroft Circle, addressed the Commission. Mr. Cho said he was in opposition of the project and said he is in agreement with all the issues brought up by his neighbors. Mr. Cho said the noise issues can not be eliminated completely and it is an issue for those residents on the south border of the proposed project.

Chair Munoz asked the applicant would like to offer a rebuttal.

Mark Shenouda clarified that the retaining wall on the west side would not be touched. The wall on the south side has been conditioned to be rebuilt if it is currently not six feet tall. They are not opposed to entertaining the idea of building a higher block wall. In regard to the noise being right next to their property, Mr. Shenouda said there is a 70-foot setback. The lot has been vacant for years because it is difficult to find businesses that are viable for the community and he believes these are good uses for the community better than a carwash. America's Tires is different from the other tire shops mentioned. Commissioner Bernier asked if they would entertain the idea of building a higher block wall. Mr. Shenouda said they are open to doing that. Commissioner Rojas suggested relocation the canopy towards the west making a bigger buffer from both residential block walls. Mr. Shenouda said they could look into that.

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

Commissioner Bernier asked what kind of language would need to be added if they voted to approve the proposed project with a condition of a higher block wall. Commissioner Manley said that while that may address one issue, it could create other problems. Commissioner Bernier said this could help with some of the noise issues. Commissioner Manley said he was not happy with the ingress queuing areas based on the popularity of the business. He said it could be dangerous and wondered if those ingress areas could be modified. Vice Chair Rojas said she would like the applicant to consider relocating the canopy. She explained that if a business is permitted in a specific zone, they have to use their best judgment. Dutch Bros. will be good for La Habra but said she would like to see other alternatives for both the traffic and the canopy before moving forward with the project. Chair Munoz said that after hearing from the community, noise mitigation is a big issue. He agrees with Vice Chair Rojas and feels that the project needs to "be further cooked". He said he would like to see more proactive noise mitigation measures and possibly relocating the canopy for America's Tires and said he would feel more comfortable making a decision if their concerns were addressed. Commissioner Bernier agreed with Chair Munoz about continuing the public hearing and suggested the applicant further evaluate the issues raised. She said she agreed with Commissioner Manley's comments regarding the queuing for Dutch Bros. Commissioner Manley said staff has done a great job so far but they want to be thoughtful and felt the project could be "cooked a little bit better" as Chair Munoz said. Commissioner Manley asked staff if they should vote on the resolution to approve the tentative parcel map or wait until the Commission can rehear the entire project proposal. Director Kim said they could vote to approve the resolution to approve the parcel map or the Commission can continue both items to a date certain giving the applicant at least four weeks to make adjustment to the project before

coming back to the Commission or a date uncertain where the item would be advertised again prior to going to a public hearing. Commissioner Manley asked the Commissioners if they wanted to continue the whole project. Chair Munoz and Commissioner Bernier agreed with continuing the whole project. The applicant, Mr. Shenouda, addressed the Commission for clarification and said that if the issue was the canopy, they would be willing to comply with a condition of approval that it to be moved to the west. Chair Munoz said the applicant needs to take a closer look at several issues including walls, buffers, landscaping, noise issues, the canopy location, circulation and traffic. Mr. Shenouda also relayed that new businesses like Dutch Bros. often generates a lot of vehicle traffic in the beginning because of the initial excitement of visiting a new business, but he believes the anticipated long vehicle queue lines eventually lessen over time. Commissioner Manly said that comparing this project to Starbucks or In-n-Out would be unfair to both sides. He described a hypothetical scenario where cars enter the site from the south into the green queue line, but should one of the cars wish to get out of the queue line, they would likely have difficulty getting out due to the proposed America's Tires on-site vehicle circulation pattern; and, noted this is something the applicant needs to avoid.

Commissioner Manley made a motion to continue both items to a date uncertain. Vice Chair Munoz seconded the motion. Motion passed 4-0.

## 2. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR CONDITIONAL USE PERMIT 22-16 TO ESTABLISH A PERSONAL TRAINING FACILITY (COMMERCIAL SCHOOL) AT 2661 WEST WHITTIER BOULEVARD, SUITE B

Chair Munoz asked if any correspondence had been received in regards to the item. Secretary Lopez said none had been received.

Assistant Planner O'Toole presented the staff report.

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

Vice Chair Rojas asked if the applicant was already operating a gym at the project location. Assistant Planner O'Toole said the applicant had already moved in to the suite but had not received approval of a Conditional Use Permit.

Commissioner Bernier asked if any training would be done outside. Assistant Planner O'Toole said there is a condition of approval to keep the doors closed during sessions and also requires all training activities to be conducted inside the building only. Commissioner Bernier asked about noise issues. Assistant Planner O'Toole said there is also a condition of approval that requires the applicant to comply with the noise ordinance at all times and that noise should be contained since there is a limit on the number of occupants allowed inside the building.

Chair Munoz asked if the business model involved any group training. Assistant Planner O'Toole said this was exclusively one-on-one training.

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

Enrique Guijosa, the applicant, addressed the Commission. Mr. Guijosa said he is the fitness trainer and does everything himself. He said he would be happy to answer any questions. He has

not had clients at the location yet, but has been using the equipment himself and said he is ready to go to work.

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

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

Moved by Vice Chair Rojas and seconded by Chair Munoz, approving Resolution No. 22-45, entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA APPROVING CONDITIONAL USE PERMIT 22-16 TO ESTABLISH AND OPERATE A PERSONAL TRAINING FACILITY (COMMERCIAL SCHOOL) AT 2661 WEST WHITTIER BOULEVARD, SUITE B, MAKING THE APPROPRIATE FINDINGS, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS.

The roll call vote was as follows:

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

### **COMMENTS FROM STAFF**

Planning Manager Lui described three potential projects that are tentatively scheduled to be presented to the Planning Commission in December. She also reminded the Commissioners of a Planning Commissioner's training event that will be held in Fountain Valley on November 18, 2022 and encouraged the Commissioners to attend. Planning Manager Lui also stated that the City is looking to update the General Plan Safety Element and prepare a new Environment Justice Element. In this effort, City staff will have a booth at the upcoming Tamale Festival on December 3, to inform the community.

### **COMMENTS FROM COMMISSIONERS**

Commissioner Manley asked for clarification on the upcoming training. Planning Manager Lui said she could send a reminder email with all of the details. Vice Chair Rojas asked if staff could email information from the training to those who are unable to attend. Planning Manager Lui said she would share any material obtained.

Commissioner Rojas asked if there would be a survey or a questionnaire for the public to provide feedback during the event at the Tamale Festival. Planning Manager Lui said staff was focusing on providing information on each topic rather than conduct formal surveys. However, staff welcomes comments from the public at any time.

Chair Munoz announced that he will be stepping down from the Planning Commission as there is a conflict now that he has accepted the position as Community Development Director for the City of La Mirada. He thanked staff and wished everyone the best of luck.

ADJOURNMENT: 8:02 p.m.

Respectfully submitted,

Veronica Lopez,  
Secretary