

THE MINUTES OF THE MEETING OF THE PLANNING
COMMISSION
OF THE CITY OF LA HABRA
October 23, 2023

CALL TO ORDER: Vice Chair Surich 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 MAHECHA

COMMISSIONERS PRESENT: SURICH
BERNIER
MAHECHA
MANLEY

COMMISSIONERS ABSENT: ROJAS

OTHERS PRESENT: DIRECTOR: KIM
PLANNING MANAGER: LUI
ASSOCIATE PLANNER: D. LOPEZ
SECRETARY: V. LOPEZ
CITY ATTORNEY: ROBERTO

PUBLIC COMMENT

Vice Chair Surich 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

Vice Chair Surich explained the Consent Calendar procedures. She 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 Mahecha, seconded by Commissioner Manley, to approve the Consent Calendar. Motion passed 4-0.

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 9, 2023.

PUBLIC HEARINGS

1. DULY NOTICED PUBLIC HEARING TO CONSIDER REQUESTS FOR DESIGN REVIEW 21-04 AND CONDITIONAL USE PERMIT 21-02 FOR THE EXPANSION AND CONTINUED

OPERATION OF THE COSTCO AUTOMOBILE SERVICE STATION LOCATED AT 103 NORTH BEACH BOULEVARD.

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

Associate Planner David Lopez presented the staff report.

Vice Chair Surich asked if any of the Commissioners had any questions.

Commissioner Manley asked staff to explain how the proposed automobile service station expansion project would result in a reduction of queuing vehicles. Associate Planner Lopez deferred that question to Costco's traffic consultant who was present. Commissioner Manley then asked if the smaller driveway along La Habra Boulevard, located closer towards the southeast end of the site, was going to be closed off as part of this proposed expansion. Associate Planner Lopez said this driveway was approved back when the warehouse store was first reviewed and noted that there is a condition of approval that requires the applicant to analyze the vehicle queuing lengths and onsite circulation after the automobile service station expansion project to determine if this smaller driveway should be permanently closed off.

Commissioner Mahecha asked if a parking study should have been required due to the loss of 21 parking spots. Associate Planner Lopez stated that the total number of on-site parking spaces exceeds the minimum number of parking spaces required by the City's code and therefore, a parking study was not needed. Commissioner Mahecha questioned why the new fueling stations were needed.

Vice Chair Surich asked if the tanker trucks were accessing the site off of La Habra Boulevard. Associate Planner Lopez said La Habra Boulevard is not an approved truck route and tanker trucks would have to access the site from Beach Boulevard only. Vice Chair Surich then asked staff to clarify if the 23 or 21 parking spaces would be removed. Commissioner Manley explained that the applicant is proposing to remove 23 spaces, but also add two parking spaces, which results in a net loss of 21 parking spaces. Vice Chair Surich then questioned if the queueing analysis cited that there is currently 62 cars in queue during weekday peak hours or if 62 vehicles are anticipated after the automobile service station expansion. Associate Planner Lopez said the study was conducted in June of 2022 when they observed 62 cars in the queue during peak hours and that number will be reduced to 28 vehicles once the new fuel stations are installed.

Vice Chair Surich asked if the applicant could come forward to answer the Commission's questions. Secretary Lopez asked the Vice Chair to open the public hearing and invite the applicant to speak first.

Vice Chair Surich opened the public hearing and asked if there was anyone wishing to speak in favor of the project.

Julianne Anderson, Barghausen Consulting Engineering, introduced herself as the planning consultant that is representing the applicant. Ms. Anderson also introduced additional consultants that were representing Costco who were present at the meeting. Ms. Anderson said staff did a great job presenting the project and the applicant's team would be happy to answer any questions.

Commissioner Manley asked if they could explain how they determined the reduction in anticipated queuing times from 62 to 28 cars after the additional expansion. Ms. Anderson deferred the question to Ms. Amy Lopez, Costco's transportation engineer.

Ms. Amy Lopez introduced herself as a transportation engineer from Kettleison and Associates. She explained that her company considers trip generation data during pre-expansion conditions as well as post expansion conditions. For this project, Kettleison and Associates pulled data from a database that they have maintained for Costco through the years. They found five comparable sites; four in California and one in Arizona, that had expanded at a similar scale as the proposed project in La Habra. They then look at how long were the queues before the expansion and how long were they after, develop the percent change for each of those and then come up with an average percent change in the queue length from a before to an after when an expansion is constructed. The data indicated that the queues are reduced although the vehicle trip numbers slightly increased because it is very likely that the same Costco members wishing to buy fuel, but choose to not wait in a long queue will simply re-visit when there are more fueling positions available. With the proposed automobile service station expansion, more customers can be served at once, enabling the queue to move faster, and resulting in a reduction in queue length to a total of 28 cars.

Commissioner Manley asked if the only thing taken into consideration is the similarities in the scope of the expansion. Ms. Lopez said that they consider the size of the expansion, market conditions, and using warehouses where the membership is similar.

Commissioner Manley asked if they have noticed less trips to the fuel pump in the last several years with more people working from home. Ms. Lopez said that while more people were working from home, people also still go out and recreate, and spend time driving to places they enjoy. She mentioned that recently when fuel prices changed substantially in a short period of time, they saw a substantial increase in the trips and queue lengths at Costco fuel stations, due to their low price point. Ms. Lopez said there are a lot of factors that have influenced fuel sales in the last few years. What they are seeing now, is the number of vehicle trips have not been lower than the totals in 2019.

Commissioner Manley asked about the rationale behind the new drive aisle opening. Ms. Lopez said that the current drive aisle configuration that exists provides Costco members with limited access and then there is an existing drive aisle that is currently used by the tanker trucks, which they would like to continue to reserve for truck use only. They are proposing to add the new drive aisle opening in order to avoid having Costco members that enter from Beach Boulevard from having to drive further into the site and seeking access to the fuel station by entering through the main entrance drive aisle from La Habra Boulevard. Adding this new driveway will also help keep traffic that enters from Beach Boulevard to avoid conflicts with the entrance of the warehouse food court area where there are already high levels of pedestrian traffic.

Commissioner Mahecha asked if the new gas station, kitty-corner to Costco, was taken into consideration along with the data they collected for the queues. Ms. Lopez said they don't typically take into consideration other fueling stations. There is no economic analysis done to try and project what are the financial choices that people are going to make. Commissioner Mahecha said that there are other factors that can influence behaviors. She said that even though Costco is a members' only warehouse, some members may choose to get their gas somewhere else.

Commissioner Bernier questioned if someone was at the site counting cars and if so, what time of day and how many times were they out there. Ms. Lopez said they hire a third party, data collection vendor and they hang cameras after speaking to the warehouse managers in order to accurately observe where the queuing occurs. The data collection vendor will film all day, capturing a typical weekday and a typical weekend. They then take the data and verify how many vehicles are waiting behind the pumps minute by minute. That data submitted is provided to Kettleison and Associates for analysis.

The Vice Chair asked if there was anyone else wishing to speak in favor of the item. There were none.

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

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

Commissioner Bernier said she had questions for the City's traffic engineer.

Michael Plotnik, Traffic Manager for the City came up to the podium. Commissioner Bernier asked Mr. Plotnik if he was satisfied with the plans as submitted, specifically the circulation route for the tanker trucks, the driveway off of La Habra Boulevard and the queuing numbers. Mr. Plotnik said he had reviewed the plans. He discussed the two proposed circulation routes that were submitted for the tanker trucks and said those should not be a problem and re-iterated that tanker trucks will be required to stay off of La Habra Boulevard and use Beach Boulevard only to access the site. As far as the queuing analysis, Mr. Plotnik said it does accurately reflect conditions he has seen at the site since there are traffic cameras pointed in that direction. As far as the smaller driveway along La Habra Boulevard, he mentioned that if traffic queuing becomes a huge burden on to the roadways, the City has a condition to ultimately close that off. He said the City will continue to work with them. Based on the applicant's data, it should not get to a point which requires the smaller driveway be closed, but was conditioned should it become an issue.

Commissioner Manley asked for clarification on the number of excess parking spaces. Associate Planner Lopez said that the code requires the applicant provide a minimum of 599 parking spaces for the warehouse plus two spaces for the gas station; resulting in a total of 601 required parking spaces. With the proposed automobile service station expansion, the applicant will be providing a total of 704 spaces. Commissioner Manley said his concern with the traffic management plan is that it eliminates the ease of parking in several of the spaces that the queue lines are blocking; even if they are over the code amount of spaces, many are unusable because of the queue lines. Commissioner Manley said that based on code, they are in compliance, but he doesn't love their traffic management plan. He is curious to see what happens with the smaller driveway off of La Habra Boulevard after the completion of the project.

Vice Chair Surich asked if the public was noticed of the proposed expansion to give them the opportunity to express their feelings. Planning Manager Sonya Lui said that like all public hearing items, a public hearing notice was sent to all the neighbors within a 300-foot radius of the location, inviting them to participate in the hearing. Commissioner Manley asked if we received any responses. Planning Manager Lui confirmed that we did not.

Commissioner Mahecha said she didn't think this project was needed and all though she didn't love the project, she would vote in favor of it since it is in compliance with code.

Commissioner Manley said he felt the same way. As a consumer he will have to re-adjust his habits to go to the warehouse because there isn't ample parking for him. He explained that he is more frustrated with what the code is than this particular project, but is in support of it.

Commissioner Bernier said she was on the Committee when this was heard in 2018 and back then they said they were not excited about this project, but agreed that more pumps were needed. She said she

was glad to hear from the traffic engineer and was also excited that the trees being removed were going to be re-planted elsewhere on-site.

Moved by Commissioner Bernier and seconded by Vice Chair Surich, Approving Resolution No. 23-16 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONE CHANGE 22-03 TO REPEAL CHAPTER 15.40 (OUTDOOR ADVERTISING SIGNS AND STRUCTURES) OF TITLE 15 (BUILDINGS AND CONSTRUCTION), ADD CHAPTER 18.23 (SIGN STANDARDS) TO TITLE 18 (ZONING) OF THE LA HABRA MUNICIPAL CODE, AMENDING VARIOUS SECTIONS OF TITLE 18 (ZONING) FOR CONSISTENCY WITH CHAPTER 18.23 (SIGN STANDARDS) AND MAKING A DETERMINATION THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(B)(3) OF THE CEQA GUIDELINES.

The roll call vote was as follows:

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

2. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR ZONE CHANGE 22-03 TO REPEAL CHAPTER 15.40 (OUTDOOR ADVERTISING SIGNS AND STRUCTURES) OF TITLE 15 (BUILDINGS AND CONSTRUCTION), ADD CHAPTER 18.23 (SIGN STANDARDS) TO TITLE 18 (ZONING) OF THE LA HABRA MUNICIPAL CODE, AND AMEND VARIOUS SECTIONS OF TITLE 18 (ZONING) FOR CONSISTENCY WITH CHAPTER 18.23.

Vice Chair Surich asked if any correspondence had been received in regards to the item. Secretary Lopez said that an email was submitted by Mr. Glenn Vodhanel, owner of Gold 'n' Coins, and it had been distributed to the Commissioners and staff.

Director Susan Kim presented the staff report.

Vice Chair Surich asked if any of the Commissioners had any questions.

Commissioner Bernier asked for clarification on the requirements for where animated, digital displays and/or electronic message signs would be allowed. Commissioner Bernier noted that Howard's and the (La Perla Azul) restaurant on Whittier Boulevard do not meet the proposed requirements. Director Kim said that the proposed regulations would not allow those types of signs for restaurants or businesses, but they would only be allowed for theaters, cinemas, auditoriums, educational institutions, hospital and medical centers, churches and places of religious worship, which is consistent with what staff saw in other cities.

Commissioner Manley asked what would that mean for Howard's and the La Perla Azul restaurant on Whittier Boulevard. Director Kim said that the Howard's sign would continue to be allowed since it was approved under a Conditional Use Permit (CUP). However, the signs at the La Perla Azul restaurant were built without any permits, so those would need to be removed. Staff is allowing them to keep the signs as long as they are not illuminated until City Council votes on the sign code. Commissioner Manley

then pointed out that other cities identified these types of sign as being allowed in “centers for public gatherings,” according to the slides presented as part of the staff report and wondered why that wasn’t included in La Habra’s requirements. Director Kim said that churches and places of religious workshop could meet that definition as well as theaters, cinemas and auditoriums. If the property is a City owned property, it is not subject to Title 18, so none of these requirements would apply. Commissioner Manley then asked if voting for option one would be consistent with La Mirada, Orange and Yorba Linda’s policies which prohibit electronic message signs and whether voting for option two would be consistent with the other cities listed in the slide presentation who do allow electronic message signs. Director Kim said that was correct.

Commissioner Mahecha thanked staff for presenting this revised report.

Commissioner Bernier said she was happy to see that they were having this discussion and appreciated the work from staff.

Commissioner Manley asked staff to clarify if electronic message signs that have to meet the same design standards as wall or freestanding signs, would be subject to the same height restrictions as wall or freestanding signs. Director Kim said that was correct, they can’t be taller than any freestanding sign permitted by the code.

Commissioner Manley then asked if staff knew if the Howard’s sign was being illuminated 24 hours per day and seven days per week or did they abide by the hours as required under their conditions of approval. Director Kim said the Howard’s sign is supposed to be turned off during the hours of 10:00 p.m. to 5:30 a.m. She explained that the reason for limiting the hours when signs can be illuminated is because often these types of signs may be near residential areas and we are trying to minimize the impact to the characteristics of those residential areas.

Commissioner Manley then brought up La Habra High School’s sign and said he believed theirs was illuminated on a 24/7 basis. Commissioner Bernier said we can’t enforce the High Schools sign and mentioned that from where she lives, she can see that the Howard’s sign is on all night. Director Kim said we can have Code Enforcement further investigate the Howard’s sign.

Commissioner Manley questioned if Howard’s and La Habra High School would be subject to complying with the same illumination restrictions during the hours of 10:00 p.m. and 5:30 a.m. Director Kim said that Howard’s would need to continue to abide by the regulations of their CUP which says the sign cannot be illuminated between 10:00 p.m. and 5:30 a.m. She explained that Code Enforcement is not proactively looking for violations, however if someone makes a complaint they will open a case. Director Kim explained that public school districts are subject to the regulations of the State rather than the local jurisdiction’s regulations. However, if approved, private schools that display an electronic message sign would be subject to the City’s sign standards since private schools do fall under the City’s jurisdiction.

Vice Chair Surich said she too has seen the Howard’s sign on past 11:00 p.m. and wondered if it was not something the City will actively pursue. Director Kim said that Code Enforcement generally works on a complaint basis. While there are some items they do proactively address, they do not have the staff to monitor one CUP or conduct patrols 24 hours a day.

The Vice Chair thanked staff for listening to the concerns that the Commissioners raised when this sign code item was first presented. She said both options before the Commission have good points but felt La Habra should look to the future and not stay with the regulations the City passed in the 1960’s.

Director Kim said she wanted to clarify her comments and said that the Howard's sign was approved in 1988 and billboards have been prohibited since 1960 and to her knowledge, there have been no requests to update the existing billboard in the City to electronic billboards.

The Vice Chair asked if there was anyone wishing to speak in favor of the item.

Mr. David Deleon, representing the board of directors of the Friends of Family Health Center, thanked staff for a comprehensive, thorough, and easy to read report. Mr. Deleon also thanked Associate Planner Lopez for answering his questions regarding the sign code. Mr. Deleon said he was in favor of option two, allowing electronic message signs. Mr. Deleon said it is important that the City move forward. He explained how we rely heavily on social media to communicate, but that isn't always a trusted source of information. Mr. Deleon said that the Friends and Family Health Center is federally funded and everything they put out is trusted information since it has to follow Federal Government standards. He said an electronic message sign would be a good vehicle to communicate information to the 2,200 patients of the center who are all residents of La Habra. Mr. Deleon said that if the Commission approves these types of signs, the City may look into including requirements for public safety messages whereby the City could use these signs to disseminate public safety alerts when there is an emergency or a need to do so. He gave the example of Amber Alerts that are flashed by Cal Trans on the freeways.

Mr. Greg Jones, of Jones Real Estate, addressed the Commission. Mr. Jones asked if the public comment section of the agenda came after the public hearings. The Vice Chair notified Mr. Jones that it was at the beginning of the meeting. Commissioner Manley said he must have missed it when it was stated by the secretary and the Vice Chair. He asked if they could circle back to that and give him two minutes for a public comment. He then said he was also there to speak about the retailer, Warehouse Shoe Sale (WSS) who wants to move into the City at 1530 West Whittier Boulevard. Mr. Jones previously submitted an email with information and pictures of the business and asked if that had been circulated to the Commissioners. Vice Chair Surich confirmed that they had received that email. Mr. Jones said that WSS, does not want a digital sign, but they do use sports figures on the exterior of their buildings as part of their branding. Mr. Jones said he hopes the City could accommodate the changes to building designs to continue to attract regional and national tenants and asked for the Commission's support to bring WSS to La Habra. Vice Chair Surich told Mr. Jones that they did receive his information and they would be happy to review the project when it is presented to them. When Mr. Jones asked for the City's approval in order to contact the business, Planning Manager Lui said that the proposed sign code ordinance would allow for a variety of types of signs covering a percentage along the primary façade.

City Attorney Roberto interjected and reminded the Vice Chair that the Commission should not be getting into project specific details. The discussion before the Commission is for the amendments to the sign code.

Mrs. Jones asked again if he would be allowed three minutes for a public comment. Vice Chair Surich agreed to give Mr. Jones one minute after the public hearing items.

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

Vice Chair Surich invited Director Kim to offer a rebuttal. Director Kim said there were no comments in opposition for her to offer a rebuttal, but was available to answer any questions from the Commission.

Commissioner Bernier asked for clarification if they would need to choose from option one or option two of the resolution. Director Kim said that was correct.

Commissioner Manley asked if it would be an appropriate condition to add the suggestion for the City to project certain messages on digital signs, like the Amber Alerts on Cal Trans signs. Director Kim said as currently presented, digital signs would require a conditional use permit and the Commission could add a condition of approval at that time as each sign comes before them for approval. She did caution that requiring certain language may be a violation of the First Amendment rights. In the meantime, she said, staff could ask the City Attorney to see if that could be considered as a condition.

Commissioner Mahecha said she didn't feel that this was part of the sign code and asked the City Attorney if that point should be discussed separately from the proposed sign code amendments. Attorney Roberto said yes, that is what Director Kim was explaining. Those types of messages are not part of the sign code amendments, but when a CUP comes before the Commission the City could look into the legality of imposing something like that or determining if there is another mechanism to get a property owner to agree to display those kinds of messages.

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

Moved by Commissioner Bernier and seconded by Commissioner Mahecha, Approving Resolution No. 23-17 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE APPROVING ZONE CHANGE 22-03 TO REPEAL CHAPTER 15.40 (OUTDOOR ADVERTISING SIGNS AND STRUCTURES) OF TITLE 15 (BUILDINGS AND CONSTRUCTION), ADD CHAPTER 18.23 (SIGN STANDARDS) TO TITLE 18 (ZONING) OF THE LA HABRA MUNICIPAL CODE, AMENDING VARIOUS SECTIONS OF TITLE 18 (ZONING) FOR CONSISTENCY WITH CHAPTER 18.23 (SIGN STANDARDS) AND MAKING A DETERMINATION THAT THE ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15061(B)(3) OF THE CEQA GUIDELINES.

The roll call vote was as follows:

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

COMMENTS FROM STAFF

Planning Manager Lui informed the Commission that at the next regularly scheduled meeting, staff will be presenting a group of housing-related zoning code amendments. These amendments were initiated by the City in order to implement programs established in the 2021-2029 Housing Element and are necessary for the City to remain in compliance with State housing law. She also invited everyone to the Community Safety Element and Environmental Justice Open House being held on October 24 at the Community Center at 10:00 a.m. and 6:30 p.m.

COMMENTS FROM COMMISSIONERS

Commissioner Manley asked if they were going to allow Mr. Jones a few minutes for his public comment.

Vice Chair Surich invited Mr. Jones to share his comment.

Mr. Jones thanked the Commission for allowing him to speak and asked the Commission to please look into changing the requirements for Conditional Use Permits. He mentioned that prospective dance studios, and gyms are currently required to obtain a Conditional Use Permit, but this costs about \$7,000 and takes up to three months to get a public hearing. Mr. Jones said he feels La Habra is losing a lot of leases because businesses go to other cities. He asked the City to look into making the application process similar to surrounding cities in order to attract more businesses.

Commissioner Mahecha thanked the La Habra Host Lions for a successful Corn Festival and keeping the City clean after the event.

Commissioner Bernier said she was glad to see all these workshops happening this year and noted the importance of getting the community's input.

Vice Chair Surich said she too wanted to thank the La Habra Host Lions for a fantastic job putting on the Corn Festival. Chair Surich said in honor of October being Breast Cancer Awareness Month, she would adjourn the meeting in memory of those who have gone through, are going through and fought a good fight against breast cancer and thanked all those who support the cause.

ADJOURNMENT: 7:58 p.m. to the Planning Commission meeting on November 13, 2023.

Respectfully submitted,

Veronica Lopez,
Secretary