

THE MINUTES OF THE MEETING OF THE PLANNING COMMISSION
OF THE CITY OF LA HABRA

April 22, 2024

CALL TO ORDER: Vice Chair Manley 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 ROJAS

COMMISSIONERS PRESENT: MANLEY
ROJAS
MAHECHA
CARDENAS

COMMISSIONERS ABSENT: NONE

OTHERS PRESENT: DIRECTOR: KIM
PLANNING MANAGER: LUI
SECRETARY: LOPEZ
CITY ATTORNEY: ROBERTO

PUBLIC COMMENT

Vice Chair Manley 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 Manley 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 Mahecha, seconded by Commissioner Rojas, 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 April 8, 2024.

PUBLIC HEARINGS

1. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR DESIGN REVIEW 23-05 AND CONDITIONAL USE PERMIT 23-03 TO CONSTRUCT AND OPERATE A DRIVE-THROUGH RESTAURANT (STARBUCKS COFFEE) WITH OUTDOOR MENU BOARDS AT 541 EAST WHITTIER BOULEVARD.

Vice Chair Manley asked if any correspondence had been received in regards to the item. Secretary Lopez said that Kathy Townsend submitted a written comment which she would be reading during the public comments section for the first item. She wished for the Commission to get a copy in case her time runs out.

Planning Manager Sonya Lui presented the staff report.

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

Commissioner Mahecha asked for more details on why the standard condition to provide street lights was removed. Planning Manager Lui explained that after further review by staff, it was determined that the existing street lights are not close to the project frontage. There is no nexus to require them to replace the street lights on the neighboring property. Commissioner Mahecha asked if light pollution on to the residential properties was considered. Planning Manager Lui explained that there is a condition of approval to review light levels on the site and that a conceptual photometric plan was submitted for review. She explained that staff will make sure there is adequate lighting on site but there is no nexus to require the applicant to replace the light poles. Director Kim clarified that these were the light poles on Whittier Boulevard which were not in front of the property and that is why that condition was removed.

Commissioner Rojas wondered if there were set rules for hours of operation when a business backs up to residential properties. She mentioned the hours of operation for the Starbucks at Beach Boulevard and Whittier Boulevard were shorter from those of the Starbucks on Imperial Highway and Beach Boulevard. Planning Manager Lui said that the code does not have restrictions for hours of operation for commercial businesses next to residential properties. She deferred the question of the hours of operation to the applicant.

Commissioner Cardenas asked for clarification on who controls the volume on the menu board. Ms. Lui deferred the question to the applicant. Commissioner Cardenas asked if the proposed Yew pines would serve as a sound barrier. Planning Manager Lui said staff believed they would provide some noise attenuation.

Commissioner Mahecha wondered if there is currently any greenery on the property. Vice Chair Manley recalled that there is mostly only concrete. Ms. Lui affirmed that was correct.

Vice Chair Manley asked what would the hours for deliveries be. Planning Manager Lui said that was not discussed with the applicant and deferred to the applicant for clarification. Vice Chair Manley asked if it was common for this type of use to be conditioned to have deliveries during certain restricted hours. Planning Manager Lui said it is not uncommon that the Commission place a project specific condition requiring deliveries to be conducted during times that would not impact other surrounding sensitive uses, like residential. Vice Chair Manley asked for clarification on how many cars could fit in the drive-through queue. Planning Manager said it could accommodate 17 vehicles. She mentioned that the submitted traffic study suggested that the actual range of vehicles anticipated during peak hours would be from eight to 13 vehicles, so this would far exceed what is anticipated. Planning Manager Lui also said that in the event the vehicles exceed the queuing capacity, the business operator will implement a traffic management plan. This includes closing off the Chestnut Street driveway and requiring cars to enter and exit using the Whittier Boulevard driveway only. Vice Chair Manley asked about the existing height of the block wall between the tri-plex north of the property in question. Planning Manager Lui said that staff brought up the wall height to the applicant. It meets the intent of the six-foot requirement. The wall gets higher as you move north west but it does go down to three feet at the front setback to maintain a safe line-of sight for vehicles utilizing the driveway on the adjacent residential property. Vice Chair

Manley asked if the three street parking spots, on Chestnut Street, shown on the site plan were already striped as shown. Planning Manager Lui said they are not. Commissioner Cardenas said she visited the site and confirmed those three spots are not marked. Vice Chair Manley asked for more details on the proposed traffic control measures. Planning Manager Lui explained that the applicant wishes to use cones to temporarily close off the driveway if needed. Vice Chair Manley asked if there were any other traffic control measures proposed. Planning Manager Lui mentioned Traffic Control Measure 1.39 but this condition only pertains to construction activity. Vice Chair Manley then asked about the location of the menu boards. Planning Manager Lui switched to that slide to show they are going to be located in the north west corner of the property.

Commissioner Rojas questioned when a legal notice regarding the project was sent. Planning Manager Lui responded that staff encouraged the applicant, early on, to reach out to the neighboring property owners. The applicant prepared a letter dated March 13, 2024 to inform the nearby residents of the project although it was not required under City code and, invite them to submit their comments on the proposed project. City staff noticed the public hearing in the newspaper and mailed out mailers, 10 days in advance of the hearing.

Vice Chair Manley asked if Chestnut is a private road and if they are responsible for maintaining it. Planning Manager Lui confirmed that was correct. Vice Chair Manley asked if the residents maintain Chestnut Street all the way to Whittier Boulevard or only to their frontages. Ms. Lui deferred to the City's Traffic Manager, Michael Plotnik. Traffic Manager Plotnik said that the easement records provided to staff show that the west half of Chestnut Street up until the houses start, belongs to the property owner of the project site. There is also an easement that allows vehicles to drive in and out of Chestnut. The property owners are responsible for the maintenance of that street. Vice Chair Manley asked who owns the portion of the street to the east. Traffic Manager Plotnik said they didn't have a copy of the recorded easement that mentions who owns that portion, but it appears that the commercial property on the east side of Chestnut Street and Whittier Boulevard is the owner. Vice Chair Manley asked if this was typical for recorded easements. Traffic Manager Plotnik explained that recorded easements now state all of the details regarding ownership and specifies the dimensions of the easement.

Commissioner Cardenas inquired if the residents would be in charge of covering the costs of repairing the road on Chestnut if there was damage to it due to the increase of traffic. Traffic Manager Plotnik said that was correct. Commissioner Cardenas asked if that meant that Starbucks would be in charge of making repairs to the east side of the street that they own. Traffic Manager Plotnik said that was correct. Vice Chair Manley asked about what resources the City has if a street repair (i.e., pothole) on the portion of the street that Starbucks owns is not repaired by them. Traffic Manager Plotnik replied the City would request the street owner to make the repairs, but if there is an urgency because the road condition becomes unsafe and vehicles are being damaged, then the City may make the repairs and ask the street owner for reimbursement for the repair work.

Commissioner Mahecha asked if we knew how many tenants occupied the commercial building to the east of Chestnut and whether staff knew what kind of traffic they generated or if they have overflow parking. Director Kim said staff did not know if they had overflow parking but that wouldn't be a nexus to condition this project

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

Rodney Rivani, representing the property owner addressed the Commission. Mr. Rivani said he was available to answer any questions from the Commission. He also introduced Shannon Dalton,

Starbucks's District Manager. Commissioner Rojas asked if they had received any feedback on the letter they mailed out on March 13. Mr. Rivani said he did not receive written comments, but did receive a request by Tony Martinez to meet with him and the other residents on Chestnut. Mr. Rivani said he held a meeting at one of the owner's residence and about seven property owners came to the meeting. Commissioner Rojas wondered if the people who attended were homeowners and asked who were the letters addressed to. Mr. Rivani said the letters were addressed to the property owners only. Commissioner Rojas asked if he knew of those that attended were tenants or property owners. Mr. Rivani said he didn't ask when they attended the meeting. Commissioner Rojas asked if the letter were addressed to the mailing addresses for the owners or to the physical address on Chestnut. Mr. Rivani said they were mailed to the property owner addresses.

Commissioner Mahecha asked how many employees would be employed at the proposed Starbucks location. Ms. Shannon Dalton responded that they typically employ three to six employees at their busiest times. Commissioner Mahecha asked if she knew what the hours for deliveries would be. Commissioner Mahecha said that many years ago when she worked as a manager at a Starbucks, they were able to change the hours and asked Ms. Dalton if that was still the case. Ms. Dalton said that was correct. Commissioner Mahecha asked if that would change the employee number. Ms. Dalton said no, they typically schedule the next day to put orders away during normal operation hours. Commissioner Mahecha asked if she believed there was enough onsite parking for the employees and customers. Ms. Dalton said that they partner with rideshare services that employees can use to get to and from work. Parking is usually for shift supervisors or managers and normally they have one to two on duty at all times.

Commissioner Rojas asked if there was a particular way that hours of operation were decided, she reference the Starbucks at Whittier and Beach. Ms. Dalton said that every six months, Starbucks will assess the number of transactions for the last half hour of business and they either go earlier or later based on those transactions.

Commissioner Cardenas asked if Starbucks has a policy for those who want to drive their own vehicle to work and use up a parking space onsite. Ms. Dalton said there is no policy in place for that. Commissioner Cardenas asked if that meant that any of their employees could park onsite. Ms. Dalton responded in the affirmative. Commissioner Cardenas wondered how the number of employees parking onsite could be reduced. Ms. Dalton was not familiar with other parking areas near the proposed site, but said they do advise employees to use nearby open general parking areas if available. Commissioner Cardenas asked if the ride share program was available to all employees. Ms. Dalton said that is typically available to those that open and close the restaurant to make sure they have safe transportation. Ms. Dalton said they also recommend that employees take public transportation in to work; Starbucks promotes sustainable transportation.

Commissioner Mahecha asked if they would be moving staff from other locations or if they would be hiring locals. Ms. Dalton said they try and do an 80% transfer and 20% new. She explained that there are two other locations within a mile of this proposed location. This location is being proposed because those other two locations are very busy and they hope to supplement and draw some of the traffic that those other two locations bring.

Vice Chair Manley asked what would the hours of deliveries be. Ms. Dalton said this location would get deliveries at around 8:00 p.m. but said it was not a set standard and they could request different time frames.

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

Mr. Dan Wood, property owner at 940 Chestnut, addressed the Commission. Mr. Wood said that the letter staff referred to that the applicant mailed out on March 13, 2024 to the residents was not received by Mr. Wood. He received a notice dated April 1, 2024, a few days after that date, saying that therefore he had very little time to prepare for the night's meeting. Mr. Wood said that they asked Mr. Rivani to meet with the neighbors and Mr. Rivani agreed. Mr. Wood said their main concern with the project is traffic. Mr. Wood said their private street hardly gets any traffic because the street is a dead end. They like the quiet and privacy. Mr. Wood said the proposed driveway on Chestnut will cause traffic on to Chestnut. Mr. Wood is concerned about cars blocking the residents that live on Chestnut. He said it's hard enough to get out of Chestnut and make a left-hand turn and with the added Starbucks traffic, turning right will be just as bad. Mr. Wood is concerned that emergency vehicles would be delayed in arriving on time to an emergency on to Chestnut because of the Starbucks traffic.

Jesus Vidro, resident at 901 Chestnut Street, addressed the Commission. Mr. Vidro noted that Chestnut residents paid to put up "private street" signs. He mentioned that when the Elks Lodge was still there, they cooperated with all the neighbors to pay their share to re-pave the street. Mr. Vidro explained how difficult it is to make a right and/or left turn out of Chestnut on to Whittier Boulevard because of the exiting traffic. Mr. Vidro stated he raised concerns about vehicle exiting on the streets at the meeting with Mr. Rivani. Mr. Vidro mentioned how the traffic cones put up by the Starbucks at Beach and Whittier Boulevards will get moved and hit by the vehicles. He also mentioned that they have an eight-foot-high wall at that location that serves as a noise barrier and a 30-foot setback. Mr. Vidro spoke about the noise decibels allowed and questioned if the speaker being proposed that adjusts the noise levels on its own really exists. Mr. Vidro said that Chestnut is a private dead-end street. He suggested eliminating Starbucks's proposed driveway on Chestnut and putting up a gate to block overflow vehicles from driving up on Chestnut.

Kathy Townsend, property owner at 829 Chestnut Street, addressed the Commission. Mrs. Townsend and her husband have owned the property 13 feet away from the proposed Starbucks for over 40 years and they share a block wall with the site. Mrs. Townsend is concerned that a Starbucks right next door to their triplex will negatively impact their lives and those of their tenants. She expressed concerns with negative quality of life impacts such as higher noise levels, increase traffics, lack of privacy and air pollution. Mrs. Townsend expressed concerns with the overflow of traffic saying they have very limited parking for their tenants and now their parking spaces will be blocked by Starbucks customers. Mrs. Townsend said this new Starbucks will create more congestion and traffic issues trapping the residents on their own street. She mentioned that La Habra already has five Starbucks and questioned why there is a need for another new one. Mrs. Townsend concluded by saying they were notified in writing on April 5, 2024 of the project and wondered why they weren't notified back in 2023 when the project was announced on Facebook.

Gary Takessian, owner of 839 Chestnut Street, addressed the Commission. Mr. Takessian stated that he is concerned about the limited on-site parking spaces which are not adequate enough for the number of employees who are proposed for the location plus the number of guests who can use the outdoor patio. Mr. Takessian explained the amount of designated parking spots in front of each property on Chestnut Street and said if others take up those spots the tenants will have to park elsewhere. Mr. Takessian commented on the difference in the pavement color on Chestnut Street. Mr. Takessian explained that the owners got together in 2022 to resurface the street, but the owner of the Elks Lodge did not participate which is why a portion of Chestnut Street appears to be a lighter color.

Deanne Zamora, resident at 941 Chestnut Street, addressed the Commission. Ms. Zamora expressed her concerns about the anticipated traffic and questioned whether bringing out cones to control the

overflow of traffic would be adequate. She also questioned how Starbucks will be able to manage the cones if Chestnut is a one way in, one way out street. She wondered if a Starbucks associate would be responsible for placing and moving the cones.

Steve Zamorano, resident at 941 Chestnut Street, addressed the Commission. Mr. Zamorano recently purchased his home on Chestnut and said the peace and quiet of the dead-end street is what attracted him to the location. He is concerned that there will be an increase of traffic and vehicles driving in to their street and using their driveway to make U-turns and possibly damaging their vehicles. Mr. Zamorano doesn't believe cones will deter vehicles from turning on to Chestnut cause more traffic issues.

Linda Bennett, resident at 960 Chestnut Street, addressed the Commission. Ms. Bennett has lived on Chestnut Street since 1995. She said that even though it's a dead-end street, they still get vehicles trying to go through their street. She mentioned that there is a sign posted saying "dead end street" and one of the owners placed reflectors at the end of their street, but cars ignore all that and continue to zoom in to Chestnut Street. Ms. Bennett expressed concerns with traffic issues and the cost to maintain Chestnut Street and asked the Commission be thoughtful about this project.

Laurel Martinez, read a written statement written by a former neighbor, Carrie Page, who was unable to attend the meeting and who used to live at 941 Chestnut Street. In her statement, she said that there is concern about the lack of proper vehicular egress/ingress and asked the Commission to encourage and preserve the charm of their little neighborhood. She read that the existing traffic is already bad enough and makes it difficult to turn left out of Chestnut. The congestion at the existing In n Out is a logistical mess and hasn't the City learned enough from that. The former Elks Lodge needs to be redeveloped but with a suitable business. The other two exiting Starbucks are nightmares to get in and out of and a new one at this location will drive down property values and create a logistical nightmare. The statement concluded with a plea to do the right thing.

Tony Martinez, owner of 961 Chestnut Street, addressed the Commission. Mr. Martinez said that it's difficult to make a right or left hand turn off of Chestnut Street. If this project is approved, he sees nothing good coming out of it, but an increase of traffic and a decrease in property values. Mr. Martinez called it a total nightmare.

Michelle Bernier, La Habra resident, addressed the Commission. Ms. Bernier spoke of her time on the Commission and the conditions they added to the Starbucks located at Beach and Whittier Boulevards. She mentioned that they required the height of the block wall adjoining residents be raised to eight feet high. She also mentioned following up with the neighbors at six months, one year and two years to see if there were noise level issues. She mentioned checking the traffic analysis six months to a year later to see if concerns raised during the public hearing were addressed. She suggested similar conditions should be included for this proposal that requires staff to revisit the site if the project gets approved to make sure their traffic concerns have been addressed.

Vice Chair Manley asked the applicant, Mr. Rivani, if he wished to provide a rebuttal. Mr. Rivani proceeded to explain that the drive-through was configured per the input received from their traffic engineer as well as the City's traffic engineer and their architect to ensure the project site would be developed with adequate on-site circulation. Mr. Rivani suggested adding a "keep clear" sign on Whittier Boulevard to leave the intersection open making it easier for vehicles to make a left hand turn on to Whittier Boulevard. Mr. Rivani said that they will be resealing and restriping the west portion of Chestnut Street to match the existing as part of their development project. Mr. Rivani then addressed the concerns of vehicles entering on to Chestnut Street. Mr. Rivani stated that the proposed project was designed to allow a higher number of vehicles on-site when using the proposed driveway on Whittier Boulevard. Mr.

Rivani reminded everyone that this location will not have an indoor café, which should limit the number of customers coming and staying for hours at a time making the parking use less intensive than other locations. The City is requiring 10 parking spaces and they are providing 13, if the Commission considers the three spaces on Chestnut Street. Mr. Rivani reiterated that he provided a noise study that demonstrates how the project will comply with the City's Noise standards and noted that he is trying to be conscientious and go above and beyond to make sure there won't be too much noise generated by the menu speaker boards by including automatic volume controls. As for the vehicles driving in to Chestnut Street, Mr. Rivani suggested putting up bigger signs closer to Whittier Boulevard that say "private property" because the existing signs are too small and unseen until vehicles driveway half way into the street. As far as the traffic concerns, Mr. Rivani referred to the queuing analysis which compared three other locations in Laguna Woods, Garden Grove and La Palma. He mentioned that these locations generated an average number of six to nine vehicles even during peak hours. The proposed location can accommodate 17 vehicles in the queue lane, which exceeds the needs of all three locations studied. Mr. Rivani also noted that the three locations studied include signalized, four-way, busy intersections that all have traffic counts that are substantially higher than La Habra, but none of these Starbucks locations, nor does the ones located off of Beach and Whittier Boulevards, have as large a vehicle queuing capacity as the proposed project. As a result, Mr. Rivani stated he believes traffic backing up onto Chestnut Street is highly unlikely. Mr. Rivani then explained the drive-through management plan that would be used if the drive-through becomes overwhelmed. As part of that plan, Starbucks in agreeing to temporally close off the Chestnut Street driveway.

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

Commissioner Mahecha asked if Whittier Boulevard was under Caltrans' jurisdiction. Chair Manley responded that Michael Plotnik, the City's traffic manager, was nodding his head, yes. Commissioner Mahecha asked if Caltrans could help mitigate some of the traffic concerns. Traffic Manager Plotnik responded that Caltrans would have to make that decision about whether they are willing to be responsible for the cost, design, implementation and maintenance of improvements on Whittier Boulevard.

Commissioner Rojas asked who would be responsible for the traffic study to determine if a traffic signal is required. Mr. Plotnik responded by giving the example of Imperial Highway and Walnut Street. The residents submitted a lot of complaints that it was unsafe. The City reached out to Caltrans and brought it to their attention. Caltrans conducted a traffic study and then informed the City of their determination.

Commissioner Mahecha followed up by asking who would pay for it. Traffic Manager Plotnik responded that it is likely that the City would have to pay.

Vice Chair Manley asked whether Caltrans could decide to not move forward with traffic improvements under their jurisdiction. Traffic Manager Plotnik said that was correct.

Commissioner Rojas said she would like the Commission to consider adding conditions including: 1) allow the norther perimeter wall to be increased from six to eight feet high; 2) 2) increase signage at Chestnut Street to make sure that people know that it is a private road; and potentially adding an alternative traffic deterrent including but not limited to speed bumps; and 3) revising the hours of operation the delivery times. Commissioner Rojas said the Starbucks located at Beach and Whittier Boulevards is a good example since this project site is also located adjacent to residential properties and therefore, suggested implementing similar hour restrictions to the proposed project. Commissioner Rojas said she was not ready to make a motion because these items needed further review and may need conditions. Lastly, she said that she agrees with adding a condition to bring the project back in a

year to see what is working regarding the drive-through and vehicular circulation. Commissioner Rojas said the applicant is trying to be a good neighbor by providing the ability to stack 17 vehicles in the drive-through queue.

Vice Chair Manley agreed that the proposed traffic management plan with the use of cones seems awkward in practice. Vice Chair Manley questioned if eliminating the Chestnut Street driveway entrance would be feasible. Commissioner Rojas said she would be in support of that and said that is something that should be considered. Vice Chair Manley explained that the Commission's job is to determine if this is the highest and best use of the lot as designed. Director Kim said staff had discussed with the applicant the possibility of closing the proposed driveway on Chestnut Street, but discovered it would make it challenging for trash truck to come in and out of the site. Vice Chair Manley said he preferred if the applicant could revisit the possibility of closing their driveway on Chestnut Street. Commissioner Rojas concurred saying maybe that drive way can be used for trash truck access only by providing maybe a gate.

Vice Chair Manley said he too was not comfortable making a motion of approval tonight. Rather, Vice Chair Manley directed staff to work on addressing the Commission's concerns and therefore, made a motion to continue the item. Director Kim recommended that they continue the item to a date uncertain so they can notice the property owners before it is brought back to the Commission. Vice Chair Manley re-stated that staff needs to look into revising the hours of operation to be the same of the existing Starbucks located near Beach and Whittier Boulevards, revising the truck delivery times; evaluating the trash truck access to the project site and evaluate increasing the height of the northern perimeter wall. Vice Chair Manley encouraged the residents to communicate their thoughts and input to staff as the proposed project is worked on to bring back to the Commission. He also encouraged the members of the audience to reach out to the City whenever they see a business creating congestion on a public road. He said that if there are traffic or parking issues within a private property, that falls on the property owner and, on the Commission, and staff to look at the design reviews to make sure it makes sense and spot things they may be missing.

Moved by Commissioner Rojas and seconded by Commissioner Mahecha, to continue the public hearing to consider requests for Design Review 23-05 and Conditional Use Permit 23-03 to construct and operate a drive-through restaurant (Starbucks Coffee) at 541-East Whittier Boulevard, to a date uncertain.

The roll call vote was as follows:

AYES: COMMISSIONERS: ROJAS, MAHECHA, MANLEY, CARDENAS
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

At 8:32 p.m. Vice Chair Manley called for a five-minute recess.

The Vice Chair called the meeting back to order and introduced the second item on the agenda for public hearing.

2. DULY NOTICED PUBLIC HEARING TO CONSIDER REQUESTS FOR TENTATIVE TRACT MAP 23-01 TO ALLOW A RESIDENTIAL SUBDIVISION FOR CONDOMINIUM PURPOSES AND DESIGN REVIEW 23-03 TO CONSTRUCT 18 TOWNHOME UNITS INCLUDING TWO

UNITS FOR SALE TO MODERATE INCOME LEVEL HOUSEHOLDS ON THE PROPERTY
CURRENTLY ADDRESSED AS 120 EAST WHITTIER BOULEVARD.

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

Planning Manager Sonya Lui presented the staff report.

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

Commissioner Mahecha asked for clarification on how the percentage of affordable housing and the in-lieu fee is calculated. Ms. Lui went over the details.

Commissioner Rojas wondered if the City's in-lieu fee is comparable to other cities. Planning Manager Lui said that in speaking with other developers, it appeared the City's fees are in the middle range. Commissioner Rojas added as a side note that staff should look into possibly increasing that fee. Director Kim said that if two or more Commissioners direct staff to do that under Commissioner Comments, staff could look into an increase in those fees.

Commissioner Cardenas asked how many of the condominiums have balconies that face on to Whittier Boulevard. Ms. Lui responded that the end units on all three buildings will not have private decks.

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

Kim Prijatel, with City Ventures, addressed the Commission. Ms. Prijatel said the design team and the brokers representing the owners were also present and she was available to answer any questions. She thanked staff for working so hard on getting this project to a hearing since they have been working on it since 2022. Ms. Prijatel explained how they worked through some issues and had a lot of iterations and were excited to build in La Habra again.

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

Michelle Bernier, addressed the Commission. Mrs. Bernier said she was not speaking in opposition of the project. She wanted to give some information on a project located on Beach and Imperial. She said that the affordable housing topic came up and there was a fee set at a \$1,000 per unit. When the General Plan was updated, they changed the amount to \$59,000. Mrs. Bernier then wondered if she could ask what the moderate-income level was. The Vice Chair advised staff to answer. Planning Manager Lui referred to the income level table, Exhibit 2, included in the staff report. Mrs. Bernier concluded by saying she was in opposition of the creative way they were including affordable housing. She also talked about the need to include future housing projects which are not just for moderate income levels.

The Vice Chair invited the applicant to offer a rebuttal.

Ms. Prijatel said that it is very difficult in any County to offer for-sale housing at the lower income level. Typically, low and very low-income levels are made available as for-rent properties. Ms. Prijatel explained that they typically provide moderate-income level for-sale properties.

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

Commissioner Mahecha said it's important to know what the income limits mean. Director Kim asked for clarification. Commissioner Mahecha wondered what makes this affordable housing. Director Kim answered that two of the units are for moderate-income households and they will enter into an affordability agreement which is under the purview of the City Council and they will also pay in-lieu fees, and because of that, they can take advantage of the State's Density Bonus Law and get one concession and as many waivers to deem the project affordable. Commissioner Mahecha asked if that meant that if peoples income matched the amounts listed in the income table, they would qualify for affordable housing. Director Kim said yes, at the moderate-income level.

Commissioner Cardenas asked if the distance between the building to the existing power lines was common. She was concerned with the power lines being high voltage lines. Director Kim said that the City is under the purview of the Los Angeles County Fire Department and they have requirements for fire rated walls for the building because of its proximity to the power lines. Commissioner Cardenas questioned the distance and asked if that was typical. Director Kim said she wasn't sure if that was a typical distance but said it is permitted.

City Attorney Brittany Roberto addressed the Commission. Ms. Roberto explained that revised copies of the resolutions, both for this project and the next, were provided to the Commission. She advised that if the Commission moves forward with a recommendation for approval that they adopt the revised resolutions.

Moved by Commissioner Mahecha and seconded by Commissioner Rojas, Approving Resolution No. 24-08 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING TENTATIVE TRACT MAP 23-01 TO ALLOW A RESIDENTIAL SUBDIVISION FOR CONDOMINIUM PURPOSES AND DESIGN REVIEW 23-03 TO CONSTRUCT 18 TOWNHOME UNITS (INCLUDING TWO UNITS FOR SALE TO MODERATE INCOME LEVEL HOUSEHOLDS) ON THE PROPERTY CURRENTLY ADDRESSED AS 120 EAST WHITTIER BOULEVARD, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS, AND MAKING THE DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15332, CLASS 32: "INFILL DEVELOPMENT PROJECTS" OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES.

The roll call vote was as follows:

AYES: COMMISSIONERS: MAHECHA, ROJAS, MANLEY, CARDENAS
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

3. DULY NOTICED PUBLIC HEARING TO CONSIDER REQUESTS FOR TENTATIVE TRACT MAP 23-02 TO ALLOW A RESIDENTIAL SUBDIVISION FOR CONDOMINIUM PURPOSES AND DESIGN REVIEW 23-04 TO CONSTRUCT 22 TOWNHOME UNITS INCLUDING THREE UNITS FOR-SALE UNITS TO MODERATE-INCOME LEVEL HOUSEHOLDS ON THE PROPERTIES CURRENTLY ADDRESSED AS AT 310-330 EAST WHITTIER BOULEVARD.

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

Planning Manager Sonya Lui presented the staff report.

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

Commissioner Rojas asked if everyone would have access to the open space depicted in exhibit three of the staff report. Ms. Lui answered in the affirmative.

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

Kim Prijatel, with City Ventures, addressed the Commission and said she was happy to answer any questions the Commission may have.

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

Chris Gibson, resident on Burch Way, addressed the Commission. Mr. Gibson expressed his concerns with the change to the character of his neighborhood, his backyard views and the closing of the businesses on Whittier Boulevard. Mr. Gibson also wondered how the noticing for the project occurred and asked if the renters had been notified. Mr. Gibson expressed his frustration with the level of engagement from City Ventures since he felt his email from December of 2023 was ignored when he reached out after missing the planned community meeting.

Anthony Pantoja, 740 Orange Street, addressed the Commission. Mr. Pantoja expressed concerns about his privacy and wondered if they would plant trees to screen the new units, the exiting wall, and the location of the trash bins.

Erma Pantoja, 740 Orange Street, addressed the Commission. Ms. Pantoja expressed concerns with the increase of vehicles and worried that more cars would be parked on the street making it an eyesore like Monte Vista and Walnut Street. Ms. Pantoja said that more cars on the street will increase car break-ins making their vehicles a target too. She expressed concerns with construction noise, saying she works from home and has to take meeting at home and keep her windows open since they lack central air-conditioning. She finished by saying that she was concerned that the value of their property would decrease, that it was sad to see Chicken Box closing and she didn't want to see these new units built.

The Vice Chair invited the applicant to offer a rebuttal.

Ms. Prijatel addressed the Commission by firstly apologizing to Mr. Gibson saying she would never not respond to an email from a concerned project neighbor. Ms. Prijatel informed the Commission that they are proposing to have individual trash pickup for this project therefore no trash enclosure is proposed. Vice Chair Manley asked if she could point out where the trash bins would be located on trash pickup day. Anthony Corbin, project architect, used one of the slides used during Ms. Lui's presentation to point out where residents would collect their bins on trash pickup day which would avoid the trash truck from going down a dead-end isle.

Commissioner Rojas asked what is the height of the existing wall to the south and asked if there are any plans for that wall. Ms. Prijatel said the City is asking them to remove and replace it with a new six-foot high free-standing block wall. Ms. Lui confirmed that it would be six feet high. Commissioner Rojas asked if trees would be planted along the wall. Ms. Prijatel said they are proposing plant material along the wall. Commissioner Rojas wondered the height of the trees or shrubs that would be planted along the wall to serve as a buffer for the neighbors on the other side of the wall who expressed concerns. Ms. Prijatel said that this would be a lot quieter than a commercial use, fewer cars coming in and out and with the new block wall and some landscape she felt it would create a good buffer. Commissioner Rojas said she read in the staff report that to ensure the privacy of the neighbors the windows of these new units would not be facing a certain direction and asked for clarification. Planning Manager Lui said that the applicant is providing a 20-foot setback along the southern property line along with a common open space sitting area enhanced by landscape including trees and shrubs. With that buffer, staff felt they met the intent to maintain privacy with the neighbors to the south. Ms. Prijatel said that they intentionally set the building as far back as possible. Commissioner Rojas reiterated that City Ventures has gone above and beyond the required setback to ensure a greater buffer between the new units and the existing housing.

Commissioner Cardenas asked about the construction noise and dust and how that would be mitigated. Ms. Prijatel said they would be abiding by the City's construction hours and would have water trucks to control construction dust. She said they will have signage on the site as well as a superintendent who will be available if people call or come over to express concerns. Commissioner Rojas asked if they would put up any temporary sound walls during construction. Ms. Prijatel said they would not remove the existing walls until right before they are about to replace them. She said that in the mean time they put up a fence with green screening to help with the dust. Commissioner Rojas asked what is the height of the existing fences. Ms. Prijatel said they are six-feet high.

Vice Chair Manley asked about the community engagement meeting and what happened with the person who was unable to attend the meeting. Ms. Prijatel said that staff relayed to her the concerns of the person that was not able to attend. Ms. Prijatel noted that about 10 people attended the community meeting. Planning Manager Lui said that the applicant provided a mailing list of both property owners and occupants and therefore, staff provided a notice to both the property owners and occupants within a 300-foot radius of the project site.

Vice Chair Manley asked if it was common practice for the City to receive a summary of what happens in those community meetings. Planning Manager Lui said that for certain projects the City encourages community outreach but there is no strict rule that they provide a summary. The City likes to have a record when they do occur and that is why City Ventures provided a sign-in sheet as well as a copy of the notice that went out to the surrounding properties.

Commissioner Mahecha asked the applicant about the parking concerns that were raised. Ms. Prijatel said that each unit would have a two-car garage and said there will be a few ADA and visitor spaces available. Ms. Prijatel said that they are very, very clear in their CC&Rs that each unit only gets two parking spaces and said that if the potential buyers have more than two cars, this shouldn't be the right housing community for them.

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

Commissioner Mahecha said she would like to see more attention paid to the existing wall that separates the units from the existing residences. Vice Chair Manley concurred with Commissioner Mahecha. He said that it is important that staff take into consideration the communities concerns not just during their meeting, but up to construction, during construction and after construction

Moved by Commissioner Rojas and seconded by Commissioner Cardenas, Approving Resolution No. 24-09 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING TENTATIVE TRACT MAP 23-02 TO ALLOW A RESIDENTIAL SUBDIVISION FOR CONDOMINIUM PURPOSES AND DESIGN REVIEW 23-04 TO CONSTRUCT 22 TOWNHOME UNITS (INCLUDING THREE UNITS FOR SALE TO MODERATE INCOME LEVEL HOUSEHOLDS) ON THE PROPERTY CURRENTLY ADDRESSED AS 310-330 EAST WHITTIER BOULEVARD, AS PER THE APPROVED PLANS AND SUBJECT TO CONDITIONS, AND MAKING THE DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO SECTION 15332, CLASS 32: "INFILL DEVELOPMENT PROJECTS" OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES.

The roll call vote was as follows:

AYES: COMMISSIONERS: ROJAS, CARDENAS, MANLEY, MAHECHA
NOES: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE

Vice Chair Manley expressed his appreciation to those who came out to voice their concerns saying it helps the City and staff to be mindful of things the community members are concerned with. He said that every outcome is not always what we would hope it to be but he encouraged them to continue being a voice for La Habra to continue to make La Habra the best it can be.

COMMENTS FROM STAFF

Planning Manager Lui informed the Commission that staff has a number of applications for the next meeting including plans for Planet Fitness.

COMMENTS FROM COMMISSIONERS

Commissioner Mahecha noted that there is a disparity between moderate-income levels in cities; there's a big difference between La Habra's median income and that of Laguna Hills. Commissioner Mahecha further stated that taking the average of all income levels across Orange County is not accurate. Commissioner Mahecha said she felt that affordable housing should be based on the income levels of our community only rather than include an aggregate number that includes the very rich.

Commissioner Rojas asked staff to revisit the Inclusionary Housing Ordinance by evaluating the in-lieu fees to ensure that we have comparable rates and maybe putting in some kind of inflation provision so we don't have to keep revisiting it. She also suggested that staff look into requiring that developers provide a certain percentage of median and moderate-income level units. Commissioner Mahecha concurred. Director Kim said staff could look into that. Commissioner Rojas thanked the residents who stayed for the whole meeting to voice their concerns.

Commissioner Cardenas also thanked the residents for participating and being present. She advised them to reach out to the developer if any concerns arise.

Vice Chair Manley congratulated Commissioner Cardenas on her recent appointment to the Commission and welcomed her. He reiterated everyone working together to make La Habra the best place possible by saying something if they see something that is of concern. He said he appreciated the presence of all who attended.

ADJOURNMENT: 9:50 p.m. to the Planning Commission meeting on May 13, 2024.

Respectfully submitted,

Veronica Lopez,
Secretary