

THE MINUTES OF THE MEETING OF THE PLANNING COMMISSION  
OF THE CITY OF LA HABRA  
August 26, 2024

**CALL TO ORDER:** Chair Manley called the Regular Meeting of the Planning Commission of the City of La Habra to order at 6:32 p.m. in the Council Chamber.

**PLEDGE OF ALLEGIANCE:** LED BY COMMISSIONER ROJAS

**COMMISSIONERS PRESENT:** MANLEY  
MAHECHA  
ROJAS  
CARDENAS  
GOMEZ

**COMMISSIONERS ABSENT:** NONE

**OTHERS PRESENT:** DIRECTOR: KIM  
PLANNING MANAGER: LUI  
SECRETARY: LOPEZ  
CITY ATTORNEY: ROBERTO  
CONTRACT PLANNER: WIELENGA

**PROCLAMATION**

Director Kim presented a proclamation to Commissioner Rojas to thank her for her years of service to the Planning Commission.

**PUBLIC COMMENT**

Chair Manley asked if there was anyone in the audience that wished to address the Commission on the consent calendar or any item not listed on the agenda. There were none.

**CONSENT CALENDAR**

Secretary Lopez explained the Consent Calendar procedures. Chair Manley asked if any of the Commissioners wished to remove an item. There were none. He then asked if there was anyone in the audience that wished to remove an item. There were none.

Moved by Vice Chair Mahecha, seconded by Commissioner Cardenas, to approve the Consent Calendar. Motion passed 5-0.

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 August 12, 2024.

## **PUBLIC HEARING**

1. DULY NOTICED PUBLIC HEARING TO CONSIDER A REQUEST FOR SPECIAL EVENT PERMIT SEP2L24-0002 TO CONDUCT A LARGE SPECIAL EVENT THAT INCLUDES A PUMPKIN PATCH AND ANCILLARY ACTIVITIES AT 777 SOUTH BEACH BOULEVARD.

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

Contract Planner, Jacob Wielenga, presented the staff report.

Chair Manley asked if any of the Commissioners had any questions. There were none.

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

The applicant, Jay Eyler, addressed the Commission. Mr. Eyler thanked the Commission for their time and said he has been at this proposed location since 2002, but has been operating in La Habra since the late 90s. He said he hopes to be able to relocate his pumpkin patch after the America's Tire and Dutch Bros are developed at this location.

Vice Chair Mahecha asked if they get a lot of business at 9:00 a.m. Mr. Eyler said they conduct a lot of business at 9:00 a.m. on the weekends. Mr. Eyler added that his business receives field trip groups during the weekdays.

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

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

Chair Manley said that he believes that issues that have been brought up in the past were remedied immediately because the applicant continues to work with the City and therefore, the proposed pumpkin patch provides a benefit to the community.

Moved by Chair Manley and seconded by Commissioner Gomez, approving Resolution No. 24-20 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING SPECIAL EVENT PERMIT SEP2L24-0002 TO CONDUCT A LARGE SPECIAL EVENT THAT INCLUDES A PUMPKIN PATCH AND ANCILLARY ACTIVITIES AT 777 SOUTH BEACH BOULEVARD, AS PER THE APPROVED SITE PLAN AND SUBJECT TO

CONDITIONS, AND MAKING THE DETERMINATION THAT THE PROJECT IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15304(E), CLASS 4: "MINOR ALTERATIONS TO LAND" AND SECTION 15061(B)(3): "COMMON SENSE EXEMPTION" OF THE CEQA GUIDELINES.

The roll call vote was as follows:

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

Secretary Lopez said that the action becomes final in 10 working days unless it's appealed to City Council.

2. DULY NOTICED 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) WITH OUTDOOR MENU BOARDS AT 541 EAST WHITTIER BOULEVARD.

Chair Manley asked if any correspondence had been received in regards to the item. Secretary Lopez said that some of the speakers had provided a copy of their statements and those copies were passed out to each of the Commissioners and staff members. Chair Manley confirmed that the Commission received the copies.

Planning Manager, Sonya Lui, presented the staff report.

Chair Manley asked if any of the Commissioners had any questions. Chair Manley began by asking staff to clarify the proposed hours of operation. Planning Manager Lui stated that the proposed drive-through restaurant would be open seven days a week; 5:00 a.m. to 9:00 p.m.

Chair Manley then asked if the applicant has had discussions with the adjacent owner of the property to the east on Chestnut. Planning Manager Lui said that staff believed that the property owners within the Chestnut Estate area have had conversations with the owner of the commercial property to the east. Planning Manager Lui said that since Chestnut is a private street, a property owner's consent is needed before additional signage can be installed.

Chair Manley asked for clarification on when the Chestnut driveway could be closed off. Planning Manager Lui asked the City's Traffic Engineer, Michael Plotnik to explain the drive-through management plan. Mr. Plotnik explained that if the proposed drive-through exceeds 17 vehicles, an employee will need to come out and start taking drive-through orders so they do not have to wait to reach the menu board to place their order. The employee will then need to add cones and/or A-frame sign(s) to signify the driveway

closure, which will necessitate customers to use the Whittier Boulevard driveway instead. If the drive-through capacity continues to be exceeded for days, then the Applicant will close off the Chestnut driveway completely. Traffic Engineer Plotnik said that the queue analysis conducted for this project revealed that similar drive-through restaurants required a drive-through that could accommodate a maximum of 13 vehicles, but this project proposes a drive-through that can accommodate 17 vehicles. The City's Traffic Engineer will conduct a traffic study to evaluate the queuing issues after a period of time when traffic patterns normalize to see if drive-through issues persist.

Commissioner Cardenas asked if there would be signs or just traffic cones, to warn customers when the Chestnut driveway is closed. Traffic Engineer Plotnik said there would be no signs to warn customers that the ingress portion of the driveway is closed. Chair Manley said people could then just drive in through the egress side. Traffic Engineer Plotnik said people would then be blocking vehicles trying to exit and said employees should intervene and ask those vehicles to move.

Chair Manley asked who can the residents contact if they see the queue bleeding out onto Chestnut and Starbucks is not acting. Traffic Engineer Plotnik said they can reach out to the City and the City will contact Starbucks to remind them they need to follow the conditions of approval or face a shutdown. Chair Manley stated that the conditions of approval set for the project are helpful in showing what the next steps are if problems arise.

Vice Chair Mahecha questioned if closing the Chestnut driveway would result in more vehicles on Chestnut that make U-turns and said she could not imagine how vehicles could end up on Chestnut, north of the project, if there were excessive cars in the queue. Traffic Engineer Plotnik said that he does not anticipate that cars will overflow on to Chestnut. Vice Chair Mahecha said it would be unlikely for the overflow to end up to the north on Chestnut. Chair Manley agreed saying the overflow would bleed on to Whittier Boulevard. He also repeated that the traffic study for this project demonstrated a need for a drive-through that can handle a maximum of 13 vehicles at other similar locations, but this location is capable of holding 17 vehicles in the queue.

Commissioner Gomez asked if there was a condition regarding the maintenance of the street and the signs. Chair Manley asked staff if a specific condition of approval was included to clarify how maintenance would occur in three to five years. Planning Manager Lui said that there is a specific condition of approval requiring that the applicant/developer to re-slurry and restripe the southbound portion and northbound portion adjacent to the site. Planning Manager Lui said private property such as this would be subject to complying with the City's property maintenance regulations in the La Habra Municipal Code. Planning Manager Lui specified that Condition No. 9 under the design review section on page 15 of the draft resolution specifies the applicant's requirement to re-slurry and re-stripe a portion of Chestnut Street. Chair Manley questioned if Standard Condition 1.1 of the draft resolution addressed the requirement to maintain Chestnut Street. Planning Manager Lui asked the City Attorney if maintaining the portion of Chestnut would be viewed the same way as the parking area per Standard Condition 1.1. Attorney

Roberto said that Planning Manager Lui is correct, there is a project specific condition that addresses the street re-slurry and restriping but it does not mention the requirement of ongoing maintenance but said it was something the Commission could address if they vote in favor of the project.

Vice Chair Mahecha asked if the maintenance issues would become a Code Enforcement issue. Director Kim said that was correct. It would become a property maintenance issue and it would go through Code Enforcement. Chair Manley asked if the City could enforce issues on private roads. Director Kim said yes, it would be a property maintenance issue. Chair Manley asked Traffic Engineer Plotnik if the City could hold them accountable for maintenance issues. Traffic Engineer Plotnik said yes, like any other private property issue, the owner would receive a letter regarding the property maintenance of Chestnut and the City would work with them to get the issue resolved.

Commissioner Rojas asked if the queuing analysis for this project was based on other Starbucks locations in La Habra. Traffic Engineer Plotnik said that the analysis evaluated a Starbucks in Laguna Woods and explained that such analysis considers locations with similar business operations and drive-through layout. Chair Manley asked if the protocol for this queuing analysis was typical for other projects. Traffic Manager Plotnik confirmed that was the case and further explained that both City staff and the Applicant were not able to find other Starbucks locations with the same type of dual order lanes being proposed, so staff considered other locations that could hold the same number of vehicles in the queue. Commissioner Rojas asked staff to confirm that the queuing analysis is not simply limited to other stores within the proximity of the proposed location, but instead considers business locations that offer similar site layout and operation. Director Kim noted that the queuing analysis for this project included similar businesses located in Laguna Woods, Garden Grove, and La Palma.

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

The applicant, Mr. Rodney Rivani, addressed the commission. Mr. Rivani called on Mr. Dean Arizabal, his traffic engineer from LSA Associates, to give a brief synopsis on the queueing analysis they prepared for the project. Mr. Arizabal explained that his company completed six days of surveys at three sites, two days at each site. The survey included at least one weekday and one Sunday. Based on those parameters, LSA Associates found a maximum of 13 cars in a five-minute increment over those six days. The average queue was six to nine vehicles. With a capacity of 17 cars for this proposed location, and the possibility of queueing six additional vehicles that enter the project site from Whittier Boulevard, Mr. Arizabal expressed that he felt confident that there would be no queueing issues on to Chestnut Street. Chair Manley asked if the queue analysis takes into consideration the location of menu boards and order screens. Mr. Arizabal stated that the queues can be measured from any point; from the menu board, the pickup window or the back of the queue. He stated that from all the locations that LSA Associates looked at, there was never more than 13 cars in the queue.

Mr. Rivani then presented a slide showing the existing site followed by a rendering of the proposed Starbucks. Mr. Rivani said that the landscape hedge on the north side of the property will be eight feet high to provide neighboring residents with additional privacy. Mr. Rivani then said they are proposing a new six-foot high monument sign on Whittier Boulevard to direct customers to use the driveway on Whittier Boulevard. Mr. Rivani also explained that the proposed dual lanes will enable customer orders to be taken faster. Mr. Rivani said that this location would have the largest queueing capacity out of all the other Starbucks in La Habra. He mentioned that since there are Starbucks locations to the west and east of this location, they don't expect it to be as busy. They intentionally proposed a project with an overbuilt drive-through to be able to accommodate 17 vehicles.

Chair Manley then asked if there was anyone wishing to speak in opposition to the project. Secretary Lopez mentioned that she had collected seven speaker's cards and could call on the speakers one at a time. Chair Manley announced that if others wanted to address the Commission, they could fill out their speaker's card while they listened to the first seven speakers.

Secretary Lopez called on Mr. Jesus Vidro, property owner at 901 Chestnut Street. Mr. Vidro expressed his concerns over who would be legally responsible for accidents on Chestnut Street or damages to the properties on Chestnut Street. Mr. Vidro said they are not opposed to having Starbucks at the location, but they are opposed to the entrance/exit on Chestnut Street. He said they are worried the traffic off of the Chestnut driveway will interfere with emergency vehicles trying to access the residents on Chestnut Street. Mr. Vidro feels that Starbucks will choose to put out coffee orders over setting cones to close the Chestnut driveway. Mr. Vidro asked if anyone has conducted a traffic study to see if a signal is needed at their intersection since the only two signals located nearby are at the intersection of Harbor and Whittier Boulevards and the intersection of Cypress Street and Whittier Boulevard. Mr. Vidro said they are asking for a project that will have minimal impact on their life style, due to traffic, noise impacts and exhaust smells.

Secretary Lopez called on Mr. Tom Townsend, property owner at 829 Chestnut Street. Mr. Townsend said that they have owned the triplex north of the proposed site since 1982. He said they are not against the Starbucks project, but would fully support having the vehicular entry/exit off of Chestnut street closed off all together. Mr. Townsend also requested that Mr. Rivani agree to provide a new block wall between his property and Starbucks along with a custom gate to replace their gate that is attached to the existing wall. Mr. Townsend reiterated that these conditions have been previously brought up to Mr. Rivani and said his wife would give more information on the wall.

Secretary Lopez called on Mrs. Kathy Townsend, property owner at 829 Chestnut Street. Mrs. Townsend reminded the Commission of the concerns she brought up during the public hearing in April 2024. Mrs. Townsend re-iterated that she was concerned about the negative impact to their quality of life and to their tenants due to increased noise levels and emissions resulting from the project. Mrs. Townsend also reminded the Commission that it had been previously suggested that the existing wall to the north of the project, which is adjacent to the Townsend's property, be raised to eight feet. She then said that

Mr. Rivani and the residents communicated with one another regarding the height of the wall and that Mr. Rivani agreed to replace the entire wall with a six-foot, six-inch-high wall and a new custom gate. Mrs. Townsend said they are not in favor of the project because of the proximity to their property. She said that the number of vehicles that can be accommodated by the dual drive-through lanes will impact their quality of life. Mrs. Townsend asked the Commission to consider their concerns about quality of life and privacy and require that the block wall separating their property from the proposed Starbucks be rebuilt to a height of eight feet. Mrs. Townsend then explained that the noise study stated that the noise consultant company had placed a receiver in their backyard, but this was done without their consent. She also said that it was mentioned that the residents have spoken to the owners of the commercial medical building to the east of the proposed Starbucks, but she has only spoken to her optometrist who has an office there and has never talked to the property owner. She asked the Commission to ask Mr. Rivani to confirm if he has communicated with that property owner.

Chair Manley called for a five-minute break at 7:50 p.m.

The Chair called the meeting back to order at 7:55 p.m. and asked for the next speaker.

Secretary Lopez called Ms. Deanne Zamorano, property owner at 941 Chestnut Street. Ms. Zamorano said she is the newest resident at Chestnut Estates and explained that the appeal of a quiet, private street with minimal traffic drew her to the neighborhood. Ms. Zamorano is concerned about the potential increase in traffic and safety issues caused by Starbucks. Ms. Zamorano is concerned about the construction vehicles and where they will be parked during the construction. She is also concerned that they will damage Chestnut Street, which was recently repaved and consequently result in making her and her neighbors responsible for the repairs.

Secretary Lopez called on Mr. Dan Wood, property owner at 940 Chestnut Street. Mr. Wood quoted from a document they received from Mr. Rivani where it states that "the City's Traffic Engineer does not believe there is reasonable justification to require the applicant to close off the driveway along Chestnut Street. If after six months there are undue impacts on Chestnut Street, the applicant has agreed to allow the Chestnut Street driveway to be permanently closed except for limited access for the City's trash and or utility truck service." Mr. Wood said that Starbucks is willing to close off the driveway off of Chestnut Street if in six months it is found to be causing issues. He wondered why wait six months, but rather, they should proactively close the driveway prior to there being problems. He concluded by saying that most of the concerns from the residents would be resolved if they close off the Chestnut Street driveway. He also asked for a name and phone number of who they can contact if they see issues arise at the project site.

Secretary Lopez called on Mrs. Laurel Martinez, property owner at 961 Chestnut Street. Ms. Martinez said that their main concern is their safety and the safety of the Starbucks' customers. Mrs. Martinez stated that to make a left turn off of Chestnut on to Whittier Boulevard is not safe. She said keeping the driveway on Chestnut open would create more traffic on their private street. Ms. Martinez said more vehicles would cause more

traffic and increase the possibility of accidents exiting off of Chestnut and traffic jams on Chestnut Street.

Secretary Lopez called on Mr. Tony Martinez, property owner at 961 Chestnut Street. Mr. Martinez expressed his concerns regarding increased traffic on Chestnut Street. More traffic on their street would mean more maintenance on the road at the homeowner's expense. Mr. Martinez said he hopes that Starbucks and Mr. Rivani will pay to install new signs beginning at 820 and 821 Chestnut Street to warn vehicles that Chestnut is a private street and that they would also like a sign saying "dead end, not a through street." Mr. Martinez said the homeowners want to work with all parties to come up with a way to move the project forward.

Chair Manley called on the applicant to offer a rebuttal.

Mr. Rodney Rivani addressed the Commission. Mr. Rivani said he would address some of the issues brought up by the speakers, in reverse order. His first point was in regards to Mr. Martinez' comment that there would be an increase of vehicles. Mr. Rivani stated that the majority of the vehicles entering into Starbucks will be off of Whittier Boulevard and the traffic entering on Chestnut Street will be ancillary. Mr. Rivani explained that the Chestnut driveway is located where it can be accessed before encountering the residential properties on Chestnut Street. Therefore, vehicles visiting Starbucks will likely enter their commercial property before causing impact to the residences. Mr. Rivani clarified that as the applicant, they will be paying for the installation of new "Do Not Enter, Private Property" signs, as explained in Sonya's presentation. Mr. Rivani said he would be opened to discussion with the property owners regarding additional signage. He said that he spoke with Michael Plotnik, Traffic Engineer and confirmed that it will be at the residents' discretion, since Chestnut is a private street, to install a new gate, provide street striping, or delineators to further prevent unauthorized vehicles from entering on to the private street.

Mr. Rivani said that unlike what Ms. Laurel Martinez said about the danger of making a left turn on Whittier Boulevard, he has been at the project site a dozen times at different hours of the day and has been able to safely make that left turn.

Mr. Rivani then addressed Mr. Wood's comment on the conditions of approval for the Chestnut driveway. Mr. Rivani confirmed that Starbucks will position a team member outside to take orders and second, they will temporarily close off the Chestnut entrance as needed, but Starbucks has now agreed to permanently close off the Chestnut driveway if it's warranted and necessary. Mr. Rivani explained that they are covering their bases by having this written in the conditions of approval. Mr. Rivani said it would take a minimum of 19 vehicles in order to cause issues and for traffic to start spilling onto Chestnut Street. Mr. Rivani said they don't foresee the queueing at this site being an issue. He explained that the exit on Chestnut is for the convenience of customers using the outdoor patio area and the pickup window. They will have the ability to exit off of Whittier Boulevard as well. Mr. Rivani repeated Mr. Wood's comment when he said If there is going to be a problem with the Chestnut driveway, why wait six months to address

the issues. Mr. Rivani said that the property will be looked at closely by the City's traffic engineer and if major issues arise after six months, the City's traffic engineer will take action to remedy the issues.

Mr. Rivani said that Ms. Zamorano expressed concerns regarding the construction vehicles and where they would park. He informed the Commission that they will be directed to park on the Starbucks property.

Mr. Rivani then addressed Mrs. Townsend's comments on the block wall. He said that after the April hearing, there was talk about constructing a new eight-foot high block wall along the north perimeter and Starbucks was agreeable to that. He then explained that Mrs. Townsend had a conversation with City staff and consequently learned that an eight-foot high wall was not permitted. Rather, the highest wall that he could construct would be a maximum of six-feet, six-inches high. Mr. Rivani said they have agreed to demolish the existing wall and build a new six-foot, six-inch high wall. Mr. Rivani explained that they will also be planting an eight-foot-tall tree hedge all along the north perimeter of the property, providing more privacy and noise reduction. Mr. Rivani then addressed Mrs. Townsend's concern, that someone had entered her property without permission to conduct the noise study. Mr. Rivani explained that no one came on to her property, instead the noise consultant used noise modeling to determine the projected levels off of the speaker boards. Mr. Rivani said again that the ordering boards will have automatic volume control and they will adjust to the ambient noise keeping the noise levels low.

Mr. Rivani then addressed Mr. Townsend's comments regarding the wall and gate. He said that they will be constructing a new block wall and they will be providing a new gate for the Townsends too.

Mr. Rivani then talked about the Chestnut Street maintenance issues that the property owners brought up. Mr. Rivani said he is in agreement to reseal the south portion of Chestnut Street, every five years in conjunction with the parking lot and said the Commission could add that to the conditions of approval. Chair Manley asked Mr. Rivani if he had talked with the property owner of the commercial center to the east off of Chestnut regarding signs and resealing the street. Mr. Rivani said he has spoken to the broker for that property and that he would make an effort to speak to the property owner if the project gets entitlement approvals. Mr. Rivani said he is willing to pay for the cost to reseal the north bound portion of Chestnut Street as a gesture of goodwill.

Vice Chair Mahecha asked for clarification if he would be paying for the new block wall and gate and to reseal the other side of the Chestnut Street. Mr. Rivani affirmed that was correct.

Commissioner Cardenas asked how would a Starbucks employee know that there are over 17 cars in the queue and when it is time to close the Chestnut driveway. Chair Manley asked what would be the trigger point. Mr. Rivani said that there will be a video camera system that will provide visual information that can be monitored. Mr. Rivani said they could also implement sensors to detect when drive-through capacity is met.

Chair Manley asked if it was his and Starbucks's preference for the Chestnut driveway to remain open. Mr. Rivani said he hesitates to say the word preference, that they would want that driveway open from the beginning of the project based on the strong recommendation of the traffic engineer and the engineer that Starbucks's hired. Mr. Rivani said that they looked at the other Starbucks's locations in La Habra and were unable to find more than 13 vehicles in the queue at any of those locations and he felt that this store would operate just fine. He reiterated that they did have a plan in place to close off the Chestnut driveway, if necessary and that is a project condition that can be enforced by the City's traffic engineer.

Chair Manley asked Mr. Rivani if he knew the queue management for the Starbucks on Beach and Whittier. Mr. Rivani referred to a slide with the aerial view of that store and talked about the greater amount of traffic at that intersection and the higher volume of vehicles at that site due to the other stores in the proximity. Chair Manley asked if the number 13 depicted on that slide showing the site plan was referencing the number of vehicles that would be accommodated in the queue. Mr. Rivani confirmed that it was so.

Commissioner Cardenas asked Mr. Rivani if he could include drive-through sensors as part of the proposed project. Mr. Rivani said he would have to check with Starbucks's operation to see if those are included but confirmed that the video camera system is included. He said the sensors could work in a similar way like when you go to the mall and the sensors let you know if there are parking spots available. Mr. Rivani said if the Commission wished, they could add those as part of a condition of approval.

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

Vice Chair Mahecha asked if there have always been traffic issues at this intersection and wondered what measures were being taken to deter traffic from entering on Chestnut Street. Chair Manley asked the City's Traffic Engineer, Michael Plotnik to provide the City's perspective. Traffic Engineer Plotnik said the City was not aware of the traffic issues before the Starbucks project was proposed. He said Whittier Boulevard, being a State highway, is a busy street like Beach Boulevard and Imperial Highway. The residents on Chestnut Street had never brought their issues to the attention of the City in order for the City to take action. Had they reached out, for example, because of a high number of collisions, the City would have reached out to Caltrans or conduct a safety study. He also said when the Elk's Lodge was open, he did not receive any calls for a traffic signal at that intersection.

Commissioner Gomez referred to an aerial and said that it appears that the layout of the new Starbucks will match that of the Elk's Lodge. She wondered whether the impacts will be the same due to the similar site layout. Traffic Engineer Plotnik said the change in land use from a club to a coffee house increases the number of cars making trips to the location.

Vice Chair Mahecha asked if Caltrans would be responsible for the installation of a turning lane or signal at Chestnut Street and Whittier Boulevard. Traffic Engineer Plotnik said that since Whittier Boulevard is a State highway, Caltrans would have to justify that a signal is warranted at that location. He cited the signal going in at Euclid Street and Imperial Highway as an example where Caltrans took seven years to justify and begin the installation.

Commissioner Rojas said she was the Chair during the meeting in April when they first heard this item and she thanked the applicant for their effort to meet the concerns of the residents. Commissioner Rojas said she also appreciated hearing the residents' concerns and said they were valid. Their concerns that their way of life will be changed due to the increase of traffic are real. Commissioner Rojas said she believed that the applicant is willing to follow the conditions of approval that have been drafted and that the applicant has done his best to address the residents' concerns and follow the City's guidelines and requirements.

Chair Manley explained that the five Commissioners are all La Habra residents and they try and make the City the best place to live for all. A phrase that the Commission ponders about often is how do they determine if a land use "is the highest and best use of the site" when considering entitlements for the projects that come before them. Chair Manley said they can't handpick what businesses want to do business in certain places. What they can do, he explained, is look at the code requirements and staff can try to head off concerns that the residents may have before they can voice their concerns. He noted that he remembered when this project first came to the Commission in April, staff was recommending approval, but he felt that at that time the plans that were presented to them were not the highest and best use of the site and therefore, the item was continued. Chair Manley quoted from Mr. Tony Martinez' written statement where he says that by working together they can come up with a way to help all involved and move forward with the project. Chair Manley said the message the residents put out is that they are not opposed to Starbucks, but that they have valid concerns. He said that as a resident he takes pride in businesses wanting to come to the City to do business in La Habra. He said he feels that no matter what happens, La Habra won. An applicant came with a plan to do business, the plan was looked at and dissected, revisions were made, conversations were had and a lot of thought was put into it. Chair Manley stated that there is no such thing as a perfect project but he believes the project is finally good. Chair Manley addressed the residents' concern about who to contact if they see issues arise. He said Sonya Lui, Planning Manager or Michael Plotnik, Traffic Engineer, can be their points of contact. Chair Manley said if the project was approved, they should be diligent residents by holding Starbucks accountable to operate as conditioned by speaking up to the City.

Moved by Chair Manley and seconded by Commissioner Rojas, approving Resolution No. 24-21 Entitled: A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LA HABRA, CALIFORNIA, MAKING THE REQUIRED FINDINGS AND APPROVING 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, 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 15303, CLASS 3: "NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES" OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT GUIDELINES

The roll call vote was as follows:

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

Secretary Lopez said that the action becomes final in 10 working days unless it's appealed to City Council.

### **COMMENTS FROM STAFF**

Planning Manager Lui said she appreciated working with Commissioner Rojas and said it has been a pleasure having her on the Commission. Planning Manager Lui informed the Commission that new staff including Carlos Moreira, Associate Planner and Darryl Taylor, Contract Planner will each have projects to present at the next Commission meeting.

### **COMMENTS FROM COMMISSIONERS**

Commissioner Cardenas thanked the public for being present and expressing their opinion. She reminded them that if issues arise to notify staff.

Vice Chair Mahecha said she appreciates it when people take the time to engage and loves seeing people in the audience who care about what is going on in the City. With respect to Commissioner Rojas, she said it has been a pleasure working with Commissioner Rojas and thanked her for her service.

Chair Manley thanked Commissioner Rojas and said he will miss her and the way she always had a way of taking complicated issues and simplifying them. He said he didn't think this was the end of her service to the City.

Commissioner Rojas thanked the public for showing up and said because of them, this project happened with the conditions that were added. She then thanked the staff for their diligence and hard work. She thanked the Commission and said it was bitter sweet and said they will continue to do great and said she will continue to serve the community in other ways.

ADJOURNMENT: 8:51 p.m. to the Planning Commission meeting on September 23, 2024.

Respectfully submitted,

Veronica Lopez,  
Secretary